

Committee Report

Item No: 3

Reference: B/17/01080

Case Officer: Natalie Webb

Ward: Waldingfield.

Ward Member/s: Cllr Frank Lawrenson. Cllr Margaret Maybury.

Description of Development

Outline Planning Application for Industrial and commercial development (means of access to be considered).

Location

Land East Of Bull Lane, Acton Place Industrial Estate, Acton,

Parish: Acton

Site Area: 3.4 hectares

Conservation Area: Not Conservation Area

Listed Building: Not listed

Received: 27/04/2017

Expiry Date: 28/07/2017

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Manufacturing/Industrial/Storage/Warehouse

Environmental Impact Assessment: EIA Screening Opinion – EIA not required

Applicant: Mr Smith

Agent: Roger Lee Planning Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1157.001R1 received 27/04/2017 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Application Form - Received 27/04/2017

Sustainable Construction and Design Statement - Received 27/04/2017

Badger Survey - Received 27/04/2017

Proposed Site Plan 1157.101 R3 - Received 01/01/2018

Reptile Survey - Received 27/04/2017

Flood Risk Assessment - Received 27/04/2017

Habitat Survey - Received 27/04/2017

Design and Access Statement - Received 27/04/2017

Defined Red Line Plan 1157.001 R1 - Received 27/04/2017
Statement on Traffic Implications - Received 27/04/2017
Supplementary Statement on Traffic Implications - Received 01/02/18
Bat Survey - Received 29/06/2017
Tree Survey - Received 03/07/2017
Great Crested Newt Survey - Received 04/08/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk. Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for Outline Planning Permission for industrial and commercial development (means of access to be considered) at Land East of Bull Lane, Acton Place Industrial Estate, Acton.

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

B//89/01389	ERECTION OF 19 INDUSTRIAL UNITS AND CONSTRUCTION OF VEHICULAR ACCESSES AND ASSOCIATED CAR PARKING AND TURNING AREAS	Refused 18/10/1989
B/16/00603	Outline- Proposed industrial and commercial development (means of access to be considered)	Withdrawn 02/08/2016

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS03 - Strategy for Growth and Development
CS15 - Implementing Sustainable Development
EM08 - Warehousing & Distribution
EM12 - Bull Lane/Acton Place
EM20 - Expansion/Extension of Existing Employment Uses

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

Members were asked to approve a site inspection at the Planning Committee meeting of the 27th September 2017. Subsequently the site visit with Members was conducted on 4th October 2017.

Details of any Pre Application Advice

Planning application B/16/00603 was withdrawn as further information was required to determine the application. No pre-application advice was held between the withdrawal of the former application and the current application.

Consultations and Representations

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

A: Summary of Consultations

Acton Parish Clerk

Recommends refusal on the grounds that:

- There are existing vacant units on the adjacent industrial sites;
 - There is 15ha of employment land proposed at the Chilton Woods site (ref: B/15/01718) as such the wider strategic plan should be considered;
 - B8 use would generate volumes of heavy vehicles through the village;
 - D1 and D2 uses seem inappropriate in an area intended for B1 and B2 development;
 - Paragraphs 4.35 and 4.36 of the 2006 Babergh District Plan make specific reference to Bull Lane/Acton Place and the need to make significant highway improvements should the site be developed further;
 - The development will generate heavy vehicle traffic through the village, generate higher volumes of traffic than the village can safely accommodate and encourage higher traffic speeds through the village as necessary highway improvements are implemented;
 - Creates a third point of access onto Bull Lane/Melford Road - a safer internal access through the existing site is preferable;
 - There is no safe pedestrian route from Acton Village centre to the site;
 - Further work should be undertaken to establish the risk of flooding on Bull Lane/Melford Road;
 - The units are disproportionately large compared to existing units;
 - Impact on the appearance of the area;
 - Impact on wildlife and protected species;
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- The fields on Melford Road that separate Acton's settlement boundary and the existing industrial estates are important strategically because they provide a well-defined green area which prevents coalescence.

The Council values this green space and recommends that it be preserved. If it can be demonstrated that there is a legitimate demand for an expansion of this site the Council feels that this ought to take place either: north west of the existing site, closer to the A134; or, south west of the existing site, taking it further away from Bull Lane/Melford Road. As such the proposal should be assessed against saved Policy EM12.

Economic Development & Tourism

Welcome this application and would fully support the expansion of this successful industrial area.

Please note that there is another application (ref B/17/01034) for the introduction of a Live / Work unit at an adjacent site that has the potential to impact on the amenity of this estate. We would request that the amenity of both sites be considered in the design and planning for each, in order to avoid any future conflict that fetters the operation of the industrial area. Response received 12/05/17.

Strategic Planning

Overall whilst the general policy context supports the delivery of employment use, the District's evidence with regard to employment land supply is a material consideration in the context of this application. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. Paragraph 19 sets out that *'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...'* Paragraph 20 states that *'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'*

To inform the review and allocation of suitable sites for employment (as per NPPF, paragraph 20 & 21) the Council has recently completed a review of employment land, set out in the Employment Land Needs Assessment (ELNA) and a Sector Needs Assessment (SNA) which are both available on the Council's website.

The study findings conclude that forecast land requirement in Babergh (2014 – 2036) is 2.9 hectares, however as of 1st April 2015 there was 86.06 hectares of land available in Babergh (including 20 hectares at Chilton Woods, Sudbury and 35.5 hectares at the former sugar beet factory in Sproughton). Consequently, there is significantly more land available than forecast needs.

The NPPF sets out a policy framework to ensure that there is not a surplus of employment sites which do not have a reasonable prospect of occupancy (para. 22). Given the current surplus of employment sites in the District it is important that for any net additional sites that come forward have a realistic prospect that they will be occupied. The proposal adjoins a current employment site which has a number of vacant units. In order to establish the weight that should be given to the District's employment land position, which is material to the consideration of this application, the applicant should provide information on the delivery and use of the proposed employment site expansion to ascertain the realistic prospect of site use and full occupancy.

Arboricultural Officer

1st Response - received 08/05/17. A considerable number of trees are likely to be affected by this proposal and therefore we will require a detailed Arboricultural Report in order to identify the impact of this application.

2nd Response - received 10/07/17. The trees potentially affected by this proposal have limited viability due to their poor condition and therefore should not be considered a constraint upon development.

Environmental Health - Sustainability Issues

No objection - recommends conditions. Response received 15/05/17.

Suffolk Wildlife Trust

The reptile survey offers a number of options for mitigation. We note that this is an Outline Planning Application and full details of the proposed works have not yet been decided. We request that a comprehensive reptile mitigation strategy is produced for the Reserved Matters phase of this application, once the site layout has been determined.

The bat survey report concluded that bats were not roosting on site, however, still recommends soft felling of a number of trees (T1-T5) which have features that could support a bat roost.

The original Extended Phase 1 surveys requests further surveys for great crested newt and we note that there is no record of these surveys being carried out. We request that they are undertaken prior to the determination of this application. Response received 16/08/17.

Ecology - Place Services

Following appraisal of the submitted ecological information, this application is now adequate for determination. The development is likely to result in impacts on important ecological features, including Protected and Priority species however it can be made acceptable with mitigation secured to minimise the impacts will be minimised. No objection, subject to conditions including construction environment management plan (biodiversity); detailed reptile mitigation strategy and long term management plan, and; lighting design scheme. Response received 29/08/17.

Environmental Health - Noise/Odour/Light/Smoke

There are concerns regarding the distance separating units with B2 (General Industry) use and the possible detriment to the amenity of residential properties. Although there is no objection, in principle, to the proposed development the following conditions are recommended, Noise Impact Assessment; restriction on external lighting; controlled noise intrusive ground work/construction hours and no burning of any waste material generated by ground works/demolition/construction.

Response received 04/10/17

SCC - Archaeological Service

This site lies in an area of archaeological potential recorded on the County Historic Environment Record. The site is within the area of the demolished Post Medieval Great House at Acton Place (ACT 010, ACT 020 and ACT 030); nearby small scale archaeological investigation (ACT 028) discovered post medieval remains. It is also within a landscape of possible Roman occupation as shown by crop marks and finds, (ACT 016, ACT 024, ACT 007, ACT 004, ACT 005, ACT 015). Thus, there is high potential for the discovery of belowground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

There are no grounds to consider refusal of permission to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), 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. Response received 04/10/17.

SCC - Flood & Water Management

1st Response - received 08/05/17. Holding objection. The applicant has failed to demonstrate that they have a viable surface water drainage system that meet both national, local policies and guidance. It is also noted that in the calculation the hydrological region is reference is 5, when in fact it should be region 6.

2nd Response - Further to the email from the applicant dated the 4th July 2017, ref 800/374 RE: Bull Lane, Acton Suffolk County Council, Flood and Water Management maintain our holding objection. If the information listed in my reply dated the 8th May 2017 is not forthcoming, we will look to issue a formal objection to this application.

SCC – Highways Authority

No objection, in principle, to this development but there is not enough information provided to show that a safe access can be provided to the highway. In particular, it is not clear if acceptable visibility can be achieved. For an unrestricted county road, a visibility splay of 2.4m x 215m would be required.

I note that the Transport Statement contains speed surveys but it is not clear where the survey location was in relation to the proposed access. It may be possible to take the recorded speeds into consideration when determining the required visibility splays if the data has been collected in an acceptable location.

As part of the highways comments, a response was received from the Transport Plan Officer, which is outlined within section 9 below,.

If the issues above, concerning a safe access provision, can be addressed it may be possible for us to recommend approval with appropriate conditions and/or S106 requirements. However, if the application is to be determined prior to resolving this issue we would recommend refusal on the grounds of highway safety.

SCC - Fire & Rescue

Recommends that there is fire hydrants are installed within the development on a suitable route for laying hose (i.e. avoiding obstruction). This provision of fire hydrants shall serve the lifetime of the development and controlled by means of planning condition. Response received 10/05/17.

B: Representations

One letter of representation was received, which objects to the application on the grounds of;

- Disposal of surface water
- Size of existing industrial site(s) - Bull Lane and Inca Business Park
- Vacant buildings on existing industrial site
- Highways safety, including non-compliance with speed restrictions, damage to highway from HGV/LGV's and pedestrians using local amenities.
- Impact on wildlife on site
- The three residential properties which neighbour the site are not acknowledged in the application

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

- 1.1. The site is located between the settlements of Acton and Long Melford. The site is north-east of the existing industrial site and fronts Bull Lane. The site is currently undeveloped, open countryside. To the north-west of the site is a scatter of residential dwellings. There are a number of trees on the site frontage and a pond to the west of the site, between the existing units and proposed site, which is within the same ownership of the applicant.

2. The Proposal

- 2.1. The indicative site layout, drawing number 1157.101R3, proposes a range of commercial uses within a mix of planning use classes including B1, B2, B8, D1 and D2. The number and scale of units is not for formal consideration at this stage, nor is the layout or appearance of buildings.
- 2.2. The indicative plan suggests that the site will be subdivided into 12 separate sections, ranging from 2330 square meters to 5130 square meters; which may be subdivided. The application has been considered on the basis of this indicative plan.
- 2.3 There are no specific parameters regarding the use of the site
2. No parking arrangements or layout has been submitted at this stage.
2. The site is approximately 3.4 hectares.

3. National Planning Policy Framework

- 3.1. The National Planning Policy Framework (NPPF) 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-making purposes.

4. Core Strategy

- 4.1. The Core Strategy contains the strategic objectives and policies to key planning issues of housing, employment, environmental protection and infrastructure improvement. The Babergh Core Strategy (2014) was adopted by Full Council on Tuesday 25th February 2014. The relevant Core Strategy policies in this application are CS1, CS3 and CS15.

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

- 5.1. Acton does not currently have an adopted Neighbourhood Plan (NDP), or a NDP in progress. It is noted that Long Melford do have a NDP in progress, which refers to this site. There are no other specific Supplementary Planning Documents or Area Action Plans relevant to the site, however the Strategic Planning Documents 'Employment Land Needs Assessment' (ELNA) and a 'Sector Needs Assessment' (SNA) are considered appropriate in determining this application.

6. Saved Policies in the Local Plans

- 6.1. The Babergh Local Plan Alteration No.2 was adopted by the Council on 1st June 2006. It sets out the detailed policies and proposals for the control of development across the district, the relevant policies are from the Local Plan in relation to this proposal are EM08, EM12 and EM20.
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7. The Principle Of Development

- 7.1. Policy CS1 states that the Council will take a positive approach in-line with the presumption of sustainable development contained within the National Planning Policy Framework. The Council are committed to working proactively with applicant to secure development where possible, that improves the social, economic and environmental conditions within Babergh.
 - 7.2. Similarly Policy CS15 states that all new development proposals must respect the local context and character of the different parts within the district, and development proposals should demonstrate how key issues are addressed and the objectives of the local plan are met. Development is expected to appropriately protect or where possible enhance local landscape and heritage assets, including designated sites, whilst development proposals that cause adverse impacts on European sites will not be considered acceptable.
 - 7.3. An area of approximately 1.9 hectares of land to the south of the Acton Place Industrial Estate and an area of approximately 0.76 hectares of land to the west of the Bull Lane Industrial Estate are allocated as extensions to this industrial area, under Local Plan Policy EM12. It is understood that the highways works outlined within Policy EM12 have been implemented.
 - 7.4. Policy EM20 states that proposals for the expansion/extension of an existing employment use, site or premises will be permitted, provided there is no material conflict with residential and environmental amenity or highway safety. As confirmed in the highways and flood and water team responses, the proposal conflicts with policy, as there are outstanding issues which have not been resolved.
 - 7.5. Policy CS3 states that proposals for employment uses that will contribute to the local economy and increase the sustainability of Core Villages, Hinterland Villages and the rural economy will be promoted and supported where appropriate in scale, character and nature to their locality. In order to support and encourage economic growth and employment opportunities and to ensure that a continuous range and diversity of sites and premises are available across the district through the plan period existing employment sites will be regularly reviewed.
 - 7.6. The National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. Paragraph 19 sets out that *'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth...'* Paragraph 20 states that *'To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.'*
 - 7.7. The NPPF sets out a policy framework to ensure that there is not a surplus of employment sites which do not have a reasonable prospect of occupancy (para. 22). Given the current surplus of employment sites in the District it is important that for any net additional sites that come forward have a realistic prospect that they will be occupied. The proposal set out above adjoins a current employment site which has a number of vacant units. In order to establish the weight that should be given to the District's employment land position, which is material to the consideration of this application, the applicant should provide information on the delivery and use of the proposed employment site expansion to ascertain the realistic prospect of site use and full occupancy.
 - 7.8. The review and allocation of suitable sites for employment (as per NPPF, paragraph 20 & 21) the Council has recently completed a review of employment land, set out in the Employment Land Needs Assessment (ELNA) and a Sector Needs Assessment (SNA).
 - 7.9. The studies concluded that forecast land requirement in Babergh (2014 – 2036) is 2.9 hectares, however as of 1st April 2015 there was 86.06 hectares of land available in Babergh (including 20 hectares at Chilton Woods, Sudbury and 35.5 hectares at the former sugar beet factory in Sproughton).
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- 7.10 Furthermore, Policy EM08 states that proposals for warehousing, storage and distribution (B8 use) will be permitted at General Employment Areas and new employment allocations, subject to the acceptability of the location and characteristics of these sites. Proposals that take up an excessive amount of land, or are more appropriately located elsewhere, for example at ports or closer to trunk roads, will be refused.
- 7.11 If the whole site or majority were to be B8 use, this would be considered unacceptable in light of both policy and the impact on residential amenity (immediately adjacent to the site and further along Bull Lane/Melford Road), equally it is poorly located for strategic highway purposes, due to the amount of Heavy Goods Vehicles likely to be accessing and egressing the site, as outlined above. The application is described as seeking permission for Industrial and commercial development (means of access to be considered). Officers consider this to be imprecise and difficult to assess in any robust fashion; it is good planning practice to identify parameters to control the development and/or allow for its adequacy to be tested. At the very least, it would be expected that the uses to be located within the application site would be identified and quantified.
- 7.12 R v Rochdale MBC ex parte Tew [1999] 3 PLR 74 and R v Rochdale MBC ex parte Milne [2001 81 PCR 27] identify that outline applications should acknowledge the need for details of a project to evolve over a number of years, within clearly defined parameters; the permission (whether in the nature of the application or achieved through 'masterplan' conditions) must create 'clearly defined parameters' within which the framework of development must take place and; taken with those defined parameters of the project, the level of detail of the proposals must be such as to enable a proper assessment of the likely environmental effects, and necessary mitigation - if necessary considering a range of possibilities. These parameters could relate to a Land Use Parameters Plan (LUPP), a Building Heights Plan (BHP), and/or other parameters that have can be tested against a supporting evidence base.
- 7.13 Whilst such principles primarily relate to the EIA Regulations, such an approach still has value within the assessment of planning applications in accordance with the planning Acts. This is all the more relevant in this scenario, where the applicant has provided no certainty at all; the uses on the submitted plans are indicative only and the Transport Assessment, for example, is produced in support of those indicative uses. If Members were minded to approve the application it would need to be on the basis of the submitted indicative layout and appropriate conditions would need to be imposed to limit the uses to those suggested in the application.
- 7.13 It is for the planning authority to determine what degree of flexibility can be permitted in the particular case having regard to the specific facts of an application. It will clearly be prudent for developers and authorities to ensure they have assessed the range of possible effects implicit in the flexibility provided by the permission. In some cases, this may well prove difficult. However, this does not give developers an excuse to provide inadequate descriptions of their proposals. It will be for the determining authority to decide whether it is satisfied, given the nature of the development in question, that it has 'full knowledge' of its likely effects. If it considers that an unnecessary degree of flexibility, and hence uncertainty as to the likely impacts and consequent effects, has been incorporated into the description of the development and supporting application details, then it would not be unreasonable to refuse permission.

In this instance the impact on the landscape is unknown, as there are no set parameters in terms of use or mix of the units (or indeed any indication of scale); there are outstanding surface water drainage issues, which may result in a flood risk; and highways are not currently satisfied that the proposed junction is a safe access/egress onto the highway.

- 7.14 It is noted that all other matters, other than access are reserved. Nevertheless, the applicant has only an indicative site layout which does not provide certainty over the employment land use mix, the location of land uses and building heights – in order to demonstrate how the development applied for could be assimilated within the Site and connect to those detailed access points referred above. Had this information been provided, these parameters could be assessed by the Strategic Planning Team for compliance with the aforementioned policies, and subsequently, any agreed or accepted parameters could be secured by condition to allow for future-proofing the site and ensuring that any effects fall in-line with the assessments undertaken during the determination process.
- 7.15 Members will note, however, that due to the outline nature of the application, it is necessary to condition a number of parameters and controls that will ensure that future applications and the final development fall within the scope of assessments pertaining to the site and surroundings. Overall whilst the general policy context supports the delivery of employment use, the District's evidence with regard to employment land supply is a material consideration in the context of this application.
- 7.16 There is significantly more land available than forecast needs, as such further expansion of a site where there are available units on the adjacent site, and no assessment of why the units are unoccupied (locational reasons, quality of facilities provided, high rents or a combination of those) has been submitted does not accord with the aforementioned policies; as such does not result in sustainable development.

8. Site Access, Parking And Highway Safety Considerations

- 8.1. Access to the site is proposed via a new entrance onto Melford Road (road name changes to Bull Lane to the west of the industrial site), which would be central within the new site. The existing access to the west, which connects to the adjoining industrial site is to be retained.
- 8.2 Whilst highways have no objection 'in-principle' to this development, there is not enough information provided to show that a safe access can be provided to the highway. In particular, it is not clear if acceptable visibility can be achieved. For an unrestricted county road, a visibility splay of 2.4m x 215m would be required.
- 8.3 The Transport Statement refers to bus links to the site including a possible turning facility, however this is not a suitable approach for this site. Highways would require formal kerbed bus stop facilities to be provided at the location of the existing informal stops to the west and provision of a safe pedestrian route from the site to the bus stops.
- 8.4 The Transport Plan Officer has also raised comment as to whether any local bus operators would be willing to route their bus services through the site, any evidence of negotiation with local providers should be evidenced in the Statement of Traffic Implications to ensure such measures are viable; the provision of footways along the frontage of the of the development and within the site complex and the provision of bicycle parking (and associated changing facilities) and; providing staff with sustainable transport information through a welcome pack to encourage them to travel to the site by sustainable means should also be included in the Statement of Traffic Implications.
- 8.5 As this application is an outline, in addition to the development being in a rural location, a Travel Plan will not be required, provided that there are suitable conditions to secure appropriate sustainable transport measures.
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- 8.6 In the event that there is a reserved matters application for a single unit of more than 2,500 square metres of B1; 4,000 square metres of B2; 5,000 square metres of B8; 1,000 square metres of D1; or 1,500 square metres of D2 a unit specific Travel Plan will be required. This unit specific Travel Plan must also include a mechanism that will allow resource to be provided to Suffolk County Council (as the Highway Authority) to oversee the implementation of this Travel Plan.
- 8.7 If the issues above, concerning a safe access provision, can be addressed it may be possible for highways to recommend approval with appropriate conditions and/or S106 requirements. However, if the application is to be determined prior to resolving this issue highways would recommend refusal on the grounds of highway safety.
- 8.8 Additional information was submitted on 01/02/18, which includes a revised indicative site layout plan, (drawing reference 11.57.101R3) which shows the visibility splays from the proposed junction and a Supplementary Statement on Traffic Implications. A verbal update will be given at planning committee, as to whether this information has resolved the highways objection and what implications this may have given the unknown uses and floorspace, which may trigger the need for a Travel Plan.

10. Design And Layout [Impact On Street Scene]

- 8.9 The indicative layout shows the subdivision of the site into 12 sections. The design of the buildings would be determined under a Reserved Matters Application; as would confirmation of the materials, buildings scale and layout. However, as above, there is insufficient information to test and assess the likely impacts and consequent effects of the development.
- 8.10 The proposal is abutting the highway, as such would be more noticeable in the street scene. It is noted that views of the existing site from the east are well screened by existing vegetation, whereas the proposed site would be more prominent. Views from the west would be obscured by the existing site. It is not thought that the impact of additional units would have an adverse impact on the street scene, as there is a good provision of existing mature vegetation; however, no parameters of building heights have been put forward by the applicant. Therefore, details of additional landscaping may be required to ensure that that an adequate level of landscaping is proposed to retain the current levels of screening.

10. Landscape Impact

- 10.1. Details of landscaping would be determined under a Reserved Matters Application, although it is currently unclear what mitigation may be required and whether this would be sufficient, as there are no fixed parameters, predominately in relation to the height of the buildings.

11. Environmental Impact Assessment

- 11.1 The application has been screened under the Environmental Impact Assessment (EIA) Regulations and it is not considered to be EIA development under Schedule 2 of the 2011 regulations (or 2017 regs – however the application is considered under the transitional arrangements). This screening opinion has been considered having regard to the indicative information regarding the extent and nature of the development. It would therefore be essential for those parameters to be set were permission to be granted. For other reasons further consideration of the merits are essential.
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Trees, Ecology And Land Contamination

- 11.2 The Arboricultural Officer concluded that the trees potentially affected by this proposal have limited viability due to their poor condition and therefore should not be considered a constraint upon development, following the submission of the Arboricultural Report on 03/07/17.
- 11.3 Due to the nature of the application it is unlikely that there would be any issues of Land Contamination on site, however in the event that unexpected ground conditions are encountered during construction, the developer should be aware that the responsibility for the safe development of the site lies with them.

12. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 12.1. There are no heritage assets which are in the immediate vicinity of the site. Furthermore, the site is not within a conservation area.

13. Impact On Residential Amenity

- 13.1. There are concerns regarding the distance separating units with B2 (General Industry) use and the possible detriment to the amenity of residential properties. Although there is no objection, in principle, to the proposed development the following conditions are recommended, Noise Impact Assessment; restriction on external lighting; controlled noise intrusive ground work/construction hours and no burning of any waste material generated by ground works/demolition/construction.
- 13.2 It is noted that there is another application (ref B/17/01034) for the introduction of a Live / Work unit at an adjacent site that has the potential to impact on the amenity of this estate. Therefore, the amenity of both sites should be considered in the design and planning for each, in order to avoid any future conflict that fetters the operation of the industrial area.
- 13.3 Following implementation of the above conditions and consideration of the design and layout of the site, it is not considered that the proposal would have an adverse impact on residential amenity to warrant refusal of the application.

14. Biodiversity And Protected Species

- 14.1. The application was accompanied by a Phase 1 Habitat report, Badger, Reptile, Bat and Great Crested Newt Surveys. Following Suffolk Wildlife Trust's response, the Ecology Team have no objection to the scheme, subject to conditions including construction environment management plan (biodiversity); detailed reptile mitigation strategy and long term management plan, and; lighting design scheme.

15. Sustainable Drainage

- 15.1 The Flood and Water Team raised a holding objection to the application, as it cannot be demonstrated that there is a viable surface water drainage system that meet both national, local policies and guidance. It is also noted that in the calculation the hydrological region is reference is 5, when it should be region 6.
- 15.2 Following receipt of additional information on the 4th July 2017, the information requested above had not been provided, without this information, the Flood and Water Team raise formal objection to the application.
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- 15.3 It is noted that there is a history of flood risk in close proximity to the site, and a predicted risk to the site itself. Failure to provide the above information, does not allow for mitigation to prevent further flood risk, as such the development may be considered to be at risk of surface water flooding.

16. Planning Obligations / CIL

- 16.1. As all of the development is business/commercial units, with no residential element and no convenience retail element, then the proposed development would be liable and chargeable at the BDC £0 CIL Rate (all other uses). This was provided as an approximate estimate by the Infrastructure Team for information only and it is provided without prejudice to any decision that may ultimately be made.

PART FOUR – CONCLUSION

17. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

- 17.1. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
- 17.2. The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area
- 17.3 In this case the Local Planning Authority attempted to discuss its concerns with the applicant but was not able to secure the necessary improvements to the scheme that would have enabled the proposals to be considered more favourably.

18. Planning Balance

- 18.1. At the heart of the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which 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, determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 18.2 In this instance, there are outstanding matters in relation to highway safety and sustainable drainage which have not been resolved to sanction positive recommendation of the application. These matters aside, the Strategic Planning team have outlined a surplus of employment land, of which no justification for further expansion has been received. When taken as a whole, and as a matter of planning judgment, the proposal is considered to be contrary to the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities, as stated above.
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RECOMMENDATION

That Outline Planning permission be refused for the following reasons:

1. The proposed development is contrary NPPF Paragraphs 19 and 20 which state inter-alia that local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. In addition, NPPF Paragraph 22 states that the policy framework should ensure that there is not a surplus of employment sites in the District; that any sites which come forward should have a realistic prospect of what will be occupied. The proposal set out above adjoins a current employment site which has a number of vacant units. Additionally, a review and allocation of suitable sites for employment has recently be completed by the Council, set out in the Employment Land Needs Assessment (ELNA) and a Sector Needs Assessment (SNA), which consequently concluded that there is a surplus of employment land. With no justification of requirement for further expansion of the site, the development constitutes unsustainable development in the countryside.
 2. The proposed development does not demonstrate that there is a viable surface water drainage system that can meet National (NPPF) and Local (CS15) Planning Policies, which state inter-alia that new development should minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk and; minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate. As there is a history of surface water flooding in close proximity to the site and an existing predicted risk to the site itself; in addition to ongoing issues with undersized culverting of the watercourse, without the information requested to ensure that a viable surface water drainage system can be provided, the development may be considered to be at risk of surface water flooding.
 3. The proposed development would be contrary to Policy CS15 of the Babergh Core Strategy, which seeks inter-alia to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars). In addition, Policy CS1 states that Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. In this instance insufficient information has been provided to show that a safe access can be provided to the highway and insufficient information in regards to alternative sustainable transport modes.
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