

## **Development Control Committee**

### **3 April 2024**

#### **Planning Application DC/22/2190/HYB – Land at Shepherds Grove, Bury Road, Stanton**

**Date registered:** 4 January 2023      **Expiry date:** 5 April 2023 (EOT until 12.04.2024)

**Case officer:** Gary Hancox      **Recommendation:** Approve application

**Parish:** Stanton      **Ward:** Stanton

**Proposal:** Hybrid planning application - (A) (i) Full application on 27.56 ha of the site for the storage, distribution and processing of accident damaged and non-damaged motor vehicles, together with the construction of ancillary buildings (B8 Use Class), perimeter fencing and landscaping works (ii) Full application for a new roundabout/road and additional landscaping on circa 5.37 ha of the application site - (B) (i) Outline application for the construction of buildings for commercial/roadside uses (Use Classes B2, B8, C1, E (excluding E(a)), and a hot food takeaway and pub/restaurant) on circa 2.7 ha of the application site (Plots A, B and C) with all matters reserved except for access (ii) Outline application for the construction of building(s) for general employment uses (Use Classes B2, B8 and E(g)) on circa 1.37ha of the application site (Plot D) with all matters reserved except for access.

**Site:** Land at Shepherds Grove, Bury Road, Stanton

**Applicant:** Mr Paul Sutton - Jaynic - Suffolk Park Logistics

#### **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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## **BACKGROUND:**

1. **This application was deferred from consideration at the Development Control Committee meeting on 6 March 2024. Members were minded to refuse the application, contrary to the officer recommendation, for the following reason:**

**'The additional vehicular traffic generated by the proposed development routing through surrounding villages to avoid peak time congestion on the A143 would have a significant harmful impact on the amenity of residents. This harm outweighs the benefits of the proposal.'**

2. **This resolution was contrary to the officer recommendation of approval and the Decision-Making Protocol was invoked requiring the further reporting of this matter to members of the Development Control Committee in the form of a risk assessment report before a decision can be made.**

## **INTRODUCTION:**

3. 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 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."
4. The purpose of this report is to provide a risk assessment for Members in accordance with the Decision-Making Protocol, should planning permission be refused for the development contrary to the officer recommendation having regard to its accordance with relevant policies.
5. The previous officer report for the 6 March 2024 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 (as it was considered on 6 March 2024), summaries of consultation responses and neighbour representations, and for the Officer assessment of the proposal.

6. The officer recommendation, which is set out at the end of this report, remains that planning permission should be approved.
7. For details of the application supporting material, site, site history, consultation responses, policy, and Officer comment, please refer to Working Paper 1 paragraphs 3 - 252. At the time of writing this report, no further consultation responses have been received.

## **REPORT UPDATES:**

### **Rural Vision Policy RV4 – viability assessment**

8. At the 6 March DCC meeting, a member of the public raised the issue of the application not being in accordance with policy RV4 due to the lack of a viability assessment for the additional 'higher value' uses proposed (i.e. roadside uses such as hotel, restaurant, hot food take away). It is felt appropriate to respond to this.
9. Policy RV4 allocates the site for B1/B2/B8 uses, but also includes the following text:

"If, having regard to prevailing market conditions, it is demonstrated that the development of the available land at the Shepherd's Grove site for B1/B2/B8 uses together with the provision of the required access road could not be viably achieved, the inclusion of a proportion of residential and/or other higher-value development will be considered. Any higher-value development included for this purpose shall be no more than is necessary to achieve a viable B1/B2/B8 development together with the access road, and shall not include any main town centre uses as defined in the Glossary to the National Planning Policy Framework, other than retail development to serve local needs. The amount, location and nature of any higher-value development will be specified in the masterplan for the site and will be subject to regular review, having regard to market conditions and development viability."

A Masterplan for the site was adopted in December 2019, the decision having been taken by the Portfolio Holder for Growth under delegated powers. The Masterplan was adopted as informal planning guidance for a period of 3 years.

10. The accompanying information submitted with the Masterplan included a detailed economic viability assessment to help inform the quantum of higher value uses required to deliver the significant highway infrastructure costs of the formation of the new access and link road. Due to the market conditions at the time, the 'higher value' uses proposed included residential (400 dwellings) as allowed for by policy RV4.
11. In adopting the Masterplan for a period of 3 years, regard was had to the viability assessment and the market conditions at the time. The limited period of adoption allowed for the market conditions and viability to be reviewed at the end of the adopted period.
12. Whilst the Masterplan adoption period has now expired, it is still considered to have some weight as a material consideration in the determination of this application. Although no economic viability appraisal has been submitted with

the current application, the applicants have indicated that market conditions have changed leading to the removal of the residential element of the scheme and the proposed alternative vehicle storage and processing use (Use Class B8). This leaves the only 'higher value' uses proposed being the roadside uses - hotel, pub (sui generis use), restaurant (use class E(b)), and hot food take away (sui generis use), and other Class E 'Commercial, Business and Service' uses on plots A, B and C. Uses such as these are defined as 'main town centre uses' in the glossary of the NPPF.

13. It is acknowledged that Policy RV4 specifically excludes main town centre uses, and therefore this element of the proposal does not accord with this particular aspect of the policy. Joint Development Management Policy DM35 and paragraph 91 of the NPPF also requires town centre uses in out-of-town locations to apply a sequential approach to their location, first ruling out other locations in or on the edge of towns.
14. Although Class E(a) (display or retail sale of goods) is already excluded from the development proposed, it would not be appropriate to allow other uses within Commercial and Business Use Class E that would normally require a sequential approach to their location. In order to offer appropriate protection to existing town centres, it is recommended that the following uses within Use Class E are specifically excluded from the outline elements of the application for plots A, B and C:
  - Class E (a) (as already proposed) - display or retail sale of goods
  - Class E (c) (i) - financial services
  - Class E (c) (ii) - professional services (other than health or medical services)
  - Class E (c) (iii) - any other services which it is appropriate to provide in a commercial, business or service locality
  - Class E (d) - indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public
  - Class E (e) - the provision of medical or health services, principally to visiting members of the public
15. The remaining uses within Class E would be included in any outline permission granted for plots A, B and C, these being:
  - Class E (b) - the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises
  - Class E (f) - creche, day nursery or day centre, not including a residential use, principally to visiting members of the public
  - Class E (g) (i) - an office to carry out any operational or administrative functions
  - Class E (g) (ii) - research and development of products or processes
  - Class E (g) (iii) - any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
16. The exclusion of the uses set out at par. 14 above will be achieved via a condition of any approval.
17. The applicants have confirmed that the infrastructure costs required by the planning policy, and the additional costs required to provide the footpath

along Grove Lane, are considerable. The higher value uses with Commercial and Business Use Class E set out above are therefore needed to help ensure a viable development. Build costs have also increased significantly since the 2019 Masterplan viability work was undertaken. The applicants also comment that

'Originally the masterplan included these commercial/roadside uses in addition to 400 dwellings, to make the scheme viable overall. However, with Copart on board there was a good chance that we could make the scheme economically viable without the housing element, even given the huge infrastructure costs. Now we are looking for a 'replacement' occupier for Copart, the overall proposals need these 'higher value' uses more than ever. In this respect, we also note that these uses were included in the masterplan, which although now expired, still carries some weight in the decision-making process.'

18. In reaching the recommendation of approval of the application, Officers have had full regard to Policy RV4, which allows for higher value uses in principle, where they are necessary to achieve a viable development. Furthermore, the commercial / roadside and business uses proposed, (hotel, hot food takeaway and pub/restaurant), whilst classified as being main town centre uses, are also roadside uses that can be found next to the primary road network in rural areas and are therefore considered to be an acceptable part of this proposal.
19. Finally, looking outside of Policy RV4 and at the wider development plan, including the emerging local plan, which currently allocates around 200 dwellings for Stanton (Policy AP41), the scheme provides for new local employment opportunities, assists with sustainable growth in the area, and potentially reduces the need for commuting travel on the A143 and local roads through villages.
20. Whilst the proposed development does not accord with all the criteria of Policy RV4, the main employment elements of the scheme do accord with the policy. The applicant has explained that the roadside uses proposed help to create a viable scheme on a site where infrastructure costs have risen considerably. Officers are satisfied that these uses, along with the different uses within class E, excluding those uses set out in par. 14 above, are appropriate for the site and will help enable the aspirations of this long-standing allocation to be achieved.

### **Liaison Group condition**

21. It is noted that Walsham le Willows Parish Council have suggested that a Community Liaison Group should be formed, and that this could be the first port of call for discussion and resolution of any ongoing matters arising from the development and operation of the site. The Liaison Group could consist of representatives from the applicants, businesses on site, the LPA, SCC and Parish Councils. The group could then assist with the monitoring of the development, through construction to implementation but thereafter to monitor compliance with conditions.
22. Officers have given due consideration to this suggestion and are satisfied that the formation of such a group can be required by condition of any

approval. The Officer recommendation of approval should therefore also be subject to the following additional condition:

'Prior to the occupation of any plot on the site, details of a scheme for the establishment and operation of a Liaison Group shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of:

- a contact on behalf of the operating company who shall be responsible for the organisation and minutes of meetings of the group;
- a list of members of the group. (Unless otherwise agreed in writing with the Local Planning Authority, this should include the applicant, any known end users of the site where they have expressed an interest in being part of the group, ward councillors, relevant Parish Councils, and the Local Planning Authority.)
- the place, date and time of the first meeting of the group which should be within six months of the first commercial use of the site. Thereafter, meetings shall take place every six months.

The Liaison Group shall be in operation in accordance with the agreed scheme for a minimum period of 2 years following the last approval of reserved matters.

Reason: This condition is imposed to allow effective public engagement and involvement in the development of this key employment site, and to help ensure monitoring of and adherence with requirements of planning conditions, including vehicle routing agreements and noise levels.'

**Additional information received from the applicant:**

23. The applicant has responded to two main concerns that were apparent as a result of the public speaking and member discussion at the meeting of DCC; the potential impact of traffic on the local road network, and; why the applicant is still pursuing the full application element of the proposals when Copart is no longer the intended occupier.
24. In respect of local highway impact, the applicants have suggested that the proposed Travel Plan condition could be amended to ensure that future businesses operating on the site adopt policies that as far as is feasibly possible, dictate that no vehicles owned as part of the company's fleet utilise the minor routes in the vicinity of the site. The full wording to be added to the condition reads:

"That each individual business as part of their site-specific travel plan, includes detail of their commercial vehicular routes, with the intention that they adopt a company policy that dictates that as far as is feasibly possible, no vehicles owned as part of the company's fleet utilise the minor routes in the vicinity of the site i.e. those through surrounding villages (with the exception of trips with destinations within these villages), for trips undertaken as part of their day to day operations. The company is to monitor operational trip routes and provide updates on adherence to the policy through the Travel Plan Monitoring Reports."

25. Officers consider that the above wording is a useful addition to the current proposed travel plan condition 7 (see highlighted condition at the end of this report), particularly in respect of the aim to minimise the impact on the local highway network.
26. Comments were also made at the meeting in respect of the new access to the A143 from Shepherds Grove West not being used unless there was a TRO to put in place a weight restriction on the route through Stanton. The applicant points out that this was dealt with in their [Transport Assessment Addendum](#) . The applicants comment that 'at present businesses have no choice but to go through the village past the primary school. However, given the choice between taking their vehicles along 1.5 miles of narrow village streets, or taking them along a brand-new road that is fit for purpose, and for a shorter distance of 0.9 miles to reach the A143, of course they will choose the latter. A TRO should not therefore be needed, as the new route is such an obvious choice.'
27. It should also be noted that SCC Highways have not requested a commuted sum for the TRO process as when considering the benefits of the link road, roundabout and Grove Lane improvements to be secured with any permission, they do not deem it a necessary requirement for inclusion within a S106 legal agreement.
28. In respect of Copart no longer being part of the proposals, the applicants comment as follows:
  - The land that was intended for Copart forms part of a wider planning application. Our proposals also include significant new highway improvements and four smaller development plots, all of which require planning permission to demonstrate to potential businesses that the scheme is deliverable. No development or infrastructure can get off the ground without planning permission.
  - Whilst the former Copart site is tailored to their operations, they operate in a sector with numerous competitors. Initial discussions with some of these companies indicate that they have active property requirements. Therefore, the planning application on this part of the site is likely to attract business interest from a sector that is actively expanding. However, if any occupier does not fit the development criteria set within the application, then it would require a minor amendment, or new application, both of which would come back before the Council and be subject to the usual determination process, including public consultation.

## **RISK ASSESSMENT:**

29. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to refuse planning permission for the development proposal, having regard to the relevant planning policies and the Officer recommendation to approve planning permission. For the reasons set out in this report it remains Officers' recommendation that permission be approved. If Members remain minded to refuse the application, they must be satisfied that any risks associated with doing so have been properly considered.

30. If Members remain of the opinion that this application should be refused, they must be aware of any potential risks that may arise. The most significant potential risks in this case are financial and reputational. If development is refused that is otherwise plainly in accordance with adopted policy with no technical objections in respect of the impact on surrounding villages from additional traffic associated with the development or residential impacts of traffic, the decision is unlikely to stand up to scrutiny if challenged on appeal.
31. Aside from the "high value uses" detailed above officers consider the development proposed accords with policy. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise.
32. In the absence of evidence to substantiate a reason for refusal on the grounds set out above, it is unlikely that the decision would stand up to scrutiny on the planning merits should a refusal be appealed. Usually applicants will seek to recover their appeal costs (in full or in part, depending upon the circumstances) should an Inspector conclude the Local Planning Authority has acted unreasonably. Advice about what can constitute unreasonable behaviour by a Local Authority at appeal is set out in the National Planning Practice Guidance. Relevant examples of unreasonable behaviour include:
- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;
  - failure to produce evidence to substantiate each reason for refusal on appeal, and;
  - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

### **Financial and reputational risks**

33. The applicants have indicated that should the application be refused, they will appeal. Given that the site is a strategic employment allocation, it is important to have reasons for refusal which stand up to scrutiny on the planning merits supported by robust evidence.
34. As set out in the officer report the assumptions and assignment for trip generations set out in the TA are considered to be robust and acceptable to SCC Highways. The likely level of traffic resulting from the development would not have an unacceptable impact on highway safety.
35. Given the Local Highway Authority indicates that there are no technical grounds for refusing this application for the refusal reason set out by members, it is Officers' opinion that any appeal would have a very reasonable prospect of success. Furthermore, it is considered that an award of costs against the Authority is likely on the basis that it is unable to defend its reason for refusal both objectively and robustly.



36. Paragraph 115 of the NPPF is clear that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' Recognising that there will be some harmful impact from the development in terms of increased traffic on the local highway network, it is simply not the case here that the development would cause an unacceptable risk to highway safety or have a cumulative severe impact on the road network. The benefits of the proposed relief road and new roundabout access on the highway network must also be considered.
37. Similarly, to refuse on the basis of amenity impacts on local residents from increased traffic on local roads, when it is considered conclusively by the relevant consultee that there are no grounds for such a refusal would most likely lead, in the opinion of Officers, to only 'vague' and 'generalised' concerns being given through any appeal and which would be 'unsupported by any objective analysis'. Officers' advice to Members is to therefore proceed with care in this regard. An award of costs (including partial costs) against the Council would therefore have significant financial and reputational implications.

### **CONCLUSION:**

38. It remains the strong opinion of Officers that the clear benefits arising from the development are substantial, outweighing any identified harm. Although the application does not fully accord with Policy RV4 in respect of the inclusion of some main town centre uses, the uses that would normally require a sequential approach to their location and tested through a planning application, can be excluded from any permission by way of a suitably worded condition. This offers appropriate protection to town centres.
39. Subject to appropriate planning conditions and obligations to be secured by way of a S106 legal agreement, the development is considered to be acceptable and in general compliance with relevant development plan policies and the National Planning Policy Framework.
40. Notwithstanding the above, if Members are minded to refuse the application on grounds of cumulative highway impact and on the amenity of neighbouring villages, the following refusal reason is suggested:
- i. The proposed development has the potential to create in excess of 1000 additional two-way traffic movements on the local highway network, some of which would use local roads through villages. The additional vehicular traffic generated by the proposed development routing through surrounding villages to avoid peak time congestion on the A143 would have a harmful impact on the amenity of residents. The roads through local villages such as Hepworth, Barningham, and Walsham le Willows, are not suitable as regular commuter routes and should not be used as alternative routes for vans and lorries. The existing impact of traffic avoiding existing congestion on the A143 to access Shepherds Grove Industrial Estate results in an increase in traffic in local villages and a loss of amenity for residents through a reduction of opportunities for safe walking and cycling. The additional traffic on local roads resultant from the development would further harm the amenity of residents in these villages. The additional traffic on the local highway

network and unsuitable local roads and the resultant harm caused to the amenity of local residents is considered to be significant. This harm outweighs the benefits of the proposal. The development is considered to be contrary to Joint Development Management Policy DM2 and paragraph 115 of the NPPF in this regard.

**Recommendation:**

It is **RECOMMENDED** that planning permission be **Approved** subject to the completion of a S106 legal agreement to secure a Farmland Bird Mitigation Strategy for a period of 10 years and conditions set out below.

**Both full and outline permissions**

1. 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>
36457_T REV 0	Topographic survey	21 December 2022
970-MP-01_B1	Landscape masterplan	31 August 2023
970-SE-01 REV A	Landscape plan	21 December 2022
970-SW-01 Rev C	Detail planting plan	31 August 2023
970-SW-02 Rev C	Detail planting plan	31 August 2023
970-SW-03 Rev C	Detail planting plan	31 August 2023
970-SW-04 Rev C	Detail planting plan	31 August 2023
970-SW-05 Rev C	Detail planting plan	31 August 2023
970-SW-06 Rev C	Detail planting plan	31 August 2023
970-SW-07 Rev C	Detail planting plan	31 August 2023
970-SW-08 Rev C	Detail planting plan	31 August 2023
970-SW-09 Rev C	Detail planting plan	31 August 2023
970-SW-10 Rev C	Detail planting plan	31 August 2023
970-SW-11 Rev C	Detail planting plan	31 August 2023
970-SW-12 Rev C	Detail planting plan	31 August 2023
970-SW-13 Rev C	Detail planting plan	31 August 2023
970-SW-14 Rev C	Detail planting plan	31 August 2023
970-SW-15 Rev C	Detail planting plan	31 August 2023
970-SW-16 Rev C	Detail planting plan	31 August 2023
970A-VIS-01 REV A	Visuals	21 December 2022
970A-VIS-02 REV A	Visuals	21 December 2022
210570-GC-A-DR-3-001	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-002	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-003	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-004	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-005	Tree constraint plan	21 December 2022
J210570-GC-A-DR-3-TRPP-001	Tree protection plan	21 December 2022
J210570-GC-A-DR-3-	Tree protection plan	21 December 2022

TRPP-002 J210570-GC-A-DR-3- TRPP-003	Tree protection plan	21 December 2022
J210570-GC-A-DR-3- TRPP-004	Tree protection plan	21 December 2022
J210570-GC-A-DR-3- TRPP-005	Tree protection plan	21 December 2022
PL_002	Existing block plan	21 December 2022
PL_001	Site location plan	21 December 2022
PL_003	Proposed block plan	21 December 2022
PL_200	Proposed elevations & floor plans	21 December 2022
PL_300	Proposed elevations & floor plans	21 December 2022
PL_400	Proposed elevations & floor plans	21 December 2022
PL 100 REV A	Proposed elevations & floor plans	4 January 2023
Skylark Mitigation Strategy Rev A	Ecological survey	12 December 2023
49083-C-205 REV P02	Drainage strategy	19 October 2023
BNG Assessment Rev A	Biodiversity report	7 September 2023
970-LEMP-01 REVA2	Landscape Management Plan	31 August 2023
Rev B – August 2023	Ecological Impact Assessment	31 August 2023
11268-PL_003-A	Site layout	29 August 2023
Parts 1 to 5	Flood risk assessment	3 July 2023
COP-HYD-XX-XX-DR-E- 0101 - REV P01	Lighting details	1 February 2023
Adoptable works drawings 49083-C- 0001 rev H, 0002 Rev I	Transport assessment	21 December 2023
49083-C-401 P02	Off-site footpath details	6 February 2024
49083-C-402 P02	Off-site footpath details	6 February 2024
49083-C-400-P02	Footpath provision at roundabout	5 December 2023
RP01-22170-R5 Rev.6	Noise Report	21 December 2022

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

2. With the exception of the vehicle processing area shown edged blue on drawing no. 11268-PL 003 Rev A, the new roundabout road junction as shown on Drawing No. 11268-PL 003 Rev A (or later revisions) 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 (i.e., not for the purpose of constructing the new roundabout junction) and available for use by construction vehicles.

No occupation of the vehicle processing area, or any commercial units shall take place until the roundabout and access road serving them has been completed and is available for use.

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

3. No development shall be commenced until a roundabout and estate road phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road phasing and completion plan shall set out the development phases and the standards of construction that the estate roads serving each phase of the development will be completed to and maintained at. Development shall only take place in accordance with the approved estate road phasing and completion plan.

Reason: In the interests of highway safety, to ensure that the estate roads serving the development are completed and thereafter maintained during the construction phase to an acceptable standard. This is a pre-commencement condition because the estate road planning, phasing and delivery is essential to be able to safely access and deliver the remainder of the development.

4. Before the development is occupied details shall be submitted to and approved in writing by the Local Planning Authority showing the proposed bus stop provision/improvements on the A143. The approved scheme shall also be carried out in its entirety before the development is occupied.

Reason: To promote and facilitate access to sustainable transport modes and to provide safe and suitable access for all users in accordance with National Planning Policy Framework.

5. No part of the development shall be occupied, and no storage, distribution or processing of accident damaged or non-damaged vehicles shall take place until details of the proposed footway on Grove Lane in general accordance with Drawings 49083-C-401 P02 and 49083-C-402 P02 have been submitted to and approved in writing by the Local Planning Authority.

The approved footway shall be laid out and constructed in its entirety prior to any part of the development being occupied. Thereafter the footway shall be retained in its approved form.

Reason: To ensure that the footway is designed and constructed to an appropriate and acceptably safe specification and made available for use at an appropriate time. A Section 278 Agreement will be required to permit the applicant to work within highway maintainable at public expense (see informative relating to Section 278 Agreements).

6. 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. An additional 20% of parking spaces shall be installed with the infrastructure in place for future connectivity.

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.

7. Prior to first occupation of each commercial unit, details of the travel arrangements to and from the site for employees, visitors and customers, in the form of a Travel Plan for that unit, in accordance with the mitigation measures identified in the approved Transport Assessment, shall be submitted for the approval in writing by the local planning authority in consultation with the highway authority. This Travel Plan must contain the following:
  - Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and targets identified targets to reduce the vehicular trips made by employees, visitors and customers across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met.
  - Appointment of a suitably qualified Travel Plan Coordinator [OR TRAVEL PLAN MANAGEMENT GROUP] to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan.
  - A commitment to monitor the vehicular trips generated by the employees, visitors and customers and submit a revised (or Full) Travel Plan no later than six months after occupation of the first commercial unit.
  - A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority for a minimum period of five years using the same methodology as the baseline monitoring.
  - A suitable marketing strategy to ensure that all employees, visitors and customers on the site are engaged in the Travel Plan process.
  - A Travel Plan budget that covers the full implementation of the Travel Plan [UNTIL FIVE YEARS HAS PASSED AFTER OCCUPATION OF THE FINAL COMMERCIAL UNIT].
  - That each individual business as part of their site-specific travel plan, includes detail of their commercial vehicular routes, with the intention that they adopt a company policy that dictates that as far as is feasibly possible, no vehicles owned as part of the company's fleet utilise the minor routes in the vicinity of the site i.e. those through surrounding villages (with the exception of trips with destinations within these villages), for trips undertaken as part of their day to day operations.

The company is to monitor operational trip routes and provide updates on adherence to the policy through the Travel Plan Monitoring Reports.

- A copy of an employee travel pack that includes information to encourage employees to use sustainable travel in the local area.

Each commercial unit shall not be occupied until the Travel Plan for that unit has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Reason: In the interest of sustainable development as set out in the NPPF, and relevant LPA Policies, and to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document

8. A Low Emission Strategy Monitoring Report should be submitted to, and approved in writing by, the local planning authority within 16 months post occupation. The report should include all elements detailed in Section 5 of the Low Emission Strategy "Monitoring of LES Effectiveness", including the results of the multi-modal travel survey that is to be completed one year after first occupation. The report should also provide detailed information of the heavy-duty vehicle measures implemented and their effectiveness."

Reason: To minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, which states: "Proposals for all new developments should minimise all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality.

9. Prior to commencement of development an Arboricultural Method Statement (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, hardstandings, roads and footpaths,
- 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 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.

10. Prior to commencement of development, 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 the demolition and construction phases
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Hours of demolition and construction operations including times for deliveries and the removal of excavated materials and waste
- ix) Noise method statements and noise levels for each demolition and construction activity including piling and excavation operations
- x) Access and protection measures around the development site for pedestrians, cyclists and other road users including arrangements for diversions during the demolition and construction periods 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.

11. 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.

12. 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
- o) Layout of facilities above to be included on a plan.

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.

13. Prior to first use of the development hereby approved:

- i) All of the noise protection and mitigation works associated with the development as detailed in the Cass Allen Noise Impact Assessment for Land at Shepherd's Grove, Stanton (Report reference: RP01-22170-R5, Revision 6, Issue Date 17 November 2022) shall be completed in their entirety in accordance with the approved details.
- ii) The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in writing of the completion and verification of the works. Thereafter the approved works shall be retained.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. Note: the above relates specifically, but is not limited to, a 3m acoustic barrier being adopted into the design as shown in Figure 2 on page 10 of 256 of the Cass Allen Noise Impact Assessment.



14. No unit shall be occupied until the carriageways and footways serving that unit have been constructed to at least Binder course level or better in accordance with the approved details.

Reason: In the interests of highway safety to ensure that satisfactory access is provided for the safety of residents and the public.

15. The rating level of noise emitted from any external plant, equipment or machinery, including (but not limited to) any of the proposed commercial / roadside uses (Plots A, B and C) or general employment uses (Plot D) associated with the development hereby approved, shall be lower than the existing background noise level by at least 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 premise(s), with all external plant, equipment or machinery operating at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

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

16. The rating level of noise emitted from any workshops / motor repair facilities and the like associated with the development hereby approved, shall be lower than the existing background noise level by at least 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 premise(s), with all external plant, equipment or machinery operating at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

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

17. 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 (ILP) Guidance Note GN01/21 '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.

18. Any commercial kitchen extraction / ventilation system associated with the proposed hot food takeaway and pub / restaurant at the development hereby approved shall comply with the EMAQ+ document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' in respect of its installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.

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

19. Prior to commencement of development a scheme for the provision of fire hydrants within the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.

Reason: To ensure the adequate supply of water for firefighting and community safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 8 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

20. Prior to the occupation of any plot on the site, details of a scheme for the establishment and operation of a Liaison Group shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of:

- a contact on behalf of the operating company who shall be responsible for the organisation and minutes of meetings of the group;
- a list of members of the group. (Unless otherwise agreed in writing with the Local Planning Authority, this should include the applicant, any known end users of the site where they have expressed an interest in being part of the group, ward councillors, relevant Parish Councils, and the Local Planning Authority.)
- the place, date and time of the first meeting of the group which should be within six months of the first commercial use of the site. Thereafter, meetings shall take place every six months.

The Liaison Group shall be in operation in accordance with the agreed scheme for a minimum period of 2 years following the last approval of reserved matters.

Reason: This condition is imposed to allow effective public engagement and involvement in the development of this key employment site, and to help ensure monitoring of and adherence with requirements of planning conditions, including vehicle routing agreements and noise levels.

## **Full planning permission**

21. The development hereby permitted shall be begun not later than 10 (ten) years from the date of this permission.

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

22. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA).

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

23. No development shall commence until details of the implementation, maintenance, and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the LPA. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

24. 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.

25. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment and Biodiversity Net Gain Assessment (both by Ground Control, August 2023) 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).

26. Prior to the commencement of development, 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).

27. No development shall commence unless and until a Biodiversity Gain Plan to ensure that there is a net gain in biodiversity within a 30-year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development shall be measured in accordance with the Secretary of State's biodiversity metric as applied in the area in which the site is situated at the relevant time.

The content of the Biodiversity Gain Plan should include the following:

- a) Proposals for the on-site biodiversity net gain;
- b) A management and monitoring plan for onsite biodiversity net gain including 30-year objectives, management responsibilities, maintenance schedules and a methodology to ensure the submission of monitoring reports in years 2,5,10,15,20,25 and 30 from commencement of development, demonstrating how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The development shall be implemented in full accordance with the requirements of the approved Biodiversity Gain Plan.

Reason: To allow the development to demonstrate measurable biodiversity net gains and allow LPA to discharge its duties under the NPPF and s40 of the NERC Act 2006 (Priority habitats & species).

28. A lighting design scheme for biodiversity 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 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).

### **Outline planning permission**

29. (a) The first application for the approval of reserved matters shall be made to the Local Planning Authority no later than 3 (three) years from the date of this permission.

(b) The commencement of each plot pursuant to this outline planning permission shall begin before the expiration of 2 (two) years from the date of the last reserved matter of that plot to be approved.

(c) Applications(s) for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 10 (ten) years from the date of this permission.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

30. Prior to commencement of development, details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development.

31. Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the

approved FRA and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to  $Q_{bar}$  or 2l/s/ha for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
- e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
- f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
- g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
- h. 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 local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and 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 The scheme shall be fully implemented as approved.

Reasons: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development. To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

32. Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA 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 within the county of Suffolk.

33. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment and Biodiversity Net Gain Assessment (both by Ground Control, August 2023) 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).

34. Concurrent with the submission of reserved matters and prior to commencement of development, 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).

35. Concurrent with the submission of reserved matters and prior to commencement of development, a Biodiversity Net Gain Design Stage Report, in line with Table 2 of CIEEM Biodiversity Net Gain report and audit templates (July 2021), shall be submitted to and approved in writing by the local planning authority which provides measurable biodiversity net gain, using the DEFRA Biodiversity Metric 4.0 or any successor. The content of the Biodiversity Net Gain report should include the following:

- Baseline data collection and assessment of current conditions on site;
- A commitment to measures in line with the Mitigation Hierarchy and evidence of how BNG Principles have been applied to maximise benefits to biodiversity;
- Provision of the full BNG calculations, with plans for pre and post development and detailed justifications for the choice of habitat types, distinctiveness and condition, connectivity and ecological functionality;
- Details of the implementation measures and management of proposals;
- Details of any off-site provision to be secured by a planning obligation;
- Details of the monitoring and auditing measures.

The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In order to demonstrate measurable net gains and allow the LPA to discharge its duties under the NPPF (2023).

36. A lighting design scheme for biodiversity 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 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).

37. Concurrent with the submission of reserved matters, a revised Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to development commencement above slab level. The content of the final 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.
- 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.

The final 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).

38. 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 BREEAM New Construction 2018 V6 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.

39. 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 plots A, B and C of the development hereby approved shall be limited to the following uses within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended)

Class E (b) - the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises

Class E (f) - creche, day nursery or day centre, not including a residential use, principally to visiting members of the public

Class E (g) (i) - an office to carry out any operational or administrative functions

Class E (g) (ii) - research and development of products or processes

Class E (g) (iii) - any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

For the avoidance of doubt, this condition does not preclude the use of plots A, B and C of the development hereby approved for hot food take away use and public house use.

Reason: In order to exclude main town centre uses that would normally require a sequential approach to their location, and to allow a proper planned approach to considering such uses in an out-of-town location as required by Joint Development Management Policy DM35 and paragraph 91 of the NPPF.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/2190/HYB](#).

Working Paper 1 – Report No DEV/WS/14/008 from Development Control Committee held on 6 March 2024