



Appeal Decision

Hearing held on 21 January 2025

Site visit made on 22 January 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2025.

Appeal Ref: APP/F3545/W/24/3351426

St Benedicts Lower School, St Andrews Street South, Bury St Edmunds, Suffolk IP33 3PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Harris, M & D Developments against the decision of West Suffolk Council.
 - The application Ref is DC/21/2312/FUL.
 - The development proposed was originally described as 'change of use from school site to public access car park for 269 cars with new vehicular access and exit from Parkway'.
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Decision

1. The appeal is allowed and planning permission is granted for 'change of use from school site to public access car park with new vehicular access and exit from Parkway' at St Benedicts Lower School, St Andrews Street South, Bury St Edmunds, Suffolk IP33 3PH in accordance with the terms of the application, Ref DC/21/2312/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form and refers to a car park for 269 cars. However, the scheme was amended prior to the Council's decision on the application with revisions including a reduction in the number of parking spaces as well as changes to landscaping and access arrangements. As agreed with the main parties during the Hearing, I have considered the appeal on the basis of the latest iterations of the plans which were before the Council when it determined the planning application¹.
3. In addition and having noted the reduction in number of spaces from 269 as was indicated originally, the main parties agreed that it was unnecessary to include specific reference to the number of cars in the description, and that the description should be amended to 'change of use from school site to public access car park with new vehicular access and exit from Parkway'. I have considered the appeal on this basis, and used the revised description in my formal decision.
4. During the Hearing, the main parties were able to comment on any implications for their cases of a revised version of the National Planning Policy Framework ('the Framework') which was published in December 2024. I have considered the appeal in light of these comments and the Framework.

¹ Drawing refs: Location plan, 486 BP1A Existing Block Plan, 486 BP2H Proposed Block Plan and final scheme design plans at Appendix C of the Technical Note prepared by Stantec dated 28 February 2023.

5. Part of the appeal site is designated as 'Recreational Open Space' on the Policies Map forming part of the adopted development plan. At a late stage during the Hearing, the appellant brought to my attention the emerging West Suffolk Local Plan ('the WSLP'), and in particular the fact that no part of the site was shown to be designated as open space on the accompanying Policies Map. The Council confirmed that examination sessions on the emerging WSLP had concluded and that consultation on main modifications was expected within months. It suggested that the change in designation would attract 'quite a lot of weight' and given the stage reached, I agree, albeit that I would describe it as 'significant weight' which to my mind would be a broadly equivalent term.

Main Issues

6. The main issues are:
- i) the effect of the proposal on the safety and convenience of pedestrians, cyclists and other highway users; and
 - ii) the effect of the proposal on the provision of recreational open space.

Reasons

Safety and Convenience of Pedestrians, Cyclists and Highway Users

7. The proposed car park would be served by a new vehicular access and exit on the A1302 Parkway. The access would include a signalised left-in-left-out junction to the site and the reduction of a section of existing dual carriageway to a single lane. The design has been amended in light of recommendations made within a Stage 1 Road Safety Audit ('RSA'), but the Council maintains a number of concerns.

Queuing Traffic from Car Park Entrance onto Parkway

8. On entering the site from Parkway, vehicles could either continue straight on into the main area of the car park, or turn left into a small area of parking to the north of the access close to Parkway. Vehicles leaving this northern section and turning right towards the exit onto Parkway could restrict the inbound flow of vehicles in situations where they were prevented from completing the turn by traffic queuing to leave the car park.
9. However, keep clear markings could be implemented to deter this behaviour. In addition, only a small proportion of the total number of parking spaces would be provided within the northern section of the car park. I appreciate that there could be instances where a vehicle has been unable to find a space in the northern section, but having selected this car park, it seems to me that some if not most drivers in that situation would then be likely to turn left in order to look for a space in the main parking area rather than leaving to travel to a different car park altogether. These factors would be likely to limit the number of vehicles turning right and blocking inbound flow such that this would not be a regular occurrence.
10. Moreover, while the appellant's highway plans illustrate only four vehicles between Parkway and the junction to the northern section, there would be space for five vehicles. Even in peak hours, there would be unlikely to be significantly more than five vehicles arriving within the relatively short duration that any obstruction from vehicles turning out of the north section of the car park might last. Obstruction that might result from vehicles manoeuvring in and out of spaces along the internal road after the junction would be even further from Parkway, and would also be likely to

be of fairly short duration and of limited frequency given the relatively small number of spaces here.

11. When these factors are taken together, I consider that the likelihood of vehicles queuing onto Parkway from the car park entrance would be very low and certainly infrequent.

Use of Hatched Markings on Parkway for Overtaking

12. Notwithstanding my findings above that queuing from the car park access out onto Parkway would be unlikely and infrequent, there could be extraordinary instances where this did occur. The RSA also raised the possibility of vehicles breaking down within the section of Parkway which is proposed to be narrowed to a single lane.
13. In either case, vehicles travelling south on Parkway would be able to pass the potential obstruction by travelling at low speed over the hatched markings that would be applied on Parkway to narrow it to a single lane. In doing so, vehicles would be passing single file before rejoining the lane after the obstruction and would have good visibility of the kerbed island containing the signal to the new junction. Subject to appropriate markings which would be a matter for the detailed highway design as part of an agreement under Section 278 of the Highways Act 1980, I see no reason that this would create a hazard or environment of confusing movements as the Council asserted.
14. Should obstruction be caused by vehicles queuing for the car park entrance, it is possible that waiting vehicles which had not yet entered the bellmouth might decide to seek alternative parking and rejoin Parkway while southbound traffic was passing. Be that as it may, such movements would be from stationary or low speed. Given also that drivers would reasonably anticipate traffic to be passing and that there would be good intervisibility along Parkway, I agree with the appellant that such movements would be highly unlikely to result in potential for collisions.
15. Moreover, the hatched markings would follow immediately from an existing single-lane section of Parkway through a signal-controlled toucan crossing to the north of the appeal site. Unless there was an obstruction on Parkway, there would be little reason for drivers here to feel encouraged to use the area of the proposed hatched markings to overtake.
16. Given that incidents of obstructions on Parkway necessitating overtaking would be likely to be relatively rare and infrequent and having regard to the above, I find that use of the hatched markings for overtaking would not cause unacceptable risk or harm to highway safety.

Forward Visibility Through Left Turn Into Car Park

17. A minimum stopping sight distance of 16m would be provided through the left turn into the car park from Parkway. This reflects the distance that guidance in 'Manual for Streets 2' indicates should be provided for vehicle speeds of 15mph. In considering whether this would be appropriate, neither main party was aware of any published guidance on how fast vehicles would be likely to travel around a radius of this angle. The Council suggests that vehicles may exceed 15mph, but this was not substantiated by any compelling evidence. On the other hand, the appellant indicated that the design speed was based on the maximum speed the assessor could comfortably drive around an existing junction of similar profile. I

consider this a reasonable approach and, on the weight of the evidence before me, find that the stopping sight distance would be adequate to ensure that there would not be an unacceptable risk of rear shunt collisions as vehicles enter the car park.

18. There may be some instances where drivers had been intending to use the car park but would change their minds on seeing vehicles queuing to enter. However, in the unlikely event of vehicles queuing as far as Parkway, this would be readily apparent for some distance on the approach and I would not therefore expect those drivers to manoeuvre to join the queue. Queues within the car park may not be visible until drivers have joined the turn, but in my judgement, the small number of vehicles that might be waiting behind the northern access arm within the car park would be unlikely to be so significant a deterrent as to cause drivers to change their minds and seek to rejoin Parkway. Even if they did, they would have been slowing in anticipation of the turn which would reduce the risk of potential conflict with passing traffic. Moreover, car park capacity indicator signage as suggested by the Council could be installed with details secured by a planning condition. This would give drivers advanced information on the availability of spaces within the car park, reducing the likelihood of late changes in decisions whether to use it or not.
19. Taking all of these factors together, I find that the forward visibility through the left turn into the car park would be adequate and would not pose an unacceptable risk of conflict nor detriment to highway safety.

Traffic Queuing Through Toucan Crossing to North

20. If traffic stopped at the appeal site access signals were to queue back through the existing toucan crossing on Parkway to the north, pedestrians there believing traffic to be stopped might cross on a red pedestrian signal and so be at risk of conflict with two-wheelers.
21. However, the appellant's evidence includes highway modelling based on assumptions of a car park of greater capacity than is now proposed emptying within 1 hour which would be highly unlikely, along with peak traffic flow conditions on Parkway. Even in this unrealistic worst-case scenario and accounting for large vehicles, the modelling indicates that the two sets of signals could be coordinated to ensure that vehicles queuing on Parkway at the site access would not build up as far as the toucan crossing under either a 60 second or a 90 second cycle.
22. The existing toucan crossing is demand-operated, but the Council did not dispute the appellant's comments at the Hearing that it could still be linked to the site access with a built-in timer. On occasion, this may result in delay to a green signal for pedestrians wanting to cross, but the period would not be unduly long and I observed at the site visit that there are already times where there is some delay between a pedestrian calling the crossing and the signals changing. In my assessment, additional delay to pedestrians would be unlikely to be so significant as to deter walking as a choice or to meaningfully de-prioritise pedestrians such that it would be inappropriate to link the signals as the appellant proposes.
23. I am therefore satisfied that the proposal would not increase the risk of conflict between pedestrians and two-wheelers.

Cyclist Safety

24. The access design does not include specific provision for cyclists. However, the evidence before me indicates very low numbers of existing cycle movements on Parkway. There is support at both the national and the local level for promoting sustainable travel choices but while measures could increase cycling generally, Parkway is a busy dual carriageway without cycle lanes. This would deter all but the most experienced and confident cyclists from using this route. In addition, the appellant's Transport Statement indicates alternative signed or recommended cycle routes running broadly parallel to Parkway in relatively close proximity such that journey times or distances would not be significantly increased. In these circumstances, I consider that the number of cyclists using Parkway would be unlikely to increase significantly.
25. For any cyclists that do use parkway, the width of the traffic lane past the appeal site would vary, but only fairly slightly. It would also be wider than the individual existing lanes and I am satisfied there would be sufficient space to allow vehicles to safely pass cyclists, even without using the area of hatched markings. Having regard to my findings above in respect of the likelihood of queues from the car park and forward visibility through the left turn, I also see no reason that there would be unacceptable risk of conflict as cyclists passed traffic entering the car park.
26. As the Council highlighted during the Hearing, there would be no Advanced Stop Line at the junction providing a cycle priority area. Given however that traffic would be continuing straight on Parkway with no turn after the junction that could necessitate cyclists being able to get ahead of waiting traffic to avoid potential conflicting movements, the lack of provision would not be inappropriate here.
27. Given the above, I find that the proposal would not pose an unacceptable risk to cyclists.

Highway Capacity and Congestion

28. The proposal would narrow a section of existing southbound dual carriageway to a single lane. However, this would in effect continue the existing single-lane section through the toucan crossing to the north and so would not create a new merge point on the highway. In addition, the appellant's highway modelling which I have noted above is based on an unrealistic worst-case scenario demonstrates that the highway and junction arrangement would still operate well within capacity and that vehicles continuing past the site on Parkway would experience no significant delay. The Council has provided no compelling evidence to show otherwise.
29. I appreciate that the existing capacity of a section of Parkway past the appeal site would be reduced, but the evidence before me indicates that this would not be detrimental to highway capacity or convenience.

Conclusion on Main Issue

30. Drawing matters together, I appreciate that the proposal would involve significant changes to the highway layout in the vicinity of the site but I conclude for all of the reasons above that there would not be unacceptable harm to the safety or convenience of pedestrians, cyclists or other highway users. Effects on the highway would not be unreasonable and I find no conflict with Policies DM2 or DM46 of the Joint Development Management Policies Document 2015 ('the DMP') or Policy

CS7 of the St Edmundsbury Core Strategy 2010 ('the CS') insofar as they seek appropriately designed parking, to promote sustainable forms of transport and maintenance or enhancement of the safety of the highway network. For the same reasons, I find no conflict with the Framework which sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

31. The Council's reason for refusal refers additionally to Policy DM1 of the DMP but this is a general policy setting out a presumption in favour of sustainable development and seems to me to be of less direct relevance here.

Recreational Open Space

32. The development would occupy areas which were formerly used as tennis courts and playing field by St Benedicts Lower School. From the information before me, they have not been actively used since the school relocated in around 2019, and based on my observations, the tennis courts have effectively been removed and the condition of the playing fields would preclude current use.
33. The Council confirmed at the Hearing that it did not have concerns in respect of the loss of the former tennis courts and I have no firm reason to take a different view. The playing field area though is currently designated as recreational open space. Despite its condition, I find given this designation that requirements within Policy DM42 of the DMP in respect of development resulting in the loss of amenity, sport or recreation open space or facilities would apply to the playing field.
34. These requirements set out that losses of space or facilities will not be allowed unless one of two specified criteria apply. The first of these is where it can be demonstrated that the space or facility is surplus to requirements against the local planning authority's standards for the particular location, and the proposed loss will not result in a likely shortfall during the plan period. In this respect, the Council referred to the Playing Pitch and Outdoor Sports Facilities Assessment 2022 ('the Assessment') and suggested that the needs identified in the Assessment for football and rugby pitches and netball courts in the Bury St Edmunds sub-area mean that the space would not be surplus to the local planning authority's standards for the location.
35. However, it is common ground between the main parties that the playing field was used only by the school with no public or community access. Insofar as the school has relocated away from the site and school buildings have been demolished, it is reasonable to consider the site to be surplus to school requirements. In theory, it might be possible for the site to be brought back into use to serve the wider community. Given though the existing condition and circumstances of the site including the lack of any supporting facilities and the constraints of the surrounding development, and in the absence of any realistic scheme to do so, it seems to me that this would be so unlikely a prospect as to represent no more than a remote hypothetical. Moreover, the site is not recognised as an existing facility in the Assessment, and nor is it specifically identified within the suggested actions to address needs. Although the proposal would not strictly meet the first criterion of DMP Policy DM42, I find given these factors that in this specific case, the loss of

space would not meaningfully affect existing provision of recreational open space so as to result in a likely shortfall during the plan period.

36. The second of the criteria in Policy DM42 is that replacement for the space or facilities lost is made available, of at least equivalent quantity and quality, and in a suitable location to meet the needs of users of the existing space or facility. I heard that the sole user of the existing space, St Benedicts Lower School, has relocated to join with the Upper School on a combined school site on Beetons Way. The relocation would have increased numbers of pupils based at the Beetons Way site and I am not aware that 'new' playing field of equivalent quantity was provided as part of the move. Nevertheless, the Council did not dispute the appellant's evidence that there are extensive sport and recreation facilities available at the Beetons Way site of better quality than were at the appeal site, and I have no firm reason to find that these are inadequate to meet the needs of users relying on them in terms of their quantity or quality. I am also in no doubt that facilities at Beetons Way would be far more suitable to meet needs of users who have relocated there rather than the appeal site. Having regard to these specific factors, I am satisfied that while a 'new' area of playing field may not have been provided, there is in practice adequate replacement for the space on the appeal site to better meet the needs of its former users.
37. The proposal would not strictly comply with the terms of either of the criteria set out in Policy DM42 of the DMP, but I find for these reasons that the loss of an area designated as recreational open space would not unacceptably harm provision for such space nor access for users. Moreover, the playing field would no longer be designated as recreational open space under the emerging WSLP. This change attracts significant weight and noting that it would bring the playing field into line with the former tennis courts which are not designated and which are not subject to an objection to loss by the Council, it reinforces my view that the loss of recreational open space would not cause meaningful detriment in this case.
38. Having regard to the above factors, I conclude that the proposal would not cause unacceptable harm in respect of the provision of recreational open space and that there are material considerations which would outweigh the failure to comply with the detailed requirements of Policy DM42 of the DMP. For the same reasons, material considerations would outweigh the failure to accord with the detailed terms of similar criteria in Policy LP33 of the emerging WSLP.

Other Matters

39. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the setting of the neighbouring St Andrews Castle which is a Grade II* listed building. Insofar as it relates to this appeal, the special interest and significance of the listed building derives in part from its historic and architectural interest as a regency gothick style house dating to the late 18th/early 19th century which was later used as a convent. The appeal site is part of its immediate setting, but I agree with the main parties that the proposal would better reveal the significance of the listed building than the school buildings which formerly occupied the closest part of the site. The proposal would also increase opportunities for the public to appreciate the significance of the building. Subject to appropriate landscaping and boundary treatment which could be secured by condition, I am satisfied that the setting and significance of the listed building would be preserved.

40. The Council indicates that the site is within a recreational buffer zone around the Breckland Special Protection Area ('SPA') which is a European Site designated under the Conservation of Habitats and Species Regulations 2017. The SPA is designated for the presence of three qualifying species (Stone curlew, Nightjar and Woodlark), and has conservation objectives seeking broadly to avoid the deterioration of the habitats of the qualifying features and significant disturbance of the qualifying features, ensuring the integrity of the site is maintained. The site is also within Impact Risk Zones for the Glen Chalk Caves, Horringer Court Caves and Breckland Farmland Sites of Special Scientific Interest ('SSSIs'). However, the main parties agree that the nature of the proposal in providing a town centre car park would not generate recreational pressure and would not have any likely significant impact on the integrity of the SPA nor adverse effect on the SSSIs. I have no firm reason to find differently.
41. Furthermore, with mitigation and enhancement measures which could be secured by condition, protected species or biodiversity would not be adversely affected by the proposal which would instead offer enhancement. Some trees would be removed from the site, but the Council's landscape officer is satisfied that this would be mitigated by new planting and that retained trees could be adequately protected. I agree, and having regard to the context of the surrounding development which includes other surface parking, I find that there would not be meaningful harm to the character or appearance of the area.
42. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The appeal site is itself located in an urban area, but I heard that Bury St Edmunds is the main service centre for a large rural hinterland which has limited provision for sustainable transport so that many residents are reliant on private vehicle. The degree of need for additional parking in the town centre was a matter of discussion at the Hearing. Nevertheless, I do not doubt that the provision of additional parking capacity could support existing and future occupiers of the rural area to access services and could reduce vehicle movements and resulting emissions associated with searches for parking in peak periods. In this context, I find that while the provision of parking would not directly align with objectives to encourage use of sustainable travel modes, this would not justify withholding permission.
43. The appellant's Flood Risk Assessment indicates that rates of surface water runoff from the site would be reduced. Further details of drainage could be secured by condition to ensure that this would be the case and on that basis, the proposal would not increase flood risk. There is also no firm evidence to suggest that there would be undue strain on services or utilities including electricity supplies.
44. Having regard to the surrounding background context, the number and layout of spaces closest to the boundaries of the site and subject to suitable boundary treatment and lighting design which could be secured by condition, I am satisfied that the relationship of the development with surrounding dwellings would not cause unacceptable living conditions for neighbouring occupiers including through noise, disturbance or detriment to safety and security.
45. I have taken into account representations by interested parties. However, I am satisfied that none of the other matters raised, either individually or collectively, would result in a level of harm that would justify dismissal of the appeal, and they do not alter my findings on the main issues.

Conditions

46. I have considered suggested conditions in light of the discussion and amendments proposed at the Hearing, and against the tests set out in the Framework. Where necessary, I have made minor amendments for clarity, brevity, to save duplication or to ensure compliance with the relevant tests.
47. Condition 1 is the standard time limit condition, and I have imposed condition 2 for the avoidance of doubt and in the interest of certainty.
48. Condition 3 is necessary to protect trees in the interests of the character and appearance of the area. Conditions 4 and 18 are necessary to safeguard protected species, habitat and ecology and to provide for a net gain in biodiversity as required by the Framework while conditions 5, 6, 7, 8 and 11 are necessary in the interests of highway safety and convenience and, in the case of condition 7, neighbouring living conditions. Condition 9 is necessary to ensure appropriate provision for drainage in the interests of flood risk and conditions 10 and 15 are necessary to safeguard the archaeological interest of the site. Conditions 3-10 each require matters to be approved before development commences as measures would need to be in place to address effects arising during construction, or in the case of condition 9, to ensure that adequate provision can be made as part of the development. The appellant has agreed to these pre-commencement conditions.
49. Conditions 12, 13 and 14 are necessary in the interests of the character and appearance of the area and insofar as it includes a requirement for details of boundary treatment, condition 12 is also necessary in the interests of neighbouring living conditions. Condition 16 is necessary to secure the development as it is shown on the plans in the interests of minimising emissions and to ensure that increased demand for electric vehicle charging could be accommodated to avoid potential congestion from undue pressure on the northern section of the car park. Finally, condition 17 is necessary in the interests of biodiversity, neighbouring living conditions and safety and security.
50. The main parties agreed during the Hearing that other suggested conditions relating to a biodiversity enhancement strategy, landscape and ecological management plan, construction working hours, further road safety audits and trees within and adjacent to the highway would not be necessary or reasonable having regard to the nature of the proposal and requirements of other conditions or regimes. Noting also that the application was made prior to mandatory biodiversity net gain requirements coming into force, I concur and have not therefore imposed them. A condition suggested by the Council's Environmental Health consultee to require a destructive asbestos survey of buildings to be demolished is also unnecessary given that the proposal does not include demolition of any buildings.

Conclusion

51. I have found that the proposal would not cause unacceptable harm to the safety or convenience of pedestrians, cyclists or other highway users and neither would it cause unacceptable harm in respect of the provision of recreational open space.
52. Furthermore, while the Council queried the robustness of the appellant's evidence on the level of need for parking, it is common ground that the proposal would support the local economy and the vitality and vibrancy of the Bury St Edmunds Town Centre in accordance with the aims of Policy DM35 of the DMP.

53. The proposal would not strictly accord with the detailed requirements of Policy DM42 of the DMP and Policy LP33 of the emerging WSLP, but having regard to all of the above, there are material considerations which in my judgement are sufficient to outweigh any conflict with the development plan in that respect.

54. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans:
Location Plan
486 BP1A (Existing Block plan)
486 BP2H (Proposed Block plan)
332410526/001 P04 (Geometry and Visibility)
332410526/002 P04 (Proposed Highway Contours)
332410526/003 P04 (Long Sections)
332410526/004 P03 (Proposed Street Lighting)
332410526/005 P04 (Proposed Drainage)
332410526/006 P04 (Vehicle Swept Path Analysis)
332410526/007 P04 (Proposed Signs)
332410526/011 P04 (Proposed Traffic Signal Scheme 16m Forward Visibility for 15mph Speed Limit)
332410526/013 P03 (Proposed Traffic Signal Scheme and Signal Visibility)
332410526/014 P02 (Proposed Traffic Signal Scheme Junction Intervisibility Zone)
332410526/015 P01 (Response to RSA Problem 1)
332410526/016 P01 (Response to RSA Problem 2)
- 3) Notwithstanding the already submitted plans and details, no development (including any demolition, groundworks and site clearance) shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include details of the following:
 - a) Measures for the protection of those trees and hedges on the application site that are to be retained,
 - b) Details of all construction measures within the 'Root Protection Area' (defined by a radius of dbh x 12 where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hard standings, roads and footpaths,
 - c) A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement.

- 4) No development shall take place until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (which may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (‘ECoW’) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period.

- 5) Notwithstanding the already submitted plans and details, no development shall take place until details of the proposed access to and from Parkway (including the traffic signals, the means to prevent surface water discharging onto the highway and details of highway signage) have been submitted to and approved in writing by the Local Planning Authority. The access shall be laid out and constructed in its entirety in accordance with the approved details prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.
- 6) No development shall take place until a road work phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The road work phasing and completion plan shall set out the development phases and the standards of construction that the development will be completed to and maintained at. The development shall be carried out in accordance with the approved details.
- 7) No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following matters:
- a) parking and turning for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials;
 - d) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works;
 - e) site working and delivery times;
 - f) a communications plan to inform local residents of the program of works;
 - g) provision of boundary hoarding and lighting;
 - h) details of proposed means of dust suppression;
 - i) details of measures to prevent mud from vehicles leaving the site during construction; and
 - j) monitoring and review mechanisms.

Construction of the development shall not be carried out other than in accordance with the approved plan.

- 8) No development shall take place until a photographic condition survey of the highway fronting and near to the site has been submitted to and approved in writing by the Local Planning Authority.
- 9) No development shall take place until details of the gradients and means of surface water drainage for the car park roads and footpaths have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 10) No development shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has first been submitted to and approved in writing by the Local Planning Authority.

The Written Scheme of Investigation shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.
- b) The programme for post investigation assessment.
- c) Provision for analysis of the site investigation and recording.
- d) Provision for publication and dissemination of the analysis and records of the site investigation.
- e) Provision for archive deposition of the analysis and records of the site Archaeological Service.
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The site investigation shall be carried out in accordance with the approved details and programmes within the Written Scheme of Investigation.

- 11) The access to and from Parkway hereby permitted shall not be first used until traffic signal visibility splays have been provided in accordance with the details shown on Drawing No. 332410526_013 Rev P03. The visibility splays shall thereafter be retained in the specified form, and notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 12) Notwithstanding the already submitted plans and details, no development above proposed ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure and boundary treatments; minor artefacts and structures (including electric vehicle charging points, ticket/pay machines, refuse and/or other storage units, signs including signage to indicate availability of parking spaces, lighting, furniture and any similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); and a programme for implementation. The scheme shall be implemented in accordance with the approved details and implementation programme.

- 13) Notwithstanding the already submitted plans and details, no development above proposed ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a full specification of all proposed tree planting and a programme for implementation. The landscaping works shall be carried out in accordance with the approved details and implementation programme.

If, within a period of five years from the date of planting, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of similar size and species as that originally planted shall be planted at the same place within the first planting season thereafter.

- 14) No development above proposed ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. All landscaping shall be managed and maintained in accordance with the approved details and timetable.
- 15) The development hereby permitted shall not be brought into operational use until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 10 and the provision made for analysis, publication and dissemination of results and archive deposition.
- 16) The development hereby permitted shall not be brought into operational use until at least 15% of spaces have been provided with dedicated publicly available Electric Vehicle Charge Points which should be at least Fast (7-22kW) chargers. The provided Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition. In addition, at least 15% of spaces (in addition to the 15% equipped with Electric Vehicle Charge Points at first opening) shall have the physical space and below ground ducting to a suitable electricity supply connection point to enable the potential future installation of electric vehicle charge points.
- 17) The development hereby permitted shall not be brought into operational use until full details of lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include the height, design, location and intensity of lighting; identification of areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; lighting contour plans and technical specifications demonstrating that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places and that lux levels of vertical illumination at neighbouring premises will not exceed levels recommended in the Institute of Lighting Professional Guidance Note GN01/21: The reduction of Obtrusive Light (or equivalent if replaced). All lighting shall be installed in accordance with the approved details prior to the operational use of the development hereby permitted and shall thereafter be maintained in accordance with the approved details.

- 18) All mitigation and enhancement measures and/or works detailed in the Ecological Assessment R1 v1 (Huckle Ecology, January 2024) submitted with the planning application shall be carried out in accordance with those details.

End of Schedule

APPEARANCES

FOR THE APPELLANT:

Richard Ground KC

Philip Cobbold

Paul Martin

Jason Lewis

David Harris

Josh Harris

Philip Cobbold Planning Ltd

Road Safety Answers

Stantec

M&D Developments

M&D Developments

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Drane

Jo-Anne Rasmussen

Peter Bradfield

West Suffolk Council

West Suffolk Council

Suffolk County Council, Highways

DOCUMENTS SUBMITTED AT HEARING

- HD1 Policy BV27 of the Bury St Edmunds Vision 2031. Submitted by the appellant.
- HD2 Updated schedule of suggested conditions. Submitted by the Council.
- HD3 Extracts of Policies Maps from the West Suffolk Local Plan Submission Draft January 2024. Submitted by the Appellant.
- HD4 Policy LP33 of West Suffolk Local Plan, Proposed Modifications. Submitted by the Council.