

## **Development Control Committee**

### **1 March 2023**

#### **Planning Application DC/22/0476/FUL – Zone 2, Suffolk Business Park, General Castle Way, Rougham Industrial Estate**

<b>Date registered:</b>	17 March 2022	<b>Expiry date:</b>	16 June 2022 EOT until 02 March 2023
<b>Case officer:</b>	Jo-Anne Rasmussen	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Rushbrooke with Rougham	<b>Ward:</b>	Moreton Hall
<b>Proposal:</b>	Planning application - a. drive-thru restaurant; b. drive-thru coffee shop; c. car and cycle parking, provision, associated internal access road, footpath and cycleway, landscaping, substations and associated infrastructure		
<b>Site:</b>	Zone 2, Suffolk Business Park, General Castle Way		
<b>Applicant:</b>	c/o Agent		

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

#### **Recommendation:**

It is recommended that the committee determine the attached application and associated matters.

#### CONTACT CASE OFFICER:

Jo-Anne Rasmussen

Email: Jo-Anne.Rasmussen@westsuffolk.gov.uk

Telephone: 01284 757609

## Background:

**This application is before Development Control Committee as it represents a departure from the Development Plan.**

**The Parish Council object to the proposal which is in conflict with the officer recommendation to APPROVE.**

## Proposal:

1. This application relates to the construction of a drive-thru restaurant, drive-thru coffee shop and associated car parking, cycle storage, internal access road and landscaping.
2. Unit A, McDonalds. The buildings design would have a mono-pitch roofline of varying heights, the highest being 6 metres and the lowest 3 metres. It has a length of 31 metres and width of 14 metres.
3. Unit B, Costa. This building also has a mono pitch roof with a height of 5.3 metres falling to 4.5 metres. It has a length of 20.7 metres and a width of 14 metres.

## Site details:

4. The application site is located within the allocated site known as the Suffolk Business Park Extension.
5. The site is currently disused land, which lies to the south of General Castle Way. To the north of the site is a large commercial building, to the east is a petrol station, to the south is the A14 and to the west are industrial buildings which form part of the Rougham Industrial Park.

## Planning history:

6.

Reference	Proposal	Status	Decision date
DC/22/0605/ADV	Application for advertisement consent - a. six internally illuminated fascia signs; b. three internally illuminated booth signs; c. one internally illuminated display screen	Pending Decision	

## Consultations:

### 7. Rushbrooke with Rougham Parish Council; Object

1. Increased traffic volumes and associated road noise close to a residential area.
2. The proposal would introduce a town centre use in an 'out-of-town' countryside location.
3. The application site lies outside the settlement boundary defined under policy CS4 of the St Edmundsbury Core Strategy and is not allocated for development either in the Local Plan.
4. Policy DM35 seeks to direct main town centre uses in the

defined centres and requires a sequential approach. The application is therefore contrary to policies DM1, DM5 and DM35 of the Joint Development Management Policies Document; policies CS4, CS10 and CS13 of the St Edmundsbury Borough Council Core Strategy and policy BV9 of the Bury St Edmunds Vision 2031 document.

5. The site is prominently located in a landscaped countryside location where Policy DM5 protects land from unsustainable development. The application site is characterised by open spaces and naturalistic landscaping and makes a positive contribution to the underlying landscape character of the area. The site forms a buffer from the busy A14 and provides an attractive setting for the residential development of Moreton Hall.

6. The removal of existing vegetation, introduction of additional buildings, intrusive signage and a general intensification of the sites use will erode the positive characteristics of the site. As such, the proposal fails to recognise and address key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of the area and involves the loss of an important open and landscaped area which makes a significant contribution to the character and appearance of the settlement, contrary to policy DM2 and DM5, CS3 and CS13 and core principles of the NPPF.

7. Based on the evidence available, it is officers view that the proposal is for a motorist facility. Strategic site BV13 allocates a site which includes motorists' services facilities including petrol filling station, restaurant and travel hotel. The Local Plan identifies this as a suitable site for the type of use proposed by this application. The site next to junction 45 would be better accessible and more convenient to motorists on the A14 than the application site; it is allocated for such uses and is therefore more appropriate and is more sustainable. The proposed development on the application site would therefore undermine the delivery of development allocated under Policy BV13 and is contrary to the aims of the NPPF taken as a whole.

8. Such development would attract Anti-Social Behaviour (littering, noise, violence and vehicle nuisance) as experienced at the McDonalds drive-through site at Stowmarket and still ongoing.

9. Light Pollution and Disruption to Local Wildlife. The site proposed is close to a wooded and forested area, in which wildlife is regularly seen. The addition of 24 hour lighting, increased traffic, noise and litter would serve to disrupt their natural habitat.

Further increase in anti-social vehicle use on Skyliner Way, Lady Miriam Way and Rougham Tower Avenue, which has been well documented by the Police and local media.

10. The previously proposed location on Rougham Hill is considered to have been a more suitable location with fewer residential properties in the vicinity and the existing road network more appropriate for greater traffic volumes.

8. **Archaeology**; No Objections subject to conditions

9. **Anglian Water**; No Objections.

10.**Arboricultural Officer**; No Objections subject to conditions

11.**SCC Highways**; No Objections subject to conditions

12.**SCC Lead Local Flood Authority (LLFA)**; No Objections subject to conditions

13.**Suffolk Constabulary**; No Objections

14.**Landscape Officer**; No Objections subject to conditions

15.**Fire Service**; No Objections subject to conditions

### **Representations:**

16.Eight letters of representation were received which raised the following;

Support:

- Additional amenities and employment outside of the centre of Bury St Edmunds.
- Accessible by residents of Moreton Hall and surrounding villages, as well as employees of business park.
- Readily accessible from the A14.

Object:

- Rubbish generated.
- Noise and disturbance to local residents.
- Negative impact upon wildlife/ecology.
- Fast food / unhealthy foods / increase in obesity.
- Zero hours contracts / low paid employment.
- Urbanisation of the countryside / light pollution.
- Increase in traffic / detrimental impact upon highway safety.
- Anti-social behaviour.

Member comments;

17.No formal comments received.

### **Policy:**

18.On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning

authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

19. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM3 Masterplans

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM20 Archaeology

Policy DM35 Proposals for main town centre uses

Policy DM46 Parking Standards

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Vision Policy BV13 - Strategic Site - Extension to Suffolk Business Park, Moreton Hall, Bury St Edmunds

Vision Policy BV26 - Green Infrastructure in Bury St Edmunds

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS7 - Sustainable Transport

**Other planning policy:**

20. National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

21. National Planning Practice Guidance

22. Concept Statement Suffolk Business Park Extension Adopted October 2007

23. Suffolk Business Park Extension Masterplan Adopted June 2010

24. St Edmundsbury Green Infrastructure Strategy Dated September 2009

**Officer comment:**

25. The issues to be considered in the determination of the application are:

- Principle of Development
- Design, Form and Scale
- Landscaping
- Highways
- Impact upon neighbour amenity
- Ecology
- Anti-social behaviour
- Archaeology
- Other matters

**Principle of the Development**

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the policies set out in the Joint Development Management Policies Document (2015), the Core Strategy Development Plan Document (2010) and the Rural Vision (2014). National planning policies set out in the National Planning Policy Framework 2021 are also a key material consideration.

27. Paragraph 11 of the NPPF (as well as policy DM1 and BV1) states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.

Conversely therefore, development not in accordance with the development plan should be refused unless material considerations indicate otherwise.

28. The application site forms part of the overall employment allocation known as the Suffolk Business Park Extension. This site has been allocated since the adoption of the St Edmundsbury Borough Council Replacement Local Plan 2016 which was adopted in June 2006 and was rolled over into the Core Strategy, Policies Map Book and the Bury St Edmunds Vision 2031 document.
29. The Suffolk Business Park as a whole is an allocated employment site under Policy BV13 of the Bury St Edmunds Vision 2031 document. This policy sets out that B1 and B8 uses are in principle acceptable. Before the Bury St Edmunds Vision 2031 document was adopted in September 2014 the site was first allocated in 2006 under policy BSE3 of the Replacement St Edmundsbury Local Plan and was at that time also allocated for B1 and B8 uses.
30. Policy CS9 aims to provide sufficient employment to support the local economy and includes Suffolk business park to enable the delivery of additional jobs in a sustainable location.
31. The application refers to the development of two plots on zone 2 of the Suffolk Business Park Extension. The development would bring forward a McDonalds restaurant with drive through and Costa coffee shop and drive through. The proposed use is a sui generis use that includes an E(b) use. Following the changes made to the Use Classes Order, the restaurant, drive through and coffee shop would have previously fallen within use classes A3 and A5.
32. The Suffolk Business Park Extension Masterplan 2010 identified motorist service facilities including a restaurant as being an appropriate use for this location now the subject of this application, stating; 'At the Eastern end of the site, motorist related uses are anticipated in the local plan. This would, for example, be a good location for a travel hotel able to serve the needs of motorists on the A14 as well as providing a useful facility supporting local businesses. This is a key gateway into the site and to the eastern side of Bury St Edmunds and buildings will be of good architectural quality with a significant amount of landscaping to blend them into the surroundings.'
33. Whilst the site was clearly earmarked within the adopted masterplan for motorist services, such as those brought forward under this application, it was referring to the St Edmundsbury Local Plan, 2016 which is now superseded by the current local plan. Policy BV13 refers only to B1 or B8 uses, as such, the proposal represents a departure from the development plan as the proposed use is not a B1 or B8 use. The masterplan is however adopted and therefore still valid and carries weight as a material consideration.
34. Plot 710 was granted permission for a coffee shop in 2017 under planning reference DC/17/1469/FUL. This permission was not implemented and has now lapsed. However, none of the Local Plan policies have changed in that time and whilst officers do not apportion

significant weight to this previous decision it does carry some limited weight demonstrating how the LPA previously determined a similar proposal on this site in accordance with the current Local Plan policies.

35. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.
36. The proposal would fail to deliver employment uses which fall within classes B1 or B8, on a strategic employment site and the proposal is therefore contrary to policies BV13 and CS9. However, the proposal would provide a restaurant and coffee shop, which align with the motorist services envisioned for this site within the aims of the Suffolk Business Park Extension Masterplan 2010 and the Suffolk Business Park Concept Statement in accordance with policy DM3 and this carries weight in favour of the proposal. It therefore must be concluded that the principle of development is contrary to policies within the development plan. This will be weighed in the balance of considerations at the end of the report.

### **Design, form and scale**

37. Consideration must next be given to the design, form and scale of the proposed units. The NPPF advocates the importance of good design and this is echoed through policies CS3 and DM2 of the development plan. The importance of this site from a design perspective is also well documented and clearly outlined within the adopted masterplan document. Collectively, these policies, including the masterplan, require proposals to respect their surroundings and present as well designed additions which respond intelligently to their context.
38. The proposed Costa and McDonalds have a relatively modern, contemporary design. Design features such as the staggered roofline and large glazed frontages provide interesting articulation. The size and scale of the buildings are considered acceptable, specifically when viewed against the prevailing built character of the locality which is predominantly large functional commercial buildings.
39. The proposed buildings will, notwithstanding the proposed landscaping, be noticeable additions to the landscape, specifically when accompanied by the signage which is to be assessed within a separate application. Further there are a number of external features associated with the proposed use, including outside seating and a play park. Contemporary metals are used throughout the scheme and the overall colour palette is neutral to prevent the buildings from appearing as overly bold, visually offensive additions to the landscape. However, simply being visible does not necessarily amount to a negative visual impact. The surrounding built form is characterised by large, modern commercial buildings set within significantly landscaped plots. The proposed units, when accompanied with the landscaping would not appear discordant within the existing urban fabric of the business park. whilst the development would be visible from public view points, including General Castle Way and to some degree from the A14 owing to the overall built character of the business park, the proposal would not represent a discordant or visually detrimental feature within the streetscene. The design and



landscaping proposed will further reduce any detrimental impacts upon the visual amenity of the locality.

40. Overall, it is considered the proposed development accords with the design principles set out within the Masterplan, it would sit comfortably within the site and would not detract from the built form and character of the area. The proposal would therefore comply with the aims of the masterplan, and policies DM2 and CS3.

## **Landscaping**

41. Policy DM13 (Landscape features) seeks to ensure development will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value.
42. The adopted Masterplan for the extension to the business park is clear that landscaping should be an integral part of the plot design and is a vital component in delivering a high-quality site. The Masterplan is also explicit in setting out the strategic importance of the site from a planning perspective as it states that the site "is a key gateway into the site and to the eastern side of Bury St Edmunds and buildings will be of good architectural quality with a significant amount of landscaping to blend them into the surroundings"
43. The site's location, being immediately adjacent to General Castle Way a main through route of the business park, increases its visual impact on the surrounding character and amenity of the wider area. A landscape and visual impact statement, landscape management plan, landscape works, planting details, planting schedule, predicted landscape, signage strategy, visual effects, visual receptors, landscape structure layout, landscape and visual impact assessment (LVIA), Arboricultural Statement and Tree protection plan were submitted as part of this application.
44. The Landscape officer has not objected but has commented; 'the proposed scheme will have an adverse impact on both landscape character and visual amenity, however this is not deemed to be substantial. The following recommendations have been put forward with the intention of enhancing the scheme to ensure landscape and visual harm is appropriately mitigated and opportunities taken to enhance the landscape and visual resources of the immediate locality and character.' Additional information on a number of matters, including planting, parking areas, hard landscaping and root protection measures. It would be reasonable to secure this additional information as part of conditions.
45. There is significant landscaping to the eastern boundary which is adjacent to Sow Lane. There is also significant planting to the southern boundary, which is to enhance the landscaping adjacent to the A14.
46. Policy BV26 covers Green Infrastructure in Bury St Edmunds. The policy seeks opportunities to extend the coverage and connectivity of the strategic green infrastructure network is undertaken with new development. In this instance the Green Infrastructure Map identifies the A14 corridor as project D.6. The Project seeks to create woodland planting along the A14 to enhance landscape / townscape character. In

this instance the Landscape officer has confirmed that the submitted 'Overall Landscape Structure Layout' (Dwg No. 428-PA-050 Rev. U) as prepared by Sheilsflynn (Refer to Figure 2 below) includes a generous 10-12 metre (width) landscape buffer to the south of the development site. This new landscape buffer appears to be comprised of retained hedgerow and trees, in addition to new native woodland, native scrub and native tree group planting which would establish over time to create a good linear woodland corridor and landscape structure along this part of A14 as per the aspirations of Project D.6 of the GI Opportunity Map and in accordance with Green Infrastructure Policy BV26 of the BSE Vision 2023. Accordingly, officers are satisfied that the scheme accords with policy BV26.

47. The level of landscaping proposed is considered sufficient to screen and mitigate the visual impact of the proposed development on the surrounding locality. Given the above it is considered that the scheme as proposed is acceptable and that sufficient landscaping will be delivered to help mitigate the proposed development and allow it to sit comfortably within the business park. As such it is considered the proposal would comply with policies DM2, CS3 and BV13 in this respect.

## Highways

48. Policy DM2 requires new development to maintain or enhance the safety of the highway network.
49. SCC Highways have not objected to the proposal and have stated that "Drive-thru restaurants can generate queuing traffic which at peak times can back up onto the highway and cause congestion. The restaurants would be accessed from a two way road that creates a link at both ends. This will provide two arrival and departure options for visitors and reduce potential inconvenience. Good pedestrian and cycle links are proposed. Cycle parking facility with Sheffield style hoops are proposed in a convenient location on both sites. The car parking offer includes disabled bays, motorcycle parking and EV charging facilities. Clear pedestrian routes are provided to enable customers to move between car park and restaurant safely. This parking offer is considered acceptable. The on-site drive thru approach road for the McDonalds site appears long enough to mitigate against on-carriageway queuing. We note that the layout of the drive-thru road is designed to enable drivers to choose to leave the lane and exit the site through the car park. The proposed site servicing arrangements are evidenced by vehicle track plans and are acceptable."
50. The plot for Costa would provide 40 parking spaces and cycle storage. The plot for McDonalds would provide 49 parking spaces, 4 spaces for motorbikes and cycle storage.
51. The Highway Authority have requested conditions relating to bin storage, construction management, car parking and manoeuvring and cycle storage which is reasonable and necessary.
52. The level of parking is considered acceptable, Suffolk County Council highways have not objected or raised any concerns regarding highway

safety. As such it is considered the proposal complies with the aims of policies DM2, DM46 and CS7.

### **Impact upon neighbour amenity**

53. Given the location of the unit within a business park there are no residential properties within the immediate vicinity of the site. The nearest residential dwelling is approximately 149 metres from the site. Noise and disturbance to residents of properties close to the site was raised as a concern. However, given the background noise of the site being immediately adjacent to the A14, combined with the location within a Business park it is not considered the proposal would result in a significant detrimental impact upon neighbour amenity.
54. Public Health and Housing have not objected to the proposal, but have requested conditions to prevent any negative impact from the substation and odour. These are reasonable and necessary.
55. The proposal is therefore considered to comply with policy DM2 in this regard.

### **Ecology**

56. As required by the National Planning Policy Framework (2021) the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12. The National Planning Policy Framework 2021 indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 179). This is underpinned by paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve, and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.
57. Policy DM12 states measures should be included in the design for all new developments for the protection of biodiversity and the mitigation of any adverse impacts. Additionally, enhancement for biodiversity should be included in all proposals, commensurate with the scale of the development. Although, the site has limited biodiversity presently, it is necessary to attach a condition to ensure additional landscaping and biodiversity improvements in order to mitigate any adverse impacts from the development and to ensure biodiversity enhancements in accordance with policy DM12.
58. The site consists of bare, undeveloped land which is considered to offer little in the way of ecological benefits. The Ecology officer has stated that the Ecological Impact Assessment (MLM, October 2021) provides certainty that with appropriate mitigation measures the development can be made acceptable.

59. Further, the proposed landscaping will also add significant ecology enhancements. A condition requiring compliance with the above measures is therefore recommended.
60. The bat surveys found bats to be using the boundary features as commuting corridors. The Ecology officer has stated that "These features should be protected from light spill. This should be detailed within a wildlife sensitive lighting scheme and secured by a condition." A condition to mitigate light spill and light pollution is considered reasonable and necessary.
61. The mitigation measures detailed within the Ecological Impact Assessment (EIA) (MLM, October 2021) can be secured by condition. No specific biodiversity enhancements are identified within the EIA, Ecology have requested a condition be imposed to ensure reasonable biodiversity enhancement measures are secured.
62. Taking the above into account it is considered the proposal would comply with the aims of policies CS2, DM11 and DM12.

### **Anti-social behaviour**

63. DM2 states development should aim to take account of crime prevention and community safety.
- Suffolk Constabulary have not objected to the proposal and have recommended a number of conditions to reduce any anti-social behaviour. McDonalds also have their own guidance document "Guidance for managing anti-social behaviour" which aims to effectively manage any anti-social behaviour. A condition can be imposed requiring a scheme of mitigation measures to reduce and prevent crime and anti-social behaviour.
64. Rubbish generation can be controlled by a condition requiring litter bins be installed around the site.
65. Given the above it is considered that anti-social behaviour and litter can be appropriately mitigated by way of a condition as such the proposal complies with the aims of policy DM2.

### **Archaeology**

66. DM20 aims to protect site of archaeological importance from development which would have an adverse impact.
67. Archaeology have stated "This site lies in an area of known archaeology recorded on the County Historic Environment Record. During two phases of trial trenched evaluation across the proposed development area, medieval occupation was recorded within a number of trenches, including features likely associated with the remains of a building (RGH 125) and a large assemblage of finds. Previous archaeological investigations in the vicinity of the proposal site across the wider business park area, along the route of the Bury PZ water main and along the Bury relief road have revealed extensive multi-period archaeological remains (RGH 076-080, 086, 096). As a result, groundworks associated

with the development will damage or destroy known archaeological remains and there is also high potential for the discovery of additional below-ground heritage assets of archaeological importance within this area. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed."

68. Archaeology have requested a condition requiring a post investigation assessment, which is considered reasonable and necessary. Given that any harm to an archaeological site can be sufficiently mitigated it is considered the proposal complies with the aims of policy DM20.

### **Other matters**

69. The LPA have consulted the Lead Local Flood Authority (LLFA) (Surface Water and flood Team) at SCC to ensure that the proposed buildings, car parking, landscaping etc all tie in with the proposed drainage so that for example the landscaping does not compromise the proposed drainage. The LLFA have confirmed that they have reviewed the details submitted and have no objections to the proposed development subject to conditions. The LLFA have requested conditions relating to a strategy for the disposal of surface water and a construction surface water management plan. The conditions are considered reasonable and necessary. The proposal is therefore considered to comply with policy DM6 in this regard.

70. Concerns have been raised by neighbours regarding the restaurant's association with unhealthy foods. Paragraph 92 of the NPPF states; "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling". The site has good pedestrian and cycle links and would encourage a healthy lifestyle. There is not a saturation of fast-food restaurants within the vicinity of the site. Consumption of healthy foods cannot be controlled by the planning system and could not be used as a reason to refuse permission.

71. Noting the principle of development is on balance considered to be acceptable, the wages and contracts any staff working here may have, is not a material planning consideration.

### **Conclusion:**

72. The application site lies within the Suffolk Business Park which is an allocated employment site under policy BV13 of the Bury St Edmunds Vision Document. BV13 sets out that B1 and B8 uses are acceptable in principle. The proposed uses, being a restaurant and coffee shop both with drive-thru, fall under sui generis use class which includes an E(b) use. As such the proposal fails to accord with policy BV13 and represents

a departure from the development plan. However, the site was identified within the Suffolk Business Park Extension Masterplan, 2010 as being an appropriate site for motorist service facilities. Whilst adopted, the Masterplan refers to the now superseded St Edmundsbury Local Plan, 2016.

73. Whilst the proposal would fail to deliver employment uses which fall within the B1 and B8 use classes, it would provide a restaurant and coffee shop, which align with the motorist services envisioned for this site within the aims of the Suffolk Business Park Extension Masterplan 2010 and the Suffolk Business Park Concept Statement and this carries a significant degree of weight in favour of the proposal. Plot 710 has had a previous permission for a similar use which is also a material consideration. As assessed within this report it is not considered the proposal would have a detrimental impact upon the form and character of the locality, neighbour amenity, ecology, archaeology or highway safety.

74. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF, the development plan is the starting point for decision making and proposals that conflict with the development plan should be refused unless other material considerations indicate otherwise. It is clear that the proposal fails to accord with policy BV13 as the proposed development is not for B1 or B8 uses and this therefore weighs against the proposal. As set out within this report it is considered that significant weight can be attached to the aims of the Masterplan and the Suffolk Business Park Concept Statement which envisaged roadside types uses in this area, this weighs in favour of the development. Suitable landscaping is proposed to help screen and mitigate the visual impact of the proposal. The site is in an easily accessible location, with links for cycling and pedestrian access. Having regard to all relevant material planning considerations the proposal is considered on balance to be acceptable.

### **Recommendation:**

75. It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents, unless otherwise stated below:

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
19153-LSI-700-ZZ-DR-A-1170-P02	Location plan	16 March 2022
19153-LSI-710-GF-DR-A-1300 P05	Proposed ground floor plan	16 March 2022
509-SFL-EX-00-DR-L-0501 Rev P03	Landscape plan	26 October 2023
19153-LSI-730GF-DR-A-1305 P04	Proposed ground floor	16 March 2022

	plan	
19153-LSI-710-ZZ-DR-A-1350 P04	Proposed elevations	16 March 2022
19153-LSI-710-SS-DR-A-1351 P03	Proposed elevations	16 March 2022
19153-LSI-730-ZZ-DR-A-1360 P02	Proposed elevations	16 March 2022
19153-LSI-700-ZZ-DR-A-1175 P10	Proposed block plan	16 March 2022
66200833-SWE-ZZ-XX-DR-C-2105 P04	Surface water drainage strategy	29 July 2022
66200833-SWE-ZZ-XX-DR-C-2110 P01	Highway plan	16 March 2022
66200833-SWE-ZZ-XX-DR-C-2120 C01	Highway plan	16 March 2022
66200833-SWE-ZZ-XX-DR-C-2121 C01	Highway plan	16 March 2022
19153-LSI-710-RF-DR-A-1315 P03	Roof plans	16 March 2022
19153-LSI-730-RF-DR-A-1320 P02	Roof plans	16 March 2022
19153-LSI-710-ZZ-DR-A-1370 P03	Sections	16 March 2022
19153-LSI-730-ZZ-DR-A-1380 P02	Sections	16 March 2022
19153-LSI-700-ZZ-DR-A-A1180 P02	Existing block plan	16 March 2022
Landscape and Visual Impact Assessment (updated Sept 2022)	Landscape and visual assessment	26 October 2022
509-SFL-EX-00DR-L-0501-P03	Landscape plan	26 October 2022
Annex D - visualisation 1	Landscape and visual assessment	26 October 2022
19153-LSI-700-ZZ-DR-A-1176 -P01	Proposed block plan	8 February 2023
Annex C1 - Sensitivity of Visual Receptors	Landscape and visual assessment	26 October 2022
Annex D - visualisation 2	Landscape and visual assessment	26 October 2022
Annex D - visualisation 3	Landscape and visual assessment	26 October 2022
Annex B - Sensitivity of Landscape Receptors and Predicted Landscape Effects	Landscape and visual assessment	26 October 2022
Annex C1 - Sensitivity of Visual Receptors	Landscape and visual assessment	26 October 2022
509-SFL-EX-00-DR-L-0901 P01	Sections	26 October 2022
ANNEX C2 - PREDICTED VISUAL EFFECTS	Landscape and visual assessment	26 October 2022
planting schedule	Planting Scheme	26 October 2022
509-SFL-EX-00-DR-L-0714 -P04	Landscape plan	26 October 2022
509-SFL-EX-00-DR-L-0713 -P04	Landscape plan	26 October 2022
509-SFL-EX-00-DR-L-0712 -P04	Landscape plan	26 October 2022
509-SFL-EX-00-DR-L-0711 -P04	Landscape plan	26 October 2022
Annex A METHODOLOGY	Landscape and visual assessment	26 October 2022
Landscape works Spec	Landscape Management Plan	26 October 2023
landscape management plan	Landscape Management Plan	26 October 2023
drainage details 1 66200833-SWE-ZZ-XX-RP-C-0002 rev. 4	Drainage plans	29 July 2022
drainage details 2 MD4180262/ZM/008 rev 3	Drainage plans	29 July 2022

drainage details 3 MD4180262/ZM/008 rev 3	Drainage plans	29 July 2022
drainage details 4 66200833-SWE- ZZ-XX-RP-C-0002 rev 4	Drainage plans	29 July 2022
AT Coombes Associates Ltd (12 Feb 2022)	Arboricultural impact assessment	7 April 2022

Reason: To define the scope and extent of this permission.

- 3 No building shall be occupied (open for trade) on Site A until the site investigation and post investigation assessment, in so far as it relates to Site A, has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation dated 12.5.22 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy DM20 of the Joint Development Management policies document, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2021).

- 4 No building shall be occupied (open for trade to the public) on Site B until the site investigation and post investigation assessment, in so far as it relates to Site B, has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation dated 12.5.22 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with , in accordance with Policy DM20 of the Joint Development Management Policies Document, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2021).

- 5 The Highway and associated infrastructure, site C, shall not be brought into use until the site investigation and post investigation assessment, in so far as it relates to Site C, has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation dated 12.5.22 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and



timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy DM20 of the Joint Development Management Policies Document, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2021).

- 6 All planting within the approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure the approved scheme is implemented and that the development positively contributes to the character of the locality in accordance with DM2.

- 7 Notwithstanding the indicative details shown on the plans hereby approved, no development above ground level shall take place on either Site A or Site B of the development, until a scheme of hard landscaping has been submitted for that individual site and agreed in writing by the Local Planning Authority and shall include the following:

- a) Finished levels, materials, any signage, furniture/sitting areas and a maintenance plan to demonstrate how the hard landscaping features will be repaired/replaced (as appropriate) over time.
- b) All details of any fencing, gates, walls or other means of enclosure within the development.
- c) details of demarcation of parking bays and pedestrian pathways
- d) A programme setting out how the plan will be put into practice including measures for protecting plants, including root barrier membranes for proposed tree, woodland, hedgerow and scrub landscaping, for both during and after development has finished.

The hard landscaping scheme shall be installed prior to first occupation of the commercial buildings hereby permitted to which the details relate or the substantial completion of the development, whichever is the sooner, and maintained thereafter in accordance with the maintenance plans hereby approved.

Reason: To ensure a satisfactory appearance, to take opportunities to enhance biodiversity, to ensure that there is appropriate child play and communal space within the development in accordance with policy DM2.

- 8 Prior to the first occupation of Sites A, and B and/or first use of the roadways, footways, and cycle ways in Site C by members of the public, a Landscape Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The details should include the long-term design objectives, management responsibilities, specifications, maintenance schedules and periods for all hard and soft landscape areas and including all wooded, vegetated and SuDS areas together with a timetable for the implementation of the Landscape

Management Plan. The Management Plan shall include details of the arrangements for its implementation and shall be carried out in accordance with the approved details, supporting documents / reports, surveys, and timetable(s) unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure the approved scheme is retained in accordance with the approved plan and that the development positively contributes to the character of the locality in accordance with policy DM2 and DM13.

- 9 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 509-SFL-EX-00-DR-L-0501 Rev P03 for Site A and Site B, shall be provided in their entirety, before the development on that individual site is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

- 10 A Construction Management Strategy for either Site A or Site B shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on that individual site. The strategy shall include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase. This is a pre-commencement condition because an approved Management Strategy must be in place at the outset of the development.

- 11 The use shall not commence on either Site A or Site B until the areas within the site shown on Drawing No. 509-SFL-EX-00-DR-L-0501 Rev P03 for the purposes of loading, unloading, manoeuvring and parking of vehicles and the facilities for the purposes of cycle parking have been provided on that individual site and thereafter the areas shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles to be parked are provided in accordance with Suffolk Guidance for Parking (2019) where on-street parking and or loading, unloading and manoeuvring would be detrimental to the safe use of the highway.

- 12 The strategy for the disposal of surface water for either Site A, Site B or Site C, (Ref: 66200833-SWE-ZZ-XX-RP-C-3010 Rev 04 Dated: 25 July 2022 and 22 July 2022 Ref: 4180262/ZM/009 ) and the Flood Risk Assessment (FRA) (Ref: 66200833-SWE-ZZ-XX-RP-C-0002 Rev 04 Dated: 25 July 2022 ) and all supporting information shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the

approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained

- 13 Within 28 days of practical completion of either Site A, Site B or Site C, the surface water drainage verification report for that individual site shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the surface water drainage system has been built in accordance with the approved drawings and is fit to be put into operation and to ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as required under s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk

- 14 Prior to the commencement of development on either Site A, Site B or Site C details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater

<https://www.suffolk.gov.uk/roads-and-transport/flooding-and-drainage/guidance-on-development-and-floodrisk/construction-surface-water-management-plan/>

- 15 Prior to the occupation of either Site A or Site B hereby permitted a scheme detailing mitigation measures to reduce and prevent crime and anti-social behaviour on and around that site should be submitted to and approved by the LPA. The mitigation measures shall be retained thereafter.

The Scheme should take into account the guidance and recommendations made by Suffolk Constabulary.

Reasons; To prevent anti-social behaviour within the locality of the site in accordance with the aims of DM2.

- 16 The site preparation and construction works (excluding internal fit out) including deliveries to the site and the removal of excavated materials and waste from the site shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays without the prior consent of the Local Planning Authority.

Reason: to protect the amenity of occupiers of properties in the vicinity

- 17 Prior to first use of either Site A or Site B, details of the ventilation system and system to control odours from any primary cooking process of that individual site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the measures to abate the noise from the systems and a maintenance programme for the systems. In the event of primary cooking taking place, the system shall be installed prior to first use and thereafter the systems shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.

Reason: to protect the amenity of occupiers of properties in the vicinity in accordance with policy DM2 of the Joint Development Management Policies Document 2015.

- 18 The cumulative noise rating level resulting from the operation of all new fixed plant for either site A or Site B shall not exceed:

- a. at Battlies Lodge Daytime (0700 2300 hours) 40 dB LAeq1hr Night time (2300 0700 hours) 30 dB LAeq15min
- b. At 94/95 Ipswich Road - Daytime (0700 2300 hours) 50 dB LAeq1hr Night time (2300 0700 hours) 40 dB LAeq15min,

Reason: to protect the amenity of occupiers of properties in the vicinity

- 19 All lighting installations to be provided at the site, including those within the car parking areas and service yards, shall be positioned so as not to cause any glare to the residential properties in the vicinity of the site.

Reason: to protect the amenity of occupiers of properties in the vicinity

- 20 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (MLM, October 2021). This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance protected and Priority species and allow

the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

- 21 Prior to the commencement of development on Site A, Site B or Site C, A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement.

The content of the Farmland Bird Mitigation Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
- b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
- c) locations of the compensation measures by appropriate maps and/or plans;
- d) persons responsible for implementing the compensation measure.

The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years

Reason: To allow the LPA to discharge its duties under the NERC Act 2006 (Priority habitats & species)

- 22 Prior to the commencement of development on either Site A, Site B or Site C, A Biodiversity Enhancement Strategy for protected and Priority species on that individual site, prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

Reason: To enhance protected and Priority species & habitats and allow the LPA to discharge its duties under the NPPF 2021 and s40 of the NERC Act 2006 (Priority habitats & species).

- 23 Neither Site A or Site B, shall be bought into use until a lighting design scheme for biodiversity relating to that individual site, shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux

drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting for that site, shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

- 24 During construction of the development hereby permitted, the trees located within the site (Zone 2 Suffolk Business Park General Castle Way Rougham Industrial Estate, (Sites A, B and C) shall not be lopped or felled without the written consent of the local planning authority unless noted on the approved soft landscape plans or Arboricultural Impact Assessment.

Reason: In order to maintain the existing vegetation at the site, which makes an important contribution to the character of the area in accordance with DM2 and DM13.

- 25 During construction of either Site A, Site B or Site C, any trees within or near to that individual site, shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.

Reason: In order to maintain the existing vegetation at the site, which makes an important contribution to the character of the area.

- 26 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking and re-enacting that Order) and the Town and Country Planning (General Permitted Development) Order 2015, as amended, the use of Site A shall be used only as a restaurant - food and drink (with takeaway including from the building and delivery) and associated drive thru and for no other purpose; and site B shall be used only as a café - food and drink (with takeaway including from the building and delivery) and associated drive thru and for no other purpose.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 27 Prior to the commencement of the use on either Site A or Site B, the section of highways, access, and pedestrian footpaths identified as Site C, shall be fully completed in accordance with the approved details except with the written agreement of the Local Planning Authority.

Reason: To ensure that satisfactory access is provided for the safety of

residents and the public, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 28 The use of Site C shall not commence until full details of lighting to serve the highway have been submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with the approved scheme which shall thereafter be retained and maintained in accordance with the approved scheme.

Reason: To ensure that lighting is not detrimental to the surrounding locality in accordance with DM2 and to ensure the development is sufficiently illuminated to provide safe access to Sites A and B in accordance with policy DM46.

- 29 If, during development, of either Site A, Site B or Site C, contamination not previously identified is found to be present within that site then no further development of said site (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 174, 183, 184, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy.

- 30 Within 3 months of occupation (open for trade to the public) of either Site A or Site B, at least two (2no) in the of the car park area for each individual site shall be equipped with dedicated, working, electric vehicle charge points, which shall be available for public use. The electric vehicle charge points shall be 'rapid', i.e. they will be DC chargers with a CCS cable, with each individual unit capable of a power rating of at least 50kW. The electric vehicle charge points shall be retained thereafter and maintained in an operational condition.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 107 and 112 of the National Planning Policy Framework (NPPF) and the Suffolk Parking Standards.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0476/FUL](https://www.suffolk.gov.uk/DC/22/0476/FUL)