

Development Control Committee

6 September 2023

Planning Application DC/22/1294/FUL - Land off Compiegne Way, Bury St Edmunds

Date registered:	19 July 2022	Expiry date:	8 November 2022 (EOT until 08.9.2023)
Case officer:	Gary Hancox	Recommendation:	Refuse application
Parish:	Great Barton	Ward:	The Fornhams and Great Barton
Proposal:	Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking		
Site:	Land off Compiegne Way, Bury St Edmunds		
Applicant:	AB Agri Ltd and British Sugar Plc		

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.

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Section A – Background

The application was considered at the West Suffolk Development Control Committee meeting on 2 August 2023. Members at the meeting resolved that they were 'minded to' approve planning permission contrary to the officer recommendation of refusal. At this point, the decision-making protocol was invoked requiring a risk assessment report before a decision is made.

The Decision Making Protocol states that "where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Assistant Director Planning and Regulatory Services and the Assistant Director for Legal and Democratic Services (or Officers attending Committee on their behalf)

- A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.**
- An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc. risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.**
- In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity."**

Members resolved that they were minded to grant the application, contrary to the officer recommendation, due to the local and regional economic benefits that would be brought about by the scheme which outweighed the harm to the countryside landscape.

A committee site visit was undertaken on 31 July 2023.

The purpose of this report is to consider further the points raised by members.

The preparation of a risk assessment report also enabled Officers to seek a further response from the Council's Landscape Consultant in respect of mitigation, to produce a list of proposed conditions, and to confirm the views of the application site from the Abbey Gardens (as queried during the debate on the application on 2 August 23). In addition to updates, the report addresses the risk assessment required in accordance with the Decision-Making Protocol, which sets out the potential risks that might arise should planning permission be approved contrary to officer recommendation.

The officer report for the 2 August 2023 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses, and for the officer assessment of the proposal.

The officer recommendation, which is set out at the end of this report, remains that planning permission should be REFUSED.

Proposal

1. Please refer to working paper 1 paragraph 1 for a description of the proposal.

Application Supporting Material:

2. Please refer to working paper 1 paragraphs 2 to 4 for a description of the supporting material.

Site Details:

3. Please refer to working paper 1 paragraphs 5-6 for site details.

Planning History

4. None relevant.

Consultations:

5. Please refer to working paper 1 paragraphs 8 to 68 for a summary of the consultation responses received.

Representations:

6. Please refer to working paper 1 paragraph 69 for a summary of the representations received. Members will note that as updated at the committee meeting, a supporting point was also made by a local resident re: reduction of traffic volume using Hollow Road.

Policy:

7. Please refer to working paper 1 paragraph 70 for a list of policies and guidance that has been taken into account in the consideration of the application.

Other Planning Policy:

8. Please refer to working paper 1 paragraph 71 for a list of other relevant planning policy.

Officer Comment

9. Please refer to working paper 1 from paragraph 72 for the officer assessment of the proposals.

Section B – Update:

10. Following the Committee meeting the applicants have reviewed the issues raised at the meeting by Members and have addressed the outstanding Council landscape consultant's points. This response is summarised as follows:

- **Additional photomontage view from the Abbey Gardens** – the applicant's LVIA consultant has advised that the modelling used for the ZTV tool takes all buildings as 8m maximum height and all trees as 10m maximum height. This means that the ZTV did not account for the existing British Sugar Factory buildings over 50m in height and any other structures taller than 8m, such as Pauls Malt at Eastern Way, which would block the view of the proposals from the Abbey Gardens. In addition, the woodlands layer was sourced from OS Open data which omits certain types of woodland.
- **Views from Abbey Gardens** - the height Above Ordnance Datum (AOD) of Abbey Gardens and the proposed site are similar and there are multiple intervening buildings taller than 8m and trees/woodland taller than 10m, including the British Sugar factory and Pauls Malt buildings/structures in between. As such, the proposed development will not be visible from Abbey Gardens and a photomontage would not be visible on views from this area. Similarly, a wireline image (the frame of the building) would only serve to show the outline of the proposed buildings from over 1.6km away lost within a foreground of trees and buildings.
- **Council landscape consultant's comments** – the consultant has confirmed that where there were items of further clarification sought, or further information requested, these have already been dealt with, or details will be required to be submitted by, planning conditions. These are included in the list of agreed planning conditions at the end of this report.

11. During the application discussion, some of the Committee commented upon their perception that the flooding which was regularly experienced at Compiegne Way had significantly improved in recent months and Officers were asked to establish if works had been undertaken which had led to this improvement.

12. Works were undertaken by SCC Highways in March/April 2023 to clear silt from drainage pipes and to replace and upgrade the existing drainage pumps.

Section C – Policy assessment:

13. Members have stated that they are minded to grant permission stating that the local and regional economic benefits are considered to outweigh the identified

landscape harm, therefore effectively attaching greater weight to the economic benefits of the development, and less weight to the landscape harm.

14. Paragraph 81 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. NPPF paragraph 83 also states that planning decisions should recognise and address the specific locational requirements of different sectors. It is acknowledged that in line with these economic objectives of sustainable development, the proposal represents growth, innovation and improved productivity.
15. The potential local, regional and UK wide economic benefits of the development accords with the NPPF, Bury St Edmunds Vision Policies BV14 and BV16 and Core Strategy Policy CS2. However, beyond the modest additional job creation, and based on the information submitted by the applicant, the level of local economic benefit to the economy of West Suffolk is not fully understood. This tempers the amount of weight to be given to this benefit.
16. As stated in the officer report attached as Working Paper 1, officers have given moderate to significant weight to the economic benefits of the development for the reasons set out. However, Officers continue to advise that the development will have moderate to significant impact on the Landscape Character of the area, and in respect of the visual amenity of the landscape and its receptors to the NE of the town, the proposal will have a significant and permanent adverse impact. This identified harm runs contrary to Core Strategy Policies CS2 and CS3, Joint Development Management Policies DM2 and DM5, and paragraphs 130(c) and 176(a) of the NPPF, and is afforded significant weight in the planning balance.

Section D – Risk Assessment:

17. Officers remain of the view that this proposal should be refused. However, if the Committee remains of the opinion that this application should be approved then they must be aware of any potential risks that may arise.
18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise. Officers' view is that the economic benefits of the development do not outweigh the landscape harm and the conflict with the development plan. However, members are entitled to take a different view when assessing the planning balance. Members have given more weight to the economic benefits of the development, and less weight to the landscape harm. Provided that the economic benefits referred to are clearly stated, and are material to the application, then the reason(s) for overturning the officer recommendation is/are robust.

- 19.If members are minded to approve the application, then their decision should take into account the suggested conditions set out at the end of this report. Any planning permission issued would be subject to these conditions.
- 20.Whilst it is important to understand these issues as part of the risk assessment process this section of the report does not form part of the planning assessment of the application. The information does not constitute a material planning consideration and should not be relied on or cited as a factor in coming to a decision.

Section E – Conclusions:

- 21.For the reasons outlined above and set out within Working Paper 1, Officers consider that the development should be refused.
- 22.In coming to their decision Members must clearly identify whether they consider the proposal complies with the Development Plan and their reasons for reaching their decision. If it is decided that, on balance, the economic benefits of the scheme outweigh the landscape harm and the application should be approved, members must have clear reasons to support such a decision.
- 23.Members should have regard to the attached Working Paper 1 in reaching their decision.
- 24.In the event that Members remain minded to approve the application the following conditions are suggested. These have been agreed with the applicant, without prejudice. Any approval will also be subject to the completion of a S106 legal agreement requiring a financial contribution of £5000 to cover the cost of monitoring the Travel Plan for a period of 5 years:

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:

Site Location Plan_10051785-ARC-WS-00-DR-AR-1108 P2 (revised)
Proposed Site Plan 10051785-ARC-WS-00-DR-AR-1106 P1
Proposed Basement Floor Plan 10051785-ARC-ZZ-ZZ-DR-AR-1300 P1
Proposed Level 0 Floor Plan 10051785-ARC-00-ZZ-DR-AR-1301 P1
Proposed Level 1 Floor Plan 10051785-ARC-01-ZZ-DR-AR-1302 P1
Proposed Level 10 Floor Plan 10051785-ARC-10-ZZ-DR-AR-1311 P1
Proposed Level 11 Floor Plan 10051785-ARC-11-ZZ-DR-AR-1312 P1
Proposed Level 11 Mezzanine Floor Plan 10051785-ARC-11-ZZ-DR-AR-1313 P1
Proposed Level 12 Floor Plan 10051785-ARC-12-ZZ-DR-AR-1314 P1

Proposed Level 12 Mezzanine Floor Plan 10051785-ARC-12-ZZ-DR-AR-1315 P1
 Proposed Level 2 Floor Plan 10051785-ARC-02-ZZ-DR-AR-1303 P1
 Proposed Level 3 Floor Plan 10051785-ARC-03-ZZ-DR-AR-1304 P1
 Proposed Level 4 Floor Plan 10051785-ARC-04-ZZ-DR-AR-1305 P1
 Proposed Level 5 Floor Plan 10051785-ARC-05-ZZ-DR-AR-1306 P1
 Proposed Level 6 Floor Plan 10051785-ARC-06-ZZ-DR-AR-1307 P1
 Proposed Level 7 Floor Plan 10051785-ARC-07-ZZ-DR-AR-1308 P1
 Proposed Level 8 Floor Plan 10051785-ARC-08-ZZ-DR-AR-1309 P1
 Proposed Level 9 Floor Plan 10051785-ARC-09-ZZ-DR-AR-1310 P1
 Proposed Lower Basement Floor Plan 10051785-ARC-ZZ-ZZ-DR-AR-1320 P1
 Proposed Roof Plan 10051785-ARC-RF-ZZ-DR-AR-1316 P1
 North & South Proposed Elevations 10051785-ARC-ZZ-XX-DR-AR-2505 P1
 Proposed Goods Receipt Office Elevations 10051785-ARC-ZZ-XX-DR-AR-2507 P1
 Proposed Site Wide Section 10051785-ARC-ZZ-XX-DR-AR-2001 P1
 Proposed Sections 1 10051785-ARC-ZZ-XX-DR-AR-2403 P1
 Proposed Sections 2 10051785-ARC-ZZ-XX-DR-AR-2404 P1

Proposed Landscape Plan 10051785-ARC-SW-ZZ-DR-LA-00002 Revision P2
 Proposed Sections 10051785-ARC-SW-ZZ-DR-LA-00003-P1 Revision P2
 Proposed Planting Plan 10051785-ARC-SW-ZZ-DR-LA-00004 Revision P2
 Proposed Hard Landscape Features 10051785-ARC-SW-ZZ-DR-LA-00006 Revision P1
 Compiegne Way – Hollow Road Access General Arrangement – 23156-11-GA Rev F

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

3. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities
 - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression

- k) details of measures to prevent mud from vehicles leaving the site during construction
- l) haul routes for construction traffic on the highway network and
- m) monitoring and review mechanisms
- n) Details of deliveries times to the site during construction phase.

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 Construction Management Plan must be in place at the outset of the development.

4. All HGV delivery traffic movements to and from the site once the development has been completed, shall be subject to a Deliveries Management Plan which shall be submitted and approval in writing to the Local Planning Authority for approval. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

Reason: In the interests of highway safety, to ensure adequate servicing arrangements are provided for and to reduce or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

5. The new estate road junction as shown on Drawing No. 23156-11-GA Rev F inclusive of cleared land within the visibility splays to this junction must be formed prior to any other works commencing or delivery of any other materials ie not for the purpose of constructing the new estate road/junctions.

Reason: In the interests of highway safety, to ensure a safe access to the site is provided before other works commence.

6. Before the development above ground level is commenced, details of a new pedestrian crossing on Compiegne Rd roundabout eastern arm and a footway on the eastern side of Hollow Road connecting the site entrance and the existing footway on Hollow Road shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and fully completed prior to the feed mill becoming operational.

Reason: In the interests of highway safety and sustainable development by providing a footway at an appropriate time where no provision may deter people from walking. This is a pre-commencement condition because insufficient technical and specification details have been submitted at planning stage.

7. The use shall not commence until the areas within the site shown on Drawing No.10051785-ARC-WS-00-DR-AR-1106 for the purposes of loading, unloading, manoeuvring and parking of vehicles and cycles has been provided and thereafter the areas shall be retained, maintained and used for no other purposes.

Reason: To ensure that sufficient areas for vehicles and cycles 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.

8. Before the access is first used visibility splays shall be provided as shown on Drawing 23156-11-GA Revision F and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

9. No development above ground level shall take place until a scheme for the provision and implementation of water efficiency measures during the construction and operational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.

Reason: In the interests of sustainability as required in policy DM7 of the Joint Development Management Policy Document 2015.

10. The development shall achieve BREEAM Excellent standard. This should be evidenced by a BREEAM fully-fitted certificate upon completion. The development shall achieve a Final BREEAM Excellent rating in accordance with the requirements of the relevant BREEAM scheme. The projects Final Certificate must be issued to the local planning authority within a maximum of 6 months post completion.

Reason: In the interests of sustainability as required in policy DM7 of the Joint Development Management Policy Document 2015.

11. Prior to commencement of the development hereby approved, including any site preparation, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors;
- ii) Loading and unloading of plant and materials;

- iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery;
- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate;
- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during construction;
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste;
- ix) Noise method statements and noise levels for each construction activity including any piling and excavation operations;
- x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

12. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of: 08:00 to 18:00 Mondays to Fridays 08:00 to 13.00 Saturdays and at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies.

13. During any site preparation and throughout the construction phase of the development hereby permitted the dust mitigation measures outlined in Table 13 'Proposed Dust Mitigation Measures based on IAQM Guidance' in the Arcadis Technical Appendix 8.1: Construction Dust Assessment for Land off Compiegne Way, Bury St Edmunds Environmental Statement dated June 2022 shall be employed.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies.

14. The rating level of noise emitted from any external plant, equipment or machinery associated with the development hereby approved shall be lower than the existing background noise level by at least 5 dB (LA90 - 5dB) in order to prevent any adverse impact. The measurements / assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive receptor(s), with all external plant, equipment or machinery operating at typical capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies.

15. A post-completion noise assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority to confirm compliance with the sound criteria above and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies.

16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal and Assessment report and the Site Assessment Biodiversity and Environmental Net Gain Opportunities (both ARCADIS July 2022) report as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. 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) as updated by the Environment Act 2021.

17. The following sett closure shall not in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or b) a

statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To conserve protected species and allow the LPA to discharge its duties under and Badger Protection Act 1992 and s17 Crime & Disorder Act 1998.

18.A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To conserve 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).

19.An updated Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development above ground level. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives, including delivery of Biodiversity Net Gain, based on up the updated version of the Site Assessment Biodiversity and Environmental Net Gain Opportunities (ARCADIS July 2022)
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures including: a Bird Monitoring Strategy and Biodiversity Net Gain monitoring, incorporating relevant requirements from the Biodiversity and Environmental Net Gain Opportunities report.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long_term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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).

20. All planting within the approved scheme of soft landscaping works as shown on the Proposed Landscape Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00002 Rev. P2) and Planting Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00004 Rev. P2) 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 enhance the appearance of the development and ensure a satisfactory environment, in accordance with policies DM2, DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

21. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding (where appropriate); surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example refuse and / or other storage units, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic

landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

REASON: To ensure adequate control over design and to ensure a satisfactory appearance in the interests of visual amenity, in accordance with policies DM2 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

22. Prior to commencement of development an Arboricultural Method Statement (AMS) in accordance with BS: 5837 2012 (as amended), including any demolition, groundworks and site clearance shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following: a. Measures for the protection of those trees and hedges on the application site that are to be retained; b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction / installation / excavation of service trenches, building foundations, hardstanding, roads and footpaths; and c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Arboricultural Method Statement unless agreed in writing by the Local Planning Authority.

REASON: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

23. No development above ground level shall take place until a Landscape Management Plan scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The details should include the long-term design objectives, management responsibilities and maintenance schedules, specifications, and periods for all hard and soft landscape 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 establishment. The Landscape Management Plan shall be carried out in accordance with the approved details, supporting documents / reports, surveys, and timetable(s).

REASON: To support plant establishment and ensure the longevity of the landscaping scheme and protect the visual amenity and character of the

area, in accordance with policy DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

24. Prior to commencement of development above ground level, an Environment Colour Assessment (ECA) shall be produced (using the Natural Colour System) submitted to and approved by the Local Planning Authority. The colour palette which is developed through the ECA process must be based on 'on-the-ground' surveys and supported by a desk-top study, which provides an analysis and synthesis of the colours found within the local landscapes. This study must then inform the colour palette for built form, boundary treatments, materials and hard & soft surfaces.

REASON: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

25. The development shall operate in complete accordance with the approved Travel Plan (RM/SC/10051785-DTA-XX-WS-RP-TP-0004-D), dated 4th July 2022.

Reason: To encourage the use of sustainable forms of transport and reduce dependence on the private motor vehicle, in accordance with policy DM2 and DM45 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

26. The strategy for the disposal of surface water (Dated: Jun 2022 Ref: 10051785-ARC-SW-ZZ-RP-CE-00001 Rev 03) and the Technical Note (Dated: Dec 2022 Ref: 10051785-ARC-XX-XX-TN-CE-00005-P01) 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.

27. Within 28 days of practical completion, surface water drainage verification report 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.

- 28.No development shall commence until 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.

- 29.No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A site investigation scheme,
- ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
- iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.

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.No occupation/operation of any part of the development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing, by the Local Planning Authority.

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.

- 31.If, during development, contamination not previously identified is found to be present at the site then no further development (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.

- 32.Prior to first operational use of the site, at least 20% of car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. 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.

- 33.All HDVs delivering raw product to, or distributing final product from, the permitted development shall have Euro VI compliant engines. The site shall keep a log of all deliveries to and from the site, including as a minimum the date of the delivery and the registration number of the HDV. The log shall be made available for inspection by the local planning authority on request.

Reason: To minimise emissions from the proposed development and ensure an acceptable impact to the Great Barton AQMA in line with policy DM14 of the joint Development Management Policies Document.

- 34.Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Lighting should be minimised, and glare and sky glow should be

prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

Reason: To prevent light pollution and protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies

Section F – Recommendation:

25. Notwithstanding the above, it is recommended that planning permission be **REFUSED** for the following reason:

1. The application proposes a very large building in excess of 50 metres tall (inclusive of its flues) and of substantial mass and bulk. A series of 8 raw material silos extending to 33 metres and a second mill building 33m(H) x 23m(w) x 25m(d) also adds to the mass. Due to the cladding of the majority of the building, the mass of the two mill buildings effectively has a 98m x 50m rectangular block form when viewed from the east and west. This appearance differs to that of the existing British Sugar buildings to the SW of the site. These buildings, although some of which are similar in terms of overall height, have a siting and mass that is more broken with varied ridge lines, as well as being more spread out across a larger lower-lying site. The height, mass and bulk of the proposed feed mill buildings is considered substantial and very dominant in the skyline, and would create a dominant and obtrusive feature.

Although the application site is in an area where industry and commercial buildings are present, the location is very much on the edge of the settlement with land to the north of Fornham Road being open countryside. The sensitivity to change of this countryside character and receptors to the north-east of the town is considered to be high.

Although proposed mitigation is acknowledged, particularly in respect of tree planting, helping to integrate the development from specific longer distance views from the east, south-east and south, a building of such scale and mass as that proposed will always have a significant impact in the landscape. Such and tall, bulky and obtrusive development will cause significant and permanent harm to the landscape, and will harm the existing townscape of Bury St Edmunds and its immediate countryside setting to the north-east.

Furthermore, a development of such mass and scale, and in a location at the edge of the town, would not conserve the green gap and the landscaped edge of the settlement. This is in conflict with the Green Infrastructure Strategy for Bury St Edmunds and its associated Vision Policy BV26.

Having regard to the NPPF and the Development Plan as a whole, the significant identified harm demonstrably outweighs the benefits of the development.

The development cannot be made acceptable through the use of appropriate planning conditions and/or mitigation and is therefore unacceptable and not in compliance with Core Strategy policies CS2 and CS3, Joint Development Management Policies DM2 and DM5, Bury Vision Policy BV26, and pars. 130 (c) and 174 (a) of the NPPF.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1294/FUL](#)