

# Public Document Pack



<b>COMMITTEE:</b>	<b>MSDC PLANNING</b>
<b>DATE:</b>	<b>WEDNESDAY, 21 JUNE 2023 9.30 AM</b>
<b>VENUE:</b>	<b>KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH</b>

<b>Councillors</b>	
<u>Conservative Group</u> Lavinia Hadingham (Vice-Chair)	<u>Green Group</u> Austin Davies Lucy Elkin
<u>Liberal Democrat Group</u> Terry Lawrence	Nicholas Hardingham Sarah Mansel (Chair) John Matthissen Rowland Warboys

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## **AGENDA**

### **PART 1**

#### **MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

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- 1 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**
- 2 **TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS**
- 3 **DECLARATIONS OF LOBBYING**
- 4 **DECLARATIONS OF PERSONAL SITE VISITS**
- 5 **MPL/23/01 CONFIRMATION OF THE MINUTES OF THE MEETING OF THE PLANNING REFERRALS COMMITTEE ON 08 MARCH 2023** 5 - 10
- 6 **MPL/23/02 CONFIRMATION OF THE MINUTES OF THE MEETING OF THE MSDC DEVELOPMENT CONTROL COMMITTEE A HELD ON 15 MARCH 2023** 11 - 22

7	<b>MPL/23/03 CONFIRMATION OF THE MINUTES OF THE MEETING OF THE MSDC DEVELOPMENT CONTROL COMMITTEE B HELD ON 26 APRIL 2023</b>	23 - 28
8	<b>TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME</b>	
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	<i>Note: The Chairman may change the listed order of items to accommodate visiting Ward Members and members of the public.</i>	
a	<b>DC/23/02118 LAND TO THE SOUTH OF CHURCH FARM, SOMERSHAM, IP8 4PN AND LAND TO THE EAST OF THE CHANNEL, BURSTALL, SUFFOLK IP8 4JL</b>	31 - 70
b	<b>DC/23/01494 LAND AT THE LEYS AND IVY FARM, MELLIS ROAD, YAXLEY, SUFFOLK, IP21 4BT</b>	71 - 84
c	<b>DC/22/03681 FIELD TO THE REAR OF THE CROWFIELD ROSE, DEBENHAM ROAD, CROWFIELD, SUFFOLK, IP6 9TE</b>	85 - 100
d	<b>DC/22/03761 LAND ON THE SOUTH EAST SIDE OF, CHURCH ROAD, STOWUPLAND, SUFFOLK</b>	101 - 118
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10	<b>SITE INSPECTION</b>	

**NOTES:**

1. The Council has adopted a Charter on Public Speaking at Planning Committee. A link to the Charter is provided below:

[Charter on Public Speaking at Planning Committee](#)

Those persons wishing to speak on a particular application should arrive in the Council Chamber early and make themselves known to the Officers. They will then be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objectors
- Supporters

- The applicant or professional agent / representative

Public speakers in each capacity will normally be allowed 3 minutes to speak.

2. Ward Members attending meetings of Planning Committee may take the opportunity to exercise their speaking rights but are not entitled to vote on any matter which relates to their ward.
3. Speakers can join the meeting virtually. Any person who wishes to join the meeting virtually must contact Committee Services on [committees@baberghmidsuffolk.gov.uk](mailto:committees@baberghmidsuffolk.gov.uk) at least 24 hours before the start of the meeting. An email link will be sent to participants prior to the meeting. Participants are requested to join the meeting via the MS Teams link. This email link is personal to the recipient and must not be shared.

### **Date and Time of next meeting**

Please note that the next meeting is scheduled for Wednesday, 5 July 2023 at 5.30 pm.

### **Webcasting/ Live Streaming**

The Webcast of the meeting will be available to view on the Councils Youtube page: [https://www.youtube.com/channel/UCSWf\\_0D13zmegAf5Qv\\_aZSg](https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg)

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Claire Philpot on: 01473 296376 or Email: [Committees@baberghmidsuffolk.gov.uk](mailto:Committees@baberghmidsuffolk.gov.uk)

### **Introduction to Public Meetings**

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

### **Domestic Arrangements:**

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

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1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

# Agenda Item 5

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING REFERRALS COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Wednesday, 8 March 2023 at 2:30pm.

### **PRESENT:**

Councillor:

Councillors:	James Caston	Rachel Eburne
	Sarah Mansel	John Matthissen
	Andrew Mellen	Richard Meyer
	David Muller BA (Open) MCMI	Andrew Stringer
	RAFA (Councillor)	
	Rowland Warboys	

### **Ward Member(s):**

Councillors:	Austin Davies
	Harry Richardson

### **In attendance:**

Officers:	Chief Planning Officer (PI)
	Planning Lawyer (IDP)
	Case Officer (VP)
	Governance Officer (CP)

## **1 ELECTION OF CHAIR**

- 1.1 The Governance Officer opened the meeting and asked for nominations for the Chair of the meeting.
- 1.2 Councillor Matthissen proposed that Councillor Stringer Chair the meeting. Councillor Warboys seconded the motion.
- 1.3 Councillor Mellen proposed that Councillor Muller Chair the meeting. Councillor Meyer seconded the motion.

By a vote of 4 votes for Councillor Stringer and 5 votes for Councillor Muller

**It was RESOLVED:**

**That Councillor Muller would Chair the meeting.**

## **2 APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

- 2.1 Apologies were received from Councillor Field, Councillor Gould, Councillor

Guthrie, Councillor Hicks, Councillor Humphreys MBE, Councillor Norris and Councillor Passmore.

**3 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTERABLE OR NON REGISTERABLE INTERESTS BY MEMBERS**

3.1 There were no declarations of interest declared.

**4 DECLARATIONS OF LOBBYING**

4.1 There were no declaration of lobbying.

**5 DECLARATIONS OF PERSONAL SITE VISITS**

5.1 There were no declarations of personal site visits.

**6 RF/22/1 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 27 JANUARY 2021**

**It was RESOLVED:**

**That the minutes of the meeting held on 27 January 2021 were confirmed and signed as a true record.**

**7 RF/22/2 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 19 MARCH 2021**

**It was RESOLVED:**

**That the minutes of the meeting held on 19 March 2021 were confirmed and signed as a true record.**

**8 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

8.1 None received.

**9 RF/22/3 SCHEDULE OF PLANNING APPLICATIONS**

9.1 In accordance with the Council's procedure for public speaking on planning applications representations were made as detailed below:

Application Number	Representations From
DC/19/02090	Julian West (Thurston Parish Council) Councillor Austin Davies (Ward Member) Councillor Harry Richardson (Ward Member)

## 10 DC/19/02090 LAND TO THE EAST OF IXWORTH ROAD, THURSTON, SUFFOLK

### 10.1 Item 8A

Application Proposal	DC/29/02090 Outline Planning Application (some matter reserved) – Erection of up to 210 dwellings and new vehicular access to include planting and landscaping, natural and semi- natural green space including community growing space(s), children’s play area and sustainable drainage system (SuDS), to include 35% affordable dwellings.
Site Location	<b>THURSTON</b> – Land to the East of, Ixworth Road, Thurston, Suffolk
Applicant	Gladman

10.2 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location of the site and surrounding developments, the planning history of the site and previous presentations to Committee, the material changes in circumstance since the application was last considered by Committee, the proposed access to the development including emergency and pedestrian access routes, the proposed cycleways, the landscape buffer belt, the proposed layout of the site including the areas of open space, the proposed plans for recreational areas including the skate park, the improved connectivity plans and public transport links, the proposed locations for the pedestrian crossing, the proposed highway improvements, the healthcare provision in the area, biodiversity enhancements, and the officer recommendation of refusal.

10.3 Following a question from Members, the Planning Lawyer confirmed that following referral to the Supreme Court, permission for an appeal had been declined.

10.3 The Case Officer and the Chief Planning Officer responded to questions from Members on issues including: the housing land supply position statement, the healthcare provision in the area, the pedestrian and cycle access and how these connect to existing footpaths, the access to the proposed pedestrian crossing, the distance from the proposed skate park to the residential area, the policies within the Neighbourhood Plan and how these related to the development, the impact on the proposed road highway safety improvements should the application be refused, the date the traffic data detailed in the report was obtained, and the capacity at the water treatment centre.

10.4 Members considered the representation from Julian West who spoke on behalf of Thurston Parish Council.

10.5 Members considered the representation from Ward Member Councillor Davies who spoke against the application.

10.6 Members considered the representation from Ward Member Councillor

Richardson who spoke against the application.

- 10.7 Councillor Richardson responded to a question from Members regarding the response from Suffolk County Highways in respect of highways improvements.
- 10.8 A break was taken from 15:55 break until 16:03.
- 10.9 Members debated the application on issues including: the housing need in the area, and whether the benefits of the application outweigh any potential harm.
- 10.10 Councillor Meyer proposed that the application be refused as detailed in the officer recommendation.
- 10.11 Councillor Stringer seconded the proposal.
- 10.12 Members continued to debate the application on issues including: the highways assessment.
- 10.13 Councillor Meyer and Councillor Stringer agreed to the following additional informative:

That the Council notes the interest and concern locally regarding the mitigation of highway issues and in the interest of public confidence invites the Secretary of State Inspector to ensure that this aspect is given proper review in reaching their decision at the forthcoming appeal.
- 10.14 Members debated the application further on issues including: the potential highways impact, the housing need, and the five-year housing land supply.

By a unanimous vote

**It was RESOLVED:**

- 1. That Members resolve to: refuse planning permission, or in the event that the appeal has begun agree a putative reason for refusal, for the following reason: "The proposed development located, as it would be, outside the defined settlement boundary for Thurston and within the countryside, is contrary to Mid Suffolk's Core Strategy policies CS1 and CS2 and Local Plan policy H7. The application would not comply with the development plan as a whole. In applying the tilted balance, and recognising the primacy of the development plan, the harm in allowing a significant number of further dwellings to be released in the absence of any real and demonstrable district or local need, contrary to the development plan, significantly and demonstrably outweighs the benefits."**

**And**

- 2. That Members delegate authority to the Chief Planning Officer to defend the appeal for the reasons set out under 1 . above, being amended**



**and/or varied as may be required.  
And the following additional informative:**

**That the Council notes the interest and concern locally regarding the mitigation of highway issues and in the interest of public confidence invites the Secretary of State Inspector to ensure that this aspect is given proper review in reaching their decision at the forthcoming appeal.**

The business of the meeting was concluded at 4.20 pm.

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Chair

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# Agenda Item 6

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE A** held in the Frink Room (Elisabeth) - Endeavour House on Wednesday, 15 March 2023 at 09:30am.

### **PRESENT:**

Councillor: Matthew Hicks (Chair)

Councillors: John Field Sarah Mansel  
John Matthissen Richard Meyer  
Timothy Passmore

### **Ward Member(s):**

Councillors: Helen Geake  
Harry Richardson

### **In attendance:**

Officers: Chief Planning Officer (PI)  
Area Planning Manager (GW)  
Planning Lawyer (IDP)  
Case Officers (JW/DC/SS)  
Governance Officer (CP)

## **91 APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

91.1 Apologies were received from Councillor Eburne and Councillor Humphreys MBE.

## **92 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS**

92.1 Councillor Meyer declared an other non-registerable interest in respect of application number DC/20/05894 as the Agent was a resident in his Ward.

## **93 DECLARATIONS OF LOBBYING**

93.1 All Members declared that they had been lobbied in respect of application number DC/20/05894.

93.2 Councillor Meyer declared that he had been lobbied in respect of application number DC/22/04002.

**94 DECLARATIONS OF PERSONAL SITE VISITS**

94.1 None declared.

**95 NA/22/19 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 15 FEBRUARY 2023**

It was **RESOLVED**:

**That the minutes of the meeting held on 15 February 2023 were confirmed and signed as a true record.**

**96 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

96.1 None received.

**97 NA/22/20 SCHEDULE OF PLANNING APPLICATIONS**

97.1 The Chief Planning Officer provided an update to the Committee regarding application number DC/20/05126 and advised Members that the application had been deferred by Officers to enable additional information relating to the noise and odour mitigation proposals to be considered by Officers. The application would return to Committee at a later date.

97.2 In accordance with the Councils procedures for public speaking on planning applications, representations were made as follows:

Application Number	Representations From
DC/20/05894	Vicky Waples (Thurston Parish Council) Stephen Lee (Applicant) Councillor Austin Davies (Ward Member) Councillor Harry Richardson (Ward Member)
DC/20/05126	Application deferred
DC/22/04002	Julia Ewans (Woolpit Parish Council) Jamie Martin-Edwards (Agent) Councillor Sarah Mansel (Ward Member) Councillor Helen Geake (Ward Member)
DC/22/04581	None

**98 DC/20/05894 LAND SOUTH WEST OF, BEYTON ROAD, THURSTON, SUFFOLK**

98.1 Item 7A

Application Proposal	DC/20/05894 Submission of details (Reserved Matters) pursuant to Outline Planning Permission DC/19/03486. Layout, Scale, Appearance and Landscaping for the construction
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	of up to 210 dwellings, public open space, play area, sustainable drainage features and associated infrastructure including foul sewerage pumping station.
Site Location	<b>THURSTON</b> – Land South West of, Beyton Road, Thurston, Suffolk
Applicant	Bloor Homes & Sir George Agnew

- 98.2 The Case Officer presented the application to the Committee outlining the proposal before Members including: the location and proposed layout of the site, the proposed vehicular access, storey heights of the buildings, the locations of the affordable housing, the proposed design and character areas of the development, the landscape and ecology management plan and ecological enhancements, the proposed play area including amended landscaping, water drainage plans, the proposed parking plan, cycleways and connectivity plan, the contents of the tabled papers, and the officer recommendation of approval as detailed in the tabled papers.
- 98.3 The Case Officer responded to questions from Members on issues including the parking plan, permeability of driveways, whether any advice was obtained from a Design Out Crime Officer, the management of future landscaping and whether landscaping would include established planting, whether the trees to be planted would be on community land, the proposed heating system, the conditions relating to the timing of highways improvements, the location of the cycleway, the charging speed of the public electric vehicle (EV) charging point, and which trees are to be retained.
- 98.4 Members considered the representation from Vicky Waples who spoke on behalf of Thurston Parish Council.
- 98.5 The Parish Council representative responded to questions from Members on issues including the concerns of the Parish Council regarding the cycleway and footpath routes.
- 98.6 Members considered the representation from Stephen Lee who spoke as the applicant.
- 98.7 The Applicant and James Bailey, the Agent, responded to questions from Members on issues including: whether the spine roads will be adoptable, the landscaping scheme and future management plans, the permeability of driveways, the EV charging points, solar panel installation, the connectivity of the offsite cycleway to the existing highway, whether the existing footpath could be improved to become a cycleway, sustainability measures, the locations of the 2.5 storey dwellings within the site, the proposed number of bungalows, the number of triple parking spaces, and the number of dwellings with an excess parking allowance.
- 98.9 The Chair read out a statement from Ward Member Councillor Davies who was unable to attend the meeting.

98.10 Members considered the representation from Ward Member Councillor Richardson.

98.11 Members debated the application on issues including: the proposed number of properties on the development, the opportunity for future proofing developments, the responses received from statutory consultees, the adequacy of the cycle paths, the number of triple parking spaces, and the level of community engagement and improvements made to the proposal following the previous presentation to Committee.

98.12 Councillor Passmore proposed that the application be approved subject to additional conditions relating to the cycleways, triple parking, and permeable surfaces.

98.13 The Chief Planning Officer provided clarification regarding the application of conditions and confirmed to Members that the issues regarding cycleways and parking provision could be reviewed.

98.14 Members continued to debate the application on issues including: the parking provision including triple parking, the cycle path provision, off site connectivity, the proposed heating systems, and the installation of solar panels.

98.15 Councillor Passmore agreed to the following:

Delegate to Chief Planning Officer to review and negotiate:

- (A) the provision of shared cycle footway provision to create opportunity for cycling off road in the area of Mount Road and
- (B) to review and negotiate the layout of those plots with triple parking (except where in excess of standards) in order to materially reduce the number of plots where triple parking occurs

Subject to the conclusion of (A) and (B) that Reserved Matters be approved as per the recommendation in Tabled papers, and

Remove condition for LEAP position

Add condition Solar Panels provided prior to first occupation

Add condition requiring use of permeable surfaces where appropriate

98.16 Councillor Field seconded the proposal.

By a vote of 5 votes for and 1 against.

**It was RESOLVED:**

- (1) That the reserved matters of scale, layout, appearance, and landscaping are

approved subject to the following conditions:-

- **Approved Plans (Plans submitted that form this application)**
- **Further details as to the external appearance and enclosure to pumping station**
- **Construction Management Plan + include Parish Liaison commitment & working times**
- **Further details of air source heat pump attenuation**
- **Parish Liaison Plan**
- **External Materials full details**
- **Archaeology**
- **100% Electric vehicle charging**
- **Delivery of air source heat pump and pv commitments**
- **Minor adjustment to LEAP position and additional planting to its south**
- **Delivery trigger for the start and finish of construction of the 3m wide cycleway/footpath to be agreed**
- **Drawing attention to the associated S106, its triggers in respect of off-site highway improvements**
- **Further details of play equipment, gym trail equipment**
- **Further drawing showing removal of knee rail around from around attenuation basin and replacement with soft planting**
- **Further detail of inlets, outlets and head walls**
- **Notice to be displayed within play area site during construction of dwellings stating that the site will become a play area. That sign to remain in situ until play area is open for use**
- **As required by Committee**
- **As deemed reasonable by the Chief Planning Officer when issuing the decision**

**Note commitment of DM Service to involve TPC in liaison plan preparation and to share draft Construction Management Statement and to encourage SCC to share S38/278 drawings with TPC**

**And**

**(2) the following informative notes as summarised and those as may be deemed necessary:**

**• Proactive working statement**

**And the following as agreed by Committee**

**Delegate to Chief Planning Officer to review and negotiate:**

**(A) the provision of shared cycle footway provision to create opportunity for cycling off road in the area of Mount Road and**

**(B) to review and negotiate the layout of those plots with triple parking (except where in excess of standards) in order to materially reduce the number of plots where triple parking occurs**

**Subject to the conclusion of (A) and (B) that Reserved Matters be approved as per the recommendation in Tabled papers, and**

**Remove condition for LEAP position**

**Add condition Solar Panels provided prior to first occupation**

**Add condition requiring use of permeable surfaces where appropriate**

**99 DC/20/05126 LAND SOUTH OF, MILL LANE, STRADBROKE, SUFFOLK**

99.1 Application deferred by Officers.

**100 DC/22/04002 LAND AT LAWN PARK BUSINESS CENTRE, WARREN LANE, WOOLPIT, IP30 9RS**

100.1 Item 7C

Application Proposal	DC/22/04002 Hybrid Application. Full planning Application for B8 storage and E(g) office uses for Land Parcels 4 and 5. Outline Planning Application for B2 light industrial, B8 storage and E(g) office uses for Land Parcel 6.
Site Location	<b>WOOLPIT</b> – Land at Lawn Park Business Centre, Warren Lane, Woolpit, IP30 9RS
Applicant	C & K Smith

100.2 A break was taken from 11:17am until 11:24am after application number DC/20/05894 and before the commencement of application number



DC/22/04002.

- 100.3 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the previous decision of deferral of the application by Committee on 18 January 2023, the amendments made to the application since that decision, the letter of objection received since the publication of the agenda for this meeting, the location of the site, the site constraints, the planning history of the site, the proposed block plan, the potential harm to heritage assets, the vehicle tracking alignment plan, the proposed landscaping plan, the proposed Heavy Goods Vehicle (HGV) routing plan, the proposed lighting plan, access to the site, and the officer recommendation of approval as detailed in the report.
- 100.4 The Case Officer responded to questions from Members on issues including: whether there were permitted development rights for B1/B8 uses, the proposed colour scheme of the buildings, installation of solar panels, and the timing, intensity, and direction of the lights.
- 100.5 The Planning Lawyer confirmed that the classes of use detailed in the report were accurate.
- 100.6 Members considered the representation from Julia Ewans who spoke on behalf of Woolpit Parish Council.
- 100.7 Members considered the representation from Jamie Martin-Edwards who spoke as the Agent.
- 100.8 Members considered the representation from Councillor Sarah Mansel who spoke as the Ward Member.
- 100.9 Members considered the representation from Councillor Helen Geake who spoke as the Ward Member.
- 100.10 The Ward Members responded to questions from Members on issues including: whether traffic to the site travelled through the village of Woolpit.
- 100.11 The Area Planning Manager and the Case Officer responded to question on issues including: whether there were any restrictions in place in surrounding roads with regard to HGV's, and whether any enforcement action to ensure HGV drivers follow the suggested routes.
- 100.12 Members debated the application on issues including the lighting plan, and traffic concerns including the GHV routes and enforcement issues.
- 100.13 Councillor Passmore proposed that the application be approved subject to additional conditions relating to the colour scheme of the buildings, and a vehicle tracking scheme.
- 100.14 Councillor Meyer seconded the proposal.

By a vote of 4 votes for and 1 against.

**It was RESOLVED:**

**That the authority of Development Control Committee be delegated to the Chief Planning Officer to GRANT Hybrid Planning Permission following agreement from the relevant consultees relating to ecology and landscaping and subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

**Full Planning Permission:**

- **Development to be commenced within 3-year time scale.**
- **Development to accord with submitted drawings.**
- **Use class confirmation – B8 storage with E(g) office (no change of use within B or E use classes).**
- **Limit to external storage height and location of storage.**
- **Car, HGV and cycle parking to be provided as shown.**
- **Provision of EV charging points.**
- **Archaeological investigation to be agreed and undertaken.**
- **Fire hydrants to be provided.**
- **SuDS landscaping and maintenance details.**
- **Sustainability details to be agreed.**
- **Lighting to comply with submitted details.**
- **Limit to external noisy works.**
- **Noise management plan to be submitted and agreed.**
- **Hours of work.**
- **Acoustic fencing to be erected.**
- **Bin storage details to be agreed.**
- **Details of security fencing to be agreed.**

**Outline Planning Permission:**

- **Outline commencement requirement. Reserved matters to be made within 3 years, commencement within two of reserved matters approval.**
- **Reserved matters details to include access, appearance, layout, landscaping and scale.**
- **Development to accord with indicative drawings.**

- Use class confirmation – B2 light industrial, B8 storage or E(g) office.
- Archaeological investigation to be agreed and undertaken.
- Fire hydrants to be provided.
- Sustainability details to be agreed.
- Lighting details, including light spill to be submitted.
- Noise details to be submitted.
- Hours of work to be agreed.

And the following informative notes as summarised and those as may be deemed necessary:

- Pro-active working statement
- Public Rights of Way informative
- Land contamination informative

And the following additional conditions as agreed at Committee:

- Colour to be agreed
- Scheme for vehicle tracking to be agreed

## **101 ELECTION OF CHAIR**

101.1 Councillor Hicks left the meeting at 12:20pm.

101.2 In the absence of a Chair and Vice Chair, nominations were requested for the election of a Chair for the remainder of the meeting.

101.3 Councillor Mansel proposed that Councillor Meyer Chair the meeting.

101.4 Councillor Passmore seconded the motion.

By a unanimous show of hands

**It was RESOLVED:**

**That Councillor Meyer would chair the meeting.**

## **102 DC/22/04581 CAR PARK, WINGFIELD BARNS, CHURCH ROAD, WINGFIELD, IP21 5RA**

102.1 Item 7D

Application	DC/22/04581
Proposal	Planning Application - Re-surface and landscape existing car park.
Site Location	<b>WINGFIELD</b> – Car Park, Wingfield Barns, Church Road, Wingfield, IP21 5RA
Applicant	Wingfield Barns CIC

102.2 The Case officer introduced the application to the Committee outlining the proposal before Members including: the reason for referral to the Committee, the location of the site, the proposed works to be undertaken, the site constraints, the existing and proposed plans, the surrounding landscaping, and the officer recommendation of approval as detailed in the report.

102.3 The Case Officer and the Planning Lawyer responded to questions from Members on issues including: the reasons why planning permission was required, and the condition relating to the surface materials.

102.4 Councillor Passmore proposed that the application be approved as detailed in the officer recommendation and with an additional condition relating to the permeable surface.

102.5 Councillor Field seconded the proposal.

**It was RESOLVED:**

**That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- **Standard time limit (3yrs for implementation of scheme)**
- **Approved Plans (Plans submitted that form this application)**
- **Landscaping**
- **Surfacing Materials to be agreed**
- **Strategy for disposal of surface water including management and maintenance to be agreed**
- **Construction surface water management plan to be agreed**

**And with the following additional condition as agreed by Committee**

**Surfacing condition to confirm permeable surface and appropriate appearance**

## **103 SITE INSPECTION**

103.1 None received.

The business of the meeting was concluded at 12.32 pm.

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Chair

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# Agenda Item 7

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE B** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Wednesday, 26 April 2023

### **PRESENT:**

Councillor: Kathie Guthrie (Chair)  
David Muller BA (Open) MCMi RAFA (Councillor) (Vice-Chair)

Councillors: James Caston Peter Gould  
Sarah Mansel Andrew Mellen  
Mike Norris Rowland Warboys

### **Ward Member(s):**

Councillors: Richard Meyer

### **In attendance:**

Officers: Area Planning Manager (GW)  
Planning Lawyer (IDP)  
Planning Officers (AS / NM)  
Governance Officer (AN)

### **Apologies:**

Councillors: Andrew Stringer

## **97 APOLOGIES AND SUBSTITUTIONS**

97.1 Apologies were received from Councillor Stringer.

97.2 Councillor Mansel substituted for Councillor Stringer.

## **98 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS**

98.1 Councillor Mellen declared an Other Registerable Interest for application number DC/22/05701 as the Suffolk County Councillor for Badwell Ash.

98.2 Councillor Muller declared an Other Registerable Interest for application number DC/23/00996 as a member of Stowmarket Town Council's Planning Committee that had given prior consideration to the application.

**99 DECLARATIONS OF LOBBYING**

99.1 None declared.

**100 DECLARATIONS OF PERSONAL SITE VISITS**

100.1 None declared.

**101 SA/22/19 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 1 MARCH 2023**

101.1 It was confirmed that the minutes of the meeting on the 1<sup>st</sup> March 2023 were confirmed and signed as a true record.

**102 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

102.1 None received.

**103 SA/22/20 SCHEDULE OF PLANNING APPLICATIONS**

103.1 In accordance with the Councils procedures for public speaking on planning applications, representations were made as follows:

Application Number	Representations From
DC/22/05701	Jamie Martin-Edwards (Agent) Councillor Richard Meyer (Ward Member)
DC/23/00996	None.

**104 DC/22/05701 LAND EAST OF, HUNSTON ROAD, BADWELL ASH, SUFFOLK**

104.1 Item 7A

Application Proposal	DC/22/05701 Application for Approval of Reserved Matters following grant of Outline Approval DC/19/01554 - Submission of details for the erection of 52No dwellings, with associated landscaping, drainage, and ecological works
Site Location	<b>BADWELL ASH</b> – Land East of, Hunston Road, Badwell Ash, Suffolk
Applicant	Mulberry Homes

104.2 The Case Officer presented the application to the Committee outlining the proposal before Members including the location of the site, the constraints, the proposed site layout, the proposed housing mix, the landscaping plans,



the refuse strategy, the parking strategy, the materials plan, proposed storey heights, proposed elevations, connectivity to the site, the updated consultation responses as detailed in the tabled papers, and the Officer recommendation for approval.

- 104.3 The Case Officer responded to questions from Members on issues including: the proposed number of 2-bed market dwellings, housing density, retention of trees, the foul drainage water strategy, the consultation response from Anglian Water, protection measures for toads, footpath connectivity within the site, and the location of electrical pylons and power lines.
- 104.4 Members considered the representation from Jamie Martin-Edwards who spoke as the Agent.
- 104.5 The Agent responded to questions from Members on issues including: the orientation of the roofs, the inclusion of solar panels, protection measures for toads, the foul water drainage strategy, the functionality of proposed chimneys, whether the roads will be built to adoptable standards, and the route of overhead power lines.
- 104.6 Members considered the representation from Councillor Richard Meyer who spoke as the Ward Member.
- 104.7 The Ward Member responded to questions from Members on issues including: river quality and flooding.
- 104.8 Members debated the application on the following issues: the foul water drainage strategy, the consultation response from Anglian Water, faux chimneys, sustainable energy measures, conditions of restriction on occupation, protection measures for toads, and the National Planning Policy Framework (NPPF) Policy 174E.
- 104.9 The Area Planning Manager responded to further questions from Members on the foul water drainage strategy and the possibility of imposing conditions on Anglian Water.
- 104.10 A short break was taken between 10:44am and 10:54am to allow for discussion between the Area Planning Manager, the Planning Lawyer, and the Chair regarding the possibility of imposing conditions on the application.
- 104.11 The Planning Lawyer advised Members that the imposing of conditions on the foul water strategy and external companies, such as Anglian Water, did not fall under the Committee's scope when determining a Reserved Matters application but that an informative could be made if deemed necessary.
- 104.12 Members further debated the application on the following issues: the increase in development in Badwell Ash since the Outline application was approved in 2019, the capacity for foul water drainage, phasing of the Anglian Water infrastructure, and an additional informative.

104.13 Councillor Mansel proposed that the application be approved as detailed in the Officer's recommendation with the following informative:

- The delivery of Anglian Water infrastructure to be alongside the phasing of the development

104.14 Councillor Warboys seconded the proposal.

By a vote of 7 For and 1 Against

**It was RESOLVED:**

**That authority be delegated to the Chief Planning Officer to APPROVE Reserved Matters, subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- **Reserved Matters Approved in Conjunction with Outline Planning Permission;**
- **Approved Plans and Documents;**
- **Submission of Further Landscape Details;**
- **Development in accordance with Ecological Report Recommendations;**
- **Electric Vehicle (EV) Charging details prior to commencement;**
- **Fire Hydrants prior to occupation.**

**(Please see decision notice for those already imposed as part of Outline Planning Permission Ref: DC/19/01554)**

**With additional informative for the delivery of Anglian Water infrastructure to be alongside the phasing of the development.**

## **105 DC/23/00996 UNIT 1B, GIPPING WAY, STOWMARKET, IP14 1RA**

105.1 Item 7B

Application Proposal	DC/23/00996 Planning Application - Installation of 2no shopfront door sets and associated paving to frontage to Unit 1B
Site Location	<b>STOWMARKET</b> – Unit 1B, Gipping Way, Stowmarket, IP14 1RA
Applicant	Babergh and Mid Suffolk District Councils

105.2 A short break was taken between 11:21am and 11:35am before the commencement of application number DC/23/00996.

105.3 The Case Officer presented the application to the Committee outlining the proposal before Members including the location of the site, the existing site and floor plans, the existing and proposed elevations, the proposed floor plans, the additional informative as detailed in the tabled papers, and the

Officer's recommendation for approval.

105.4 The Case Officer responded to questions from Members on issues including: access to the property for those in wheelchairs.

105.5 Councillor Guthrie proposed that the application be approved as detailed in the Officer's recommendation.

105.6 Councillor Muller seconded the proposal.

By a unanimous vote

**It was RESOLVED:**

**That authority be delegated to the Chief Planning Officer to GRANT planning permission, including the imposition of relevant conditions and informative as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- **Standard time limit (3yrs for implementation of scheme)**
- **Approved Plans (Plans submitted that form this application)**

**And the following informative notes as summarised and those as may be deemed necessary:**

- **Proactive working statement**
- **SCC Highways notes**
- **Support for sustainable development principle**

**106 SITE INSPECTION**

106.1 None declared.

The business of the meeting was concluded at 11:43am.

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Chair

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# Agenda Item 9

## MID SUFFOLK DISTRICT COUNCIL

### PLANNING COMMITTEE

21 JUNE 2023

#### INDEX TO SCHEDULED ITEMS

<u>ITEM</u>	<u>REF. NO (and link to consultee comments)</u>	<u>SITE LOCATION</u>	<u>MEMBER/WARD</u>	<u>PRESENTING OFFICER</u>	<u>PAGE NO</u>
9A	<a href="#">DC/23/02118</a>	Land to the South of Church Farm, Somersham IP8 4PN And Land to the East of The Channel, Burstall, Suffolk, IP8 4JL	Councillor James Caston / Bramford and Councillor Adrienne Marriott / Bramford	Bron Curtis	
9B	<a href="#">DC/23/01494</a>	Land at the Leys and Ivy Farm, Mellis Road, Yaxley, Suffolk, IP21 4BT	Councillor Tim Weller / Palgrave	Bron Curtis	
9C	<a href="#">DC/22/03681</a>	Field to the Rear of The Crowfield Rose, Debenham Road, Crowfield, Suffolk, IP6 9TZ	Councillor Nicholas Hardingham / Stonham	Alex Scott	
9D	<a href="#">DC/22/03761</a>	Land on the South East Side of, Church Road, Stowupland, Suffolk	Councillor Rachel Eburne and Councillor Janet Pearson / Haughley, Stowupland and Wetherden	Jasmine Whyard	
9E	<a href="#">DC/23/01076</a>	Land to the North and West of, School Road, Elmswell, Suffolk	Councillor Sarah Mansel and Councillor Jen Overett / Elmswell and Woolpit	Daniel Cameron	

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# Agenda Item 9a

## Committee Report

**Item No: 9A**

**Reference:** DC/23/02118

**Case Officer:** Bron Curtis

**Wards:** Bramford ward and Blakenham ward

**Ward Member/s:** Cllr James Caston. Cllr Adrienne Marriott.

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### **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS AND RESPOND TO APPEAL \* AS APPROPRIATE**

\*The applicant has submitted an appeal against the refusal of application DC/20/05895 which has started with the public inquiry scheduled for August 2023.

### **GLOSSARY OF TERMS:**

BDC	Babergh District Council
BESS	Battery Energy Storage Systems
BMSDC	Babergh and Mid Suffolk District Councils (referred to jointly to identify joint working, shared officer resource, etc.)
BMV	Best and Most Versatile (agricultural land classified by DEFRA as grades 1, 2 and 3a)
CCTV	Closed Circuit Television
CIL Regs	The Community Infrastructure Levy Regulations 2010 (as amended)
CS	The Core Strategy Development Plan Document (2008) of Mid Suffolk District Council's adopted Local Development Framework.
CWS	County Wildlife Site
DEFRA	Department for Environment Food & Rural Affairs
EIA	Environmental Impact Assessment
EIA Regs	The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017
ES	The Environmental Statement forming part of the submitted application documents in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations

	1999
FRA	Flood Risk Assessment
FZ	Flood Zone (i.e. FZ1, FZ2, FZ3a, FZ3b)
JLP	The Babergh and Mid Suffolk emerging Joint Local Plan
LEMP	Landscape Ecological Management Plan
LP	Mid Suffolk Local Plan 1998
LPA	Local Planning Authority
LVIA	Landscape Visual Impact Assessment
MSDC	Mid Suffolk District Council
MW	Megawatts
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
NSIP	Nationally Significant Infrastructure Project
PPG	Planning Practice Guidance
PROW	Public Rights of Way (e.g. footpaths and bridleways)
SCC	Suffolk County Council
SFRA	The Mid Suffolk Strategic Flood Risk Assessment 2020
SLA	Special Landscape Area (as designated by the Mid Suffolk Local Plan policy CL2 & Babergh Local Plan policy CR04).
SO	The published Scoping Opinion reference DC/20/04125 issued by MSDC in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017
SSSI	Site of Special Scientific Interest



## **Background**

This application is a 'free go' resubmission of application DC/20/05895 which was refused by MSDC Planning Committee on 15<sup>th</sup> February 2023. As a 'free go' application the proposed development is for the same works and development, on the same site, by the same applicant and is made within 12 months of the date of refusal of the previous application.

As a cross-boundary site, permission is required from both Local Planning Authorities to enable to development to be carried out as proposed. A duplicate application to DC/20/05895 was submitted to Babergh District Council (ref DC/21/00060) and was granted by Babergh Planning Committee on 8<sup>th</sup> February 2023.

This application poses the same question to MSDC Planning Committee as was previously considered but, this time, having regard to changes in material considerations, published since the previous decision, that are relevant to the determination of the application.

These changes include the publication of Powering Up Britain, including the Energy Security Plan, revised draft National Policy Statement (EN-1), revised draft National Policy Statement (EN-3) published 25<sup>th</sup> February 2023 and recovered appeal decision APP/C3240/W/22/3293667 (Telford, Shropshire) as well as an increasing number of allowed appeals for solar development.

These changes are discussed in more detail below.

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## **Description of Development**

Planning Application - Installation of renewable led energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with substation, inverter/transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure, landscaping and biodiversity enhancements including Nature Areas ('Free Go' application following refusal of MSDC Ref: DC/20/05895).

## **Location**

Land To The South Of Church Farm, Somersham IP8 4PN And Land To The East Of The Channel, Burstall, Suffolk, IP8 4JL

**Expiry Date:** 24/08/2023

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Large Scale - All Other

**Applicant:** Bramford Green Limited

**Agent:** Mr Owen Horrell

**Parish:** Somersham, Flowton and Burstall

**Site Area:** 35ha overall site area

(Area in MSDC = 8.42ha, approx 24%. Area in BDC = 26.23ha, approx 76%).

**Details of Previous Committee / Resolutions and any member site visit:**

Members of the Mid Suffolk Planning Committee refused permission on application DC/20/05895 on 15<sup>th</sup> February 2023.

Members of the Babergh Planning Committee granted permission on application DC/21/00060 on 8<sup>th</sup> February 2023.

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** Yes. EIA Screening ref: DC/20/03320 EIA Scoping ref: DC/20/04125

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**PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

The Head of Economy considers the application to be of a controversial nature having regard to the location, scale and / or nature of the application.

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**PART TWO – POLICIES AND CONSULTATION SUMMARY**

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**Summary of Policies**

- GP1 - Design and layout of development
- T10 - Highway Considerations in Development
- CL8 - Protecting wildlife habitats
- CL3 - Major utility installations and power lines in countryside
- CL11 - Retaining high quality agricultural land
- CS1 - Settlement Hierarchy
- CS2 - Development in the Countryside & Countryside Villages
- CS3 - Reduce Contributions to Climate Change
- H16 - Protecting existing residential amenity
- HB1 - Protection of historic buildings
- HB14 - Ensuring archaeological remains are not destroyed
- RT12 - Footpaths and Bridleways

Relevant policies of the emerging Babergh and Mid Suffolk Joint Local Plan include:

- SP03 - The sustainable location of new development
-

SP09 - Enhancement and Management of the Environment  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP19 - The Historic Environment  
LP24 - Design and Residential Amenity  
LP25 - Energy Sources, Storage and Distribution  
LP27 - Flood risk and vulnerability

### Neighbourhood Plan Status

This application site is not within a designated Neighbourhood Plan Area.

### Other relevant documents:

- NPPF - National Planning Policy Framework
- NPPG - National Planning Policy Guidance
- Joint Babergh and Mid Suffolk District Council Landscape Guidance August 2015
- Suffolk Landscape Character Assessment
- Planning guidance for the development of large-scale ground mounted solar PV systems (BRE, 2014). This national guidance sets out best practice for large ground mounted arrays in respect of planning considerations and requirements.
- Draft revised National Policy Statements: The policy context for the determination of NSIP scale proposals. This development is below the threshold for consideration as an NSIP but draft revised EN-1 and EN-3 provide helpful context as the latest statement of Government planning policy on renewable energy development. EN-1 Paras 3.3.20–3.3.24 – state that a ‘secure, reliable, affordable net zero system in 2050 is likely to be predominantly of wind and solar’. Paras 3.3.25-3.3.31 refer to storage stating that ‘storage has a key role to play in achieving net zero and providing flexibility to the energy system’. EN-3 includes a specific section on ‘solar photovoltaic generation’ and highlights that solar is a key part of the government’s decarbonisation strategy, restating the five-fold increase in solar deployment before 2035, and that the Government is supportive of solar that is co-located with other functions, which specifically identifies storage.
- Powering Up Britain including the Energy Security Plan: Government published this latest plan to ensure energy security and meet net zero commitments on 30<sup>th</sup> March 2023. The document reaffirms the Government’s commitment to aim for 70GW of ground and roof mounted solar by 2035, stating that this is a fivefold increase on current installed solar capacity. To achieve this Government is seeking large scale solar deployment across the UK, and encourages solar development that delivers environmental benefits, with consideration for ongoing food production or environmental management.

- Energy Security Strategy 2022: Reinforces the net zero agenda and sets out a package of priorities, funding and policy objectives to move the country back to energy independence This includes provision for onshore wind, solar and other technology including recognition of the need for network capacity and flexibility such as battery storage.
- Net Zero strategy 2021: A decarbonisation plan setting out the UK objective of achieving net-zero emissions by 2050. Part of the plan for “Building Back Better” after the covid pandemic.
- Energy white paper 2020: Builds on the Ten-point plan for a green industrial revolution, addressing the transformation of our energy system, promoting high-skilled jobs and clean, resilient economic growth as we deliver net-zero emissions by 2050.
- United Kingdom Food Security Report 2021: Sets out an analysis of statistical data relating to food security.

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received and taken into account. These are summarised below.

[Click here for link to Consultee Comments online](#)

### **A: Summary of Consultations**

It should be noted that the consultation period ends after the publication of this report and so an update on further responses received will be provided in late papers or verbally at your meeting as appropriate.

All statutory requirements have been met in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015 by way of site notice, press advert and the publication of the deadline for comments to be received on the MSDC website. However, as the issued neighbour letter states that representees have until 23<sup>rd</sup> June to submit comments your officers have taken legal advice and are satisfied as to both the lawfulness of the application being considered at your meeting on 21<sup>st</sup> June and the ability for the planning committee to resolve in accordance with the recommendation below which allows for due consideration of any further representations received between the time of your meeting and close of business on 23<sup>rd</sup> June.

### **Town/Parish Council(s) (Appendix 3)**

Bramford Parish Council: To be reported in late papers / verbally

Burstall Parish Council: To be reported in late papers / verbally

Chattisham and Hintlesham Parish Council: To be reported in late papers / verbally

Elmsett Parish Council: Comments

- Do not wish to add to comments previously made

*Comments of previous application:*

- Loss of good quality agricultural land to the detriment of the landscape and food production
- Road safety dangers on the unclassified road network during prolonged construction period with heavy vehicles
- Result in the industrialisation of the open countryside and the loss of visual amenity particularly for users of the public right of way network as well as disruption to wildlife.
- Lead to cumulative noise from the batteries, transformers and motors driving the panels and will travel across open countryside impacting on the tranquil setting

Flowton Parish Council: Objection

- Will be taking up valuable food producing land

Little Blakenham Parish Council: Objection

- Grade 2 agricultural land should not be used for electricity.

Somersham Parish Council: To be reported in late papers / verbally

Sproughton Parish Council: Objection

- Understand the need for renewable energy
- The NPPF (2019) clearly states that planning policies and decisions need to promote the effective use of land. We do not believe that the proposed 100-acre development that generates only enough electricity to power 13,000 homes can be deemed 'an effective of land use'
- Compaction of soil during construction and the concentration of rainwater run-off from the panels once installed, will significantly worsen the already regular flooding of roads particularly at Burstall Brook
- Potential Noise
- Loss of tourism and agricultural land
- Wildlife corridors and biodiversity
- Health and safety concerns

#### **National Consultees (Appendix 4)**

Anglian Water: No comment, falls out of the statutory sewage boundary

The British Horse Society: Comments

- No objection in principle
- Access to Burstall Bridleway 5 should not be interrupted
- Road Safety is a particular concern to equestrians, who are among the most vulnerable road users.
- Construction should be carried out in a manner sensitive to bridleway users.

East Suffolk internal drainage board: No comments

The Environment Agency: Conditions

- Recommend for approval subject to conditions
- We are satisfied that the flood risk assessment, undertaken by RMA Environmental referenced RMA-C2097 provides you with the information necessary to make an informed decision.

Historic England: Comments

- Impact on the setting of Grade I listed churches at Flowton and Somersham and the landscape but this impact falls short of being 'harm'.
- Consult internal heritage adviser

Ipswich Ramblers: Object

- Uses good agricultural land
- Rights of way will be affected

National Highways: Conditions

- Recommend that conditions should be attached to any planning permission that may be granted
- No part of the development hereby approved shall be commenced unless and until a Construction Traffic Management Plan CTMP has been approved in writing by the local planning authority who shall consult with the Suffolk County Council as the Highways Authority.
- The Construction Traffic Management Plan shall be in line with prevailing policy and best practice. The implementation of the development is to be carried out in strict accordance with the approved Construction Traffic Management Plan.

Natural England: No Objection

Suffolk Police: Design out of Crime Officer: To be reported in late papers / verbally

Suffolk Preservation Society: Concerns

- Submission of the application as well as the appeal is irregular and the council should hold the application in abeyance.
- Refer to comments on previous application

*Comments on previous application:*

- We welcome the significant reduction in the scheme from 102 hectares to 35 hectares, resulting from the removal of Fields 1, 2 and 3 in the northern section of the scheme, but note that the battery storage facility and Fields 4 - 7 remain.
- Disappointing that Field 5 is retained in the amended scheme which will continue to cause less than substantial harm to a highly designated heritage asset
- Application does not consider the impact of the scheme on non-designated heritage assets.
- Impact on PROW users, the character of the landscape and the loss of food producing land

Suffolk Wildlife Trust: No comment

Woodland Trust: To be reported in late papers / verbally

### **County Council Responses (Appendix 5)**

Archaeology: Conditions

- Recommend approval subject to conditions
- Whilst the proposed scheme will therefore damage or destroy known archaeological remains, with the potential for further archaeological remains to be impacted upon by proposals in areas of the site which have not yet been subject to trial trenched evaluation (including along the cable corridor), there are no grounds to consider refusal
- Any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Development Contributions Officer: To be reported in late papers / verbally

Ecology: To be reported in late papers / verbally

Flood and Water Management:

- Recommend approval subject to conditions

Fire and Rescue: To be reported in late papers / verbally

Highways: Comments

- Will not have a significant permanent impact on the highway network.
- Construction phase impact will be significant.
- Conditions recommended to mitigate impacts.

Rights of Way and Access: To be reported in late papers / verbally

Travel Plan Officer: No comments

### **Internal Consultee Responses (Appendix 6)**

Arboricultural Officer: To be reported in late papers / verbally

Ecology: To be reported in late papers / verbally

Environmental Health Air Quality: To be reported in late papers / verbally

Environmental Health Land Contamination: To be reported in late papers / verbally

Environmental Health Noise/Odour/Light/Smoke:

- Satisfied with noise assessment and findings.
- No detrimental impact on nearby noise sensitive receptors

- Conditions recommended

Environmental Health Sustainability: To be reported in late papers / verbally

Heritage – Place Services: To be reported in late papers / verbally

Landscape: To be reported in late papers / verbally

Public Realm: Comments

- Note the biodiversity gains
- Note the temporary loss of agricultural land

Waste: No Objection

**B: Representations**

At the time of writing this report at least 5 letters/emails/online comments have been received. It should be noted that the consultation period ends after the publication of this report and so an update on further representation received will be provided in late papers or verbally at your meeting as appropriate. For reference 189 representation were received in respect of application DC/20/05895.

Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.

Comments received in respect of this application and DC/20/05895 are summarised below: -

<b><i>Objections</i></b>	<b><i>Support / neutral</i></b>
<ul style="list-style-type: none"> <li>• Loss of productive agricultural land / BMV / food security</li> <li>• Landscape/Visual Impact</li> <li>• Traffic/Congestion/routing/inadequate access and parking</li> <li>• Precedent/Cumulative impact</li> <li>• Impact on tourism/experience of visitors</li> <li>• Does not follow NPPF/ Development plan</li> <li>• Should go on roofs</li> <li>• Ecological/Biodiversity impact / concern regarding proposed skylark mitigation.</li> <li>• Out of character with the area and scale</li> <li>• Sustainability</li> <li>• Dominating/Overbearing</li> <li>• Impact on listed buildings</li> <li>• Inappropriate in a Conservation Area*</li> </ul>	<ul style="list-style-type: none"> <li>• Relatively low impact</li> <li>• Once established requires little attention</li> <li>• Coverage is only a small part of farming land</li> <li>• Large part of site will not have panels and will be left as natural habitat.</li> <li>• Renewable energy, sustainable</li> <li>• Reduce carbon emissions</li> <li>• Biodiversity enhancements</li> <li>• Minimal landscape and visual impacts</li> <li>• Reduction in size is welcome</li> <li>• Provision of rights of way is good</li> </ul>



<ul style="list-style-type: none"> <li>• Conflict with Neighbourhood Plan**</li> <li>• Loss of open space / outlook</li> <li>• Loss of privacy</li> <li>• Will affect mental health benefits residents and visitors get from the countryside.</li> <li>• Increase danger of flooding</li> <li>• Potentially contaminated land</li> <li>• Light Pollution</li> <li>• Noise Pollution</li> <li>• Air pollution / smoke from battery fire</li> <li>• Safety of battery storage / concern regarding potential hazardous substances.</li> <li>• Concern regarding quality of submission documents in respect of specification of proposed equipment.</li> <li>• Walking between solar panels will not be attractive.</li> <li>• Concern regarding decommissioning/disposal</li> <li>• Concern regarding potential for PD rights</li> </ul>	
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*\*Please note, the site is not in a designated Conservation Area*

*\*\* Please note, the site is not in a designated Neighbourhood Plan area*

## **PLANNING HISTORY**

The following are relevant to the consideration of this application:

<b>REF:</b> DC/20/05895	Solar farm (ENSO – submission to MSDC)	<b>DECISION:</b> REF 15.02.2023
<b>REF:</b> DC/21/00060	Solar farm (ENSO – submission to BDC)	<b>DECISION:</b> GTD 08.02.2023
<b>REF:</b> DC/20/03320	Screening Opinion - Proposed solar farm and battery storage facility	<b>DECISION:</b> EIA 21.08.2020
<b>REF:</b> DC/20/04125	Request for formal Environmental Impact Assessment (EIA) Scoping Opinion. Proposed solar farm and battery storage facility	<b>DECISION:</b> EIA 09.11.2020
<b>REF:</b>	Anesco BESS	<b>DECISION:</b>

**\*This list includes some of the key developments within the immediate vicinity of the site that are relevant material considerations in the assessment of the application. It is not exhaustive insofar as considerations of cumulative impacts.**

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The application site comprises three parcels of grade 2, 3a and 3b classified agricultural land located within the countryside adjacent to the Flowton Brook watercourse and highway in the parish of Flowton and to the north of Hill Farm, Burstall. The site also includes land required for access, from the Church Hill highway and a cable route to enable connection of the solar panels to the National Grid substation at Bullen lane, Bramford. The site crosses the administrative boundary between Mid Suffolk and Babergh districts.
  - 1.2. The overall site area is 35ha of which approx. 9ha lies within the MSDC area and approx. 26ha lies in the BDC area. The majority of this land is comprised of the main agricultural field areas where the solar panels and other equipment would be sited with the remainder accommodating ancillary works such as underground cabling and access routes.
  - 1.3. The site is served by an existing vehicular access from Church Hill which crosses the Bullen Lane right of way bridle way which passes the southern boundary of the site. Another right of way leaves the Bullen Lane right of way northward along the eastern boundary of the site before crossing the site and joining The Channel to the north-west.
  - 1.4. The site lies within a locally designated Special Landscape Area and the surrounding area is generally characterised by arable agricultural land with areas of woodland and interspersed with occasional scattered built development, either commercial or residential properties. The settlement of Flowton lies to the north and east and the main built area of the settlement of Burstall lies to the south of the site.
  - 1.5. The site has a slope generally from east to west, falling from a highest point of 54m at the eastern side to a lowest point of 33m on the western side. The majority of the site lies within flood zone 1 although some of the lower parts of the site on the western boundary adjoin Flowton Brook watercourse are affected by flood zones 2 and 3.
  - 1.6. As the application site crosses the administrative boundary between Mid Suffolk and Babergh districts a duplicate submission has been made to each authority and the
-

proposal is considered as a cross-boundary application accordingly. See section 2 below for further details on cross-boundary application issues.

## **2. Cross-boundary application issues:**

- 2.1. The application site crosses the administrative boundary between Mid Suffolk and Babergh District Councils. As such this application is a duplication of that submitted to and granted by Babergh District Council.
- 2.2. In cases of cross-boundary applications it is expected that officers for each authority work collaboratively to consider the issues arising from a proposal and the advice received to assess the applications. In this Mid Suffolk and Babergh District Councils have an established joint working and shared resource relationship meaning that the same officers represent both councils.
- 2.3. There are a number of options for determination of such cases and in this instance it was agreed between the two authorities that the applications would be dealt with separately but determined concurrently with the issue of two separate planning decision notices. As an appeal against refusal of the previous MSDC application has been received Members are advised that your shared officer team will respond to the appeal in accordance with the instructions received by the Planning Committee and will seek to advise Members to enable collaborative working and agreement of matters to be pursued.
- 2.4. The cross-boundary nature of the application has no impact on the development itself or the planning issues that are material to assessing the proposal and determining the applications. The application is considered on its merits by each authority, having regard to the provisions of the NPPF and the policies of each authority's respective development plan policies.
- 2.5. The development plan policies of Mid Suffolk and Babergh differ slightly in their titles and phrasing but they deal with the same technical planning issues to be considered and the policies cited have been assessed as being in accordance with the principles of the NPPF as set out in section 5, below.

## **3. The Proposal**

- 3.1. The application seeks a temporary (40 year) permission for the proposed development of the construction, operation and decommissioning of a renewable energy generating station with associated development which comprises the following elements:
  - A ground-mounted, solar photovoltaic (PV) generating station with a gross electrical output capacity of 30MW comprising arrays of fixed solar panels fitted to mounting structures fixed to the ground.
  - A battery storage facility with a capacity of approximately 50MW housed within 20 shipping container style structures.
  - A substation

- 6 x inverter, transformer and switchgear stations housed in metal containers across the site.
  - Underground cabling to connect the panels to equipment within the site and the whole development to the National Grid substation
  - The construction of internal roadways
  - Stock proof security fencing, gates and CCTV
  - A control room building, combiner boxes and weather station poles.
  - Surface water attenuation, landscape planting and biodiversity enhancement works.
- 3.2. The submitted plans refer to the three parcels of land comprising the site as fields 4, 5 and 6 respectively. The solar panels will be arranged in lines across all three fields facing south and angled to maximise solar harvesting meaning that the panels will be up to 3m high. The containers housing the inverter / transformer / switchgear equipment are sited at positions across the site to enable connection to the solar panels. These would be mounted on a concrete base and would be 3.5m high overall. High-tensile, galvanised steel, plain wire deer fencing will enclose the whole site. A complex comprising the battery storage, substation and other equipment buildings are to be sited within the north-west corner of the site. This compound will be enclosed by welded steel wire mesh fencing.
- 3.3 During the course of determination the proposed development has been amended. In particular, the area of the application site has been reduced from 102ha to 35ha, the size and capacity of the solar array has reduced from 49.9MW to 30MW, the panels changed from tracking to fixed, new accesses from Somersham Road and Flowton Road have been omitted.
- 3.4. Should Members be minded to grant permission, conditions are recommended to limit the lifetime of the permission to 40 years, to secure the removal of all elements of the development as listed above and to secure a scheme for the reinstatement of the site to its previous form excepting the biodiversity and landscape improvements which shall be delivered as part of the development, wherein these improvements shall be retained.

#### **4. EIA matters**

- 4.1. The councils have screened the originally proposed development and determined, as set out in the published EIA Screening Opinion, that this proposal is EIA development. The proposal is considered to be EIA development by reason of the potential for significant effects arising from the cumulative impacts of the development when considered together with other relevant developments in the locality.
- 4.2. The application submission includes an ES, in accordance with the EIA Regs which responds to the issues identified as 'scoped in' in the councils' published Scoping Opinion.
- 4.3. An independent peer review of the submitted ES was commissioned by BMSDC and carried out by Professor Martin Broderick and Dr Bridget Durning of ESIA Consult Ltd.

That review concluded the ES to be very proportionate well-structured and well written despite some omissions when compared to their standardised assessment criteria.

- 4.4. On the basis of this advice, officers are satisfied that the ES is fit for purpose and provides the information necessary to enable the councils to determine the applications with sufficient environmental information to understand impacts of the development and any likely significant effects

## **5. Principle of development**

- 5.1. This application is for a renewable energy development. As such, this section sets out the planning policies and other material considerations relevant in considering whether the principle of renewable energy development is generally acceptable. Other policies and considerations relevant to the location of the proposal are set out in the topic specific sections of the assessment below.
- 5.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan includes the saved policies of the Mid Suffolk Local Plan 1998, Core Strategy 2008 and Core Strategy Focused Review 2012.
- 5.3. These policies and documents will be replaced by the emerging Babergh and Mid Suffolk Joint Local Plan (JLP) once it is adopted, which includes proposed policy LP25 – ‘Energy sources, storage and distribution’ which seeks to encourage the development of renewable energy in line with national policy. The JLP is at examination stage. A consultation on main modifications to the JLP was completed in May 2023 with further examination hearings due to take place in June 2023 to consider progressing the plan in two parts. Part 1 would set the housing requirement for the districts and provide an up-to-date development plan, but specific sites would be allocated in Part 2.
- 5.4. Given the stage that the JLP has reached, officers are of the view that the JLP is a material consideration, albeit of limited weight at this time. The relevant policies of the JLP reflect the principles of the NPPF and, in applying s.38(6) PCPA 2004, officers do not consider that the policies of the JLP justify departing from the policies of the current development plan. The JLP is therefore also a material consideration, albeit of limited weight at this time because it is not yet adopted.
- 5.5. Policies CS1 and CS2 of the Mid Suffolk Core Strategy 2008 set out the types of development that are likely to be considered appropriate inside defined settlements (CS1) and within the countryside comprising the rest of the district (CS2). These policies state development within the countryside, as in the case of this site, is restricted to certain types of development, including for renewable energy. Therefore, the determinative element of the application for CS2 is not reliant on its location inside or outside a defined settlement, but rather the impacts of the development. These policies are considered to accord with the objectives of the NPPF insofar as they provide for the principle of renewable energy development in the countryside and are therefore afforded full weight.

5.6 Policy CS3 of the Mid Suffolk Core Strategy 2008 states that:

“The Council will promote and encourage the appropriate development of stand alone Renewable Energy schemes to assist in achieving the Regional Spatial Strategy's target of 10% total electricity consumption in the East of England by 2010 and 17% by 2020.”

5.7 Although this policy is considered to be out of date insofar as it refers to the targets within the now revoked Regional Spatial Strategy, the objective of encouraging renewable energy development to contribute to an overarching objective of decarbonisation aligns with the priorities of the net zero agenda and the principles of the NPPF, and to that extent the principle of the policy objective remains up to date. This policy is therefore acknowledged on that basis and afforded moderate weight.

5.8. Policies FC1 and FC1.1 of the Core Strategy Focussed Review 2012 are relevant to the determination of this application in general terms, by reflecting the NPPF presumption in favour of sustainable development, including for renewable energy proposals, providing the impacts of the development are or can be made acceptable. In such cases FC1 states that applications which accord with the Local Plan will be approved without delay. FC1.1 seeks conservation and enhancement of the local character of the district and following para 3.7 specifically mentions renewable energy:

“The environmental and landscape sensitivity of the district means that large-scale, on-shore renewable energy generation will often be difficult to accommodate in the landscape in an acceptable way”

5.9 These policies are considered to accord with the NPPF and are afforded full weight. The impact of the development on the landscape is considered in detail in the landscape section below.

5.10 Whilst it is likely that policy CL3 (Major utility installations and power lines in the countryside) of the Mid Suffolk Local Plan 1998 was not written with solar array development, as proposed here, in mind, as what could be reasonably termed a major utility installation the general objective to “... ensure minimal intrusion in the landscape...” reflects the objectives of the NPPF and the issue identified in the Core Strategy Focused Review and so is considered to have relevance to the determination of this application and is afforded full weight.

5.11 Other policies in the Mid Suffolk development plan that are relevant to the consideration of this application because of their objectives relating to a specific issue or impact are discussed in the relevant section of the assessment below.

5.12. The NPPF must also be taken into account as a material consideration in planning decisions. Para 152 states:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources,

including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

And goes on, at para 158, to set out how plans and decisions should provide for renewable energy development including stating that in determining applications for renewable energy developments:

“local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

5.13. It is also necessary to note a number of relevant documents that set out the Government’s wider objectives for delivering renewable energy developments as part of the ongoing decarbonisation and net zero agenda, including:

- Powering Up Britain including the Energy Security Plan: Government published this latest plan to ensure energy security and meet net zero commitments on 30th March 2023. The document reaffirms the Government’s commitment to aim for 70GW of ground and roof mounted solar by 2035, stating that this is a fivefold increase on current installed solar capacity. To achieve this Government is seeking large scale solar deployment across the UK, and encourages solar development that delivers environmental benefits, with consideration for ongoing food production or environmental management.
- National Policy Statements: Provide the policy context for the determination of NSIP scale proposals. This development is below the threshold for consideration as an NSIP but EN-1 and the revised draft EN-3 provide helpful context and an indication of the government’s direction of travel in respect of renewable energy development, now specifically identifying the role of solar development as a key part of the government’s strategy for low cost decarbonisation of the energy sector.
- British Energy Security Strategy (2022): Reinforces the net zero agenda and sets out a package of priorities, funding and policy objectives to move the country back to energy independence. This includes provision for onshore wind, solar and other technology including recognition of the need for network capacity and flexibility such as battery storage.
- Net Zero Strategy – Build Back Greener (2021): A decarbonisation plan setting out the UK objective of achieving net-zero emissions by 2050. Part of the plan for “Building Back Better” after the covid pandemic.

- Energy white paper (2020): Builds on the ten-point plan for a green industrial revolution, addressing the transformation of the energy system, promoting high-skilled jobs and clean, resilient economic growth as we deliver net-zero emissions by 2050.
- United Kingdom Food Security Report (2021): Sets out an analysis of statistical data relating to food security. It is relevant here as the development would take an area of agricultural land, in arable production, out of active use for the period of the development proposed.

5.14. It is also material to note a number of recent appeal decisions allowing solar development which have been made since the Committee's decision on the previous application. These decisions are indicative of how the Secretary of State and Inspectors are applying the latest, up to date policy, in granting permission for similar solar developments despite acknowledged harms such as significant adverse landscape impact and BMV that result in some tension / conflict with parts of the relevant Development Plan.

Of particular note is the decision of the Secretary of State in the recovered appeal APP/C3240/W/22/3293667 (Telford, Shropshire). In allowing the appeal and granting permission for a solar farm development the Secretary of State accepted that the development would result in a significant and harmful change to the strategic 'valued' landscape and would therefore not be in accordance with local landscape policy. However, he considered this impact was outweighed by the public benefits of the proposal. The Secretary of State relied on the NPPF support for the increased use and supply of renewable energy. This position has also since been reinforced by the publication of documents mentioned above.

Other relevant appeal decisions include:

APP/C3240/W/22/3308481 (Telford, Shropshire). The Council had refused permission on impact on the character and appearance of a strategic landscape around the AONB. The site fell within a 'valued' landscape. It was found that the proposal would result in an engineered landscape at odds with the special qualities of the area which would have a material adverse effect on the landscape character and appearance of the site and the strategic landscape that conflicted with development plan policy. The loss of BMV was found to be acceptable assessed against the NPPF. The significant benefits offered and support from policy for such proposals meant that permission was granted despite several conflicts with elements of the development plan.

APP/H1705/W/22/3304561 (Bramley, Hampshire). Around 53% of the site was BMV agricultural land. The Inspector accepted that while the use of higher quality agricultural land is discouraged, the proposal was for a temporary period of forty years, and that the agricultural land would not be permanently or irreversibly lost particularly as pasture grazing would occur between the solar panels.

5.15. The principle of renewable energy development is supported by the NPPF (and other existing and emerging Government policy). The proposal is considered to be in accordance with those policies of the development that are up-to-date such that, provided the impacts of the proposal are or can be made acceptable (particularly bearing in mind



impacts upon landscape and loss of land for food production, in accordance with NPPF para 11c, the planning authority should grant permission without delay if the impacts of the development and accordance with topic-specific policies are discussed in the following sections.

- 5.16. The PPG on renewable and low carbon energy notes that large scale solar farms “can have a negative impact on the rural environment, particularly in undulating landscapes”, but “the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”. The PPG sets out the factors to be considered when deciding a planning application and says that large scale solar farms should be focussed on previously developed and non-agricultural land, provided that it is not of high environmental value.
- 5.17. The principle of the proposed development is considered to generally accord with the policies of the development plan and the objectives of the NPPF; this is because, whilst the principle of energy development is supported there is some tension with policies that recognise the intrinsic character and beauty of the countryside and which seek to protect BMV land. The impacts of the development in respect of topic specific plan policies and are set out below.

## **6. Siting of development and impact on BMV agricultural land**

- 6.1 The application site is greenfield agricultural land comprised of Grades 2 (approx. 25%), 3a (approx. 50%) and 3b (approx. 25%) classified land. As such, and for the purposes of planning policy, 26.69ha of land, approximately 75% of the site is BMV. Paragraph 174 of the NPPF states that:

“...decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...”

- 6.2. The NPPG states that planning authorities should encourage the siting of large-scale solar farms on previously developed and non-agricultural land in preference to greenfield agricultural land. Where a proposal is sited on greenfield land, as in this case, consideration should be given to whether

“(i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.”

- 6.3. Policy CL11 of the Mid Suffolk Local Plan states that the council "...will encourage the conservation of agricultural land. Particular protection will be afforded to the best and most versatile agricultural land..."
- 6.4. There are therefore a number of factors specific to this application to consider in the assessment of impact on BMV land. First, as part of the ES, the applicant has among other things described the steps that were taken to assess alternative options for the location of the development. Officers consider that the assessment of alternatives in the ES adequately meets the requirements of the EIA Regulations. The information submitted explains that available sites of appropriate size, topography and within practicable connection proximity (5km) of the National Grid substation were considered and that no appropriate alternative sites are available to host the development.
- 6.5. Steps have been made to minimise the impact of the development on BMV including the proposed panels to be installed on ground-driven piling (similar to fence posts), rather than with concrete foundations, the provision of low intervention grassland between panels which is suitable for sheep grazing and biodiversity improvements around arrays, discussed further below.
- 6.6. It is also important to note that the application seeks permission for a limited period of 40 years after which the site will be reinstated and returned to agricultural use, this reinstatement can be secured by condition.
- 6.7. The development would lead to a temporary loss of an area of BMV. However, the loss would be time limited, reversible and would affect a relatively small area of BMV land as a proportion of operational agricultural land across the district, without unduly hindering the ongoing agricultural use and operation of the surrounding land and rest of the holding. The proposal has been designed to use poorer quality land in preference to higher quality land where possible, to enable grazing between the panels and to deliver biodiversity improvements around the site. Overall, therefore, the impact on BMV is not considered to be such as to warrant refusal of this application.
- 6.8. Overall, therefore, the impact on BMV is not considered to be such as to warrant refusal of this application. This is because any inherent tension with policy CL11 is mitigated by the factors referred to above; if any conflict with the policy were present then the significance of that conflict would be low.

## **7. Landscape and visual effects**

- 7.1. The application site is located in an area of countryside that is predominantly rural in nature, comprising areas of enclosed agricultural land, woodland and dispersed built development. Public views are available from parts of the adjoining highway and the PROW network. Some views include a background of existing and permitted energy infrastructure development such as the adjacent Anesco BESS, the National Grid substation, the EA1 and EA3 compounds and a number of overhead lines.
- 7.2. Much of the site is considered to lie within a locally designated Special Landscape Area defined by policy CL2 of the Mid Suffolk Local Plan, as evidenced by the 1995 local plan

inquiry topic paper number 6 in which the designation included 'parts of Flowton because of its rolling landscape and rich diversity of landscape features'. The area is described by the Suffolk Landscape Character Assessment as Ancient Plateau Claylands which is characterised by:

- *Flat or gently rolling arable landscape of clay soils dissected by small river valleys*
- *Field pattern of ancient enclosure – random patterns in the south but often co-axial in the north. Small patches of straight-edged fields associated with the late enclosure of woods and greens*
- *Dispersed settlement pattern of loosely clustered villages, hamlets and isolated farmsteads of medieval origin*
- *Villages often associated with medieval greens or tyes*
- *Farmstead buildings are predominantly timber-framed, the houses colour-washed and the barns blackened with tar. Roofs are frequently tiled, though thatched houses can be locally significant*
- *Scattered ancient woodland parcels containing a mix of oak, lime, cherry, hazel, hornbeam, ash and holly*
- *Hedges of hawthorn and elm with oak, ash and field maple as hedgerow trees.*
- *Substantial open areas created for WWII airfields and by 20th century agricultural changes*
- *Network of winding lanes and paths often associated with hedges create visual intimacy*

7.3. Paragraph 174 of the NPPF states that “...decisions should contribute to and enhance the natural and local environment by:

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...”*

The site lies within a locally designated landscape that is considered to be a valued landscape for the purposes of the NPPF.

7.4 Policy FC1.1 of the Mid Suffolk Core Strategy Focussed Review seeks conservation and enhancement of the local character of the district and following para 3.7 specifically mentions renewable energy:

*“The environmental and landscape sensitivity of the district means that large-scale, on-shore renewable energy generation will often be difficult to accommodate in the landscape in an acceptable way”*

7.5 Policy CS5 seeks to protect and conserve landscape qualities, taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas.

- 7.6 Policy CL2 states that the landscape quality of SLAs is particularly safeguarded and that development should be sensitively designed, with high standards of layout, materials and landscaping.
- 7.7 Policy CL3 includes the general objective to “... ensure minimal intrusion in the landscape...” which reflects the objectives of the NPPF and the issue identified in the Core Strategy Focused Review.
- 7.8. Immediate public views are available at intervals from the public highway which adjoins the northern boundary of the site, especially at the point of the PROW and field access onto The Channel. Immediate but more glimpsed views are available from The Channel highway along the western boundary as the site slopes downward to the highway here and vegetation is denser. Immediate views are available from PROW and permissive routes adjacent to and through the site.
- 7.9 The solar panels are to be arranged in rows across the majority of the site and are angled to enable optimum solar gain meaning that the structures measure 0.8m from the ground at their lowest point and 3m from the ground at their highest point. The BESS and substation complex is on the eastern side of the site. Proposed fencing around the perimeter of the site is 2 metre high, high-tensile, galvanised steel, plain wire deer fencing on timber posts with the BESS / substation compound enclosed by welded steel wire mesh fencing. There is no permanent lighting proposed for the operational phase except some manually operated lighting at the BESS / substation compound for emergency purposes.
- 7.10 The solar panels and other equipment are laid out in areas set back from the existing site boundaries and public rights of way with planted buffers in these areas to mitigate the visual impact of the development from public views.
- 7.11. The application documents include an LVIA which reviews the landscape baseline and assesses landscape and visual receptors including sensitivity, magnitude of change and scale of effect. The LVIA also sets out mitigation measures included in the proposal. It concludes the greatest visual effects will occur in the short-term, after construction and before the mitigation planting has established with a reduction in these effects in the medium and long-term over the 40 year lifetime of the development. The effects of change resulting from the development would be contained generally within the site itself and the area more immediately around the site.
- 7.12 Large scale effects would occur within the site itself, experienced predominantly from the PROW and permissive routes, as there would be a significant change to the character of the site. Medium scale effects would be experienced in the areas immediately surrounding the site and small scale effects in some areas beyond this, rapidly decreasing to negligible effects further from the site and available views.
- 7.13. Your landscape officer advises that the LVIA has been carried out in accordance with appropriate guidelines. Your officer generally agrees with the assessment of effects and, where their opinion differs from that stated in the LVIA, that difference is not considered to

be significant. Adverse visual impacts will occur as a result of the development, as detailed above, and your officer advises that these impacts must be considered in the planning balance in determining the application.

- 7.14 Your officer has carried out an assessment of in-sequence cumulative effects, having raised some concern about the potential significant impact on PROW users. They conclude that the PROWs are not directly linked to other PROWs that traverse the Greybarn and Tye Lane schemes and there is no evidence of designated long-distance walks within the local area. Therefore, a 'journey scenario' is not considered to result in significant cumulative visual impacts and an 'in-combination' assessment, as undertaken in the ES, is deemed to be an acceptable.
- 7.15 Your officer further recommends that opportunities for further landscape mitigation than is currently proposed are explored and recommends conditions should members be minded to grant permission.
- 7.16. Cumulative impacts: the LVIA includes an assessment of cumulative visual effects arising from the development in combination with other relevant development in the area and concludes this would increase the impact to moderate significant given the change of the agricultural landscape to solar farms.
- 7.17. The change in the character of the landscape will be mainly contained within the site with views from the PROW within the site most affected. Impacts on views from outside the site will be mitigated by the design and layout of the scheme as well as proposed landscape planting.
- 7.18. Overall, there will be a significant change to the visual appearance of the site and the immediate surroundings resulting from this proposal. However, given the relative containment of the site and these visual effects together with the proposed mitigation of views the scheme is not considered to significantly detract from the overall special landscape qualities of the SLA and wider valued landscape, in accordance with CL2.
- 7.19. Having regard to the temporary and reversible nature of the proposed development, officers conclude that, whilst the development would not comply with the NPPF para 174, CS5 and FC1.1 in terms of protecting and enhancing valued landscapes, and there would be an impact on the special qualities of the valued landscape in this area, the degree of the impact would be considered to be neutral and would not be in conflict with the objectives of the development plan policies cited above.
- 7.20 When weighing this impact in the overall assessment of the proposal, there are not considered to be grounds to refuse the application on grounds of visual and landscape impacts.

## **8. Historic environment**

- 8.1 Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision taker must have special regard to the desirability

of preserving the building or its setting or any features of special architectural or historic interest which it possesses. What this means is that a finding of harm, even less than substantial harm, to the setting of a listed building is something that must be given “considerable importance and weight” in the balancing exercise.

- 8.2 This is reflected in the advice in paragraph 199 of the NPPF that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).” Consequently, any harm to, or loss of, the significance of a designated heritage asset from development within its setting should require clear and convincing justification (NPPF, paragraph 200). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF, paragraph 202).
- 8.3 The assessment of harm is set out in the NPPF and Local Plan policy HB1 seeks to protect the character and appearance of buildings of architectural or historic interest, particularly the settings of listed buildings. Further, policies HB14 and HB15 seek to protect archaeological assets and promote positive outcomes from developments involving archaeological assets.
- 8.4 There are no designated heritage assets within the site itself and the site does not lie within a designated area but there are a number of designated assets close to the site and within the surrounding landscape. The site lies within an area of archaeological potential. It is therefore necessary to consider any impact the development would have on the setting of nearby assets and on below-ground assets.
- 8.5 The submitted ES includes a cultural heritage chapter which identifies the relevant assets that may be affected and assesses the magnitude of impact arising from the scheme and cumulatively with other relevant development in the locality. The approach to assessment is based on a zone of theoretical visibility (ZTV) and zone of visual influence (ZVI). The ZTV is the area in which the development could theoretically be seen from an asset or vice versa. The ZVI is the area more likely to be subject to the direct visual influence of the development. The ES also includes details of trial trenching investigations and archaeological finds across the site.
- 8.6 The assessment identifies the potential for harm to below ground assets arising from the construction and decommissioning phases of the development and the potential for harm to the significance of nearby listed buildings by changes to their visual setting. Assets within or on the boundary of the ZVI are Grade I St. Mary’s Church, Flowton, Grade II Lovetofts Farm and Grade II Canes Farmhouse. Following your heritage officer’s advice, Grade I Hintlesham Hall has also been included in the assessment, which considers how the assets are experienced, their setting, and views between the assets and the development. In the case of all assets it is concluded that there will be no effect arising from the development as follows:

St. Mary’s Church: The ES concludes that there would be little or no visibility of the development from St. Mary’s Church, no change to its landmark status and negligible

change to the experience of this heritage asset in a rural setting as a result of the development. No harm to significance would result.

Lovetofts Farmhouse: The ES states that views of this asset from the site are screened by other built development, topography and vegetation and that it is only experienced in close proximity such that there would not be an adverse impact on the significance of the asset through its setting.

Canes Farmhouse: The ES concludes that the asset is experienced as part of a complex and that views between the asset and site are limited by buildings and vegetation, resulting in no material change to the setting and no harm to significance.

Hintlesham Hall: The development is sited to the north-east of the asset where the former park behind the hall is now a golf course which, together with extensive tree screening means there would be no views of the development and no harm to the significance of the listed buildings through their setting.

- 8.7 Cumulative impacts: The ES concludes there will be no cumulative effects of the proposed development together with other developments in the locality due to distance, topography, vegetation and other intermediate development.
- 8.8 Your Heritage adviser has raised no objection to the revised scheme and considers that, whilst the proposals will have an impact on the setting of heritage assets, that impact does not result in a finding of harm to the significance of the heritage assets or the ability to appreciate their significance, in the sense of the Listed Buildings Act 1990. This conclusion includes cumulative impact. Taking into account the assessment in the ES and the views of your heritage adviser, planning officers consider that the proposal would not result in any harm to the significance of any heritage assets and the application is considered to accord with HB1 and the objectives of the NPPF in respect of impact on the setting of heritage assets.
- 8.9 The SCC Archaeology officer advises that, although the archaeological investigation works show that the development will damage or destroy known archaeological remains, and that there is potential for further remains to be impacted in areas which have not been investigated, there are no archaeological grounds to refuse permission and a condition is recommended to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Subject to these conditions the development would meet the requirements of policies HB14, HB15 and the objectives of the NPPF in respect of below ground assets.
- 8.10 Overall therefore, on the basis of the advice received from technical specialists, the individual and cumulative impacts of the proposed development are not considered to result in any degree of harm to any heritage asset. Subject to the conditions as recommended by the SCC Archaeology officer the impact on below ground heritage assets can be appropriately mitigated. The proposed scheme is considered to accord with the objectives of relevant heritage policies and is not considered to result in harm to any heritage asset that would be considered an unacceptable impact warranting refusal of the application.

## **9. Ecology**

- 9.1 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1<sup>st</sup> April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 9.2 Paragraph 180 of the NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 9.3 Policy CS5 seeks to protect, manage and enhance Mid Suffolk's biodiversity. Policy CL8 states that permission will be refused for development which would result in the loss or significant alteration of important habitats or would threaten vulnerable or protected species.
- 9.4 The application site is an area of agricultural land. There are potential habitats such as hedgerows, trees and watercourses and records of protected species in the surrounding area such that the proposed development has the potential to have an impact on ecology unless appropriately designed and mitigated. A number of concerns have been raised regarding the impact on ecology. It should be noted that the revised site means that the development will no longer be sited in close proximity to Somersham Wood and there is not considered to be any impact on this woodland as a result of the development.
- 9.5 The ES includes an ecology section which sets out the findings of ecological surveys and assessments as well as recommended mitigation. The ES identifies the presence of habitats and species within and around the site including bats, badgers, great crested newts, deer and birds.
- 9.6 The ES explains the potential effects of the development on ecology including permanent and temporary habitat loss, habitat damage, disturbance and injury to species. It concludes there would be no impact on the nearby SSSI or CWS and that, subject to the mitigation measures proposed, significant adverse effects on species and habitats would not occur.
- 9.7 Best practice measures to ensure appropriate mitigation, reinstatement and compensation measures are set out in the LEMP.
- 9.8 Biodiversity net gain: The ES includes a calculation of biodiversity net gain to be delivered by the development using the DEFRA metric showing a 159.35% habitat improvement and 64.69% hedgerow improvement. This meets the NPPF requirement to demonstrate a net gain and exceeds the emerging national requirement for 10% net gain.



9.9. Your ecology officer has been involved in extensive discussions with the applicant to ensure sufficient information is submitted to enable the councils to discharge their statutory duties in respect of ecology. Your officer confirms that sufficient information has been submitted and raises no objection to the proposed development subject to conditions as recommended below.

9.10. *Cumulative impacts:* The ES considers the potential for cumulative impacts arising from the development together with other relevant development in the area and concludes there would be no cumulative impact.

9.11. The development will affect ecology within the site and surrounding area. The applicant has provided sufficient information to demonstrate the scale of these effects and how the impacts will be mitigated and compensated. The applicant has calculated a biodiversity net gain for the scheme that meets policy requirements. On the basis of advice received from your ecology officer and subject to conditions, the proposed development is not considered to have an unacceptable impact on ecology that would warrant refusal of the application.

## **10. Traffic, highway safety and rights of way**

10.1 The main traffic and highway safety impact arising from the development is likely to be during the construction period which is anticipated to be 40 weeks. Concerns have been raised regarding the suitability of the highway network through Burstall village to the site to cope with the construction traffic and the impacts such traffic movements would have on residents, road users and property such as highway verges.

10.2. The application submission includes an outline construction traffic management plan which sets out the expected type and volume of construction vehicles as well as the working hours for construction. Working hours are 0800-1800 Monday to Friday and 0800-1330 on Saturdays. There will be no working on Sundays or Bank Holiday. 1112 total HGV movements to / from the site over the 40 week construction period are projected. A worst-case scenario adding a 10% buffer on top of the predicted movements results in a total of 1208. In both cases there is an average of 6 HGV movements per day. In addition, 40 car / small vehicle movements per day are expected to transport construction workers.

10.3. Construction traffic will be routed from the A14 junction 55 (Copdock) to the A1071 towards Hadleigh, turning onto The Street from Hurdle Makers Hill towards Burstall. Access to the site will be from Church Hill, Burstall, using an existing agricultural access and track, to a temporary construction compound to be sited on the south side of the site. This access is used for the ongoing agricultural operation at Brook Farm and the Anesco BESS development currently under construction. Temporary signage will be displayed to direct traffic to the site and banksmen will be used to ensure safe manoeuvring of vehicles entering and egressing the highway and crossing the rights of way within the site.

10.4 Once operational access to the site would continue to be via the existing access from Church Hill, Burstall. Once construction is completed the development would be

unmanned and would be operated and monitored remotely. Maintenance visits by small van are expected 1-2 times a month. There are existing unmade field accesses onto the western and northern boundaries of the site from The Channel which are not proposed to be altered or used for the construction or operation of the development.

10.5 Concerns have also been raised regarding the cumulative impact of traffic associated with the proposed and other development in the locality on users of the highway network, in particular potential conflict with users of Tye Lane, a designated Quiet Lane. A Quiet Lane is road on which people can enjoy the countryside by cycling, horse-riding, jogging and walking. The designation does not restrict motor vehicles but encourages considerate, use of the road as a shared space. The application does not propose access onto or routing of traffic via Tye Lane and, as such, there is not considered to be any unacceptable conflict with the Quiet Lane designation.

10.6 Policy T10 requires consideration of the following:

- *The provision of safe access to and egress from the site*
- *the suitability of existing roads giving access to the development, in terms of the safe and free flow of traffic and pedestrian safety;*
- *whether the amount and type of traffic generated by the proposal will be acceptable in relation to the capacity of the road network in the locality of the site;*
- *the provision of adequate space for the parking and turning of cars and service vehicles within the curtilage of the site;*
- *whether the needs of pedestrians and cyclists have been met, particularly in the design and layout of new housing and industrial areas. Cycle routes and cycle priority measures will be encouraged in new development.*

10.7 The NPPF states:

*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 (para 111). Safe and suitable access should also be secured for all users (para 110).*

10.8 National Highways confirm they are satisfied with the information submitted, that there would be no unacceptable impact on the strategic highway network and that they have no objection subject to a condition to secure a construction management plan. The SCC highways officer (LHA) advises that the proposal would not have any unacceptable impact on highway safety and would not have a severe impact on the highway network. SCC have raised no objection to the proposed development subject to conditions to secure the access works and a construction management plan. This would ensure construction traffic is managed appropriately and is respectful of other users.

10.9 Having regard to the duration of the construction and decommissioning periods and the volume and type of traffic to be generated during these times and during the operational phase of the development, and the advice from SCC Highways there is not considered to be any unacceptable traffic highway safety impacts that would warrant refusal of the application.

- 10.10 A bridleway PROW aligned east to west crosses the accessway at the southern end of the site. A footpath PROW leaves this bridleway close to the south-east corner of the site and travels north, along the eastern side of the site, before joining another footpath PROW, turning north-west joining The Channel highway to the north and onwards to the surrounding PROW network. There is also a permissive footpath (not a PROW) following a similar north-south route to the footpath PROW within the site and a second permissive route through the site leading from The Channel highway adjacent to the western boundary of the site, passing between fields 4 and 5 and joining the PROW / permissive route.
- 10.11 The proposal design ensures the footpath PROW and bridleway PROW are maintained clear of obstruction and measures to control crossing construction traffic. The proposal also includes the provision and maintenance of the permissive footpath and bridleway for the lifetime of the development alongside the PROW route.
- 10.12 SCC PROW team have raised no objection to the principle of development and welcome the proposed provision of the permissive routes for the lifetime of the development which they confirm accord with the SCC recommendations. Similarly, they are satisfied with the proposed widths and green corridor design for these routes. Concerns are raised regarding proposed gates on the bridleway and the applicant has agreed to omit these (this can be controlled by condition as necessary).
- 10.13. One of the most significant elements of the development is its likely visual impact and the resulting change in the appearance of the site. Given the screening and topography of the site and availability of public views as discussed above, this change will be most readily experienced by users of the footpaths and bridleways. Regard is had to the improvements to walking and riding connectivity resulting from the development, the temporary and reversible nature of the development and the steps the applicant has taken to design the scheme so as to mitigate views of the development from the footpaths and bridleway.
- 10.14. *Cumulative impacts:* Regard has been had to cumulative impact of the proposed development on highway safety in the context of other relevant development and proposals in the area and together considering their location, access points and vehicle routing.
- 10.15. In assessing the overall highway safety and rights of way impacts of the proposal, in terms of the NPPF and Development Plan considerations, it is concluded that the proposal would not result in any unacceptable impact on highway safety or a severe impact on the highway network when considered cumulatively with other development in the area. Furthermore, the development would not have any unacceptable impact on users of the rights of way network. There is considered to be no grounds to refuse the application on these issues.

## **11. Residential and public amenity including noise, air quality, land contamination, light pollution and public safety**

11.1 In general, the site is relatively isolated from residential properties, other than the south-east corner which falls close to the boundary of Hill Farm. The next nearest properties are as follows (distances are approximate):

Canes Farm (to site entrance) – 83m, Pipers Ley – 224m, 6 and 7 Burstall Hill – 229m, Brooklands – 231m, The Grange – 240m, Spewin – 256m, Flowton Hall – 315m, Black Cottage – 327m, Park Farm, Little Park Farm and Lovetofts Farm – 460m

There are further dispersed dwellings within the wider surrounding area.

11.2 The site is sufficiently distanced from residential properties such that there will not be any impact on privacy, overshadowing or overlooking arising from the development. It is noted that the amended scheme now proposed fixed panels rather than tracking panels which will reduce some amenity impacts in relation to noise when compared to the originally proposed scheme.

11.3 There will be increased traffic movements in the area during the period of construction, however, once the development is operational it will be unmanned so there will minimal disturbance impact from vehicle movements associated with the development.

11.4. The application documents include a glint and glare assessment which follows CAA guidelines and accepted industry standards. The document sets out the risks arising from the development on highway and aviation safety and residential amenity from the momentary or prolonged reflection of sunlight from the panels.

11.5 The glint and glare assessment concludes there to be low or no impacts on aviation or highway users, which is within acceptable limits of the guidelines and standards above. It goes on to identify four dwellings where there is potential for some impact for up to half-hour periods between April to September but that these impacts would be significantly reduced by existing screening and terrain as well as proposed screening that forms part of the application scheme. Overall, the assessment concludes that no significant impacts are likely and no mitigation is required.

11.6 There is no standard methodology for assessing glint and glare but officers have reviewed the information submitted here in comparison to that submitted for similar schemes and are satisfied with the assessment and find no reason not to accept its conclusions.

11.7. The proposed development includes electrical / mechanical equipment that will produce noise when operational which has the potential to be heard at nearby residential properties, affecting the level of amenity enjoyed by occupants. The application documents include a noise assessment which sets out the likely impact of the operational phase of the development. It explains that the equipment is expected to operate from 0430am to 1 hour after sunset in the worst case scenario.

11.8 The assessment sets out the results of the monitoring of background noise levels in the area and the projected operational noise of the development. The assessment concludes that the daytime operation of the development would be lower than the existing

background noise and that whilst the operational noise is slightly higher than the night time background level outside the nearest dwelling, when the measurement is adjusted for indoor noise with a partially open window the noise impact is classified as 'low' and the assessment concludes this is acceptable.

- 11.9 Your Environmental Health Officer raises no objection to the proposed development subject to conditions to ensure the confirmation of operational noise levels and mitigation to ensure the noise generated by the development does not exceed the levels stated in the assessment, if necessary, to be agreed and implemented.
- 11.10 There is no lighting proposed for either the solar panels or perimeter of the development complex. There is some manually operated personnel lighting within the area of the substation to ensure the safety of inspection and maintenance personnel.
- 11.11 Solar and battery storage installations are usually unmanned and operated remotely as is the case with the proposed development. This feature of operation together with reports of fire incidents at BESS sites in the UK and elsewhere has resulted in an understandable concern for this relatively new technology. Concerns raised include risk of fire and potential air and groundwater pollution associated with such an incident. Concerns relating to hazardous substances are discussed in section 13, below.
- 11.12 The proposal includes perimeter fencing, closed circuit television and restriction of access to authorised personnel and prevent incidents resulting from unauthorised access. BESS are a relatively new technology and developments for such installations have only been dealt with fairly recently. As such, although there is ongoing discussion and comment at government level, there is limited specific policy relating to BESS development proposals. Therefore, in assessing the health and safety impacts of the proposal it is considered appropriate to give great weight to the consistency of decision making on similar recent applications by other local authorities and the Secretary of State. As such it is necessary to consider whether there is sufficient information provided to demonstrate that risks associated with the construction, operation and decommissioning of the development proposal can be appropriately and safely managed and mitigated.
- 11.13 Although the exact specification of equipment to be installed is yet to be confirmed the applicant has submitted an outline battery safety management plan which sets out the measures to be taken in the case of all equipment and which will be updated to a detailed management plan before the first operation of the equipment. This can reasonably be controlled by condition.
- 11.14 The management plan explains the design and safety features that would be adhered to including minimum separation distances and thermal barriers, two types of fire detection system, suppression and cooling systems, access to water supply for firefighting and a commitment to monitoring and maintenance to ensure the ongoing safe operation of the development. It should be noted that the equipment must be installed in accordance with existing electrical installation regulations and standards.
- 11.15 Officers have sought advice from the SCC Fire service who would respond to any incident of fire at the site. They are generally satisfied with the information submitted

provided the developer works with the fire service to prepare a risk reduction strategy to include the prevention of pollution to ground water and air. On the basis of this advice and subject to a condition to secure a risk reduction strategy / final safety management plan, there is not considered to be any health and safety impact that warrants refusal of the application.

- 11.16 Some of the equipment to be used in the development contain oil. In order to prevent the risk of pollution these elements of the development have been designed to include bunds with a capacity of 110% of the oil. This will ensure any oil leakage is contained within the bund and does not contaminate the soil.
- 11.17. Your Environmental Health officers have raised no objection to the proposed development subject to conditions to control noise, lighting and construction activities. As such, there is not considered to be any significant contamination or air quality impacts arising from the normal operation of the development. It is noted that, should a fire incident occur, water and air pollution is possible.
- 11.18. Cumulative impacts: Concerns have been raised regarding the cumulative impact of noise having regard to the cumulative impact of other developments in the locality. Officers requested that cumulative noise impacts be considered in order to take account of operational facilities nearby and permitted but as yet unbuilt / non-operational developments including the adjacent Anesco BESS and the EA3 converter station.
- 11.19 The applicant has submitted a cumulative noise assessment addendum document which calculate the worst case scenario noise impacts from all the relevant developments in the area on the nearest residential properties. It confirms that during the day cumulative noise is predicted to be lower than the measured background sound level at the closest residential properties. During the night the cumulative noise is predicted to be, at most, 1dB above the measured background sound level at the closest residential properties. The assessment concludes that both night and daytime cumulative noise would be considered a Low Impact in BS4142-terms and that no further mitigation is required for the proposed development.
- 11.20. On the basis of the information submitted and the comments of consultees it is concluded that the proposed development would not have any unacceptable impact in respect of residential and public amenity, noise, air quality, land contamination, light pollution or public safety such as would warrant refusal of the application.

## **12. Flood risk and drainage**

- 12.1 The majority of the application site is located in FZ1, areas at lowest risk of flooding, with no identified surface water flooding incidents. However, part of the western boundary adjoins Flowton brook, a main river, meaning that a very small part of the site (roughly 13m in width) is affected by FZs 2 and 3, areas of medium and high risk of flooding.
- 12.2. Paragraph 159 of the NPPF provides that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraphs 161-162 of the NPPF make clear that a

sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. The aim of the sequential test (ST) is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The Planning Practice Guidance provides that the sequential approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding.

- 12.3 Policy CS4 states that “*all development proposals will contribute to the delivery of sustainable development and reflect the need to plan for climate change, through addressing its causes and potential impacts*” and that the council will adopt the precautionary principle in respect of flood risk and development.
- 12.4. The application documents include a site-specific FRA which sets out the flood risk affecting the site and arising from the development in more detail. The FRA also sets out the applicant’s conclusion as to the ST.
- 12.5 The FRA states that the majority of the site is in FZ1 and that part of the site on the western side, where it adjoins Flowton Brook is affected by FZs 2 and 3.
- 12.6 The FRA states that all built development (solar panels, battery storage and other electrical equipment, roadways, etc.) would be located within FZ1 and explains the surface water risk affecting the site, including the results of infiltration testing. A surface water drainage strategy has been designed to maintain the existing runoff rate of the site in a 1 in 100 year flood event with an allowance for climate change. This will ensure there is no increase in flood risk arising from surface water run-off as a result of the development.
- 12.7 The FRA explains that the impact of climate change has been taken into account in terms of a FZ3 (1 in 100 year) flood event. While there is no information to demonstrate the impact of climate change on a 1 in 1000 year flood zone 2 event and how this may affect the site, having regard to the topography of the area around Flowton Brook, that the site slopes relatively steeply from the Brook and the areas of built development would be significantly higher as well as distant from the Brook, in accordance with the SFRA it is not considered necessary to require modelling on climate change impacts on the 1 in 1000 year event. Officers consider that the submitted FRA is adequate.
- 12.8 The Environment Agency have raised no objection to the proposed development providing the council is satisfied that the development would be safe for its lifetime and that the council assess the acceptability of issues within the LPA’s remit which includes the sequential and exception tests.
- 12.9 Officers have considered whether, in the particular circumstances of this proposal, the aim of the sequential test (i.e. to steer new development to areas with the lowest risk of flooding) has been fulfilled and whether the applicant should be required to demonstrate

that there are other reasonably available sites available for the development in an area with a lower risk of flooding, having regard to the specific characteristics of the development, the site and the likely risk and nature of flooding impacts at the site and elsewhere.

12.10 In reaching their conclusion officers have considered the following:

- That only a very small area of the site adjoining Flowton Brook is affected by flood risk, with the vast majority of the site being located within FZ1 at the lowest risk of flooding
- That all built development and the means of access and egress will be located in FZ1
- The topography of the site and the difference in level between the operational area of the site and Flowton Brook, whereby the site slopes relatively steeply away from the Brook with the areas of built development being significantly higher as well as distant from the Brook
- The area of the site that lies within FZ2 and FZ3 comprises an area of boundary vegetation and grassland creation and will not be used for operational purposes in association with the development

12.11 In light of the above, officers are satisfied that the proposal does steer development to an area with the lowest risk of flooding and that the applicant should not be required to demonstrate that there are other reasonably available sites available for the development in an area with a lower risk of flooding. Officers are satisfied that the development has been directed towards the area of the site with the lowest risk of flooding, that the development would be safe for its lifetime and will not increase flood risk elsewhere.

12.12. The LLFA have confirmed they are satisfied with the submitted drainage strategy and raise no objection to the proposed development subject to conditions.

12.13. Cumulative impacts: There is no indication that there would be any unacceptable cumulative flood risk or drainage impacts arising from this development together with other developments in the locality.

12.14. Neither the EA or LLFA have raised concerns regarding the lack of climate change allowance on the 1 in 1000 year event and significant weight is given to this position of the relevant technical specialists. Furthermore, whilst a small part of the development site is affected by flood zones, the ST is not considered to apply in the case, having regard to the specific characteristics of the site and development proposal. The submitted documents demonstrate that the drainage of the site can be managed effectively and there would not be a risk of increased flooding elsewhere. On this basis the application is considered to accord with development plan policies and the objectives of the NPPF.

### **13. Other matters**

13.1 *Hazardous substances:* Objectors have raised concerns regarding the safety of battery storage in terms of the potential for hazardous substances to occur on the site in the event of a fire incident at the BESS. For this reason, objectors query whether the



application should be considered against the Planning (Hazardous Substances) Regulations 2015.

- 13.2 Hazardous substances consent is required for the storage or use of hazardous substances, at or above defined limits, at a site. Hazardous substance consent applications are made to the Local Planning Authority who determine the application in consultation with the Health and Safety Executive. It should be noted that the control of hazardous substances is a separate regime to planning permission and whether or not a development requires consent is not a material consideration in your determination of this application.
- 13.3 The proposal includes the installation of 20 shipping contained-housed batteries that would be likely to use Lithium-ion. Neither Cadmium or Lithium are listed as named hazardous substances in the Planning (Hazardous Substances) Regulations 2015. However, objectors are concerned that, in the event of a fire incident at the BESS, hazardous substances may be produced as a consequence of the heat reaction of the BESS equipment and chemicals. Whilst it is acknowledged that the regulation of BESS development is an evolving issue, as highlighted by recent solar NSIP proposals, it is noted that the use and installation of Lithium-ion batteries is already controlled by the Health and Safety Executive under European Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures (the CLP Regs). Again, this is a separate regime to planning and not a material planning consideration.
- 13.4 There are a number of existing legislation and regulations controlling the installation and operation of electrical equipment. It is established practice that the planning process and decision making should not duplicate the function of other regulatory bodies and regimes. Public safety is a material consideration in the assessment of this application which has been discussed in the preceding sections of this report. Officers acknowledge the concerns raised by the local community and confirm that the matter of hazardous substances consent is not material to your decision on this application.
- 13.5 *Developer contributions:* Some comments have been received suggesting that the developer should be asked to make financial or other contributions to mitigate the impacts of the proposed development. The applicant has not offered any unilateral financial contribution. Mitigation of development may be necessary to make the impacts of the scheme acceptable so as to enable the grant of permission. The mechanisms for securing mitigation of development is by planning condition or obligation. Conditions and obligations must meet certain tests set out in the NPPG and CIL Regs. In this case, should members be minded to grant permission, mitigation can be secured by conditions. There is not considered to be any policy basis for a payment to the community or other party and such would not meet the CIL 123 tests offered.
- 13.6. *Accrual of permitted development rights:* Concerns have been expressed that the site may incur permitted development rights as statutory undertaker and could undertake further development, particularly in respect of increasing capacity of the BESS.

Officers can confirm that Bramford Solar Farm or ENSO, as operator of the site, are not a statutory undertaker and therefore they do not have any permitted development rights. It

is also considered unlikely that a statutory undertaker would acquire the site such as to confer their permitted development rights onto the site due to the necessary separation of various operations in accordance with competition rules, etc.

- 13.7. *Issues that are not planning considerations:* The Committee is reminded that issues such as loss of view, or negative effect on the value of properties are not material considerations in the determination of a planning application.

#### **14. Parish Council Comments**

- 14.1 Due to the scale and nature of the proposed development, consultation has been sent to the host and neighbouring Parish Councils.
- 14.2 All of the Parish Councils have responded with strong objections on grounds of a number of issues as summarised above.
- 14.3 The matters raised by the Parish Councils have been addressed in this report.
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### **PART FOUR – CONCLUSION**

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#### **15. Planning Balance and Conclusion**

- 15.1. The development would contribute to the Government's objective for a transition to a low carbon economy and increased renewable energy generation as part of the net zero agenda. The principle of renewable energy development is supported by the NPPF (and other existing and emerging Government policy) and, as such, applications for permission should be granted providing the impacts of the development are, or can be made, acceptable.
- 15.2. The development would generate electricity from a renewable source and would result in significant savings of carbon dioxide emissions during its lifetime. Any renewable energy production is to be welcomed and this is a substantial benefit of the scheme in terms of energy production. In accordance with the provisions of the NPPF, significant weight is attached to this aspect of the proposal.
- 15.3. While officers consider that the proposed development would cause limited harm by reference to the temporary loss of BMV agricultural land, this impact is not considered to warrant refusal of the application. While the development would give rise to landscape and visual effects (primarily on the site and immediate surroundings), the degree of change does not lead to a conflict with relevant development plan policies and is not such as to warrant refusal of the application. There are not otherwise considered to be any adverse impacts on heritage, ecology, highways, amenity and safety or flood risk.
- 15.4. Even taking into account the limited harm that would arise to BMV agricultural land and the limited landscape effects described above, the proposed development is considered to accord with the development plan when viewed as a whole. Application of the policies
-

of the NPPF reinforce the direction of the plan to grant planning permission, alongside the very significant benefits. Accounting for identified harms, including a temporary loss of BMV land and landscape effects, there are no considerations which indicate that the direction of the development plan to grant planning permission should not be followed.

- 15.5. It is also relevant to note the change in circumstances of material considerations to the determination of applications of this type, in particular the publication of relevant national documents and appeal decisions. These provide an indication of the government's direction of travel in respect of renewable energy development, in particular reinforcing the critical role of solar development in achieving net zero commitments and an acceptance of significant impacts of such development where they are outweighed by the benefits of the development. The established principle of planning decisions being made having regard to the policies in force at the date of the decision means that this change in circumstance results in a materially different policy context from the date of the decision on the previous application that the Committee are advised to take into account.

## **RECOMMENDATION**

- A. To delegate to the Chief Planning Officer to review and take into account any further representations received up to the close of business on 23<sup>rd</sup> June 2023 and, subject to there being no materially different or new comment or issue arising, that authority be delegated to the Chief Planning Officer to **GRANT** planning permission after the close of business on 23<sup>rd</sup> June 2023, subject to the following conditions:

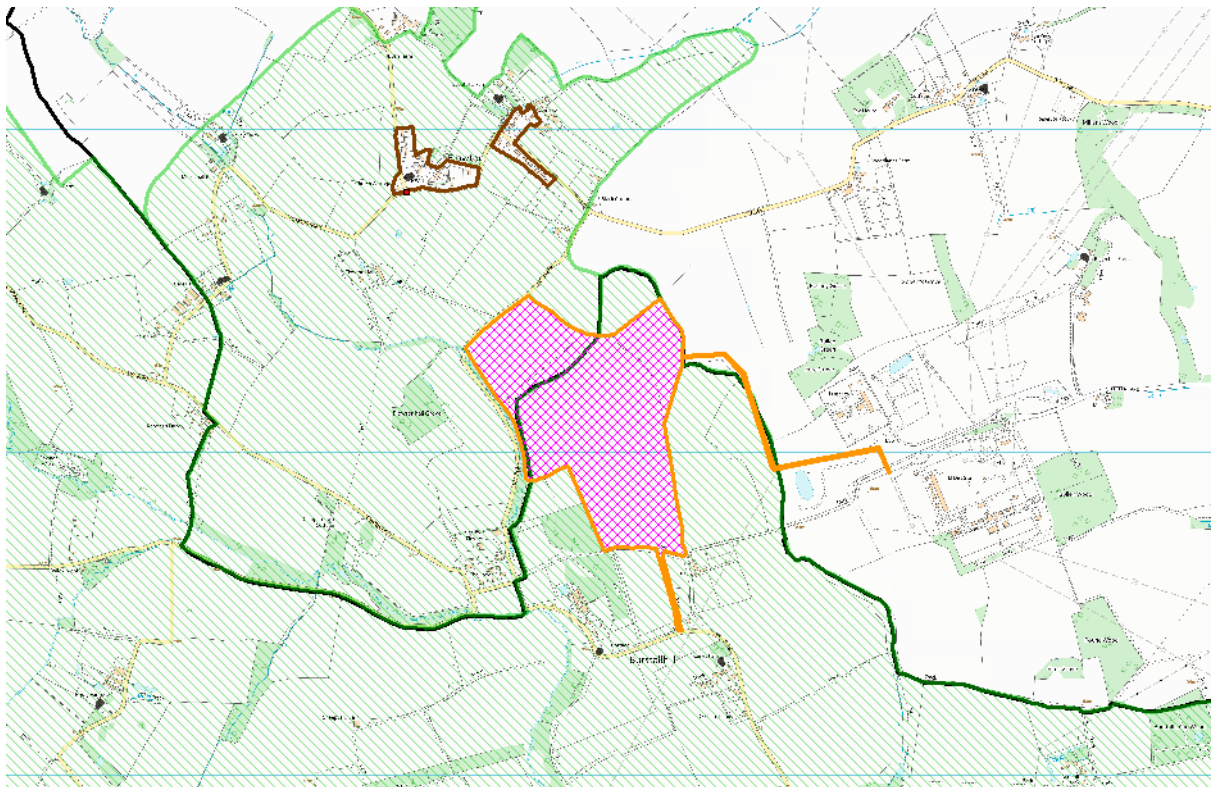
- Time limit
- Approved plans
- Temporary PP, removal, reinstatement and retention of biodiversity enhancements
- Access details to be agreed
- Arb method statement
- Archaeology – WSI, PEX and recording
- CEMP
- Control of lighting
- CTMP
- Final details of permissive bridleway
- Info board details
- Landscaping - details
- Landscaping - implementation
- Method for glare complaints mitigation
- No burning
- Operational noise assessment
- Skylark Mitigation Strategy
- Surface water drainage strategy
- Vis splays

- Working hours
- B. That authority be delegated to the Chief Planning Officer to respond to the submitted appeal as appropriate.

**Application No: DC/23/02118**

**Parish: Somersham**

**Location: Land To The South Of Church Farm, Somersham IP8 4PN And Land To The East Of The Channel**



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# Agenda Item 9b

## Committee Report

**Item No: 9B**

**Reference:** DC/23/01494

**Case Officer:** Bron Curtis

**Ward:** Palgrave

**Ward Member/s:** Cllr Tim Weller

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Application under Section 73 of The Town and Country Planning Act 1990 – Variation of Condition 2 (Approved Plans and Documents) of Planning Permission DC/22/04021 dated: 20/02/2023 – Construction and operation of Synchronous Condensers with ancillary infrastructure, and associated works including access and landscaping.

### **Location**

Land At The Leys And Ivy Farm , Mellis Road, Yaxley, Suffolk IP21 4BT

**Expiry Date:** 27/06/2023

**Application Type:** FUW – Full App Without Compliance of Condition

**Development Type:** Major Small Scale – All Other

**Applicant:** Conrad Energy (Developments) Ltd

**Agent:** Lichfields

**Parish:** Yaxley

**Site Area:** 5.10ha

**Details of Previous Committee / Resolutions and any member site visit:** Members of the Planning Committee resolved to grant permission for application DC/22/04021 at their meeting on 15<sup>th</sup> Feb 2023

**Has a Committee Call In request been received from a Council Member:** No

**Has the application been subject to Pre-Application Advice:** No

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

In accordance with the Mid Suffolk scheme of delegation as the proposal is for a renewable energy associated development as defined by government guidance.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF – National Planning Policy Framework  
NPPG-National Planning Policy Guidance

CS01 – Settlement Hierarchy  
CS02 – Development in the Countryside & Countryside Villages  
CS03 – Reduce Contributions to Climate Change  
CS05 – Mid Suffolk’s Environment  
FC01 – Presumption In Favour Of Sustainable Development  
FC01\_1 – Mid Suffolk Approach To Delivering Sustainable Development  
CL03 – Major utility installations and power lines in countryside  
CL08 – Protecting wildlife habitats  
CL11 – Retaining high quality agricultural land  
HB01 – Protection of historic buildings  
HB14 – Ensuring archaeological remains are not destroyed  
H16 – Protecting existing residential amenity  
RT12 – Footpaths and Bridleways  
T10 – Highway Considerations in Development

SP03 – The sustainable location of new development  
SP09 – Enhancement and Management of the Environment  
LP15 – Environmental Protection and Conservation  
LP16 – Biodiversity & Geodiversity  
LP17 – Landscape  
LP19 – The Historic Environment  
LP24 – Design and Residential Amenity  
LP25 – Energy Sources, Storage and Distribution  
LP27 – Flood risk and vulnerability

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

[Click here to view consultee comments online](#)

#### **A: Summary of Consultations**

##### **Town/Parish Council(s) (Appendix 3)**

Yaxley Parish Council: Objection



- The landscape planting must include a maintenance plan
- Noise monitoring system must be installed
- Noise assessment of impacts on wildlife required
- Noise assessment must be carried out at different times of day and different seasons

*Further comments on additional information*

- Have not received LEMP
- Phone number for noise monitoring contact will be required
- Concern regarding noise impact on wildlife remains
- Concern regarding adequacy of noise assessment remains

Thrandeston Parish Council: No response received

Mellis Parish Council: No response received

Eye Town Council: No comments

**National Consultees (Appendix 4)**

British Horse Society: No response received

Historic England: Comments

- Seek the views of your specialist conservation and archaeological advisers.

Ministry of Defence: No objection

Natural England: No response received

Suffolk Preservation Society: Comments

- We call for schemes to be located on preferentially brownfield land
- Developments such as this are better suited to an industrial setting and therefore SPS would expect that sites on Eye Airfield to be assessed for this scheme.
- Effective mitigation should be sought, in the first instance through careful site selection to reduce the impact on, in this case, the landscape and the local community.

Internal Drainage Board: No comment

**County Council Responses (Appendix 5)**

Archaeology: Comments

- Investigation work has been carried out but reporting still outstanding
- Condition recommended to secure reporting.

Fire and Rescue: No response received

Flood and Water: Comments

- Approve subject to conditions

Highways: Conditions

- Happy for revised documents to be cited in conditions previously imposed.
- Additional conditions relating to access of Leys Lane recommended

Rights of Way: No response received

Travel Plan Officer: No comment

### **Internal Consultee Responses (Appendix 6)**

Ecology: No objection

- Same design for biodiversity as previous scheme
- Will still deliver considerable biodiversity net gain
- Amendment to landscape mitigation recommended

Economic Development: No response received

Environmental Health Air Quality: No response received

Environmental Health Land Contamination: No comments

Environmental Health Noise, Odour, Light, Smoke: Condition

- Condition for a noise assessment as before

Environmental Health Sustainability: No response received

Heritage: Conditions

- The reduced scheme and increased landscaping would have result in no greater harm to designated heritage assets and may result in a reduction of harm.
- Previously advised that the development would have between no and a very low level of less than substantial harm to various nearby designated heritage assets.
- Condition for details of external lighting to be agreed.
- Condition to secure proposed landscaping scheme.

Landscape: No objection

- An appropriate LVIA has been carried out.
- Viewpoint 1 impact has been reduced from high to medium
- No change to landscape character impact from previous scheme
- Further planting is welcomed, detail to be secured by condition as on previous permission.
- Whilst there will be adverse impacts these are acceptable

Public Realm: No response received

Waste: No comment

### **B: Representations**

At the time of writing this report at least 3 letters/emails/online comments have been received. It is the officer opinion that this represents 3 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- Noise and visual impact will be dangerous for horse riders using the PROW Bridleway
- Concern about noise impact on local residents and wildlife
- Development is ugly, will affect resident's outlook and the experience of the landscape for PROW users
- Planting should be installed and maintained appropriately
- Site notice for original application was not displayed correctly
- Additional traffic on Leys Lane unacceptable
- Concern regarding Leys Lane / Mellis Road junction
- Impact on wildlife

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

### **PLANNING HISTORY**

**REF:** The Progress Gas fired powered station NSIP **DECISION:** Consented  
Power (Gas Fired Power Station) Order 2015

**REF:** DC/19/02267 Planning Application - Creation of a temporary access road between the A140 and Leys Lane, Yaxley for use during the construction of the Progress Power Limited Power Station **DECISION:** GTD 06.12.2019

**REF:** DC/22/04021 Full Planning Application - Construction and operation of Synchronous Condensers with ancillary infrastructure, and associated works including access and landscaping. **DECISION:** GTD 20.02.2023

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The site is an area of grade 3 agricultural land located adjacent to Leys Lane highway, a single track road and designated public right of way, in the countryside close to the village of Yaxley. The surrounding area is relatively open, elevated plateau land without significant planted or built screening and with public views available from the adjoining highway / right of way and the wider highway and rights of way network, including the A140. There are residential dwellings to the north-west of the site but otherwise the site is set away from residential and other buildings located on Mellis Road, comprising the main area of Yaxley village.
- 1.2. It is relevant to note that the site adjoins the site of the proposed National Grid Yaxley substation, which is yet to be constructed, and that the site includes the land to be used for a temporary construction access from the A140 highway to Leys Lane. Both are associated with the Progress Power development which is under construction.

- 1.3. There are not considered to be any material changes to the circumstances of the application site and surrounding area since the determination of the last application that are relevant to the assessment of this application.

## **2. The Proposal**

- 2.1. This application seeks permission for the development of a synchronous condensers with ancillary works including access, parking, landscaping and grid connection as an alternative scheme to that previously permitted.
- 2.2. A synchronous condenser is a form of electricity grid stability infrastructure. They enable inertia (storage) and consistency of electricity supply during periods of no or low generation that are features of energy generated by renewable sources (known as 'dunkelflaute' - low wind or sunlight conditions), thereby supporting ongoing reliability of electricity supply for users. As the UK energy generation mix moves towards zero-carbon with increased reliance on renewable sources, including a significant commitment to offshore wind development in the eastern region, there is a need to ensure stability of energy supply to the transmission network. National Grid's Pathfinder project identifies such stability service provision as essential to meeting the needs of the energy supply system.
- 2.3. This proposal includes the following elements:
  - Use of the temporary access serving the Yaxley substation site for construction.
  - Construction of hard surfaced accessways within and serving the site from Leys Lane
  - Installation of synchronous condenser and associated electrical transmission / control equipment
  - Erection of boundary fencing
- 2.4. The difference between the granted scheme and that proposed by this application are as follows:
  - Reduction of the number of condensers from 2 to 1
  - Reduction of the number of transformers from 2 to 1
  - Reduced compound area to 0.9ha
  - Revised site layout
  - Increased landscape planting

## **3. The Principle Of Development**

- 3.1. The principle of development on the site has been established by the grant of permission DC/22/04021. As a section 73 submission the assessment of this application therefore focusses on the impacts of the differences between the permitted scheme and the proposed amended scheme, any changes in the circumstances of the site and any changes to policy context. The impacts of the development are considered in the topic specific sections below. Now follows a summary of the changed policy context.
- 3.2. Since the determination of the previous application the emerging Babergh and Mid Suffolk Joint Local Plan (JLP) has advanced to a Proposed Modifications Consultation in March 2023. Once adopted the JLP will replace the current Development Plan and as the plan moves towards adoption the proposed policies gain greater material weight in decision making.
- 3.3. In respect of the principle of this development the JLP includes proposed policy LP25 – 'Energy sources, storage and distribution' which seeks to encourage the development of renewable energy in line with national policy. There are other relevant policies listed above and in the topic-

specific sections below. These policies are a material consideration of limited weight at this time. A verbal update on the status of the JLP will be given at the meeting.

- 3.4 Also published since the determination of the last application is Powering Up Britain (PUB), including the Powering Up Britain: Energy Security Plan and Powering Up Britain: Net Zero Growth Plan which form the government's strategy for enhancing energy security and achieving net zero. These documents are relevant in general terms in setting out the governments overarching objectives in decarbonisation, to which the development is considered to contribute. The PUB includes mention of the need to:

*“ensure the safety and stability of the energy system is maintained”*

- 3.14. The principle of development has been established by the previous grant of permission. The altered policy context since this decision continues to support appropriate development of grid stability infrastructure to enable the transition to renewable energy generation and decarbonisation.

#### **4. Siting and loss of agricultural land**

- 4.1. The application site is an area of Grade 3 agricultural land, part of an existing wider agricultural operation. There is no information submitted to confirm whether the land is 3a or 3b and, as such, this assessment is based on the worst case scenario assumption of the land being Grade 3a and therefore considered to be best and most versatile agricultural land.
- 4.2 Members' previous decision accepted that the loss of BMV resulting from the development was not considered to be such as would warrant refusal of the application. A condition to secure the reinstatement of the land in the event the installation ceases to operate was imposed. All such relevant conditions of the original permission would be imposed on the permission for this application should Members be minded to grant.
- 4.3 Whilst there is a reduction in the area of the built compound the overall site area is the same as the previous application and, as such, there is no materially different impact on BMV arising from the proposed changes to the scheme that would warrant a different decision in this respect.

#### **5. Site Access, Parking And Highway Safety Considerations**

- 5.1. The access arrangements for both the construction and operational phases are unchanged from the previously granted permission.
- 5.2. The SCC highways officer has raised no objection to the proposed changes subject to the same conditions as previously imposed, although SCC have requested two additional conditions to control the layout of the operational access from Leys Lane.
- 5.3 There is no materially different access, parking or highway safety impacts arising from the proposed changes to the scheme that would warrant a different decision in this respect.

#### **6. Landscape and visual impacts**

- 6.1. The revised scheme sees a reduction in the overall size of the built elements of the development and an increase in the landscape planting mitigation within the site.

- 6.2 Your landscape officer advises that the submitted documents are sufficient to determine landscape impacts of the revised scheme and demonstrate the visual impact from one viewpoint has been reduced from high to medium. Otherwise, there is no change to landscape character impact from the previous scheme and that whilst there will be adverse impacts these are acceptable.
- 6.3 The revised scheme reduces the built elements of the development and increases the landscape planting, to be controlled by condition, such that the visual impact of the development is not materially different such as would warrant a different decision in this respect.

## **7. Ecology**

- 7.1. The application site is an area of existing agricultural land within a wider area comprising mixed vegetation and bodies of water which have the potential to support protected species.
- 7.2. The application documents include an ecology report which sets out the likely impacts of the development on protected species and habitats and recommends mitigation of these impacts to enable the proposal to accord with policy requirements.
- 7.3 Your ecology adviser is satisfied that the information provided is sufficient to enable the authority to determine the application and to discharge the statutory duty in respect of protected species. They have also confirmed that the proposal is acceptable subject to conditions to secure the mitigation recommendations set out in the ecological assessment, species details in the landscaping scheme and wildlife sensitive lighting.
- 7.4 There is no material change in the impact of the development on ecology from the previous scheme that warrants a different decision. The application is therefore acceptable in this respect.

## **8. Public health and safety**

- 8.1 The applicant has previously confirmed that the amount of EMF produced by the development would be negligible, akin to a large generator. It is also confirmed that all equipment is designed in accordance with the UK Health Security Agency's recommended exposure guidelines. Your Environmental Health officers have been consulted on this application and have raised no concerns in regard to EMF.
- 8.2 The applicant has previously submitted a Phase 1 contamination report which assesses the risks of the use of the site as low. Your Environmental Health officer has raised no objection to the development in respect of contamination.
- 8.3 Synchronous condenser installations are a relatively new addition to energy generation / transmission infrastructure. Such installations are usually unmanned and operated remotely as is the case with the proposed development. This feature of operation together with reports of fire incidents at battery storage sites in the UK and elsewhere has resulted in an understandable concern for such relatively new technology. It should also be noted that the equipment must be installed in accordance with existing electrical installation regulations and standards.
- 8.4 In response to the concerns raised the applicant submitted a fire safety note setting out measures to ensure safe installation, operation and maintenance. The applicant has also offered to provide details of an emergency response plan, to be secured by condition. SCC Fire service officers advised that they have no concerns with the development and that no conditions are necessary.

Having regard to this advice and the relevant tests for planning conditions no condition is recommended.

- 8.6 On the basis of the above there is not considered to be any health and safety impact that warrants refusal of the application.

### **9. Residential amenity**

- 9.1 The site is relatively isolated from residential properties, the nearest being a small cluster of properties at Leys Farm, approximately 215m to the north-west and Meadow Barn 235m to the north. There are also dwellings on Mellis Road located approximately 500m to the south.
- 9.2 The site is sufficiently distanced from residential properties such that there will not be any impact on privacy, overshadowing or overlooking arising from the development.
- 9.3 There will be increased traffic movements during the period of construction, however, it is proposed to access the site from the A140, across agricultural land for the construction period, making use of a temporary accessway used to enable the delivery of the Yaxley substation on land adjacent to the site. Once the development is operational it will be unmanned so there will minimal disturbance impact from the occasional vehicle movements to the site for inspection / maintenance, all of which will access the site via Leys Lane. There are not considered to be any unacceptable impacts of disturbance arising from traffic movements associated with the development.
- 9.4 The proposed development includes electrical / mechanical equipment that will produce noise when operational which has the potential to be heard at nearby residential properties, affecting the level of amenity enjoyed by occupants. Yaxley Parish Council have raised concerns regarding the adequacy of the information submitted in relation to noise impacts.
- 9.5 Revised documents have been submitted to assess the noise impact of the reduced scheme which concludes that the noise generated by the development would not exceed the level of existing background noise resulting in a 'low impact' rating in accordance with the relevant British Standard. The assessment concludes that the cumulative noise impact arising from the operation of the development together with the Yaxley substation would be graded as 'no observed adverse effect'.
- 9.6 Your Environmental Health officer raises no concerns with the adequacy of the assessment, which has been carried out in accordance with the relevant appropriate professional industry standards. Further, your officer accepts the conclusions and recommends a condition to ensure the operational noise level of the development, once the equipment is installed, accords with the predictions in the assessment. On the basis of this advice there is not considered to be any unacceptable noise impact arising from the development.
- 9.7 There are no details of any proposed external lighting on the development although it is reasonable to expect there may need to be some safety / security personnel lighting to enable inspection and maintenance visits. As detailed above, it is necessary to control external lighting in the interests of safeguarding protected species, as per the condition on the original permission. This condition would also ensure there was no unacceptable light spill into dark skies or such as would impact residential amenity. There would be no unacceptable impact arising from the development in this respect.

- 9.8 Overall, there are not considered to be any unacceptable impacts on residential amenity arising from the proposed development.

## **10. Heritage Issues**

- 10.1 The duty imposed by s.66(1) of the Listed Buildings Act 1990 sets a presumption against the grant of planning permission which causes harm to a heritage asset. The assessment of heritage harm is the subject of policy set out in the NPPF and Local Plan policies seeks to safeguard against harm. A finding of harm, even less than substantial harm, to the setting of a listed building is a material consideration to which the decision-maker must give “considerable importance and weight”.
- 10.2 There are no heritage assets within the site itself and the site does not lie within a designated area. However, there are listed buildings within the surrounding area and, given the open plateau type landscape that the site occupies, it is necessary to assess whether the proposed development would have any impact on the setting of these buildings. Furthermore, SCC Archaeology advise that the site lies within an area of archaeological potential and recommend conditions to secure recording of below ground assets encountered during investigation works that have been undertaken pursuant to the original permission.
- 10.3 The application documents include a Zone of Theoretical Visibility (ZTV) which shows the nearest designated listed buildings, including Goswald Hall, White House Farm, Hawes Cottage, Red Roofs, Truss Farm House and Ivy Cottage, all Grade II listed and the designated Mellis Conservation Area. All these assets fall outside or on the outer edge of the ZTV. The existing setting of these assets is largely characterised by the rural landscape although the presence of development at Eye Airfield and the permitted Yaxley substation, currently under constructed, are relevant considerations in assessing the degree of any change and impact.
- 10.4 Historic England have not provided any specific comments on the proposal and defer to your specialist advisers. Your Heritage officer advised that the development would have either no, or a low level of less than substantial, harm on the setting of nearby heritage assets. In respect of this amended scheme your officer advises that the changes would not result in any increased level of harm to heritage assets and the reduced scale and increased landscape planting may in fact lessen the degree of any harm. Landscaping conditions are recommended to ensure appropriate mitigation of views.
- 10.6 As with the assessment of the original application in applying the precautionary principle, and giving great weight to the conservation of the heritage assets, and assuming a low level of less than substantial harm, it is necessary to have regard to the requirements of the NPPF and weigh this level of harm against any public benefits to be realised from the development. In this case, the development will contribute to the provision of infrastructure necessary to support the transition to renewable and low carbon energy generation as part of the Net Zero agenda. This outcome is considered to be a public benefit of a degree that outweighs the potential low level of less than substantial harm to the setting of nearby heritage assets that would arise from the development, in accordance with the requirements of paragraph 202 of the NPPF.
- 10.7 Subject to the conditions as recommended by SCC and BMSDC heritage advisers, the proposed amended development scheme is not considered to have any unacceptable impact in respect of heritage issues.

## **11. Flood Risk and Drainage**



- 11.1 The application site lies in flood zone 1 and there is no record of surface water incidents.
- 11.2 The proposed development will replace some of the undeveloped agricultural land with areas of hard surfacing for the siting of equipment and accessways, etc. This will change the drainage of the site.
- 11.3 The application documents include an illustrative flood risk assessment which the SCC Floods officer advised to be sufficient to determine the application and that, subject to appropriate conditions to control surface water drainage as imposed before, the proposal is acceptable. On the basis of this advice there are not considered to be any unacceptable flood risk or drainage impacts that warrant refusal of this application.

## **12. Parish Council Comments**

- 12.1 There has been ongoing communication between the Parish Councils, applicant / agent and case officer to respond to the issues raised by the Parish Councils on the previous and current applications. These matters have been covered in the above report.

It is acknowledged that the Parish Councils have ongoing concerns about the information provided. Your officers have summarised the advice of technical consultees in respect of each issue and are satisfied that Members have sufficient information to determine this application.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1. The principle of the proposed development has been established by the previous grant of permission. The development is considered to generally accord with the policies of the Development Plan and the principles of the NPPF. It will contribute to the wider objectives of enabling a move to more renewable energy generation and more consistent supply of power to the grid, a key element of the government's net zero, decarbonisation agenda.
- 13.2 The proposed amended scheme reduces the built extent of the development and thereby lessens the impacts of the scheme. There are not considered to be any unacceptable landscape, public safety, flood risk or drainage, ecology, heritage or residential amenity impacts that cannot be adequately mitigated such as would warrant refusal of the application.
- 13.3 The impacts of the development are either not unacceptable or can be mitigated to make them acceptable. The renewable energy and energy security benefits of the proposal are considered to weigh in favour of the proposal and, on balance, having regard to the assessment set out above, the proposed development is considered to be acceptable.

### **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to approve this application:-

**That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Time limit to match original permission
- Landscaping scheme – subject to species recommendations of ecology officer
- Leys Lane access layout and visibility splays
- All other conditions as original permission or to reflect documents as approved pursuant to discharge of condition

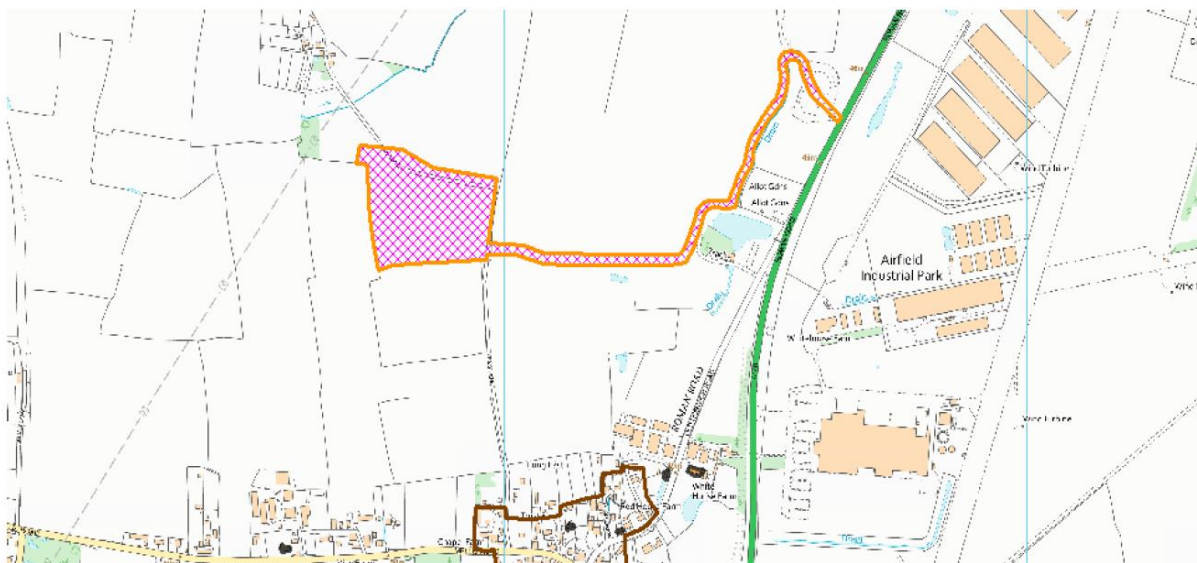
**And the following informative notes as summarised and those as may be deemed necessary:**

- Pro active working statement
- SCC Highways notes

Application No: DC/23/01494

Parish: Yaxley

Location: Land At The Leys And Ivy Farm, Mellis Road



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# Agenda Item 9c

## Committee Report

**Item No:** 9C

**Reference:** DC/22/03681

**Case Officer:** Alex Scott

**Ward:** Stonham.

**Ward Member/s:** Cllr Nicholas Hardingham.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Full Planning Application - Change of use of land to Caravan Site / Campsite. Erection of welfare building and siting of static caravan as site office.

### **Location**

Field To Rear Of The Crowfield Rose, Debenham Road, Crowfield, Suffolk IP6 9TE

**Expiry Date:** 21/06/2023

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - All Other

**Applicant:** Mr Glen Hughes

**Agent:** Vision Design & Planning Consultants

**Parish:** Crowfield

**Site Area:** 1.217 hectares (ha)

**Density of Development:**

Gross Density (Total Site): Na.

Net Density (Developed Site, excluding open space and SuDs): Na.

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** Yes - DC/21/05291 - 01.11.2021

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

The application is considered to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council, the extent and planning substance of comments received from third parties, the location, scale and nature of the application.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF - National Planning Policy Framework  
NPPG - National Planning Policy Guidance  
FC1 - Presumption In Favour Of Sustainable Development  
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development  
FC3 - Supply Of Employment Land  
CS1 - Settlement Hierarchy  
CS2 - Development in the Countryside & Countryside Villages  
CS3 - Reduce Contributions to Climate Change  
CS4 - Adapting to Climate Change  
CS5 - Mid Suffolk's Environment  
GP1 - Design and layout of development  
HB1 - Protection of historic buildings  
HB14 - Ensuring archaeological remains are not destroyed  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
CL8 - Protecting wildlife habitats  
CL11 - Retaining high quality agricultural land  
E10 - New Industrial and commercial development in the countryside  
E12 - General principles for location, design and layout  
T9 - Parking Standards  
T10 - Highway Considerations in Development  
RT12 - Footpaths and Bridleways  
RT16 - Tourism facilities and visitor attractions  
RT17 - Serviced Tourist Accommodation  
RT18 - Touring Caravan and Camping Sites

### **Emerging Joint Local Plan Policies - Attributed added weight only, currently:**

SP03 - The sustainable location of new development  
SP07 - Tourism  
SP09 - Enhancement and Management of the Environment  
SP10 - Climate Change  
LP09 - Supporting a Prosperous Economy  
LP12 - Tourism and Leisure  
LP13 - Countryside Tourist Accommodation  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP19 - The Historic Environment  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP27 - Flood risk and vulnerability  
LP28 - Services and Facilities Within the Community  
LP29 - Safe, Sustainable and Active Transport  
LP32 - Developer Contributions and Planning Obligations

## **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

## **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

[Click here to view consultee comments online](#)

## **A: Summary of Consultations**

### **Town/Parish Council**

#### **Crowfield Parish Council - 23<sup>rd</sup> September 2022**

Objects to this application:

- Location is out of character with the area and will significantly affect the landscape;
- Noise and light pollution in rural part of village;
- Detrimental impact on wildlife;
- Proposed access visibility splay appears outside the ownership of the applicant;
- The footpath has been wrongly marked on the plans;
- Village has no pavements;
- Proposed access is within 60mph speed zone;
- Concerns with regards foul water drainage;
- Frequent vehicle movements and noise would impact amenity;
- Stonham Barns is only a short distance away and provides plenty of tourist accommodation already;
- Recommend: Phasing; Landscaping; No residential use; and tying pub to field use conditions, if there is a possibility that this application is approved.

### **National Consultee**

None.

### **County Council Responses**

#### **SCC - Highways - Latest Response - 20<sup>th</sup> October 2022**

Following submission of additional information - Raise no objection - Subject to compliance with suggested conditions.

#### **SCC - Highways - Subsequent Response - 28<sup>th</sup> September 2022**

Maintain Holding Objection - Concerns regarding visibility splays shown, that appear to cross over third-party land in both directions - Vehicular visibility splays must be within the public highway or the applicant's land or in control of - No secure, covered and lit cycle storage and electric vehicle charging infrastructure have been evidenced/proposed.

#### **SCC - Highways - Initial Response - 23<sup>rd</sup> August 2022**

Holding Objection - Clarification required regarding area of parking available to employees and visitors - Secure, lit and covered Cycle Storage required - EV charging for 15% of parking spaces required -

Surfacing details of proposed spine road also required (Applicant's agent has indicated further information will be submitted to address).

-----  
SCC - Lead Local Flood Authority (LLFA) - Latest Response - 6<sup>th</sup> March 2023

Recommend Approval - On basis of further information received - Subject to suggested condition.

SCC - Lead Local Flood Authority (LLFA) - Subsequent Response - 12<sup>th</sup> January 2023

Maintain Holding Objection - Actions required in order to overcome current objection: 1. Demonstrate that the applicant has the right or has acquired the rights to discharge surface water into the watercourse; 2. Demonstrate that the combined discharge for both the surface water drainage and the private treatment works (foul) will not exceed Qbar for all events up to and including a 1:100+CC rainfall event; and 3. Submit a flood flow exceedance plan.

SCC - Lead Local Flood Authority (LLFA) - Subsequent Response - 24<sup>th</sup> October 2022

Maintain Holding Objection - Action required in order to overcome current objection: Submission of a surface water drainage strategy - The LLFA would like to see a surface water drainage strategy utilising above ground SuDS for collection, conveyance, storage, and discharge, providing multi-functional and benefits.

SCC - Lead Local Flood Authority (LLFA) - Initial Response - 6<sup>th</sup> September 2022

Holding Objection - The proposed development is over 1 hectare in area. Therefore, the applicant needs to assess all types of flood risk (Fluvial, pluvial, groundwater, reservoir, and foul) for the site and provide a strategy for the disposal of surface water shall be submitted in line with national/local policy and guidance - Actions required in order to overcome objection: Site specific FRA; Surface Water Drainage Strategy (Applicant's agent has indicated further information will be submitted to address).

-----  
SCC - Archaeology - 18<sup>th</sup> August 2022

No Objection - No significant impact on known archaeological sites or areas with archaeological potential - Do not believe any archaeological mitigation is required.

-----  
SCC - Public Rights of Way - 14<sup>th</sup> September 2022

Accept Proposal - Subject to applicant's rights and responsibilities.

-----  
SCC - Fire and Rescue - 19<sup>th</sup> August 2022

No additional fire hydrants required - Automatic fire sprinkler system recommended.

**Internal Consultee Responses**

MSDC - Ecology Consultants - Place Services - 26<sup>th</sup> October 2022

No objection subject to securing biodiversity mitigation and enhancement measures.

-----  
MSDC - Landscape Consultants - Place Services - 17<sup>th</sup> October 2022



Landscape and visual appraisal; Arboricultural Survey; Detailed Hard and Soft Landscaping Plans; Landscape Management Plan; External Lighting Strategy; Details of Landscape Based surface water management - Required.

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MSDC - Environmental Protection - Land Contamination - 9<sup>th</sup> & 30<sup>th</sup> September 2022

No objection - Subject to Standard Condition CL01 and advisory note.

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MSDC - Environmental Protection - Noise, Odour, Light, Smoke (Other) - 12<sup>th</sup> September 2022

No objection subject to: Site Management Plan; Noise Assessment; and Lighting Conditions.

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MSDC - Food and Safety - 19<sup>th</sup> August 2022

No objections in principle - Site licence required - Chemical toilet disposal point required - Each tent must be 6 metres from a neighbouring unit.

-----  
MSDC - Waste Manager - 6<sup>th</sup> September 2022

No objection - Subject to condition ensuring road surface is suitable for a RCV to drive on.

-----  
MSDC - Economic Development - Latest Comments - 28<sup>th</sup> October 2022

Further to the additional clarification from the agent: reiterate that economic development are supportive of tourism accommodation as an ancillary diversification of business to support the sustainability of hospitality businesses such as a public house - This can add value to the overall offer of the main business and add an element of additional use and visitor attraction that helps to support the long term future of the public house ensuring that this valuable community asset remains.

Whilst it is noted that the majority of the site is for touring pitches encouraging short stay visitors to the area there is also the inclusion of 5 caravan pitches - Unsure as to whether these are for more permanent lettable caravans or visiting touring pitches, should it be the former: suggest that these are also conditioned to ensure that they are occupied as tourism use only.

Recommend that the tourism use is intrinsically linked to the public house by condition, as the justification for the accommodation is the sustainability of the public house, any attempt to disaggregate the two may cause potential conflicting amenity for users.

MSDC - Economic Development - Initial Comments - 5<sup>th</sup> October 2022

Welcome a tourism offer, as a complementary diversification for a hospitality business, in principle, however, this application fails to clarify the relationship between the existing pub or demonstrate the justification for such a large site. It would be helpful to understand more detail on the justification and longer term plan behind this application before economic development offer further comment.

**B: Representations**

At the time of writing this report at least 73 letters/emails/online comments have been received. It is the officer opinion that this represents 71 objections, 2 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

71 objections - Summarised:

- o Pub is currently closed - Question/sceptical: why they would want to open a campsite - Consider pub is intentionally being run down - Understand Stonham Barns have purchased the pub.
- o Existing field is a wildlife haven: Owls; Deer; Birds; Bats; Reptile; Amphibians; Harvest Mice
- o Fronting highway is national speed limit and dangerous - Increased access use would be more dangerous.
- o Increased vehicle use in the village would impact highway safety and convenience and would result in more pedestrians in the road.
- o Proposal will not benefit the village in any way.
- o There is no shop or facilities in Crowfield, therefore, future users would need to travel by Car to a Shop (nearest along way away in Debenham), causing more traffic/danger.
- o Proposal would affect setting and use of public footpath and poses a security risk.
- o Proposal will ruin the landscape.
- o Field is prone to flooding - Local knowledge given as evidence.
- o Proposal is not needed - Three other sites in the village and Stonham Barns also in the locality.
- o Consider field could be used for holding events, which would result in cars being parked on the road, which is hazardous as the road is national speed limit - local knowledge indicates this has happened in the past.
- o Proposal would affect neighbouring properties outlook.
- o Proposal would result in increased noise, disturbance, smells and smoke (from fires and barbecues) in the locality.
- o Proposal would impact the peace and tranquillity of the area.
- o Proposal would result in increased litter.
- o Proposal site is good quality agricultural land and should be used for growing crops or grazing animals.
- o Proposal is outside the village settlement boundary and so should be refused.
- o Concerns with regards disposal of dirty water and contamination of drainage ditches and water table.

2 in support - Summarised:

- o Good use of field.
- o Proposal will support pub, which is a valuable community resource.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

<b>REF:</b> 1090/00/	CHANGE OF USE OF PUBLIC HOUSE TO NURSERY SCHOOL.	<b>DECISION:</b> Application Withdrawn - 26.02.2001
<b>REF:</b> 0871/96/	ERECTION OF REAR AND SIDE SINGLE STOREY EXTENSIONS TO PUBLIC HOUSE WITH PROVISION OF CAR	<b>DECISION:</b> PLANNING Permission Granted - 04.11.1996

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The site extends to approximately 1.217 hectares and is located to the north-west side of Debenham Road, to the rear of the Crowfield Rose Public House, approximately 0.5 kilometres to the north-east of the village of Crowfield and approximately 0.8 metres to the south-west of the village of Pettaugh.
- 1.2. The site is described as being a parcel of maintained grassland, within the ownership of the public house, with existing hedgerow and tree vegetation bounding the perimeter.
- 1.3. The site lies outside of any settlement and settlement boundary as described in the current development plan and, therefore, in planning terms, lies within open countryside.
- 1.4. The site comprises Grade 3b (Moderate Quality) Land, when assessing suitability for agriculture.
- 1.5. A Public Right of Way runs along the boundary of the site, and then through part of the site, connecting Debenham road in the south to Lewis Farm in the north. Suffolk Country Council retain the record of the lawful route of this Public Right of Way.
- 1.6. The setting of a Grade II Listed Building at New Hall extends towards the site, the host building of which lies approximately 250 metres to the south of the site, on the opposite side of Debenham Road.
- 1.7. It is proposed to use the existing access off Debenham Road, through the existing Pub Car Park, to access the development. An internal access track, down the centre of the site is also proposed. The speed limit of Debenham Road in this location is the National Speed Limit of 60 mph.

### **2. The Proposal**

- 2.1. The application seeks full planning permission for the change of use of land to the rear of the existing Crowfield Rose Public House and Car Park to a Camping and Caravan site.
- 2.2. Approximately one third of the site, to the south-east boundary, immediately to the rear of the Public House, would be occupied by 6 no. static caravans and 1 no. services building (containing: WC; Shower; Washing Up and Storage facilities). 5 no. of the static units would be provided for tourist/holiday use and 1 no. unit would provided for site office/management use.
- 2.3. The north and north-west third of the site is proposed to be retained as a grass field, for the tent pitches.

- 2.4. The final third of the site, to the south-west is also proposed to be retained as a grass field, for an amenity and activity area for guests.
- 2.5. An internal access road, down the centre of the site, is also proposed, leading through the existing pub car park and ultimately using the existing public house access to the highway, to the south of the site.

### **3. The Principle of Development**

- 3.1. The NPPF, at paragraphs 84 and 93, provides that LPA's should plan positively for the retention, provision and development of local services and community facilities (such as public houses), guard against their unnecessary loss, and ensure an integrated approach when considering the location of new developments.
- 3.2. Retention of Shops, Post Offices and Public Houses - Supplementary Planning Document (2004) also seeks to guard against the loss of such community services and facilities. Note: this SPD is not formally saved planning policy but is treated as planning guidance.
- 3.3. The principle of the proposed serviced tourist accommodation and campsite is supported by current adopted development plan policies RT16, RT17, RT18, as well as emerging Joint Local Plan Policies SP07 and LP12. The proposal is considered to have significant tourism benefits and wider economic benefits for the area. In particular it is noted that the site lies a short distance, to the south of the recognised A1120, with a significant amount of tourist attractions that could benefit as a result of the development locally.
- 3.4. The proposed development would also not result in the loss of the existing public house, would not result in a loss of existing floorspace currently available to the public house, and would not result in the significant loss of existing external beer garden or parking space. The proposed development would not likely, therefore, conflict with the aforementioned planning policy with respect to retention of community services and facilities.
- 3.5. Should approval be considered, your economic development officers have advised that the proposed holiday accommodation should remain for holiday/tourism use/benefit, and support the principle public house land use, should it not compromise the existing public house business, either directly and/or indirectly.
- 3.6. Should this be the case, the principle of such a proposal, in support of tourism and the Public House (local service and/or facility), are supported by your officers, subject to acceptability with regards other material planning considerations. Those considered most relevant to the proposal are set out below:

### **4. Design, Layout, Landscape Quality**

- 4.1. The proposed new service buildings and structures proposed are considered appropriate to the rural character of the site and the character and setting of existing buildings, and to respect the landscape setting, in terms of their number and density, siting, scale and detailed design.
- 4.2. The proposed static units are not considered overly numerous and would be temporary structures. Should landscape screening be agreed, to reduce the visual impact of the structures in the landscape then the harm in this respect is considered to be minimal and reversible, due to the temporary nature of the units.

## **5. Impact on Heritage Assets**

- 5.1. The application site extends to within the setting of a Grade II Listed Building at New Hall, the curtilage of which lies to the south of Debenham Road, with the Listed Building itself being located approximately 250 metres from the application site itself, with the pub, pub car park, the highway and New Hall's curtilage parkland all intervening.
- 5.2. Due to the separation distance of the site and the heritage asset, the intervening land and developments, as described above, and the possibility to secure increased landscape screening to the site's southern boundary, the current proposal is not considered to result in demonstrable harm to the setting and significance of this or any other heritage asset within the landscape.
- 5.3. As such the proposal is considered to be in accordance with the provisions of development plan policy HB1 and section 16 of the NPPF, as a material consideration.

## **6. Site Access, Parking and Highway Safety Considerations**

- 6.1. In terms of assessment against current planning policy the development should not result in an unacceptable impact on highway safety and should provide safe and suitable access to the site for all existing and proposed land users. The development should also ensure that any significant effects on the transport network can be cost effectively mitigated to an acceptable degree. The development also ensures that opportunities have been taken to promote sustainable transport modes. Electric vehicle charging and secure cycle storage is proposed (to be ensured by way of condition) and the site lies along the route of the 116 Bus service, between Coddensham and Pettaugh (and ultimately Debenham and Ipswich) which, although limited, does provide a sustainable transport option.
- 6.2. On-site turning and parking should also be provided in accordance with current advisory parking standards provided by the Local Highway Authority. Sufficient on-site turning and parking should be proposed for the development, whilst retaining suitable provision for the existing Public House.
- 6.3. The proposal would provide opportunities for access via the existing public house access to the highway and, following amendments made by the applicant, as advised by the Local Highway Authority at Suffolk County Council, the proposed means of access and visibility splays are considered adequate, subject to compliance with suggested conditions.
- 6.4. The proposed on-site turning and parking provision is also considered acceptable, in accordance with current SCC advisory parking standards.

- 6.5. The proposed development is, therefore, considered acceptable in highway safety terms and in accordance with the provisions of development plan policies T9 and T10 and with NPPF paragraphs 110 and 111.

## **7. Public Right of Way**

- 7.1. A public right of way (Crowfield Public Footpath 3) runs through and adjacent to the site, from Debenham Road, to the south-west of the site access, then across the site, between the pub car park and proposed service building, and then adjacent to the eastern boundary of the site.
- 7.2. The Public Rights of Way Officer at SCC has commented on the application and has accepted the proposal, subject to the right of way remaining open, unobstructed, and safe for the public to use at all times, and the applicant being made aware of their rights and responsibilities with regards the public right of way.
- 7.3. The proposed development is not considered to adversely affect the existing setting of this public right of way.

## **8. Biodiversity and Protected Species**

- 8.1. By reason of the undeveloped nature and extent of the site, which is surrounded by established trees and hedgerows and a system of open land drains, and adjacent to open countryside on three sides, the site is considered to provide significant habitat and foraging potential for protected and priority species.
- 8.2. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30<sup>th</sup> November 2017) provides that all competent authorities (public bodies) to have regard to the Habitats Directive in the exercise of its functions.
- 8.3. Your Ecology consultants at Place Services have assessed the current proposal, and the Ecology Assessment provided, and have raised no objection subject to securing biodiversity mitigation and enhancement measures, by way of condition.
- 8.4. Should approval be granted it is recommended that the development is carried out in accordance with the Ecological Appraisal Recommendations, and a Biodiversity Enhancement Strategy is submitted and approved.

## **9. Land Contamination**

- 9.1. Paragraph 183 of the NPPF provides that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination. Paragraph 185 states that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.
- 9.2. Whilst there is nothing to indicate that the site may be potentially contaminated, on the basis of the information provided, having considered the sensitive nature of the development proposal

(that of tourist accommodation) further land contamination investigation and remediation, where necessary, is considered to be required by way of condition, as advised by your Environmental Protection Officers, prior to commencement.

## **10. Flood Risk and Surface Water Drainage**

- 10.1. The site lies completely within Environment Agency Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding from river or tidal sources. The nearest EA Flood Zones 2 or 3 lie approximately 830 metres to the north-east of the site. The site is also not shown (from council flood risk data) to be at significant risk of flooding from other sources. As such the proposal site is not considered to be at significant flood risk.
- 10.2. It is expected that surface water would be directed to Sustainable Drainage Systems (SUDs) on site in the interest of not increasing flood risk elsewhere.
- 10.3. The Lead Local Flood Authority (LLFA) at Suffolk County Council has been consulted on the current proposal and, following receipt of additional and amended information, are satisfied that the applicant has sufficiently addressed their requirements and proposed a sustainable drainage solution with regards to the collection, conveyance, storage, and discharge of surface water that incorporate the four SUDs pillars (Quality, quantity, biodiversity, and amenity).
- 10.3. Should surface water be managed and disposed of, as per the strategy provide, the proposed development would not, therefore, be at significant risk of flooding and would not demonstrably result in increased flood risk on the site or elsewhere, consistent with the requirements of NPPF Paragraph 169.

## **11. Impact on Residential Amenity**

- 11.1. The proposed development will be expected to create a high standard of amenity for existing and future land users, in accordance with the provisions of NPPF paragraph 130.
- 11.2. The nearest residential properties appear to be a significant distance from the proposal site (in excess of 150 metres away) and as such, such a development proposal would not likely result in significant harm to existing residential amenity should details such as: floodlighting; amplified music; and other activities which may cause disturbance be limited by way of suitable worded planning conditions.
- 11.3. Your environmental protection officers have assessed the application proposal and have raised no objection, subject to conditions requiring: a site management plan; noise assessment; and lighting scheme.
- 11.4. The proposed land use(s) are not, therefore, considered to result in significant harm to the amenities currently enjoyed by occupants of nearby residential properties, subject to compliance with suggested conditions.

## **12. Parish Council Comments**

12.1. The matters raised by Crowfield Parish Council have been addressed in the above report.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1. The principle of tourist related facilities on the site is supported by policies RT16, RT17 and RT18 of the current adopted development plan, with emerging Joint Local Plan Policies SP07 and LP12 also adding positive weight. It is also considered the proposal would help support the existing Public House Business.
- 13.2. Subject to agreement of a detailed scheme of landscape planting and screening, the proposal would conserve the character of the site, its landscape setting, and the settings of heritage assets, and would result in biodiversity enhancements.
- 13.3. The proposed development is considered acceptable in terms of highway safety and convenience, would promote accessibility via a range of transport modes, and would ensure the route of the public right of way is not significantly affected, and its setting and route preserved.
- 13.5. Subject to compliance with suggested conditions, the proposal would not result in significant harm to the amenities currently enjoyed by occupants of nearby residential properties, to the extent that refusal of planning permission should be considered on such grounds.
- 13.6. The proposal is, therefore, considered to represent sustainable development, having had regard to the provisions of the development plan and NPPF, when taken as a whole.

### **RECOMMENDATION**

**That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and/or those as may be deemed necessary by the Chief Planning Officer:**

- Standard time limit (3yrs for implementation of scheme);
- Approved Plans and Documents (Plans and Documents submitted that form this application);
- Land Contamination Investigation and any remediation required;
- Site Management Plan;
- Noise Assessment for any fixed plant or machinery;
- No amplified music to be played outside at any time;
- Road Surface details - Road Surface must be suitable for a Refuse Collection Vehicle (RCV) to drive on;
- Development to be carried out in accordance with Ecological Appraisal Recommendations;
- Biodiversity Enhancement Strategy;
- Restriction of use of the 5 no. Static Caravans, for Holiday and Tourism purposes only;
- Removal of 5 no. Static Caravans, if not required for Holiday and Tourism purposes, and the land to revert to that associated with the Public House;



- Approved use to be linked to the Public House, in the interest of sustaining and enhancing;
- Disposal of surface water to be implemented as per submitted strategy;
- Highways - Access to be improved to current SCC Standards;
- Highways - Access Visibility Splays to be provided as proposed and retained;
- Highways - Access Surface Water Drainage Details required
- Highways - Access surface to be bound for at least 10 metres back from the highway;
- Highways - Gates or other means of obstruction to be set back at least 10 metres from the highway;
- Highways - Turning and Parking to be provided as proposed;
- Highways - Secure Cycle Parking and Electric Vehicle Charging and Parking details required prior to commencement.
- Highways - Bin collection details required;
- Landscape and Visual Appraisal required;
- Arboricultural Survey required;
- Detailed Hard and Soft Landscaping Strategy required;
- Landscape Management Plan required;
- External Lighting Strategy required;
- Landscape based surface water management plan required.

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Application No: DC/22/03681

Parish: Crowfield

Location: Field To Rear Of The Crowfield Rose, Debenham Road



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# Agenda Item 9d

## Committee Report

**Item No:** 9D

**Reference:** DC/22/03761

**Case Officer:** Jasmine Whyard

**Ward:** Haughley, Stowupland & Wetherden.

**Ward Member/s:** Cllr Jane Pearson. Cllr Rachel Eburne.

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## **RECOMMENDATION – GRANT RESERVED MATTERS SUBJECT TO CONDITIONS**

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### **Description of Development**

Application for approval of Reserved Matters following Outline Planning Approval 1884/16 dated 24/12/2019 - Erection of 18 dwellings (including 6 No Affordable/Starter homes), parking for primary school and extension to cemetery. Submission of details for Appearance, Layout, Landscaping and Scale.

### **Location**

Land on the South East Side of, Church Road, Stowupland, Suffolk

**Expiry Date:** 03/03/2023

**Application Type:** RES - Reserved Matters

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Landex LTD

**Agent:** Artisan PPS Ltd

**Parish:** Stowupland

**Site Area:** 1.95 hectares

### **Density of Development:**

Gross Density (total site): 9.2 dwellings per hectare

Net Density (developed site- excluding open space, estate roads, SuDs, play space, car park and cemetery extension): 21 dwellings per hectare

**Details of Previous Committee / Resolutions and any member site visit:** Outline Planning Permission was granted in 24<sup>th</sup> December 2019 under 1884/16 following committee on the 26<sup>th</sup> September 2018.

**Has a Committee Call In request been received from a Council Member:** No

**Has the application been subject to Pre-Application Advice:** No

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason/s:

- i. This is a major development for 15 or more dwellings.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

#### **The Development Plan**

The following policies are considered the most relevant and important to the determination of this proposal. The policies are all contained within the adopted development plan for Mid Suffolk District which for the purposes of determining this application is comprised of: Stowupland Neighbourhood Plan (2019), Mid Suffolk Core Strategy Focused Review (2012), Mid Suffolk Core Strategy (2008), Mid Suffolk Local Plan (1998), specifically the live list of 'saved policies' (2016).

All policies (save for policy CS3) are afforded full weight in the determination process as they are considered consistent with the policies of the NPPF in accordance with paragraph 219 of that document. The less than full weight attached to policy CS3 is discussed at point 7.2 of this report.

- Stowupland Neighbourhood Plan (2019)
  - SNP1: Strategy for Sustainable Growth
  - SNP4: Land on the south-east side of Church Road
  - SNP5: Affordable Housing
  - SNP8: Landscape Character- Green Gaps, Views and Features
  - SNP10: Protecting the Natural Environment and Biodiversity
  - SNP13: Public Rights of Way
  - SNP14: Quality of Development, Resource Efficiency and Design Considerations
- Mid Suffolk Core Strategy Focused Review (2012)
  - FC1 - Presumption in Favour of Sustainable Development
  - FC1.1 - Mid Suffolk Approach to Delivering Sustainable Development
- Mid Suffolk Core Strategy (2008)
  - CS3 - Reduce Contributions to Climate Change
  - CS4 - Adapting to Climate Change
  - CS5 - Mid Suffolk's Environment
- Mid Suffolk Local Plan (1998)
  - H13 - Design and Layout of Housing Development
  - H15 - Development to Reflect Local Characteristics

H16 - Protecting Existing Residential Amenity  
H17 - Keeping Residential Development away from Pollution  
CL8 - Protecting Wildlife Habitats  
HB1 - Protection of Historic Buildings  
T9 - Parking Standards  
T10 - Highway Considerations in Development  
T12- Designing for People with Disabilities  
RT12- Footpaths and Bridleways

### **Emerging Joint Local Plan (Regulation 22)**

The Councils are currently jointly preparing a new Joint Local Plan which once adopted will supersede the current Development Plan. Following a meeting and letter from the Inspector examining the plan in December 2021, it has been agreed that the Plan will be split into two parts, Part 1 will progress through examination and allocations and a review of the settlement hierarchy will follow later in Part 2.

The main modifications to Part 1 have recently closed for consultation (3<sup>rd</sup> May 2023) and examination hearings are expected to continue in June. Whilst Part 1 is not adopted policy nor is it currently determinative, it now has added weight as a material consideration in the decision-making process of applications.

The emerging policies of relevance are as follows:

SP01 - Housing Needs  
SP02 - Affordable Housing  
SP09 - Enhancement and Management of the Environment  
SP10 - Climate Change  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 – Landscape  
LP19 - The Historic Environment  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity  
LP29 - Safe, Sustainable and Active Transport

### **The National Planning Policy Framework**

The National Planning Policy Framework (NPPF) 2021 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

### **Other Considerations**

- Suffolk County Council- Suffolk's Guidance for Parking (2014 most recently updated in 2019)
- National Planning Practice Guidance (PPG)

## **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

[Click here to view consultee comments online](#)

### **A: Summary of Consultations**

Re-consultations were sent to the Parish Council and neighbours following minor amendments being made to the landscaping scheme and prior to application being heard by committee, this consultation ends on the 14<sup>th</sup> June. Any amended/ updated comments received after the publication of this report will be reported to committee via tabled papers/ verbally.

#### **Parish Council**

- **Stowupland Parish Council**

Support the application subject to Plot 15 having no structures erected over 3ft high. Would further like to see a means of stopping vehicles parking on the footpath adjacent to Pump House and would like to understand whether the cemetery extension car park, track to car park, bridge to existing cemetery and footpath to the bridge will be built as part of the development.

#### **National Consultee**

- **Anglian Water**

Private foul water drainage is proposed which is outside of Anglian Water's remit. The SuDS are also not proposed for Anglian Water adoption.

***Officer Comment: The applicant's agent has confirmed that the foul water drainage is to be connected to Anglian Water sewers. The applicant previously had discussions with Anglian Water prior to submitting this application and Anglian Water confirmed there was capacity in the system (Stowmarket Waste Recycling Centre). The applicant intends to make connection to the system via the Anglian Water pumping station northwest of the site. Contact has been made with Anglian Water to clarify their position and ensure they are made aware that the development intends to connect. Members will be provided with an update on this matter either via tabled papers or verbally during the meeting.***

- **Historic England**

No comment.

- **Natural England**

No comment.

#### **County Council Responses**

- **Archaeology**

No comment as archaeological matters were dealt with at the outline stage.

- **Developer Contributions**



All county infrastructure contributions fall to CIL. Raised issue with the car park serving the staff of the school and church being omitted from the reserved matters and the associated Deed fo Variation proposing to remove the obligation from the s106 agreement.

- **Fire and Rescue**  
Condition required for the provision of fire hydrants.
- **Flood and Water**  
Recommend approval.
- **Highways**  
No objection, subject to conditions on 1) details of estate roads and footpaths to be submitted, 2) parking provision provided, 3) EV charging points details to be submitted, 4) bin presentation and storage areas to be provided and 5) Construction Management Plan to be submitted.
- **Public Rights of Way**  
Public Right of Way should be shown in its legally definitive position and should not be obstructed.
- **Travel Plan**  
No comment as development is below threshold for a Travel Plan.

#### **Internal Consultee Responses**

- **Economic Development**  
No comment.
- **Environmnetal Health- Air Quality**  
No objection.
- **Environmental Health- Land Contamination**  
No objection.
- **Environmental Health- Noise/ Odour/ Light and Smoke**  
No objection subject to conditions on 1) construction hours restricted 2) no burning, 3) dust control measures submitted and 4) Construction Management Plan submitted.
- **Environmental Health- Sustainability**  
No objection subject to condition securing sustainability measures.
- **Heritage**  
No harm would be caused to the setting of the Grade II listed Holy Trinity Church.
- **Infrastructure**  
The development site is within the high value CIL charging zone (£115m<sup>2</sup>)
- **Place Services- Ecology**  
No objection subject to biodiversity enhancements being provided in full.
- **Place Services- Landscaping**  
Recommend approval following amendments being made to the landscaping scheme.

- **Public Realm**  
Support the landscaping comments made by Place Services, better ecological enhancement measures could be incorporated.
- **Strategic Housing**  
The inclusion of bungalows is welcomed however some small units would be preferred in respect of the open market housing mix. The affordable housing mix is in line with the s106 agreement.
- **Waste**  
No objection subject to the road being suitable for a 32-tonne refuse vehicle to manoeuvre around and bin presentation points are appropriate.

### **Other Consultee Responses**

- **Disability Forum**  
All dwellings should conform with Part M4(1) and 50% at least should conform with Part M4(2). All surfaces and footpaths should be even and wheelchair accessible.
- **Freeman Community Primary School**  
Support the delivery of the car park in line with the s106 agreement for the use by staff. Reiterate that the school does not want to be liable for maintenance or management of this car park now or in the future.
- **Stowmarket Ramblers**  
No comment.

### **B: Representations**

At the time of writing this report at least 4 letters/emails/online comments have been received. It is the officer opinion that this represents 4 objections. A verbal update shall be provided as necessary.

Views are summarised below:

- Affects ecology/ wildlife
- Building work
- Conflicts with neighbourhood planning
- Fear of crime
- Inadequate access
- Increased pollution
- Increased traffic
- Light pollution
- Loss of open space
- Loss of outlook
- Overdevelopment
- Strain on community facilities
- Sustainability
- Inadequate public transport
- Duty of care to children's safety
- Loss of farmland
- Loss of countryside
- Loss of privacy

- Loss of light
- Overshadowing
- Out of character
- Anti-social behaviour
- Construction disruption
- Car park should be provided as part of the application

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

<b>REF:</b> 1884/16	Application for Outline Planning Permission for the erection of 18 dwellings, parking for primary school and extension to cemetery.	<b>DECISION:</b> GTD 24.12.2019
<b>REF:</b> DC/22/02091	Application for Outline Planning Permission (Access points to be considered, Appearance, Layout, Landscaping and Scale to be reserved) Town and Country Planning Act 1990 - Erection of 14No dwellings (including 5 affordable homes and 4 self-builds).	<b>DECISION:</b> REF 11.01.2023
<b>REF:</b> DC/22/03774	Discharge of Conditions Application for 1884/16- Condition 7 (Archaeology Pre Investigation) and Condition 8 (Archaeology Post Investigation)	<b>DECISION:</b> GTD 23.09.2022
<b>REF:</b> DC/22/03895	Application for the Modification of Section 106 Planning Obligation dated 24.12.19 relating to 1884/16 to amend the affordable housing mix.	<b>DECISION:</b> PCO
<b>REF:</b> DC/22/03911	Application for the Modification of a Section 106 Planning Obligation - Variation of S106 legal agreement dated 24.12.19 relating to 1884/16 Affordable housing obligation (tenure mix, unit type and inclusion of local lettings clause) remove obligation to provide car park for the school and church.	<b>DECISION:</b> PCO
<b>REF:</b> DC/22/04328	Discharge of Conditions Application for 1884/16 - Condition 10 (Roads and Footpaths), Condition 16 (Surface Water Drainage), Condition 17 (Implementation, Maintenance and Management) and Condition 19 (CSWMP)	<b>DECISION:</b> PCO

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## PART THREE – ASSESSMENT OF APPLICATION

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### 1. The Site and Surroundings

- 1.1. The site extends 1.95 hectares, is relatively level and is located to the southeast of Church Road (A1120) in Stowupland fronted by a low-level hedgerow. There are dwellings located immediately northeast (Coringa) and southwest of the site (Inglewood and Wind in the Willows). On the northwest side of Church Road, opposite the site, are dwellings (Cherry Tree Cottage and Cordwalner Cottage) and the Holy Trinity Church and Freeman Community Primary School. The surrounding dwellings are of a varied appearance and scale. There is agricultural land surrounding the southern boundary of the site.
- 1.2. There is a Public Right of Way (footpath) running along the northeast boundary of the site. As per Map 9 of the Stowupland Neighbourhood Plan, there is a 'key view' looking inwards to built form from the PROW at the southeast corner of the site. There are no protected trees on site and the site is not within any designated landscape area (for example Special Landscape Area).
- 1.3. The site is not within any Conservation Area. The nearest listed building is opposite the site and is Grade II listed Holy Trinity Church.
- 1.4. The site is located within Flood Zone 1 and is therefore at a very low risk of river (fluvial) flooding and is primarily at a very low risk of surface water (pluvial) flooding. A small sliver of higher surface water flood risk is located in the northeast side of the site, however this along the existing Public Right of Way.

### 2. Proposal

- 2.1. The proposed development includes car parking for staff of the Holy Trinity Church and Freeman Primary School, a crossing point from the car park to the northwest side of Church Road, 18 dwellings, SuDS, spine road, play space, and footways and associated landscaping.
- 2.2. The proposed housing mix is as follows:
  - 2 x 1-bedroom bungalows (both affordable, both measure 50m<sup>2</sup>)
  - 2 x 2- bedroom houses (both affordable, both measure 79m<sup>2</sup>)
  - 5 x 3-bedroom houses (2 affordable, 2 measure 93m<sup>2</sup> and 3 measure 134m<sup>2</sup>)
  - 5 x 3-bedroom bungalows (3 measure 107m<sup>2</sup> and 2 measure 134m<sup>2</sup>)
  - 1 x 4-bedroom bungalow (measures 167m<sup>2</sup>)
  - 3 x 4-bedroom houses (all measure 162m<sup>2</sup>)
- 2.3. The Outline Planning Permission 1884/16 included the following conditions:
  - Commencement time limit (3 years to submit reserved matters and 2 years from the date of reserved matters approval to commence)
  - Approval of reserved matters prior to commencement

- Development to be carried out in accordance with approved plans
- Materials to be agreed prior to development above slab level
- Finished floor levels to be agreed alongside reserved matters
- Landscape Management Plan to be agreed prior to first occupation
- Archaeology- Written Scheme of Investigation to be agreed prior to commencement
- Archaeology- Post Investigation to be agreed prior to first occupation
- Access and drive gradient to be constructed no greater than 1 in 20
- Details of estate roads and footpaths to be agreed prior to commencement
- Estate roads and footpaths to be provided prior to first occupation
- Estate road junction with Church Road to be provided prior to any other development
- Details of parking and secure cycle storage to be agreed prior to commencement
- Visibility splays to be provided prior to first use of Church Road junction access
- Crossing point to be provided prior to first occupation of any dwelling or use of church/ school car park
- Surface water drainage scheme to be agreed alongside reserved matters
- Details of implementation, maintenance and management of surface water drainage scheme to be agreed alongside reserved matters
- SuDS details to be submitted for Flood Risk Asset Register prior to first occupation
- Construction Surface Water Management Plan to be submitted prior to commencement
- Ecological report recommendations to be followed

2.4. At present, both archaeological conditions have been discharged from the outline permission under DC/22/03774. It is anticipated that Discharge of Conditions application DC/22/04328 (covering details of estate roads and footpaths, surface water drainage, the implementation, maintenance and management of the surface water drainage and the construction surface water management plan) will be discharged if these reserved matters are approved as the submitted details have been endorsed by all relevant consultees. Discharge of Conditions application DC/23/02614 has also been submitted to agree materials, parking provision and finished floor levels.

2.5. The Outline Planning Permission 1884/16 included a s106 agreement which secured the following:

Affordable Rent:

- 2 x 1 bedroom 2-person houses (58sqm)
- 2 x 2 bedroom 4-person houses (79sqm)

Shared Ownership:

- 1 x 2 bedroom 4-person houses (79sqm)
- 1 x 3 bedroom 5-person houses (93sqm)

Car Park:

- 16 bays
- Signage
- Two lane in/ out arrangement with automatic rising arm barrier
- Permeable block paving
- Details of car park agreed prior to commencement
- Car park provided prior to first occupation
- Maintenance and management costs to the owner
- Car park to be used solely for staff of Freeman Primary School and Holy Trinity Church

- 2.6. It should be noted that whilst a cemetery extension was included as part of the outline proposal and forms part of the development description. However, there was no mechanism (either by way of S106 agreement nor condition) to secure the delivery and transfer of this extension under the outline permission, and as it is not a reserved matter its delivery cannot be secured at this stage. Only the landscaping and layout details for the cemetery extension can be considered. Whilst the car park and access are not secured, the landscaping will have to be provided as per condition. If the access road and car park were to be built out at some stage they would have to be done in accordance with the submitted details.
- 2.7. As noted within the consultee comment provided by SCC Development Contributions, two Deeds of Variation have been submitted to the Council. DC/22/03911 seeks to remove the obligation in the s106 agreement to provide a car park for the staff of the church and school and amend the affordable housing mix, tenure and lettings clause. The other Deed of Variation (DC/22/03895) solely seeks to amend the affordable housing mix.
- 2.8. The Deed of Variation application (DC/22/03895) submitted to the Council in order to amend the housing mix in line with the submitted plans. The Council's Strategic Housing Team raise no objection. Whilst the size and form of the units has been amended, the overall tenure split remains the same providing both affordable rent and shared ownership units. This Deed of Variation will need to be resolved prior to a decision being made on the reserved matters, this is reflected in the recommendation section of this report.

### **3. Principle of Development**

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 3.2. The approval of these Reserved Matters would deliver 18 dwellings which are included within the Council's housing land supply and form an allocation within the Stowupland Neighbourhood Plan.
- 3.3. The principle of development and access arrangements were established through the approval of Outline Planning Permission under 1884/16 which was issued on the 24<sup>th</sup> December 2019. These reserved matters follow Outline Planning Permission 1884/16 and they were submitted within the three year deadline as per the condition on the outline permission.
- 3.4. The delivery of this site is further guided by the allocation policy SNP4 within the Stowupland Neighbourhood Plan. The principle of developing the site and the proposed access arrangements are not matters that can be revisited at this stage.

### **4. Site Access, Parking and Highway Safety Considerations**

- 4.1. The proposed access was secured under the outline permission and is not a matter for consideration under this reserved matters application. However, the layout of internal estate roads and footways and their appearance can be considered.
- 4.2. A car park is secured and laid out to the frontage of the site to fulfil the S106 agreement for the provision of a car park for use by the Holy Trinity Church and staff of Freeman Community Primary School. This car park would have 16 bays and would be surfaced with permeable block

paving in a charcoal colour. Barriers are proposed at the entrance to ensure it is appropriately managed, secured and used in accordance with the S106 agreement.

- 4.3. A crossing point was secured under the outline permission connecting the church/ school car park to the church and school across Church Road (A1120).
- 4.4. As noted earlier in the report, whilst its delivery is not secured so as to ensure delivery in association with the remainder of the development, the cemetery extension car park would have 8 parking bays if built out.
- 4.5. Access to the rear agricultural field is provided to the southern boundary of the site and is secured by a five-bar timber field gate.
- 4.6. Private drives would be demarcated from the main spine road through a variation in surfacing material, helping aid legibility around the site. The private drives would be surfaced with bindle colour brick pavers and the spine road and footpaths would be surfaced with black asphalt. The areas of permeable paving would be located in the school and church car park, adjacent driveway serving plots 8 and 9, and the access and car park for the cemetery extension.
- 4.7. There would be a footway running alongside the southwest side of the spine road, improving safety and accessibility through the site, with swales running alongside the spine road on the opposite side.
- 4.8. The Public Right of Way (footpath) falls partially within the site along the northeast boundary of the site but would remain completely unobstructed for continued public use.
- 4.9. Whilst the layout of the internal roads and footways are being considered under this Reserved Matters application, the details have also been submitted under the Discharge of Conditions application DC/22/04328. Within the Discharge of Conditions application, the access road and footpaths would not to be adopted by SCC Highways as they are not being constructed to adoptable standards. However, SCC Highways raise no issue with the roads and footways not being constructed to adoptable standards as there would be no detrimental impact on highway safety. The applicant's agent has indicated that the applicant intends to build the estate roads and footways to an adoptable standard and the plans submitted in respect of DC/22/04328 will be updated and amended to accord with SCC Highways standards.
- 4.10. Parking arrangements and secure cycle storage are to be agreed via condition under the outline planning permission. However, from the submitted layout the space and garages provided would ensure adequate parking provision is provided in accordance with SCC Parking Guidance. There are 12 garages proposed around the site.
- 4.11. EV charging points are now included as part of building regulations, but the layout of the EV charging points are nonetheless recommended to be secured via condition under this reserved matters application, as reflected in the recommendation.
- 4.12. The proposed development would accord with Neighbourhood Plan policies SNP4 and SNP13, Local Plan policies T9, T10, T11 and RT12, paragraphs 100, 110, 111 and 112 of the NPPF and emerging policy LP29.

## **5. Design and Layout**

- 5.1. The proposed layout of dwellings would be loose and not adopt any urban rigid form. The development would have a cul-de-sac layout, with the church/ school car park and cemetery extension sited in the most appropriate locations on site for their use. The church and school car park are opposite the Holy Trinity Church and Freeman Community Primary School and the cemetery extension is just east of the existing cemetery.
- 5.2. Timber play equipment is to be provided in an enclosed central area of the site measuring 142 square metres. The play equipment will sit on a small area of synthetic grass surrounded by real grass and two timber benches are to be provided around the play equipment. The play equipment and its delivery are secured via condition. There are dwellings surrounding the play space aiding natural surveillance.
- 5.3. There would be variation in the street scape through a variety of house types, orientation, scales, architectural features and material pairings applied on the dwellings. The proposed materials would offer two varieties of red brick interspersed with dark and light grey cedar weatherboarding and clay pantiles in a red and grey, two variations of grey windows and black rainwater goods. These materials are considered in principle to be acceptable to both planning officers and Heritage officers, however they will need to be formally agreed and discharged through a Discharge of Conditions application, which is separate to this reserved matters application.
- 5.4. Each dwelling has sufficient amenity space, proportionate to the number of bedrooms in each dwelling. These garden sizes range from a minimum of 150 square metres to a maximum of 602 square metres.
- 5.5. All six of the affordable dwellings would be tenure blind. Whilst they are all clustered in one location in the northwest corner of the site, based on the scale of development and number of affordable units on the site they are considered to be 'pepper potted' as far as reasonably practicable, with general good practice being that no more than 15 affordable units should be in one cluster.
- 5.6. The proposed development would accord with Neighbourhood Plan policies SNP4, SNP5 and SNP14, Core Strategy policy CS5, Local Plan policies GP1, H13, H15 and RT4, paragraphs 126 and 130 of the NPPF and emerging policies SP02 and LP24.

## **6. Heritage**

- 6.1. The statutory duties within the Listed Buildings Act impose a presumption against granting planning permission where harm is identified and harm of any quantum, is a matter of considerable importance and weight.
- 6.2. The Council's Heritage Team raised no objection the proposed development as it would cause no harm to the setting and significance of the Grade II listed Holy Trinity Church.
- 6.3. The Heritage Team raised initial issues with the materials proposed, however this has since been amended and would nonetheless need to be formally discharged under a Discharge of Conditions application separately.
- 6.4. The proposed development would accord with Neighbourhood Plan policies SNP4 and SNP14 Core Strategy policy CS5, Local Plan policy HB1, paragraph 197 of the NPPF and emerging policies SP09 and LP19.



## **7. Sustainability**

7.1. Sustainability measures currently incorporated into the scheme include the following:

- Biodiversity enhancement measures
- Air Source Heat Pumps to all units
- Secure covered cycle storage for all units
- EV charging points

7.2. Whilst the overall environmental objectives within policy CS3 to 'encourage' reducing contributions to climate change within developments are consistent with the NPPF, the policy, when read as a whole, is not wholly compliant with the NPPF, as the standards it refers to have been superseded/ updated and there has since been an uplift in Building Regulations. The policy is therefore considered to hold limited weight rather than full weight.

7.3. There is a current policy gap between policy CS3 and emerging policies SP10 and LP23 owing to a shift in national standards and increased emphasis on climate change between 2008, when policy CS3 was adopted, and the present day. A condition is therefore proposed to require the submission of a sustainability statement to secure a range of energy, water and waste measures both during construction and for the life of the development.

7.4. The development would comply with Neighbourhood Plan policy SNP14 and Core Strategy policy CS4. There would be some tension with policy CS3 (which holds limited weight) and emerging policies SP10 and LP23 (which is not yet adopted/ determinative). This tension is however considered to be mitigated and offset by the proposed sustainability condition.

## **8. Landscape**

8.1. A range of hedgerows, shrubs, trees and grass are interspersed around the site, ensuring the development adopts a rural character.

8.2. 1.8-metre-high timber close boarded fencing is proposed between the plots for privacy and security. Such fencing is kept to a minimum, and in more visible locations is softened by the planting of hedgerow.

8.3. The southern boundary of the site is separated from open countryside by a 1.2-metre-high timber post and three rail fence, hedgerows, and trees.

8.4. The cemetery extension is proposed to be seeded with Clay Soils Meadow Mixture containing a mixture of 19 native wildflower species and 6 grass species.

8.5. The SuDS basins would be seeded with Water's Edge Meadow Mixture in the wettest parts of the basin containing a mixture of 24 native wildflowers and 9 grass species. The outer drier parts of the basins would be seeded with the same Clay Soils Meadow Mixture as the cemetery extension.

8.6. Grassed areas around the remainder of the site, adjoining footpaths would be seeded with Flowering Lawn Mixture containing a mixture of 12 native wildflower species and 6 grass species.

- 8.7. There are trees scattered around the boundaries of the site outside of the application site. Root protection areas are identified on the submitted landscaping plans demonstrating that there are no construction works that would undermine the health of existing trees.
- 8.8. The landscaping is secured via condition (including the provision of the grassland area for the cemetery extension).
- 8.9. The proposed development would accord with Neighbourhood Plan policy SNP4, SNP8 and SNP10, Core Strategy policy CS5, paragraphs 131 and 174 of the NPPF and emerging policies SP09 and LP17.

## **9. Ecology**

- 9.1. Biodiversity enhancement and mitigation measures are proposed around the site including:
- 20 x bat boxes
  - 3 x swift boxes
  - 3 sparrow terrace
  - Hedgehog highways in timber fences and stock mesh
  - Planted SuDS basins
- 9.2. Place Services Ecology raised no objection to these proposed measures which are to be secured via condition.
- 9.3. The proposed development would accord with Neighbourhood Plan policies SNP8 and SNP10, Core Strategy policies CS4 and CS5, paragraphs 174 and 179 of the NPPF and emerging policies SP09, LP15 and LP16.

## **10. Land Contamination, Flood Risk, Drainage and Waste**

- 10.1. The Council's Environmental Health Team reviewed the application and raised no objection from the perspective of land contamination.
- 10.2. SCC Floods and Water have reviewed the surface water drainage strategy on site and recommended approval. A mixture of SuDS basins and swales are proposed across the site. The basins are not fenced off as the SuDS are designed to accord with SCC Floods and Water criteria in which the basins are at such a gradient and with steps/platforms that increase the safety of the basins if someone was to fall in. The design safety requirements of SCC Floods and Water surpass those outlined within the guidance produced by the Royal Society for the Prevention of Accidents (RoSPA).
- 10.3. The foul water drainage arrangements are private connections and would not be adopted by Anglian Water.
- 10.4. The proposed development would accord with Neighbourhood Plan policies SNP4 and SNP10, Core Strategy policies CS4 and CS5, paragraphs 169 and 174 of the NPPF and emerging policies SP09 and LP15.

## **11. Residential Amenity**

- 11.1. The Council's Environmental Health Team reviewed the application in respect of noise, odour, light and smoke and raised no objection in respect of the noise from the air source heat pumps.
- 11.2. Adequate and proportionate amenity space is provided to serve each new dwelling. Sufficient separation distances are provided between the proposed and existing adjacent dwellings, with a minimum of 20 metres in back-to-back distances. Internally between the new dwellings, there are minimum back-to-back distances of 20 metres.
- 11.3. There would be no overlooking, loss of outlook, loss of light, or overbearing to existing adjacent dwellings.
- 11.4. The proposed development would accord with Neighbourhood Plan policies SNP14, Local Plan policies H16 and H17, paragraph 130 of the NPPF and emerging policy LP24.

## **12. Parish Council Comments**

- 12.1. In their comments dated 23<sup>rd</sup> March 2023, Stowupland Parish Council support the application subject to removing permitted development rights for plot 15 to prevent further development in the countryside.
- 12.2. It is not considered that the removal of permitted development rights on plot 15 would meet the six tests of a condition as per paragraph 56 of the NPPF, as such condition is not considered reasonable nor necessary. Moreover, the removal of permitted development rights would not prevent further ancillary and incidental development on the site in principle, it would solely mean that development that ordinarily would not need planning permission would need to apply for planning permission. The removal of permitted development rights does not in itself mean subsequent planning applications are refused, only that the development is assessed against the development plan rather than national legislation.
- 12.3. Stowupland Parish Council have been re-consulted on the application, as such there may be an updated response received prior to committee. Members will be informed of any updated responses either via tabled papers or verbally during the meeting.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1. The principle of erecting 18 dwellings (including 6 affordables) was established through the grant of outline planning permission 1884/16 and these reserved matters are consistent with that quantum of development.
- 13.2. Since the grant of outline permission, the Stowupland Neighbourhood Plan has been made (adopted), which allocates the site for 18 dwellings under policy SNP4. As discussed within the body of this report these proposed reserved matters are wholly in accordance with policy SNP4 as well as other relevant Neighbourhood Plan policies.
- 13.3. On balance, the appearance, landscaping, layout and scale are acceptable and accord with the adopted development plan as a whole (Neighbourhood Plan, Core Strategy Focused Review,

Core Strategy and Local Plan), outline permission (subject to the submitted Deed of Variation being signed to vary the affordable housing mix as detailed under point 2.7 of this report) and the NPPF (an important material consideration).

- 13.4. There are no material considerations (including the NPPF and emerging Joint Local Plan) that indicate a decision should be taken against the development plan.
- 13.5. In conclusion, the development is considered acceptable, and the recommendation is therefore to grant these reserved matters following the submitted Deed of Variation being signed.

## **RECOMMENDATION**

**Delegate authority to the Chief Planning Officer to grant reserved matters subject to conditions (those listed and others as may be deemed necessary\*) and following DC/22/03895 Deed of Variation being signed in respect of amending the affordable housing mix.**

\* [If details reserved by condition are resolved prior to issuing the decision the conditions will be amended accordingly]

### Conditions

- Approved plans
- Bin presentation and storage areas to be agreed
- Landscaping to be planted in first available planting season and then retained
- Play equipment, benches and amenity space to be provided
- Play and amenity space management to be agreed
- Fire hydrant details to be agreed
- EV charging details to be agreed
- Biodiversity enhancements to be provided in line with submitted information
- Sustainability measures to be agreed- including provision of air source heat pumps to all dwellings
- Construction Management Plan to be submitted
- No burning on site

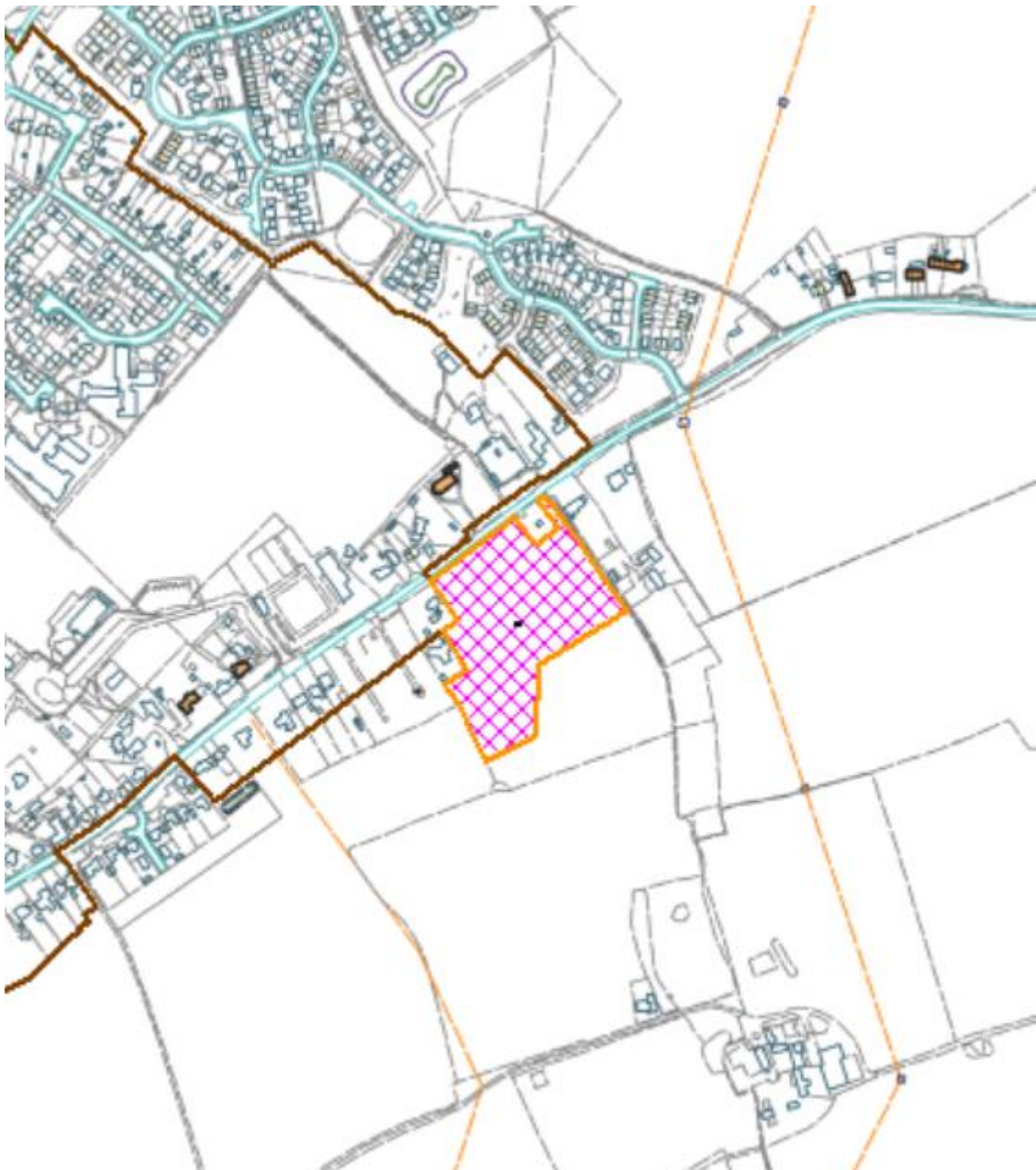
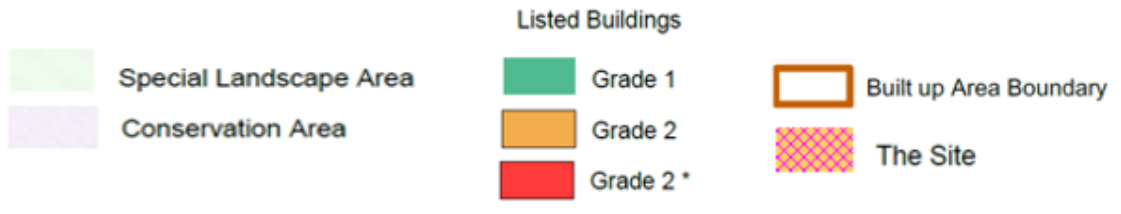
### Informatives

- Proactive working in line with NPPF
- No pre-app
- Drainage informative- as recommended by SCC Floods and Water
- Public Rights of Way recommended informatives
- Conditions and obligations must be complied with and discharged formally and separately under Discharge of Conditions (DOC) applications. All details within those DOC applications must be in line with the details submitted within the reserved matters where relevant.

Application No: DC/22/03761

Parish: Stowupland

Location: Land On The South East Side Of Church Road



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# Agenda Item 9e

## Committee Report

**Item No:** 9E

**Reference:** DC/23/01076

**Case Officer:** Daniel Cameron

**Ward:** Elmswell & Woolpit.

**Ward Member/s:** Cllr Jen Overett, Cllr Sarah Mansel.

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## **RECOMMENDATION – GRANT A VARIATION OF PLANNING PERMISSION**

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### Description of Development

Application under S73a for Removal or Variation of a Condition following approval of DC/22/01615 dated 05/08/2022 - Erection of up to 86 dwellings (30 No affordable units) including car parking, open space provision with associated infrastructure and vehicular access. Highways improvements of road widening and cycle/footpath link. Town and Country Planning Act 1990 (as amended) to vary Condition No 9 (Glazing to Dwellings).

### Location

Land To The North And West Of, School Road, Elmswell, Suffolk

**Expiry Date:** 03/06/2023

**Application Type:** FUW - Full App Without Compliance of Condition

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Bloor Homes Eastern

**Parish:** Elmswell

**Site Area:** 5.8ha (Developable area is approx. 4.5ha)

**Density of Development:** 19.1 dwellings per hectare (based on developable area)

**Details of Previous Committee / Resolutions and any member site visit:** Outline planning permission (DC/18/02146) was granted on 18th March 2022 following completion of a Section 106 Agreement following the decision of Development Control Committee on 21st January 2021. Reserved matters approval (DC/22/01615) followed on 5<sup>th</sup> August 2022 following the decision of Development Control Committee on 22<sup>nd</sup> June 2022.

**Has a Committee Call In request been received from a Council Member:** No

**Has the application been subject to Pre-Application Advice:** No

## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

This is a major development for 15 or more dwellings.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

#### Core Strategy Focused Review 2012:

FC01 - Presumption In Favour of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development  
FC02 - Provision and Distribution of Housing

#### Core Strategy 2008:

CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside and Countryside Villages  
CS05 - Mid Suffolk's Environment  
CS06 - Services and Infrastructure

#### Mid Suffolk Local Plan 1998:

GP01 - Design and layout of development  
HB14 - Ensuring archaeological remains are not destroyed  
H07 - Restricting housing development unrelated to needs of countryside  
H13 - Design and layout of housing development  
H14 - A range of house types to meet different accommodation needs  
H15 - Development to reflect local characteristics  
H16 - Protecting existing residential amenity  
H17 - Keeping residential development away from pollution  
T09 - Parking Standards  
T10 - Highway Considerations in Development  
CL08 - Protecting wildlife habitats

#### Supplementary Planning Documents:

Suffolk Adopted Parking Standards

#### Emergent Joint Local Plan:

SP01 - Housing Needs  
SP02 - Affordable Housing  
SP03 - The sustainable location of new development  
LP15 - Environmental Protection and Conservation  
LP16 - Biodiversity & Geodiversity  
LP17 - Landscape  
LP19 - The Historic Environment  
LP23 - Sustainable Construction and Design  
LP24 - Design and Residential Amenity

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LP27 - Flood risk and vulnerability  
LP29 - Safe, Sustainable and Active Transport

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 4: Submission of the plan for examination, examination date to be confirmed.

Accordingly, the Neighbourhood Plan has little material weight.

### **Consultations and Representations**

During the course of the application, consultation responses and representations from third parties have been received. These are summarised below.

[Click here to view consultee comments online](#)

### **A: Summary of Consultations**

#### **Parish Council**

##### **Elmswell Parish Council comments received 27<sup>th</sup> March 2023**

Given the technical nature of this application, Councillors decline to comment.

#### **Internal Consultee Responses**

##### **Enforcement Team comments received 7<sup>th</sup> March 2023**

Please be advised that there are no live enforcement cases on this site.

##### **Environmental Health – Noise, Odour and Smoke comments received 16<sup>th</sup> March 2023**

As the existing and proposed condition requires the glazing and ventilation acoustic performance to be at a minimum level, I have no objection to this on the provision that the post-completion/prior to occupation noise inspections to be carried out in agreement with the Local Planning Authority also include a selection of properties that were originally shown as having facades within Zone A.

For the sake of clarity, the post-completion noise inspection shall comprise:

- Confirmation that all noise mitigation submitted under condition 9 has been installed as approved;
- Evidenced results to demonstrate the internal noise levels for daytime and night-time meet the requirements of British Standard 8233.

In the event that the submitted information fails to satisfy the Local Planning Authority that the predicted noise reduction levels have been achieved on any of the properties identified within the schedule, then the restriction on any occupation/s continues to apply until such time as the developer has been able to agree and install additional mitigation measures that have first been agreed in writing with the Local Planning Authority.

In the event that the information submitted to the Local Planning Authority in respect of the post completion noise tests on all those properties identified in the schedule is satisfactory and has been agreed in writing, then the restriction on any occupations across any part of this site is lifted.

## **B: Representations**

At the time of writing this report no letters/emails/online comments have been received. A verbal update shall be provided as necessary.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

<b>REF:</b> DC/17/03853	Outline Planning Application for up to 250 dwellings including car parking, open space provision with associated infrastructure and access.	<b>DECISION:</b> WDN 25.04.2018
<b>REF:</b> DC/18/02146	Outline Planning Application (Access to be considered) Erection of up to 86 dwellings including car parking, early years provision, open space provision with associated infrastructure and vehicular access. Highways improvements of road widening and cycle/footpath link.	<b>DECISION:</b> GTD 08.03.2022
<b>REF:</b> DC/22/01511	Application for an Inset Appointment to be the water and waste water undertaker at School Road, Elmswell development.	<b>DECISION:</b> RNO 04.04.2022
<b>REF:</b> DC/22/01615	Application for Approval of Reserved Matters following grant of Outline Approval DC/18/02146 Town and Country Planning Order 2015 - Submission of details for Appearance, Landscaping, Layout and Scale for erection of up to 86 dwellings (30No affordable units) including car parking, open space provision with associated infrastructure and vehicular access. Highways improvements of road widening and cycle/footpath link.	<b>DECISION:</b> GTD 05.08.2022
<b>REF:</b> DC/22/01670	Discharge of Application for DC/18/02146 - Condition 12 (Refuse and Recycling) and Condition 13 (Refuse and Recycling)	<b>DECISION:</b> GTD 05.07.2022
<b>REF:</b> DC/22/01671	Discharge of Conditions Application for DC/18/02146 - Condition 23 (Biodiversity Enhancement and Mitigation)	<b>DECISION:</b> GTD 27.04.2022

<b>REF:</b> DC/22/01741	Application for the discharge of a Section 106 Planning Obligation - Discharge of S106 legal agreement dated 08.03.22 relating to DC/18/02146 - Discharge of S106 obligation under the Third Schedule, Part 9.	<b>DECISION:</b> GTD 22.07.2022
<b>REF:</b> DC/22/01752	Discharge of Conditions Application for DC/18/02146 - Condition 21 (Sustainability)	<b>DECISION:</b> GTD 21.07.2022
<b>REF:</b> DC/22/01848	Discharge of Conditions Application for DC/18/02146 - Condition 14 (Highways Details)	<b>DECISION:</b> GTD 05.08.2022
<b>REF:</b> DC/22/02584	Discharge of Conditions Application for DC/18/02146 - Condition 8 (Construction Management)	<b>DECISION:</b> GTD 05.08.2022
<b>REF:</b> DC/22/02709	Discharge of Conditions Application for DC/18/02146- Condition 16 (Highways Road Widening)	<b>DECISION:</b> GTD 05.07.2022
<b>REF:</b> DC/22/02710	Discharge of Conditions Application for DC/18/02146- Condition 24 (Foul Water Drainage Details)	<b>DECISION:</b> GTD 20.07.2022
<b>REF:</b> DC/22/02711	Discharge of Conditions Application for DC/18/02146 - Condition 7 (Sustainable Drainage Requirements)	<b>DECISION:</b> GTD 20.07.2022
<b>REF:</b> DC/22/02712	Discharge of Conditions Application for DC/18/02146 - Condition 17 (Archaeological Evaluation)	<b>DECISION:</b> GTD 05.07.2022
<b>REF:</b> DC/22/02830	Discharge of Conditions Application for DC/18/02146 - Condition 10 (Highways Mitigation Measures)	<b>DECISION:</b> GTD 05.07.2022
<b>REF:</b> DC/22/02831	Discharge of Conditions Application for DC/18/02146 - Condition 20 (Fire Hydrants)	<b>DECISION:</b> GTD 05.07.2022
<b>REF:</b> DC/22/03446	Application for a Non-Material Amendment relating to DC/18/02146 Condition 2 (Approval of Reserved Matters).	<b>DECISION:</b> GTD 04.08.2022
<b>REF:</b> DC/22/03999	Discharge of Conditions Application for DC/22/01615 - Condition 8 (Dust Control)	<b>DECISION:</b> GTD 07.09.2022
<b>REF:</b> DC/22/04309	Discharge of Conditions Application for DC/18/02146- Condition 4 (Wildlife)	<b>DECISION:</b> GTD 10.11.2022

	Enhancements) and Condition 5 (Wildlife Fencing)	
<b>REF:</b> DC/22/04525	Discharge of Conditions Application for DC/22/01615 - Condition 6 (Further Planting) and Condition 11 (Play Provision)	<b>DECISION:</b> GTD 16.11.2022
<b>REF:</b> DC/22/04527	Discharge of Conditions Application for DC/22/01615 - Condition 4 (Materials)	<b>DECISION:</b> GTD 24.11.2022
<b>REF:</b> DC/22/05425	Application for Consent to Display Advertisements. Erection of 1 x Chevron-Style 'V-Board'; 1 x Sign Facing Rail Line; and 12 x Flagpoles. Advertising "Coming Soon" of the development at School Road, Elmswell.	<b>DECISION:</b> GTD 12.12.2022
<b>REF:</b> DC/22/05875	Discharge of Conditions Application for DC/18/02146 - Condition 15 (Travel Plan)	<b>DECISION:</b> GTD 17.02.2023
<b>REF:</b> DC/22/05895	Discharge of Conditions Application for DC/18/02146 - Condition 18 (Archaeological Written Investigation)	<b>DECISION:</b> GTD 16.12.2022
<b>REF:</b> DC/22/06355	Discharge of Conditions Application for DC/22/01615- Condition 3 (Landscape and Ecological Management Plan)	<b>DECISION:</b> GTD 16.03.2023
<b>REF:</b> DC/23/01958	Discharge of Conditions Application for DC/18/02146 - Condition 19 (Part 3 Archaeological Works)	<b>DECISION:</b> PCO

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0 The Site and Surroundings**

- 1.1 The site adjoins the western settlement boundary of Elmswell, a designated Key Service Centre, and borders the rear of existing residential properties on School Avenue. The site is bordered and enclosed on its northern boundary by a railway line which is elevated on a vegetated embankment. A public right of way (FP14) runs the length of the northern boundary, continuing westwards towards Elmswell Park. North, beyond the railway line, is open countryside and a further network of public rights of way. The western boundary at the site's northern end is delineated by Parnell Lane, a tree-lined private drive, beyond which is open countryside comprising large irregular arable fields.
- 1.2 There are seven listed buildings located in close proximity to the site, and which share some inter-visibility: Church of Saint John (Grade II\*), Two monuments 3 metres east of the Chancel to St. John's Church (Grade II), Churchyard Cross (Grade II), Nos. 1-3 Church Road (Almshouses—Grade II), Church Cottage (Grade II), Elmswell Hall (Grade II) and 1 and 2 Hall Cottages (Grade II).

All are located south of the site except Elmswell Hall, which is located north of the railway line and 1 and 2 Hall Cottages which are east of the site fronting Farm Meadow.

- 1.3 The site is not in, adjoining, or within proximity of a Conservation Area, Special Area of Conservation or Special Landscape Area. The site is in Flood Zone 1.

## **2.0 The Proposal**

- 2.1 This application follows on from the previous Outline and Reserved Matters applications on the site and proposes an amendment to allow a different approach to be taken in regards to acoustic insulation on dwellings close to the railway line. This would affect 28 of the 86 dwellings on site. Section 73 of the Town and Country Planning Act 1990 (as amended) allows for applications to be made for planning permission for the development of land without complying with the conditions applied to the previous planning permission.
- 2.2 In this instance, the application seeks to vary condition 9 from DC/22/01615. The condition requires glazing on certain dwellings within the site which are located a certain distance from the railway line to meet an enhanced acoustic standard such that the amenity of the future residents of those dwellings will be adequately protected. Full wording of the condition is as set out below:

### ***ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: GLAZING ON DWELLINGS***

1. *All bedrooms, highlighted as being within zone 1, (detailed in drawing no Figure 2. of the Noise Assessment for a residential development at Land off School Road, Elmswell prepared by 24 Acoustics of Southampton, Technical Report number: R9023-1 Rev 1, date 10th September 2021) shall be constructed with the relevant glazing scheme as specified in section Table 4, having a minimum sound reduction performance of 43 dB Rw.*
2. *All dwellings identified as requiring an acoustic glazing scheme (as above) shall require alternative passive ventilation to meet the minimum overall performance of 54 dB Dn,e,w (Note: any form of ventilation installed must comply with the Noise Insulation Regulations 1975 and Approved Document F [Ventilation regulations])*
3. *All other facades in the development shall be fitted with double glazing with a sound insulation rating of Rw32 or better. (this includes living rooms in zone 1)*
4. *All facades other than bedrooms within zone 1 shall be fitted with standard trickle vents having a minimum overall performance of 32 dB Dn,e,w (this includes living rooms in zone 1)*
5. *Prior to first occupation of any dwellings, a sample of dwellings (the number and location to be first agreed in writing by the Local Planning Authority) shall be independently tested to ensure that the WHO and BS8233 internal values are being met within those dwellings. Prior to first occupation of any of the dwellings, evidence that the agreed sample of dwellings have been independently tested and that the values have been met shall have been submitted to and have been approved in writing by the Local Planning Authority.*

*Reason: To protect the amenity of future occupants.*

- 2.3 The applicants, in reviewing the scheme, and following an updated acoustic report, have suggested that the condition should be amended. Their suggested condition reads as follows with the changes from the original condition above indicated in red for emphasis:

### ***APPLICANT SUGGESTED REVISED CONDITION WORDING OF CONDITION 9***

1. All bedrooms, highlighted as being within zone A, (detailed in drawing no Figure 2. of the Noise Assessment for a residential development at Land off School Road, Elmswell prepared by 24 Acoustics of Southampton, Technical Report number: R9023-1 Rev 4, dated 16th December 2022) shall be constructed with the relevant glazing scheme as specified in section Table 4, having a minimum sound reduction performance of 39 dB Rw.
2. All dwellings identified as requiring an acoustic glazing scheme (as above) shall require alternative passive ventilation to meet the minimum overall performance of 55 dB Dn,e,w (Note: any form of ventilation installed must comply with the Noise Insulation Regulations 1975 and Approved Document F [Ventilation regulations])
3. All other facades in the development shall be fitted with double glazing with a sound insulation rating of Rw32 or better. (this includes living rooms in zone A)
4. All Facades other than bedrooms within zone A shall be fitted with standard trickle vents having a minimum overall performance of 32 dB Dn,e,w (this includes living rooms in zone A)
5. Prior to first occupation of the dwellings within Zone A, a sample of dwellings within Zone A (the number and location of said dwellings shall be submitted to and agreed in writing by the Local Planning Authority) shall be independently tested to ensure that WHO and BS8233 internal values are being met. Evidence that the sample of dwellings has been independently tested and that the values are met shall then be submitted to and approved in writing by the Local Planning Authority.

2.4 The decision for Members of the Development Control Committee is whether or not to approve the suggested changes. Members should note that refusal of the application before them would have no bearing on the existing planning permission on the site, which would continue to run, only on the acoustic performance of insulation measures for the affected properties, which would otherwise remain as per the currently worded condition.

### **3.0 The Principle of Development**

3.1 In this instance, the principle of development is already established via the Outline planning permission and Reserved Matters approval for development of the site. As noted previously, the key question being raised by this application is whether the changed wording for condition 9 is acceptable or not.

3.2 For the avoidance of doubt, all other matters within the development, remain as agreed and set out within the existing planning permission.

### **4.0 Material Considerations**

4.1 Paragraph 56 of the NPPF states:

*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*

4.2 From this Officers impose six tests on planning conditions to ensure that they meet this requirement, expressly these are:

1. Conditions must be necessary;
2. Conditions must be relevant to planning;
3. Conditions must be relevant to the application under consideration;
4. Conditions must be enforceable;
5. Conditions must be precise in their wording and intent; and

6. Conditions must be reasonable in all other respects.

- 4.3 In assessing the wording of the existing condition and the proposed condition, Officers consider the above tests would be met. In consultation with the Council's Environmental Health Officers it is noted that they have no issue with the amended technical details suggested by the re-worded condition and add their own caveats such that the Council would have greater security regarding the post completion/prior to occupation checks on the properties affected.
- 4.4 As such, it is considered that, taking the caveats of the Environmental Health Team into account, Officers suggest the following condition wording to Members, with all alterations noted in red for emphasis. For clarification – the wording is the same as suggested by the applicant - apart from the additional two paragraphs at the end.

#### **OFFICER SUGGESTED REVISED CONDITION WORDING OF CONDITION 9**

1. *All bedrooms, highlighted as being within zone A, (detailed in drawing no Figure 2. of the Noise Assessment for a residential development at Land off School Road, Elmswell prepared by 24 Acoustics of Southampton, Technical Report number: R9023-1 Rev 4, dated 16th December 2022) shall be constructed with the relevant glazing scheme as specified in section Table 4, having a minimum sound reduction performance of 39 dB Rw.*
2. *All dwellings identified as requiring an acoustic glazing scheme (as above) shall require alternative passive ventilation to meet the minimum overall performance of 55 dB Dn,e,w (Note: any form of ventilation installed must comply with the Noise Insulation Regulations 1975 and Approved Document F [Ventilation regulations])*
3. *All other facades in the development shall be fitted with double glazing with a sound insulation rating of Rw32 or better. (this includes living rooms in zone A)*
4. *All Facades other than bedrooms within zone A shall be fitted with standard trickle vents having a minimum overall performance of 32 dB Dn,e,w (this includes living rooms in zone A)*
5. *Prior to first occupation of the dwellings within Zone A, a sample of dwellings within Zone A (the number and location of said dwellings shall be submitted to and agreed in writing by the Local Planning Authority, which for the avoidance of doubt shall include dwellings shown to have facades within zone A) shall be independently tested to ensure that WHO and BS8233 internal values for both daytime and night-time are being met or exceeded. Evidence that the sample of dwellings has been independently tested and that the values are met shall then be submitted to and approved in writing by the Local Planning Authority.*

*In the event that the submitted information fails to satisfy the Local Planning Authority that the predicted noise reduction levels have been achieved on any of the properties identified within the schedule, then the restriction on any occupations/s continues to apply until such time as the developer has been able to agree and install additional mitigation measures that have first been agreed in writing with the Local Planning Authority.*

*In the event that the information submitted to the Local Planning Authority in respect of the post completion noise tests on all those properties identified in the schedule is satisfactory and has been agreed in writing then the restriction on any occupations across any part of this site is lifted.*

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## **PART FOUR – CONCLUSION**

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### **5.0 Planning Balance and Conclusion**

- 5.1 The application seeks to amend condition 9 of the reserved matters approval DC/22/01615 relating to the site at School Road, Elmswell.
- 5.2 The condition would not be removed completely, rather, updated to reflect a more recent acoustic assessment which has been reviewed by Officers and more specifically by Officers from the Council's Environmental Health Team. They note that the minimum standard of insulation still applies and would ensure that noise insulation on the affected properties would still meet the requirements of the relevant British Standard as well as the requirements of the World Health Organisation. Post completion testing gives security that, should the installed measures not meet the required standards, then safeguards are in place to ensure that remedial action can also be taken.
- 5.3 In reviewing the new wording of condition 9, it is considered that the tests set out within the NPPF would be met. Therefore, it is the recommendation of Officers to grant planning permission subject to the other conditions originally imposed, updated to reflect any discharge that may have occurred in the intervening time. Those that would require amendment in order to reflect the discharged details are noted below with the recommendation set out below.
- 5.5 Members should also note that a Section 106 Agreement was secured against the Outline planning permission (DC/18/02146). It secures the following:
- Affordable housing.
  - Bus stop improvements.
  - Early years education contributions equating to £1,824.28 per dwelling.
  - Junction and highway improvements at School Road and Church Road.
  - Provision of open space and transfer to nominated body for maintenance.
  - Land to provide a pre-school facility.
  - Primary education contribution equating to £4,618.55 per dwelling.
  - £20,000 for the upgrading of PF14 to a bridleway.
  - Secondary school transport contribution equating to £980.18 per dwelling.

There is no requirement for a fresh legal agreement in this instance as the application before Members relates to a variation to the Reserved Matters. The development is also liable for CIL and lies within a high CIL rate zone.

### **RECOMMENDATION**

**That the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Condition on scope of reserved matters approval.
- Approved plans and documents.
- Landscaping and ecological management plan to be as approved under discharge of condition application DC/22/06355.



- External facing and roofing materials to be as approved under discharge of condition application DC/22/04527.
- Works to be undertaken in line with tree protection measures outlined within arboricultural report.
- Further planting onsite to be as approved under discharge of condition application DC/22/04525.
- No burning on site.
- Dust control measures to be implemented as approved under discharge of condition application DC/22/03999.
- Condition 9 to be updated as set out in this report.
- Landscaping to be implemented in accordance with specific schedule.
- Play provision to be provided as approved under discharge of condition application DC/22/04527
- Parking provision with EVCP provision to be provided to each dwelling prior to its first occupation.
- Cycle storage to be provided to each dwelling prior to its first occupation.
- Bin storage and presentation to be provided to each dwelling prior to its first occupation.

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