

Public Document Pack



COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 10 MARCH 2021 9.30 AM
VENUE:	VIRTUAL TEAMS VIDEO MEETING

Members		
<u>Conservative</u> Sue Ayres Melanie Barrett Peter Beer (Chair) Mary McLaren Adrian Osborne	<u>Independent</u> John Hinton Lee Parker Stephen Plumb (Vice-Chair) <u>Liberal Democrat</u> David Busby	<u>Labour</u> Alison Owen <u>Green</u> Leigh Jamieson

This meeting will be broadcast live to Youtube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person and make a representation you will be deemed to have consented to being filmed and that the images and sound recordings could be used for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

1 SUBSTITUTES AND APOLOGIES

Any Member attending as an approved substitute to report giving his/her name and the name of the Member being substituted.

To receive apologies for absence.

2 DECLARATION OF INTERESTS

Members to declare any interests as appropriate in respect of items to be considered at this meeting.

3 PL/20/7 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2020 5 - 10

4 PL/20/9 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 16 DECEMBER 2020 11 - 16

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

6 **SITE INSPECTIONS**

In addition to any site inspections which the Committee may consider to be necessary, the Acting Chief Planning Officer will report on any other applications which require site inspections.

7 **PL/20/10 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 17 - 22

An Addendum to Paper PL/20/10 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

a **DC/20/05183 CHILTON WOODS MIXED USE DEVELOPMENT, LAND NORTH OF WOODHALL BUSINESS PARK, SUDBURY, SUFFOLK** 23 - 44

b **DC/19/04892 VICTORIA HALL/ CONSERVATIVE CLUB/ NEW HALL, 39 AND 41 PRINCE STREET/ NEW STREET, SUDBURY, CO10 1HZ** 45 - 70

c **DC/20/03116 LAND TO THE EAST OF, SUDBURY ROAD, COCKFIELD, BURY ST EDMUNDS SUFFOLK, IP30 0LN** 71 - 94

Notes:

1. The next meeting is scheduled for Wednesday 24 March 2020 commencing at 9.30 a.m.
2. Where it is not expedient for plans and drawings of the proposals under consideration to be shown on the power point, these will be displayed in the Council Chamber prior to the meeting.
3. The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

[Public Speaking Arrangements](#)

[Temporary Amendments to the Constitution](#)

Those persons wishing to speak on an application to be decided by Planning Committee must register their interest to speak no later than two clear working days before the

Committee meeting, as detailed in the Public Speaking Arrangements (adopted 30 November 2016).

Those wishing to speak must contact the Governance Officer on the details below to receive instructions on how to join the meeting.

The registered speakers will be invited by the Chairman to speak when the relevant item is under consideration. This will be done in the following order:

- A representative of the Parish Council in whose area the application site is located to express the views of the Parish Council;
- An objector;
- A supporter;
- The applicant or professional agent / representative;
- County Council Division Member(s) who is (are) not a member of the Committee on matters pertaining solely to County Council issues such as highways / education;
- Local Ward Member(s) who is (are) not a member of the Committee.
- Public speakers in each capacity will normally be allowed **3 minutes** to speak.

Local Ward Member(s) who is (are) not a member of the Committee are allocated a maximum of **5 minutes** to speak.

Date and Time of next meeting

Please note that the next meeting is scheduled for Wednesday, 24 March 2021 at 9.30 am.

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

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact the Committee Officer, Robert Carmichael - committees@baberghmidsuffolk.gov.uk - 01449 724930

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.

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

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 3

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held as a Virtual Teams Video Meeting on Wednesday, 18 November 2020 at 09:30am

PRESENT:

Councillor:	Peter Beer (Chair)	
	Stephen Plumb (Vice-Chair)	
Councillors:	Sue Ayres	Melanie Barrett
	David Busby	John Hinton
	Leigh Jamieson	Mary McLaren
	Adrian Osborne	Alison Owen
	Lee Parker	

In attendance:

Officers:	Area Planning Manager (MR)
	Planning Lawyer (LDP)
	Planning Officer (JW)
	Governance Officer (RC)

16 SUBSTITUTES AND APOLOGIES

None received.

17 DECLARATION OF INTERESTS

Councillor Lee Parker declared that he would be taking part as the Ward Member for application DC/20/03362 and would not participate in the debate and vote.

18 PL/20/3 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 7 OCTOBER 2020

It was Resolved that the Minutes of the meeting held on 7 October 2020 were confirmed as a true record. The Minutes would be signed at the next practicable opportunity.

19 PL/20/5 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 4 NOVEMBER 2020

It was Resolved that the Minutes of the meeting held on 4 November 2020 were confirmed as a true record. The Minutes would be signed at the next practicable opportunity.

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

None received.

21 SITE INSPECTIONS

None requested.

22 PL/20/6 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the items in Paper PL/20/6 and the speakers responded to questions put to them as provided for under those arrangements.

Application No.	Representations from
DC/20/03362	Andrew Hill (Parish Council Representative) Matthew Lait (Supporter) Donna Page (Applicant) Councillor James Finch (County Councillor) Councillor Lee Parker (Ward Member)

It was **RESOLVED**

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/20/6 be made as follows:-

23 DC/20/03362 LAND SOUTH OF, ACCESS ROAD, FROM C733 TO THE CHURCH, ASSINGTON, SUFFOLK

23.1 Item 7a

Application Proposal	DC/20/03362 Full Planning Application – Erection of Nursery School (Yorley Barn, Upper Road, Little Cornard) (Class D1) with ancillary parking and construction of vehicular access to The Street.
Site Location	ASSINGTON – Land South Of, Access Road from C733 to the Church, Assington, Suffolk
Applicant	Yorley Barn Nursery School

23.2 The Case Officer presented the application to the Committee outlining the proposal before Members, the layout and location of the site, the content of the tabled papers, and the officer recommendation of refusal.

23.3 The Case Officer responded to Members' questions on issues including: the area of the consultation zone, whether a private nursery facility falls within the

accessibility criteria for primary education, any Tree Protection Orders on site and whether any safety work could be carried out on these trees, and the response from the Councils arboricultural officer.

- 23.4 Members considered the representation from Andrew Hill of Assington Parish Council who spoke against the application.
- 23.5 The Parish Council representative responded to Members' questions on issues including: the number of objectors to the proposed application, the location of alternative sites, whether sites would be made available under the Neighbourhood Plan and any assistance provided to the applicant from the Neighbourhood Planning group, and the distance from the existing site to the proposed site.
- 23.6 Members considered the representation from Matthew Lait who spoke in support of the application.
- 23.7 Members considered the representation from Donna Page who spoke as the applicant.
- 23.8 The applicant responded to Members' questions on issues including: whether any pre application advice was obtained from Babergh Planning department, the geographical area of parents using the nursery, the waiting list of the nursery, whether work experience is offered, the number of children who would attend each day and the use of the car park, if Ofsted have been consulted with the application, and the timescales for occupying the site.
- 23.9 Members considered the representation from County Councillor James Finch.
- 23.10 The County Councillor responded to Members' questions on issues including: the safety of the access road and whether a donation from the applicant would allow Highways to improve the safety of the road, and the speed limit of the road.
- 23.11 Members considered the representation from Councillor Lee Parker who spoke as the Ward Member.
- 23.12 The Ward Member responded to Members' questions on issues including: any potential alternative sites in the area, the pre-application advice provided to the applicant, and the importance of the nursery provision in the area.
- 23.13 The Area Planning Manager provided clarification regarding the pre-application advice and the officers recommendation. The Planning Lawyer confirmed that pre-application advice is understood to be without prejudice of any Committee decision.
- 23.14 Members debated the application on issues including: the pre-application advice provided, and the impact of the loss of view and heritage compared to the loss of the nursery provision.

- 23.15 The Heritage Officer commented on the view and responded to Members' question on the location of the heritage assets and the surrounding landscape.
- 23.16 Members continued to debate the application on issues including: the loss of view, heritage issues, safety aspects of the trees on site, and the public benefit of the nursery provision.
- 23.17 The Area Planning Manager advised Members that the land use was not tied to applicant only. The Heritage Officer commented on the issues including the views of the heritage asset.
- 23.18 Councillor Melanie Barrett proposed that the application be approved.
- 23.19 Councillor David Busby seconded the motion.
- 23.20 The Area Planning Manager asked for an adjournment to clarify the reasons for approval and overturning of the officer recommendation.
- 23.21 An adjournment was taken between 11:32 and 11:56.
- 23.22 The Area Planning Manager read out the proposed reasons for approval as follows:

Whilst the proposal is broadly contrary to the Development Plan read as a whole, specifically Policies CS15, CN06, CR04, CRO7 and CR08; there is considerable public benefit in accordance with paragraphs 83, 84, 92 and 127 (f) of the NPPF, which enable us to engage the public benefit test as per paragraph 196 of the NPPF. In addition, it is recognised that Policy CS15 (i) does not enable the public benefit balancing exercise.

Therefore, and in reference to Policy CS17, an assessment of the Planning balance leads this Council to grant permission.

Conditions as per those requested by consultees.

- 23.22 The Proposer and Secunder accepted the reasons suggested by the Area Planning Manager.
- 23.23 By 7 votes to 3

RESOLVED:-

APPROVE for the following reasons:

Whilst the proposal is broadly contrary to the Development Plan read as a whole, specifically Policies CS15, CN06, CR04, CRO7 and CR08; there is considerable public benefit in accordance with paragraphs 83, 84, 92 and 127 (f) of the NPPF, which enable us to engage the public benefit test as per paragraph 196 of the NPPF. In addition, it is recognised that Policy CS15 (i) does not enable the public benefit

balancing exercise.

Therefore, and in reference to Policy CS17, an assessment of the Planning balance leads this Council to grant permission.

Conditions as per those requested by consultees.

The business of the meeting was concluded at 12.08 pm.

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Chair

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Agenda Item 4

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the Virtual Teams Video Meeting on Wednesday, 16 December 2020 – 09:30

PRESENT:

Councillor: Peter Beer (Chair)

Councillors:	Sue Ayres	Melanie Barrett
	David Busby	John Hinton
	Leigh Jamieson	Alastair McCraw
	Mary McLaren	Adrian Osborne
	Alison Owen	Lee Parker

Ward Member(s):

Councillors: None.

In attendance:

Officers: Area Planning Manager (MR)
Governance Officer (RC)
Planning Lawyer (IDP)
Development Management Planning Officer RW)

24 SUBSTITUTES AND APOLOGIES

Apologies for absence were received from Councillor Stephen Plumb.

Councillor Alastair McCraw substituted for Councillor Stephen Plumb.

25 DECLARATION OF INTERESTS

Councillor John Hinton declared a personal non-pecuniary interest in application DC/19/04128 as his sons' property backed onto the application site. Councillor Hinton confirmed he would take part in the debate but would not vote on the application.

26 PL/20/7 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2020

The minutes of the meeting held on 18 November 2020 would be confirmed at the next available Committee in order to enable Officers to confirm details contained within the Minutes.

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

None received.

28 SITE INSPECTIONS

None received.

29 PL/20/8 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the items in Paper PL/20/8 and the speakers responded to questions put to them as provided for under those arrangements.

Application No.	Representations from
DC/19/04128	None.

It was RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/20/8 be made as follows:-

30 DC/19/04128 11 THE GREEN, HADLEIGH, IPSWICH, SUFFOLK, IP7 6AE

30.1 Item 6a

Application Proposal	DC/19/04128 Planning Application – Erection of 15no. dwellings (includes 5no. affordable dwellings) with associated garages and parking, creation of vehicular access and provision of open space (following demolition of existing dwelling)
Site Location Applicant	HADLEIGH – 11 The Green, Hadleigh, Ipswich, Suffolk Lynmore Homes

30.2 The case officer presented the application to the Committee outlining the proposal before members, the layout and location of the site, and the officer recommendation of approval.

30.3 The Case Officer and the Area Planning Manager responded to Members' questions on issues including: proposed landscaping on site, and the viability study.

30.4 The Area Planning Manager read the comments received from the Town Council regarding the affordable housing proposed on site.

30.5 The Case Officer responded to further questions from Members' on issues including: the proposed colour of the window frames on the properties, the water course on site, why the affordable houses are 2 storey rather than bungalows, the location of the footpath and the disparity between the commuted sums and ...

30.6 Members debated the application on issues including: the change in the number of affordable dwellings on site, whether the outline planning permission approved under the previous scheme could be used by the applicant, whether a section 106 agreement was in place and could be renegotiated.

30.7 Break from 10:25 until 10:35 to enable officers to provide confirmation of the 106 agreement.

30.8 The Case Officer confirmed the details of the existing 106 agreement. This was confirmed by the Area Planning Manager and the Planning Lawyer.

30.9 A short break was taken between 10:43-10:47 due to a connection issue for a member of the committee.

30.10 Members continued to debate the application on the issues including: the affordable housing provision, the independent valuer that the Council contracts.

30.11 Councillor Lee Parker proposed that the application be approved as detailed in the updated officer recommendation in the tabled papers, with the additional conditions as follows:

- Viability review clause in the S106 Agreement (clawback clause)
- Removal of PD rights regarding roofing

30.12 Councillor David Busby seconded the proposal and requested that the additional condition as follows be included which the proposer agreed to:

- Energy efficiency measures TBA

30.13 The Chair asked that the resolution also include the condition as follows which the proposer and seconder agreed to:

- Scheme of EV charging points TBA

30.14 By 9 votes to 1

30.15 **RESOLVED**

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer to secure:

- **Affordable housing**
This shall include

- Contribution towards affordable housing
- Contribution towards affordable housing, as advised by the District Valuer

(2) That the Chief Planning Officer be authorised to GRANT Planning Permission upon completion of the legal agreement subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit
- Approved Plans (Plans submitted that form this application)
- Parking/manoeuvring
- Refuse/recycling provision
- Construction Management Plan
- Disposal of surface water
- SUDS
- Construction Surface Management Plan
- Ecological Mitigation (including swift boxes and hedgehog fencing)
- Biodiversity Enhancement Strategy
- Landscape and Ecological Management Plan
- Lighting design scheme
- Foul sewage disposal
- External lighting
- Hours of work
- No burning
- No hardstanding until surface water strategy agreed
- Archaeology
- Archaeology post investigation
- RAMS
- Rainwater harvesting to be agreed

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

- SCC Highways notes
- Support for sustainable development principles
- Floods and Water Management Notes

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not being secured and/or not secured within 6 months that the Chief Planning Officer be authorised to refuse the application on appropriate grounds

Additional Conditions:

- Viability review clause in the S106 Agreement (clawback clause)
- Removal of PD rights regarding roofing
- Energy efficiency measures TBA

- **Scheme of EV charging points TBA**

The business of the meeting was concluded at 11.17 am.

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Chair

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PL/20/10

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

10 MARCH 2020

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
7A	23-44	DC/20/05183	Chilton Woods Mixed Use Development, Land North of Woodhall Business Park, Sudbury, Suffolk	JW
7B	45-70	DC/19/04892	Victoria Hall/Conservative Club/ New Hall 39 and 41 Prince Street/ New Street, Sudbury, CO10 1HZ	LB
7C	71-94	DC/20/03116	Land to the East of, Sudbury Road, Cockfield, Bury St Edmunds, Suffolk, IP30 0LN	AS

Philip Isbell
Chief Planning Officer

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

SCHEDULE OF APPLICATIONS MADE UNDER THE TOWN AND COUNTRY PLANNING ACT 1990, AND ASSOCIATED LEGISLATION, FOR DETERMINATION OR RECOMMENDATION BY THE PLANNING COMMITTEE

This Schedule contains proposals for development which, in the opinion of the Acting Chief Planning Officer, do not come within the scope of the Scheme of Delegation to Officers adopted by the Council or which, although coming within the scope of that scheme, she/he has referred to the Committee to determine.

Background Papers in respect of all of the items contained in this Schedule of Applications are:

1. The particular planning, listed building or other application or notification (the reference number of which is shown in brackets after the description of the location).
2. Any documents containing supplementary or explanatory material submitted with the application or subsequently.
3. Any documents relating to suggestions as to modifications or amendments to the application and any documents containing such modifications or amendments.
4. Documents relating to responses to the consultations, notifications and publicity both statutory and non-statutory as contained on the case file together with any previous planning decisions referred to in the Schedule item.

DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

The delegated powers under Minute No 48(a) of the Council (dated 19 October 2004) includes the power to determine the conditions to be imposed upon any grant of planning permission, listed building consent, conservation area consent or advertisement consent and the reasons for those conditions or the reasons to be imposed on any refusal in addition to any conditions and/or reasons specifically resolved by the Planning Committee.

PLANNING POLICIES

The Development Plan comprises saved policies in the Babergh Local Plan adopted June 2006. The reports in this paper contain references to the relevant documents and policies which can be viewed at the following addresses:

The Babergh Local Plan: <http://www.babergh.gov.uk/planning/planning-policy/adopted-documents/babergh-district-council/babergh-local-plan/>

National Planning Policy Framework:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

AWS	Anglian Water Services
CFO	County Fire Officer
LHA	Local Highway Authority
EA	Environment Agency
EH	English Heritage
NE	Natural England
HSE	Health and Safety Executive
MoD	Ministry of Defence
PC	Parish Council
PM	Parish Meeting
SPS	Suffolk Preservation Society
SWT	Suffolk Wildlife Trust
TC	Town Council

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Protocol for Virtual Meetings

Live Streaming:

1. The meeting will be held on TEAMS and speakers will be able to join via invite only. Any person who wishes to speak at the meeting must contact Committee Services at: committees@baberghmidsuffolk.gov.uk at least 24 hours before the start of the meeting.
2. The meeting will be live streamed and will be available to view on the Council's YouTube page as detailed below:
https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

Recording of proceedings:

1. Proceedings will be conducted in video format.
2. A Second Governance Officer will be present and will control the TEAMS call and Livestreaming.
3. Members should display the Corporate Background whilst in attendance at formal meetings; the working together logo should be used for joint meetings.
4. If you are experiencing slow refresh rates and intermittent audio you should turn off incoming video to improve your connection to the meeting (If this also does not work please turn off your own camera).

Roll Call:

1. A roll call of all Members present will be taken during the Apologies for Absence/Substitution to confirm all members are present at the meeting.

Disclosable Pecuniary Interests:

1. A Councillor declaring a disclosable pecuniary interest will not be permitted to participate further in the meeting or vote on the item. Where practicable the Councillor will leave the virtual meeting, including by moving to a 'lobby' space and be invited to re-join the meeting by the Committee Officer at the appropriate time. Where it is not practicable for the Councillor to leave the virtual meeting, the Committee Officer will ensure that the Councillor's microphone is muted for the duration of the item.

Questions and Debate:

1. Once an item has been introduced, the Chair will ask if there are any questions. Members of the Committee will be asked to use the "Hands Up" function within teams. The Chair will then ask Members to speak.
2. Any Councillors present who are not part of the Committee will then be invited to ask questions by using the "Hands up function" within teams. The Chair will then ask Members to speak.

3. At the end of the questions the Chair will ask Members whether they have any further questions before entering into debate.
4. In the instance where a Member of the Committee would like to formally make a proposal, they should raise their hand using the Hands Up function. At this point the Chair would go directly to them and take the proposal. Once the proposal has been made the Chair would immediately ask if there was a seconder to the Motion. If there is it would become the substantive Motion and the Chair would again continue down the list of Councillors until there is no further debate.
5. Upon completion of any debate the Chair will move to the vote.

Voting:

1. Once a substantive motion is put before the committee and there is no further debate then a vote will be taken.
2. Due to circumstances the current voting by a show of hands would be impractical - as such the Governance Officer will conduct the vote by roll call. The total votes for and against and abstentions will be recorded in the minutes not the individual votes of each Councillor. Except where a recorded vote is requested in accordance with the Rules of Procedure.
3. The governance officer will then read out the result for the Chair to confirm.
4. A Councillor will not be prevented from voting on an item if they have been disconnected from the virtual meeting due to technical issues for part of the deliberation. If a connection to a Councillor is lost during a regulatory meeting, the Chair will stop the meeting to enable the connection to be restored. If the connection cannot be restored within a reasonable time, the meeting will proceed, but the Councillor who was disconnected will not be able to vote on the matter under discussion as they would not have heard all the facts.

Confidential items:

1. The Public and Press may be Excluded from the meeting by resolution in accordance with normal procedural rules. The Committee Officer will ensure that any members of the public and press are disconnected from the meeting.

Agenda Item 7a

Committee Report

Item 7A

Reference: DC/20/05183

Case Officer: Jasmine Whyard

Ward: Sudbury North West, Long Melford, Lavenham,

Ward Member/s: Cllr Jan Osborne. Cllr Trevor Cresswell, Cllr Elisabeth Malvisi, Cllr John Nunn, Cllr Clive Arthey, Cllr Margaret Maybury

RECOMMENDATION – APPROVE RESERVED MATTERS WITH CONDITIONS

Description of Development

Reserved matters application for Phase 1 (Infrastructure) (matters relating to layout, scale, appearance and landscaping) for the installation of site wide infrastructure, including spine road, sustainable drainage scheme and associated services, infrastructure, landscaping and ecological enhancements details pursuant to Outline Planning Permission ref. B/15/01718, dated 29th March 2018 (Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary works.)

Location

Chilton Woods Mixed Use Development, Land North of Woodhall Business Park, Sudbury, Suffolk

Expiry Date: 13/02/2021

Application Type: RES - Reserved Matters

Development Type: Major Large Scale - Dwellings

Applicant: Taylor Wimpey (East London) Limited

Agent: Savills

Parish: Acton, Chilton, Long Melford and Sudbury

Site Area: 10.18 hectares

Details of Previous Committee / Resolutions and any member site visit: Outline application granted in 2018 under B/15/01718.

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

Has the application been subject to Pre-Application Advice: Yes

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

- i) The Chief Planning Officer considers the application to be of a controversial nature having regard to the nature of the application as the first substantive application pursuant to the Outline Planning Permission of this key, strategic site allocation.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Development Plan

The following policies are considered the most important to the determination of this proposal. The policies are all contained within the adopted development plan for Babergh District which is comprised of: Babergh Core Strategy (2014) and Babergh Local Plan Alteration No.2 (2006), specifically the 'saved policies' (2009 but deemed to still be 'live' in 2016). All Policies are afforded full weight in the determination process as they are, *inter alia*, considered wholly consistent with the policies of the NPPF (having regard to paragraph 213 of that document).

- **Babergh Core Strategy (2014)**

CS1- Applying the Presumption in Favour of Sustainable Development in Babergh
CS4- Chilton Woods Strategic Land Allocation and Strategy for Sudbury/ Great Cornard
CS14- Green Infrastructure
CS15- Implementing Sustainable Development in Babergh

- **'Saved policies' (2009) of Babergh Local Plan Alteration No.2 (2006)**

CN01- Design Standards
CR07- Landscaping Schemes
CR08- Hedgerows
CP01- Chilton Mixed Use Development Package¹
TP04- New Cycle Links

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) 2019 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

¹ But this policy must in effect give way to policy CS4 bearing in mind its age and the requirements of s38(5) of the PCPA 2004.

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.

Particularly relevant elements of the NPPF include:

Chapter 2: Achieving Sustainable Development

Chapter 4: Decision Making

Chapter 5: Delivering a Sufficient Supply of Homes

Chapter 12: Achieving Well-Designed Places

Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15: Conserving and Enhancing the Natural Environment

Neighbourhood Plan Status

This application site is not within a Neighbourhood Development Plan area.

Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council

- **Acton Parish Council**

Object. Need reassurance the following are addressed 1- Design Code will be amended, 2- no provision for safe access for HGV construction traffic and 3- no clarity on what will happen to Acton Lane which cannot cope with increased traffic, 4- lack of renewable energy, 5- contrary to emerging plan, 6- cycling/ pedestrian routes should be of sufficient width.

- **Chilton Parish Council**

Object. 1- this application was submitted prior to the agreement of the Design Code, 2- lack of community woodland 3- use of natural gas infrastructure, 4- lack of Construction Environmental Management Plan in place 5- no travel plan, 6- ecological concerns, 7- would like assurance that surface water will not affect existing watercourses and land drains.

- **Great Cornard Parish Council**

Supports the application. Recommends a condition that construction traffic must enter the town via the A134 wherever possible.

- **Great Waldingfield Parish Council**

Support the development. Notes 1- construction traffic should not come through Newton Green on the A134, up Valley Road and then south east on the B1115, 2- hopes drainage does not cause flooding to surrounding land or the moat serving Chilton Hall, 3- hopes street lighting will not cause light pollution, 4- waste water should not be located to the small sewage plant at Great Waldingfield, 4- landscaping should be a native mix and 5- labour and materials should be sourced locally.

- **Little Waldingfield Parish Council**

Object. Support comments made by Chilton Parish Council and do not support installation of gas-powered service.

- **Long Melford Parish Council**

Object. 1- the potential piecemeal approach of phases resulting in an incoherent design, 2- plan needs to show how access to key destinations will be achieved and linked to internal networks and 3- proposed closure of Acton Lane for vehicular traffic as it has not been justified and if justified the code must show how traffic will be accommodated on other roads.

- **Newton Parish Council**

No comment. Note 1- no construction management plan has been submitted and 2- concerned about construction traffic along the A134.

- **Sudbury Town Council**

Support the application. Note 1- concerns on construction traffic using Aubrey Drive, 2- construction traffic should enter the town via the A134.

Officer Comments to Parish Councils:

Whilst many of these issues will be addressed in the main body of this report, it is important to understand that many of the objections made relate to the Design Code and to a Construction Management Plan.

For the avoidance of doubt, Members are reminded that the Design Code and Construction Management Plan are NOT matters for consideration here.

In more detail, the Design Code in question was required by condition 8 of the Outline Application B/15/01718. For ease of reference, this condition states:

'No development in any phase, other than works to complete the approved site access points, shall take place on the residential land, village centre land, or market square land (as identified on the approved Land Use Parameter Plan, drawing no. 35223-Lea121j) until a Design Code for the whole of that land has been submitted to and approved in writing by the local planning authority. The Design Code shall demonstrate how it has been informed by a programme of public consultation and engagement and responds to the character areas and principles identified on pages 48-54 of the Design and Access Statement (Amec Foster Wheeler, December 2015). Thereafter, any reserved matters application for any phase of development on the residential land, village centre land, or market square land shall comply with the principles established within the approved Design Code or any amended scheme submitted to and approved in writing by the local planning authority.'

Reason - A Design Code is needed to ensure adequate consideration of the interrelationships between the phases of development, to expound upon the principles in the submitted Design and Access Statement, and; to ensure appropriate community engagement in accordance with Policy CS4.'

Note that the Design Code is tied to the Outline application and is a matter for discharge of condition. It is, therefore, not a relevant consideration under this application, which proposes to solely gain approval

for the technical infrastructure works (as listed in Section 2 of this report) for phase 1 of the development. Any approval as may be given on the application before Members here is entirely separate from the principles and strategy of the Design Code, though the Design Code is anticipated to pay regard to it. Issues of access were also raised, however access points were established and approved under the Outline Permission, with further consideration of the internal estate roads being considered under the Design Code. Matters relating to construction management and traffic are to be agreed and controlled via condition 30 on the Outline Permission which will be submitted separately from this application. For the avoidance of doubt no works can commence on site without a construction management plan having been formally agreed.

In addition, the Construction Management Plan was an Outline matter, not for consideration here. This is explained in detail elsewhere.

Members are, therefore, reminded that the scope of assessment for this application is relatively narrow and the application seeks approval of the reserved matters for the land identified within the red-lined area and relating to - as far as applicable - issues of scale, layout, landscaping and appearance in connection with the infrastructure only.

National Consultee

- **Anglian Water**

No objection. Foul water drainage strategy is acceptable at this stage and surface water drainage does not affect Anglian Water-owned assets.

- **Environment Agency**

No objection. 1 - Note that infiltration drainage is not proposed, 2 - they await a Phase 2 Geo-Environmental Risk Assessment for condition 32 of the outline, 3 - foul water drainage is to be discharged to main sewer and 4- Plans for foul water treatment should be clearly outlined.

- **Highways England**

No objection.

- **Ministry of Defence**

No objection.

- **Natural England**

No objection.

- **Suffolk Constabulary**

No objection. Recommend subsequent residential phases seek to achieve Secured by Design New Homes 2019 Version 2 accreditation.

- **Suffolk Wildlife Trust**

Holding objection. 1- impacts of construction access road not considered, 2- landscaping should be comprised of rich native planting, 3- loss of hedgerow and young hedgerow will need protecting from deer and 4- up to date ecological information/ surveys not yet provided.

County Council Responses

- **Archaeology**

No objection. Recommend conditions for 1- works to be carried out in accordance with a written scheme of investigation and 2- submission of site investigation and post investigations.

- **Development Contributions**

No objection. The development as a whole must accord with the original obligations within the S106 Agreement.

- **Fire and Rescue**

No objection, subject to condition for fire hydrants.

- **Floods and Water**

No objection. Recommend informatives.

- **Public Rights of Way**

No comment.

- **Highways**

No objection. Full technical details, finishes and construction of roads and footways and a Traffic Regulation Order (TRO) will be agreed under separate S278 and S38 agreements, all footways will have bound surfacing, any trees proposed in future landscaping must be a minimum of 2.5 metres away from the highway.

- **Travel Plan**

No comment. No travel plan is required at this stage.

- **AONB**

No comment.

Internal Consultee Responses

- **Heritage**

No comment.

- **Arboricultural Officer**

No objection. Recommend condition that works should be done in accordance with the submitted arboricultural report.

- **Infrastructure**

No objection. As the site falls within designated Strategic Land it is CIL exempt.

- **Ecology**

No objection. Recommend conditions on 1- conducting works in accordance with ecological appraisals, 2- submission of Natural England's Licence for Hazel Dormouse, 3- submission of Natural England's Licence for Hazel Dormouse, 4- Construction Environmental Management Plan for Biodiversity, 5- Farmland Bird mitigation strategy 6- Biodiversity Enhancement Strategy, 7- Landscape and Ecological Management Plan, 8- wildlife sensitive lighting scheme.

- **Environmental Health- Noise, Odour, Light and Smoke**

No objection. Note that the noise output of the proposed substation may need to be considered in the future. Recommends condition on construction hours.

- **Environmental Health- Sustainability**

No comment. Note that a Climate Emergency has been declared by the Council and encourages the developers to consider sustainability at an early stage and note that building regulations are likely to change in coming years to ensure new buildings are zero carbon ready and existing buildings can be retrofitted.

- **Environmental Health- Land Contamination**

No objection. Applicant must accord with condition 32 on the Outline Permission.

- **Environmental Health- Air Quality**

No objection.

- **Landscaping**

No objection. Recommend that the rustic knee railings around the perimeter of many of the attenuation basins are removed and the basins are left open to be more sympathetic to their landscape setting.

- **Public Realm**

No objection. Raise some concerns about the use of *Carex riparia*.

- **Waste Management**

No objection at this stage. Note that internal estate roads will need to accommodate Refuse Collection Vehicles and space for bin presentation.

Other Consultee Responses

- **Sudbury Society**

Object. 1- the Reserved Matters Application has been submitted prior to the agreement of the Design Code, 2- It follows the indicative layout on the Outline Application which is not the best solution and 3- No sustainable innovation or regard to climate change.

- **Suffolk Preservation Society**

Object. 1- the Reserved Matters Application has been submitted prior to the agreement of the Design Code, 2- It follows the indicative layout on the Outline Application, which is not the best solution, 3- cannot determine impact on landscaping at a site wide level at this stage, 4- No sustainable innovation or regard to climate change and 5- cycle and pedestrian routes should run through the site.

- **Babergh Green Party**

Object. 1- a substation and gas governor are proposed which supports the use of natural gas in future dwellings and 2- there is minimal consideration and action to reduce carbon emissions.

- **Sudbury Green Belt Group**

Object. 1- submitted prior to agreement of the Design Code, 2- layout still closely follows masterplan, 3- landscaping should provide natural habitats and be of a native species, 3- lacking connected green spaces, 4- public walkways should be along the southern boundary into the town, 5- safeguard wildlife site near to airfield and 5- three paths have been omitted from the plans.

B: Representations

At the time of writing this report at least 1 letters/emails/online comments has been received. It is the officer opinion that this represents 1 objection. A verbal update shall be provided, as necessary.

Views are summarised below:-

- Means of access inappropriate onto Reynolds Way

(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: DC/20/05269	Discharge of Conditions Application for B/15/01718- Condition 29 (Levels) and Condition 38 (Hard and Soft Landscaping Scheme- Part Discharge)	DECISION: PCO
REF: DC/20/05270	Discharge of Conditions Application for B/15/01718- Condition 9 (Surface Water Drainage Scheme), Condition 10 (Implementation, Maintenance and Management), Condition 11 (SUDS Components and Piped Networks), Condition 12 (Construction Surface Water Management Plan) and Condition 28 (Foul Water Drainage Strategy)	DECISION: PCO
REF: DC/20/05724	Discharge of Conditions Application for B/15/01718- Condition 38 (Hard and Soft Landscaping Scheme) Part discharge for western boundary.	DECISION: GTD 15.01.2021
REF: DC/20/04763	Application for Non-Material Amendment following approval of B/15/01718 - Revisions to the land parameter plans.	DECISION: GTD 09.11.2020
REF: B/15/01718	Outline application (with all matters reserved except for access) - Erection of up to 1,150 dwellings (Use Class C3); 15ha of employment development (to include B1, B2 and B8 uses, a hotel (C1), a household waste recycling centre (sui generis) and a district heating network energy centre); village centre (comprising up to 1,000m2 Gross Floor Area (GFA) of retail floor space (A1, A2, A3, A4 and A5), village hall (D2), workspace (B1a), residential dwellings (C3), primary school (D1), pre-school (D1) and car parking); creation of new vehicular access points and associated works; sustainable transport links; community woodland; open space (including children's play areas); sustainable drainage (SuDS); sports pavilion (D2) and playing fields; allotments; and associated ancillary	DECISION: GTD 29.03.2018

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The site extends 10.18 hectares, located to the north of the A134 and adjoins Tesco, Woodhall Business Park and adjacent residential estates. To the north, east and west of the site are agricultural fields with sporadic development before reaching more defined settlements within Newman's Green, Acton, Great Waldingfield, Chilton and Long Melford. The site straddles the parishes of Acton, Chilton, Long Melford and Sudbury, with the largest proportion of land falling within Chilton. The site is currently comprised of Grade 3 agricultural land (land with moderate limitations).
- 1.2. There is a Public Right of Way (footpath) running through the site starting adjacent to Mountbatten Road and running northwards through the site. There is another Public Right of Way (footpath) located to the north east of the site running eastwards and south east into surrounding fields.
- 1.3. The site is not within nor adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest (SSSI), Air Quality Management Area, Special Landscape Area, Local Green Space, or Area of Visual/Recreational Amenity. There are several protected trees within the wider development site, however none of these fall within the application site for the proposed residential infrastructure. The site does fall within a SSSI Risk Impact Zone; however, the proposal is not for development categorised as being a risk to the SSSI.
- 1.4. The eastern 'limb' of the Site, comprising part of the airfield is, however, recognised for its high ecological value and as such is designated as a County Wildlife Site (Waldingfield Airfield Arable Margins CWS).
- 1.5. The site is located wholly within Flood Zone 1 and is the least vulnerable to fluvial (river) flooding the site is also not at a high risk from pluvial (surface water) flooding.
- 1.6. There is a Scheduled Monument (Wood Hall Moat) to the south west of the site. The site sits outside of any Conservation Area, with the nearest Conservation Area being within the centre of Sudbury to the south. There are a range of listed buildings near to the site but all fall outside of the site to the south. The nearest of these include Grade II* listed Barn at St Bartholomew's Priory Farm, Chapel at St Bartholomew's Priory Farm and Chilton Hall and Grade II listed St Bartholomew's Priory Farmhouse, Walled Garden east of Chilton Hall and Chilton Hall Historic Park and Garden.

2.0 The Proposal

- 2.1. This application seeks to secure the required infrastructure (site-wide services, drainage and highways infrastructure) for the residential land prior to works commencing on any residential development.
- 2.2. Permission is sought for the following aspects of the development, based on the type of matters being determined, there is some overlap between the reserved matters at this stage and the conditions that were imposed on the Outline Permission (B/15/01718). The below technical details

are therefore being considered with regard to the conditions on the Outline Permission where relevant.

Technical infrastructure details-

- Highways infrastructure
- Surface water drainage systems
- Foul water drainage
- Site levels
- Associated planting

There are several Discharge of Conditions Applications currently under consideration by the Council for determination which relate to these conditions as listed within the Planning History section of this report. There is inevitably some overlap between the Discharge of Conditions Applications and this Reserved Matters Application. All applications are being considered holistically and together to ensure they align providing a cohesive strategy for the development. Whilst the details submitted under this application may not fully satisfy those conditions at this stage, it must be remembered that this application forms one aspect of the wider development and therefore these conditions are likely to be progressed gradually through each stage of development. As such many of the conditions are likely to only be 'partially discharged' as many can only be satisfied in full at a certain trigger point.

For completeness, the full wording of the relevant outline conditions is included below, the relevant technical consultees have viewed this application whilst having regard to the relevant conditions and associated Discharge of Conditions Applications.

9. "No development in any phase shall take place until a surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall be in accordance with the principles of the submitted Drainage Strategy dated May 2017 (document reference L35223R033) and include:

- a. Dimensioned plans and drawings of the surface water drainage scheme;*
- b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;*
- c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Qbar for all events up to the critical 1 in 100-year rainfall events including climate change as specified in the Drainage Strategy;*
- d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100-year rainfall event including climate change;*
- e. Modelling of the surface water conveyance network in the 1 in 30-year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100-year climate change rainfall event, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;*
- f. Topographical plans depicting all exceedance flowpaths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;*
- g. Details of the triangular shaped highway drainage pond to the west of the site (identified on Figure 2.2 of the Amec Foster Wheeler Drainage Strategy (L35223R033), May 2017) and how this connects into the wider drainage network south of the A134 Springlands Way where relevant to that phase.*

The development shall be carried out in accordance with the approved scheme or any amended scheme submitted to and approved in writing by the local planning authority.

Reason - To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development."

10. *"No development in any phase shall take place until details of the implementation, maintenance and management of the surface water drainage scheme for the phase has been submitted to and approved in writing by the local planning authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details or any amended scheme submitted to and approved in writing by the local planning authority.*

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

11. *"No development hereby permitted shall be occupied until details of all Sustainable Urban Drainage System components and piped networks for that part of the development have been submitted to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.*

Reason - To ensure all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act."

12. *"No phase of development shall commence until details of a Construction Surface Water Management Plan (CSWMP) for that phase detailing how surface water and storm water will be managed on the phase during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction or any amended scheme submitted to and approved in writing by the local planning authority. The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:- i. Temporary drainage systems ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses iii. Measures for managing any on or offsite flood risk associated with construction*

Reason - To ensure the development does not cause increased flood risk, or pollution of watercourses in line with the River Basin Management Plan."

17. *"The layout details to be submitted for approval under condition 2, for each phase of development, shall include details of all necessary on-site highway infrastructure, including estate roads, turning and parking areas, footways, footpaths and cycle tracks (linked to existing routes), verges, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, street furniture, street lighting and highway drainage, together with a timetable for the implementation of these works.*

Reason - In the interests of highway safety to ensure that highway infrastructure is constructed to an acceptable standard."

28. *"No development in any phase shall take place until a foul water drainage strategy for that phase has been submitted to and approved in writing by the local planning authority. No part of any phase of development shall be occupied until the works have been carried out in accordance*

with the approved scheme for that phase or any amended scheme submitted to and approved in writing by the local planning authority.

Reason - To ensure that adequate provision is made for the management of foul water."

29. *"No development in any phase shall take place until details of the existing ground levels and proposed ground levels and the level of proposed floor slabs for that phase have been submitted to and approved in writing by the local planning authority. Development of that phase shall be carried out in accordance with the approved details or any amended details submitted to and approved in writing by the local planning authority.*

Reason - In the interests of amenity and mitigating visual impacts."

38. *"No phase of development other than works to complete the approved site access points, until a hard and soft landscaping scheme for that phase of development has been submitted to, and approved in writing by, the local planning authority. This will include the following details:*

- a. Details of hard surface materials and boundary treatments to be used within the development, including all means of enclosure.*
- b. Details of the existing trees and plants on site to be retained and details (species, size of stock at time of planting, location) of new plants and trees to be provided as well as any areas for seeding. The new landscaping should comprise of native species only as defined in Schedules 2 and 3 of the Hedgerow Regulations 1997.*

The 'soft landscaping scheme' shall be implemented in accordance with the approved details within the first planting season (October - March) following the commencement of development of that phase, unless otherwise agreed in writing by the local planning authority.

The 'hard landscaping scheme' shall be implemented and completed prior to the first occupation of the dwellings to which that area relates. The approved landscaping schemes shall be carried out in their entirety.

If within a period of five years, any of the existing or proposed plants identified in the approved landscaping scheme die, are removed, or in the opinion of the local planning authority become seriously damaged or diseased then they shall be replaced in the next planting season with others of a similar size and species.

Reason - In the interests of visual and environmental amenity and to ensure a comprehensive approach to landscaping."

- 2.3. Whilst there is significant overlap between the details submitted for the Reserved Matters Application and the associated Discharge of Conditions Applications, all the technical infrastructure details for Phase 1 have been submitted within this Reserved Matters Application for the purposes of presenting and adopting a coherent and clear approach for addressing the relevant conditions and technical infrastructure that underpins the future residential development.
- 2.4. As noted previously, further information to wholly satisfy the conditions will be provided in subsequent applications and this Reserved Matters Application in no way seeks to alter or omit the level of information required by those conditions. Moreover, the development and this Reserved Matters Application are tied to the conditions on the Outline Permission and, therefore, there are many other relevant conditions which will be addressed in subsequent Reserved

Matters Applications and Discharge of Conditions Applications prior to any works commencing on site.

3.0 The 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 principle of development has been previously established under Outline Permission B/15/01718. Under B/15/01718 the access points were approved and indicative layouts of site-wide infrastructure, spine road and drainage systems were provided. This application is consistent with the approved Outline Permission. Moreover, the delivery of this site is considered of strategic importance and the aims for the development are guided by Core Strategy policy CS4.
- 3.3. A Land Use Parameter Plan was also approved which shows that this Reserved Matters Application falls within land allocated for residential development. Whilst this proposal is not strictly residential, it is the necessary infrastructure required to deliver that approved residential development.
- 3.4. Specific details including the named 'reserved matters' (appearance, landscaping, layout and scale) for the dwellings will be submitted in subsequent applications and are not matters for consideration at this stage.
- 3.5. This application seeks approval for the preliminary infrastructure on site which is the first step in the wider delivery of this strategically important site. Furthermore, this application underpins and aligns with the strategic priorities of the Development Plan under Core Strategy policy CS4 and contributes significantly to the Council's current healthy land supply, measured at 6.74 years (October 2020). i.e. delay to the delivery of Chilton Woods development is likely to have a significant impact on the supply trajectory going forward, bearing in mind the quantum of housing expected to be delivered over the near-term assessment period.
- 3.6. The provision of this infrastructure is fundamental to the delivery of the subsequent stages of this scheme.

4.0 Nearby Services and Connections Assessment of Proposal

- 4.1. The proximity to existing services and facilities and provision of future services and facilities were assessed and secured within the Outline Permission under a S106 Agreement.
- 4.2. As discussed further in Sections 5 and 6, this application proposes some pedestrian and cycling connections alongside the distributor road. Further connections will be included on future applications, however at this stage the proposed connections are considered acceptable.

5.0 Site Access, Parking and Highway Safety Considerations

- 5.1. The Outline Permission included approval of several access points. One of which is located along the western side off of the A134 (Springlands Way), near to the Woodhall Business Park, this would link into the employment land, which Taylor Wimpey does not own, therefore this link cannot be delivered at this stage. Two other access points were also previously approved, including one that directly comes off of Reynolds Way/ Acton Lane and another extending Aubrey

Drive. These two accesses are being delivered under this scheme and would facilitate the delivery of subsequent residential development.

- 5.2. The application seeks permission for the creation of the site-wide distributor road within residential land. The distributor road would tie in with the already approved access points on Reynolds Way/ Acton Lane and Aubrey Drive and would loop around the site ending within the western area adjacent to the boundary with the employment land. The indicative plan supplied under the Outline Application did not show that the residential land would be linked with the employment land by the distributor road. However, on the advice of SCC Highway Authority as the Local Lead Highway Authority (LLHA), changes have been proposed to loop the distributor road around to the employment land to better integrate the site and enable cohesive development should the employment land be brought forward in the future.
- 5.3. There are also several connections proposed to other areas of the development, including the Village Centre, which will be developed out further in the latter stages of the development and through subsequent Reserved Matters Applications.
- 5.4. The proposed distributor road will be met by internal estate roads in subsequent Reserved Matters Applications for the residential development. It is wholly realistic that future internal estate roads will further increase permeability and opportunities for active travel to and from the site. To this end, the proposed distributor road provides a well-integrated foundation for subsequent applications by providing the opportunities for good permeability throughout the site.
- 5.5. The main distributor road will be adopted by the LLHA in the future, but this is subject to the grant of this Reserved Matters Application and subsequent Section 278 and 38 Agreements with the LLHA to agree finalised technical details. To this end it is likely that the speed limits along the spine road will vary between 20mph and 30mph but these would be subject to a Traffic Regulation Order which would again be secured via a Section 278 Agreement.
- 5.6. Whilst external street lighting is part of condition 17, which primarily relates to the highway infrastructure being proposed under this application, external street lighting has not been included for approval at this stage. Details of external street lighting shall instead be submitted at a later date within subsequent Reserved Matters Applications to satisfy the remainder of condition 17.
- 5.7. Several comments were made by parish councils relating to construction disruption and construction traffic. Condition 30 on the Outline Planning Permission requires the submission of a Construction Environmental Management Plan (CEMP), this condition must be discharged prior to commencement of any development on site, therefore this is not a matter for consideration at this stage, nor is it a condition that needs to be reimposed on this Reserved Matters Application. For clarity, condition 30 states:

'No development in any phase shall take place until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing for that phase of the site by the local planning authority. The CEMP shall include the following details:

- a. The means of access for construction traffic to and from that phase.*
- b. Parking provision for site operatives and visitors.*
- c. The loading and unloading of plant and materials.*
- d. The storage of plant and materials used in constructing the development.*
- e. The erection and maintenance of site security.*
- f. Wheel washing facilities (including full details of its specification and siting).*
- g. Measures to control the emission of dust and dirt during construction.*

- h. A scheme for the recycling/disposal of waste resulting from construction works.*
- i. Siting and appearance of contractors' compounds.*
- j. Measures for ensuring that construction traffic does not use rural routes alongside best practicable measures to ensure construction traffic entering and leaving the site is routed via the A134 Springlands Way.*
- k. Details of the method and frequency of liaison with the community for the duration of the construction period.*
- l. Noise assessment and noise management strategy to reduce construction noise as far as possible in accordance with BS 5228-1:2009.*
- m. Application of a 20mph speed limit during construction.*
- n. Measures for the protection of ecology and wildlife identified in section 5.5 Environmental Statement Addendum (Amec Foster Wheeler, May 2017) including an Ecological Clerk of Works.*
- o. Training of construction workers to comply with the approved CEMP. Development of that phase shall be carried out in accordance with the approved scheme or any amended scheme submitted to and approved in writing by the local planning authority.*

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.'

- 5.8. The proposal would wholly accord with Core Strategy policies CS4, CS14 and CS15 and Local Plan policy CP01, delivering a preliminary network and facilitating future connectivity to promote active travel of future occupants.

6.0 Design and Layout

- 6.1. As part of increasing the connectivity and integration of the site, there are links for active travel along the distributor road. These links include 3-metre-wide shared footpath and cycle links and 2-metre-wide footpath links interspersed with both footpath and 3-metre-wide footpath and cycle path priority crossings along the distributor road. There would also be a 3.5-metre-wide pedestrian and cycle route segregated from the distributor road located east of Aubrey Drive and another designated pedestrian and cycle route leading from Acton Lane travelling northwards.
- 6.2. The distributor road would adequately weave around the parcels of land that are to be developed for residential use in the future. This facilitates a well-integrated layout in subsequent Reserved Matters Applications.
- 6.3. There are fifteen sustainable urban drainage systems (SuDS) on site, including swales/ basins/ attenuation ponds proposed within the scheme distributed around the site, around the edges of distinct parcels of land and the distributor road.
- 6.4. A feature brickwork wall with signage would be erected adjacent to the Aubrey Drive entrance, which would measure 2.1 metres in height sloping downwards to measure 1.425 metres and measure 9.289 metres with brickwork pier and cast stone capping. Alongside other boundaries and SuDs it has been proposed that there would be a 1.1-metre-high timber post and rail fence, 0.45-metre-high timber bollard, 0.4-metre-high rustic knee rail fence and 1.1-metre-high rustic post and rail fence. In acknowledging the comments made by Place Services Landscaping a condition would be imposed for the submission of finalised boundary treatments around the attenuation ponds to ensure both landscape impact and health and safety implications can be appropriately considered.

- 6.5. Whilst the design and layout matters are limited at this stage with development primarily proposed at or below ground level, the development would accord with Core Strategy policy CS4, CS14, CS15 and Local Plan policy CN01 and CP01 and would enable future development to meet the aims of paragraph 127 of the NPPF.

7.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 7.1. An Environmental Impact Assessment was submitted and approved with the Outline Permission. A Statement of Conformity has been submitted with this Reserved Matters Application to demonstrate that the application remains within the previously assessed parameters on the Outline Permission, ensuring it is in accordance with the Environmental Impact Assessment considerations on that Outline Permission.
- 7.2. A landscaping scheme has been provided to better integrate the drainage strategy and maximise the ecological and biodiversity benefits of the swales, basins, attenuation ponds and associated open space. This landscaping strategy is one aspect of the site wide landscaping scheme that is required under the Outline Permission, further landscaping details will therefore be provided during the other stages of the development. This landscaping strategy will however be designed into and addressed in any future subsequent applications to ensure complete cohesion and well-conceived landscaping across the site.
- 7.3. Landscaping is proposed directly around the swales and SuDS basins/ponds, providing a strong foundation for future landscaping around the site. It is indicated that further landscaping is proposed between the swales/ basins and the highway/ hedgerows/ residential parcels of land. Details of such landscaping will be included in future submissions, paving the way for high levels of greenery on site which are well integrated with their surroundings. The LLHA have however noted that any trees will need to be planted 2.5 metres away from the highway and any hedgerows would need to be positioned to enable growth which will not overhang the highway.
- 7.4. An arboricultural report was submitted with the application which outlined the limited and necessary removal of trees/ hedgerow in order to make way for the infrastructure required on site. None of the trees or hedgerows on site are protected nor are they of a high quality. The following will be removed to accommodate the development:
- To accommodate the highways infrastructure 180 metres of moderate quality hedgerow, 5 field maple trees and 1 goat willow tree of low quality and 3 semi-mature field maple trees of moderate quality will be removed.
 - To accommodate the cycleway and footpath connections 60 metres of moderate-quality hedgerow and localised trees will be removed.
 - To accommodate SuDS 20 metres of low-quality hedgerow and 4 low quality trees (sumac, common lime and two semi-mature silver birch) will be removed.

The SuDS are designed to ensure compliance with recommended root protection areas to ensure there is no inadvertent damage to any of the trees to be retained.

A condition would be imposed to ensure that all works are carried out in accordance with the recommendations within that report. Furthermore, the arboricultural report concluded that the overall arboricultural impact will be low in the wider context and can be appropriately mitigated through future landscaping in subsequent applications.

- 7.5. Place Services Landscaping raised no objection to the proposal following amendments to planting species and visual improvements to the SuDS strategy. As noted at point 6.3, Landscaping made recommendations for the removal of the rustic knee rail fence currently proposed around attenuation ponds, this will be dealt with via condition. Having taken the Public Realm Team's response into account, they are also content that the *Carex riparia* (Greater Pond Sedge) proposed within the swales would not rapidly spread given that the environment it would sit within would not be permanently wet.
- 7.6. Under the Outline Permission, condition 38 requires the submission of a full hard and soft landscaping scheme for each phase and the required timescales for planting/ replacement. Whilst some landscaping is proposed currently, this will only partially discharge the landscaping for this phase as further landscaping will be included in future submissions.
- 7.7. Place Services Ecology raised no objection to the proposal as sufficient ecological information has subsequently been provided. It is noted that as the applicant has submitted their enquiry form to Natural England to trigger the 1st stage payment for District Level Licensing for Great Crested Newts, the Council will need the Impact Assessment and Conservation Payment Certificate document countersigned by Natural England as evidence of site registration. This is required to be submitted prior to issuing a decision which is reflected in the recommendation section of this report. Several conditions are also proposed to further protect and enhance biodiversity within the area which would all be imposed.
- 7.8. Under the Outline Permission, condition 39 requires the submission of an Ecological Management Plan prior to works commencing. Moreover, the Construction Environmental Management Plan under condition 30 also requires measures to mitigate against any detrimental impact on ecology.
- 7.9. The proposed levels of the distributor road and drainage strategy would broadly meet the existing land levels and as such would not appear visually prominent. The land is generally level with a slight slope towards the south of the site.
- 7.10. The proposal would wholly accord with Core Strategy policies CS4, CS14 and CS15 and Local Plan policies CP01 and CR07, delivering green infrastructure, well integrated landscaping and ecological mitigation and enhancement measures.

8.0 Land Contamination, Flood Risk, Drainage and Waste

- 8.1. The whole site is located within Flood Zone 1 and is at a low risk of fluvial (river) flooding. It is also at a low risk of pluvial (surface water) flooding. The Outline Permission sought to incorporate a network of SuDs across the site in the form of basins, swales and attenuation ponds.
- 8.2. This infrastructure application seeks to incorporate all of the above elements in line with the Outline Planning Permission to achieve drainage run off rates below the existing green field conditions on site once developed out. SCC Floods and Water as the Local Lead Flood Authority (LLFA) raised no objection to the proposed drainage systems. The details and layout of this drainage system are discussed within section 6 of this report.
- 8.3. A surface water drainage strategy has also been submitted proposing to discharge surface water to existing drainage ditches on site alongside the use of SuDS. The LLFA raised no objection to this strategy for preventing and dealing with rainfall events and pluvial flooding.
- 8.4. The surface water drainage strategy on site would not only mitigate flood risk but would also serve to improve biodiversity of the developed site.

- 8.5. A site-wide foul water drainage strategy is proposed under this application. This strategy primarily provides links around the site into the existing Anglian Water foul water sewer via existing manholes. Anglian Water confirmed that their foul water sewers will have capacity for these flows and as such the foul water drainage strategy is acceptable at this stage.
- 8.6. The Council's Environmental Health Team confirmed they have no objection from the perspective of land contamination, noise, odour, light and smoke or air quality.
- 8.7. The proposal would accord with the aims of CS4 and CS15 in securing a development that integrates SuDS, reduces flood risk and would not detrimentally harm the environment in terms of air quality, noise, odour or light.

9.0 Heritage Issues

- 9.1. Whilst the Council's Heritage Team did not wish to comment on the application, Officers are of the opinion that based on the nature and form of this infrastructure application, it is in line with the previous heritage assessment conducted during the determination process of the Outline Application. Therefore, it is not considered that there is any requirement for further heritage assessment at this stage. In any event, the development under this particular application i.e. ground-level infrastructure, would not materially affect the significance of any designated heritage asset.
- 9.2. SCC Archaeology raised no objection but recommended two conditions for conducting a programme of archaeological evaluation including a written scheme of investigation and conducting site and post investigations. Both of these conditions would be imposed.

10.0 Impact on Residential Amenity

- 10.1. As the proposal is solely for infrastructure at this stage, the direct impact on residential development of this stage of the development would be minimal as there are no specific details of the residential development being considered. Therefore, there would be no impacts arising from overlooking, loss of privacy, overshadowing etc. The infrastructure being proposed is consistent with what was assessed and expected under the Outline Permission, therefore the potential impacts arising from this stage of the development are likely to be concentrated during the construction period, impacts of which are controlled by conditions on the Outline Permission. Moreover, two further conditions would be imposed on this application relating to prohibiting burning and restricting construction hours.

11.0 Parish Council Comments

- 11.1. Much of the concern raised by parish councils related to the prematurity of this application in relation to the Design Code that is currently being consulted on and amended outside of this application. The Design Code specifically relates to the design aspects of the residential development, and whilst this application is within residential land, it does not strictly relate to nor would it be controlled by the contents of that Design Code. As such approval of this infrastructure application would not prejudice the delivery of cohesive site-wide residential development which will be informed by the Design Code.
- 11.2. Further concerns were raised on construction traffic and routes for accessing and exiting the site. These are subject to agreement at a later stage but prior to commencement under condition 30 on the Outline Permission. These matters will be agreed between the applicant and the Local

Planning Authority in consultation with SCC Highways, Place Services Ecology and BMSDC Environmental Health under a Discharge of Conditions Application.

- 12.3. A gas governor and substation are included within the submission as part of establishing site-wide principal utility connections. Several concerns were raised in regard to the phasing out of gas in the coming years, the change in energy approach for future housing is not however something that can be considered, or insisted on, at this stage as there is no local or national policy to underpin it. However, any future dwellings on site would have to accord with the most up-to-date Building Regulations of the time and further assessment of sustainability will come in subsequent applications and be subject to assessment by the Council's Sustainability Officer.

PART FOUR – CONCLUSION

13.0 Planning Balance and Conclusion

- 13.1. The proposed site-wide infrastructure for the residential development is a crucial first step in delivering this strategically important site. This application lays the foundations for a well-conceived and cohesive development that can be achieved through subsequent Reserved Matters Applications.
- 13.2. The main infrastructure matters of the site-wide distributor road, site levels, surface water drainage, foul water drainage and associated landscaping have been thoroughly planned and adequately addressed, ensuring a smooth transition from the first stages of development into the main residential development to be secured through subsequent Reserved Matters Applications. The future residential development on site will incorporate the principles set out and agreed in the Design Code without being prejudiced by this infrastructure application, but rather being integrated within it.
- 13.3. This Reserved Matters Application goes to the heart of the aims of Core Strategy policy CS4 specifically and more broadly the Development Plan as a whole by presenting a holistic plan and 'road map' for the future phases of the development and in no way represents a piecemeal approach to its delivery.
- 13.4. The application complies with the Development Plan viewed as a whole. There are no material considerations which indicate a decision should be taken other than in accordance with the plan.

RECOMMENDATION

Subject to the applicant submitting the Impact Assessment and Conservation Payment Certificate document countersigned by Natural England as evidence of site registration to the Council: That the Reserved Matters Application be GRANTED permission and include the following conditions:-

- Works done in accordance with approved plans
- Works done in accordance with the arboricultural report
- Provision of fire hydrants
- Written Scheme of Investigation
- Submission of Site and Post Investigations
- Restriction on construction hours
- No burning on site
- Works done in accordance with the ecological appraisal recommendations
- Copy of the Natural England Mitigation Licence for Hazel Dormouse
- Copy of the Natural England Mitigation Licence for Great Crested Newts
- Construction Environmental Management Plan for biodiversity
- Farmland Bird Mitigation Strategy
- Biodiversity Enhancement Strategy
- Landscape and Ecological Management Plan
- Wildlife Sensitive Lighting Design Scheme
- Attenuation ponds/SuDS basins fencing

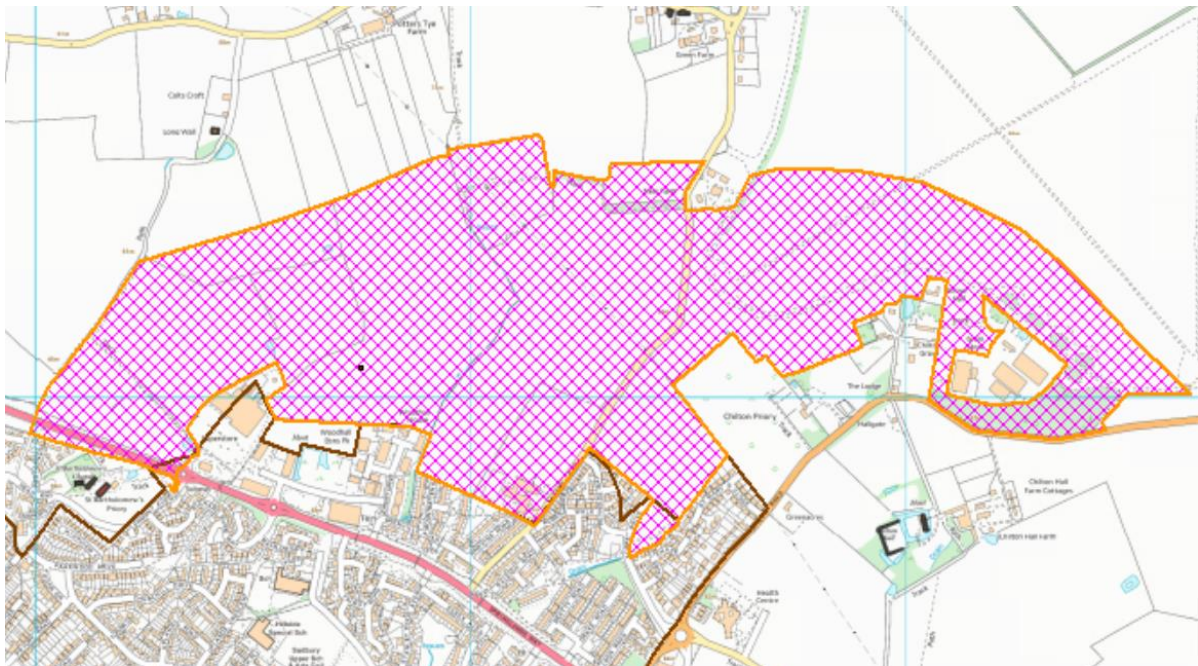
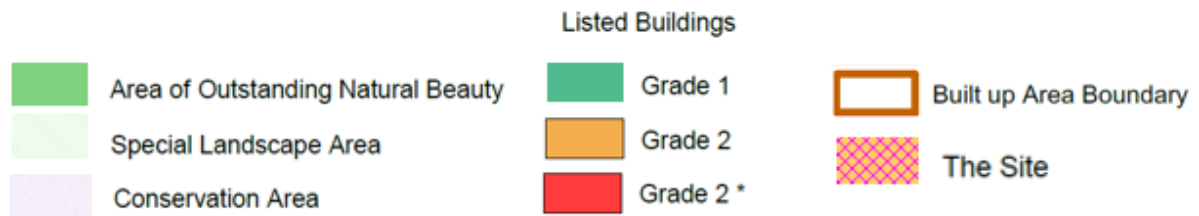
Informatives

- Local Lead Flood Authority recommended informatives
- The Reserved Matters Permission should be read in conjunction with the Outline Planning Permission, including any conditions contained on that previous permission

Application No: DC/20/05183

Parish: Chilton/Sudbury

**Location: Chilton Woods Mixed Development , Land North Of Woodhall
Business Park**



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Agenda Item 7b

Committee Report

Item 7B

Reference: DC/19/04892

Case Officer: Lynda Bacon

Ward: Sudbury North West

Ward Member/s: Cllr Jan Osborne, Cllr Trevor Cresswell

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Erection of 6 dwellings, partial demolition and conversion of New Hall to 1 dwelling including the change of use to commercial design studio/gallery (following demolition of the existing buildings with the exception of the façade of Victoria Hall fronting Prince Street)

Location

Victoria Hall/Conservative Club/New Hall, 39 And 41 Prince Street/New Street, Sudbury, CO10 1HZ

Expiry Date: 31/03/2020

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Rogerson Holdings Limited

Agent: Nick Peasland Architectural Services Limited

Parish: Sudbury

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

The application was reported to the meeting of the Planning Committee on 9th September 2020. Members resolved to defer the application for the following reasons:

Applicant to provide structural report and viability assessment;

- **Conservative Club façade on New Street to be retained/if not possible, recreated;**
- **Changes to design to include removal of hips, use of single pitch roof, and different materials.**

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 (Ref: DC/18/01765 & DC/18/05115)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The Head of Economy considers the application to be of a controversial nature having regard to the site's location in a Conservation Area, the scale of demolition proposed and the contrary opinions of the Ward Member and statutory/other consultees.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework 2019

Babergh Core Strategy 2014:

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern Policy

CS15 - Implementing Sustainable Development

CS16 - Town, Village and Local Centres

Core Strategy 2006:

CN01 - Design Standards

CN08 - Development in/near conservation areas

HS28 – Infilling / Groups of Dwellings

SD08 – Sudbury Town - North St/Gainsborough Rd Junction

TP15 - Parking Standards - New Development

EM24 - Retention of Existing Employment Sites

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.

A: Summary of Consultations

Town/Parish Council

Sudbury Town Council – Initial comments received 12 November 2019

Agree in principle with this development, however members felt that the proposed brick work that faces directly onto New Street should be more sympathetic and in keeping with the existing street-scene, for example white/buff brick and slate tiles. They also felt that the proposed design of the properties on the existing Conservative Club should resemble the site's history.

Disappointed that there is no provision for affordable housing on this development.

Sudbury Town Council – Subsequent comments to revised proposal received 8 December 2020

Approve the application - but note the concerns raised by the Suffolk Preservation Society regarding the structural survey and its conclusion that demolition is necessary.

County Council Responses

SCC Highways – received 12 November 2019

Whilst SCC does not have any objections to the principle of development, no means of sustainable travelling alternatives have been proposed, either in the form of secure cycle storage facilities or electric vehicle charging points. The aforementioned should be overcome prior to the grant of permission.

SCC Archaeology – received 31 October 2019

In terms of below ground archaeological remains, the site is located on the edge of the historic town of Sudbury. The location of the site means that it has potential for archaeological remains relating to the town and its suburbs, but based on the available information about past land use and past and current building on the site, and hence past disturbance, I would not in this case recommend a condition for a formal programme of archaeological work.

Internal Consultee Responses

Heritage Team - Subsequent comments to revised proposal received 17 February 2021

Structural Engineer's Report

In response to a request from the LPA planning committee, a Structural Engineer's report was submitted as part of the current application. It was drafted in February 2020. It states that '...the comments and concerns raised in the 03/07/2018 report are still relevant and should not be disregarded by this report'. In the conclusion it states however that 'if the buildings are to be successfully converted into dwellings suitable for the C21st as opposed to a demolition and rebuild approach, considerable expenditure will be required to remedy the defects outlined...'

It seems clear to me that cost is a factor in the retention of these buildings which include the non designated heritage asset known as Victoria Hall, rather than simply their condition. NPPG para.15 states that 'the optimum viable use may not necessarily be the most economically viable one'. It may also not be the original use.

The report's conclusion also states that 'it would also be very difficult to achieve good levels of energy efficiency to current standards'. However, my understanding is that energy efficiency standards do not apply to buildings in Conservation Areas as explained in (3) (a) (ii) of Regulation 21

of the Building Regulations 2010 – Application of energy efficiency standards. A reduction in efficiency standards can probably therefore be accommodated in any conversion and change of use.

In conclusion, the various views of the Engineers have not satisfactorily justified the proposed demolition of the buildings on this site. They seem now to suggest that there is the option to retain the buildings and therefore reuse them – and this approach should be explored more thoroughly.

The Conservation Area is a designated heritage asset and the demolition of the buildings as detailed in this application would result in a *medium level of less than substantial harm* to this asset. The scheme would also result in a *high level of less than substantial harm to Victoria Hall*, which is locally listed. The work does not accord with the requirements of Local Plan policy CN08 – and it is for these reasons I do not support the proposed development.

Proposed Replacement Dwellings

The proposed replacement buildings do not sustain the character and appearance of the Sudbury CA. There are two options provided for the south east elevation on drawing reference no. 2573/08. Both provide for a range in three elements, with a tall and rather imposing new block at the north eastern end of the block, on New Street. The first option for the north easternmost block consists of a very large, low pitched roof which is ungainly. Its span, pitch and height are uncharacteristic of the vicinity and it would not sustain the character and appearance of the CA, nor the significance of the corn mill or 1-6 St John's Terrace (see below).

The second option consists of a balanced roof which, in isolation, is more characteristic of suburban Victorian architecture. However, the overriding concern is the scale and articulation of the block, which would upset the scale and architectural quality of this Victorian street.

The current situation sees a well detailed and suitably scaled range of buildings which contribute positively to the character of the CA. They are well detailed and appropriately scaled with traditional Victorian motifs such as bay windows, pierced bargeboards, a round arched porch entrance and fine quality gault brickwork. Given their clear hierarchy and the gap between them and the mill, the existing buildings also allow for a proper visual appreciation of the former corn mill, which is located further to the north east. The views across the front of these buildings towards the mill, as well as the mill itself, contribute to the character of the CA. The corn mill is also locally listed as no.42 New Street. Its diagnostic features include its general proportions, as well as a loading door and projecting hoist. Its use and its remaining features help explain its original role in the evolution of the Victorian part of town. For a new block to compete with or reflect the industrial scale of the mill diminishes the visual prominence of the mill to the detriment of the CA and to the detriment of the mill itself.

The north easternmost block would also upset the suburban hierarchy insofar as nos. 1-6 St John's Terrace is concerned. These three-storey weavers' cottages from the early Victorian era describe the employment of their residents and the industrial / residential evolution of the area and are currently taller than the opposing blocks.

Additional concerns relate to the rather contrived architecture of the proposed buildings. The New Street façade is currently constructed in gault brick, and is located in a street which consists predominantly of gault brick properties - so why change to red brick? The central element of the block is rendered, and in its architectural handling and arrangement of fenestration it loosely

describes a timber framed, C17th farmhouse, latterly rendered and then built against at both ends. This is misleading because an early modern village farmhouse is not characteristic in a Victorian suburban extension.

The final block, the large competing structure at the north eastern end, is reminiscent of contemporary blocks of flats in contemporary urban estates. It is discordant in this Victorian street and as a result does not sustain the character or appearance of the CA. It also harms the setting of the corn mill, as mentioned previously. The rear of the proposed blocks is appropriately more functional than their facades, but as a whole none of the blocks sustains or enhances the character of appearance of the CA. (It should be noted that had this block been smaller, and had it formed a part of a discrete new infill development featuring the same contemporary language across the piece, rather than as an individual architectural outlier, its form might have been less inappropriate).

In summary, the proposed replacement structures are contrived and alien. In terms of the NPPF, they would cause a *low to medium level of less than substantial harm* to the character and appearance of the CA and a *low to medium level of less than substantial harm* to the setting – and therefore the significance - of the mill and no.s 1-6 St John's Terrace. The development would be counter to the requirements of Local Plan policy CN01, which states that 'all new development proposals will be required to be of appropriate scale, form, detailed design... [and that proposals] must pay particular attention to the scale, form and nature of adjacent development and the environment surrounding the site'. The proposed scheme is also counter to Local Plan policy CN08, which states that new development in a CA should 'preserve or enhance the character of the Conservation Area or its setting; retain... spaces which contribute to the special character for the area; [and] be of an appropriate scale, form and detailed design to harmonise with its setting'.

It is for these reasons I do not support the proposed scheme.

PREVIOUS COMMENTS (FOR INFORMATION)

20 November 2019

Additional justification should be submitted for the wholesale demolition of the Conservative Club and for the proposed works to Victoria Hall. Notwithstanding this, in its current form the proposal would cause:

- Substantial harm to the Conservative Club.
- A medium level of less than substantial harm to the significance of New Hall.
- A high level of less than substantial harm to the significance of Victoria Hall.

Consequently, also

- A medium level of less than substantial harm to the character and appearance of this part of the Sudbury Conservation Area.

The proposal is for the demolition of the Conservative Club and the erection of 4 no. replacement dwellings, the part-demolition and conversion of New Hall, and the demolition of all of Victoria Hall except the front elevation, and the erection of two dwellings behind. These three buildings are locally listed non-designated heritage assets and are located within the Sudbury Conservation Area. The heritage concern relates to the impact of the proposal on the significance of the non-designated heritage assets and on the character and appearance of the Conservation Area. This application follows two pre-application enquiries (DC/18/01765 and DC/18/05115). The application site is located at the northern edge of the Sudbury Conservation Area. The historic built environment is predominantly C19 in this area, with C20 intrusions, notably along North Street. There is only one listed building in the vicinity (Grade II listed 48, North Street), although many

buildings are on the Sudbury Local List as they “contribute to the unique interest and variety of the local townscape” and some of them have “local historical interest” (via Sudbury Society).

New Hall was built in relation to the silk industry in 1863. It is a long, single-storey building with banks of small-paned windows, which point to its use as a ‘silk manufactory’ as noted on the earliest OS map (1884). The building’s historic associations to the local industry are supported by its purpose-built, functional design, and they make it a very deserved entry on the Sudbury Local List.

The Conservative Club was built after New Hall, in several stages. This building has a gault-brick front with simple domestic proportions and a few distinctive features, such as the oriel windows at first floor, and the large bay window and decorative bargeboards. The building has not been in use for some time; however, it still forms an attractive part of the street-scene and its communal value make it a significant building in the town.

The same is true for Victoria Hall, which has an impressive front elevation, built of red brick. It was built in 1887 and was an important part of social life in Sudbury for over 100 years.

This part of the Conservation Area has two distinct characters, one concentrated on North Street, and one behind North Street, on New Street and Prince Street. North Street has experienced many C20 alterations, and modern commercial buildings have reduced its historic character. Almost all buildings on New Street and Prince Street are late-C19, and although C20 alterations such as window replacements are evident, the overall historic character of this area has been preserved.

New Hall

Note the comments from the Heritage Team at pre-application stage: “A previous pre-application enquiry concerned the demolition of New Hall. The Heritage Team advised that we would strongly object to the demolition of this building, because of its connection to the silk industry of Sudbury, as well as its inherent architectural qualities and contribution to this part of the Conservation Area. The proposal would now be to reduce the building by approx. 40%. The Heritage Team would still object to the demolition of part of this building. Its architectural and historic value is largely derived from its form, and the long banks of windows which reference its original use as a manufactory. This is especially appreciable in the approach to the Conservation Area from the north. There is also communal value to the building, given that it was in use well into the century for light industry. To truncate the building almost in half would detract from its significance and diminish its contribution to this part of the Conservation Area.”

The current application would demolish approximately 30% of the building and convert part of it to residential use. Although converting the building would not be objectionable in principle, truncating the building would still be considered harmful to the building’s significance and to the character and appearance of the Conservation Area.

Conservative Club

A previous application regarding Victoria Hall and the Conservative Club was granted for the conversion of these buildings into four dwellings (B/16/00956). This current application includes a structural appraisal which states that the conversion works “will potentially undermine the existing foundations”.

The Conservative Club has inherent heritage value and contributes positively to the character and appearance of the Conservation Area. Its demolition would therefore result in substantial harm to its significance, and less than substantial harm to the Conservation Area.

The Babergh Local Plan states in para. 7.47 that “Consent to demolish an unlisted building in part or whole in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable

of reasonably beneficial use, of inappropriate structure or design, or where its removal or replacement would benefit the appearance or character of the area.”

The structural appraisal does not contain a detailed justification for the wholesale demolition of the Conservative Club. The replacement of the existing floor with a more thermally efficient floor is cited as having the potential to undermine the existing foundations, however no methods of achieving this have been explored, nor has it been sufficiently demonstrated that the building could not reasonably be converted without the replacement of the existing floor and that no part of the building could reasonably be retained.

Additionally, there is insufficient detail in the structural appraisal to justify why the demolition of the entire Conservative Club is required, while at the same time the retention of the front elevation of Victoria Hall is deemed possible.

Victoria Hall

As noted above, the justification for the extent of demolition on the site is not sufficient at this point. While there is a concern noted in the appraisal about the existing substructures to the rear of Victoria Hall, the current structural appraisal does not set out any options to overcome these concerns, and it does not reach the conclusion that only the front elevation could reasonably be retained.

Regardless, should the demolition of all but the front elevation of Victoria Hall be satisfactorily justified from a structural engineering perspective, the works would still be considered to cause less than substantial harm to the significance of this non-designated heritage asset, as it would reduce the historic building to a single wall

Sudbury Conservation Area

As noted above, the demolition of part of New Hall and all of the Conservative Club would cause less than substantial harm to this part of the Conservation Area, as it would cause the loss of historic buildings which contribute positively to its character and appearance.

Notwithstanding this, the design of the proposed replacement dwellings would not be in keeping with this part of the Conservation Area. The variety in facing materials and design styles presents a somewhat disjointed scheme which contrasts with the surrounding historic brick buildings.

In conclusion, further justification is required for the wholesale demolition of the Conservative Club, and for the proposed works to Victoria Hall – and, if the proposal to demolish was supported by the LPA, the redevelopment as shown here would cause harm to the significance of non-designated heritage assets on the Sudbury Local List. Specifically:

- Substantial harm to the Conservative Club.
- The demolition of all but the front elevation of Victoria Hall would cause a high level of less than substantial harm to its significance, as it would reduce the historic building to its front elevation
- The demolition of part of New Hall would cause a medium level of less than substantial harm to its significance, due to the loss of fabric and the diminishment of its distinctive form. The loss of part of New Hall and all of the Conservative Club, as well as its replacement with the currently proposed dwellings, would cause a medium level of less than substantial harm to this part of the Sudbury Conservation Area

The application would therefore not meet the requirements of section 72 of the P(LBCA) Act of 1990, nor the policies of the NPPF and the Local Plan regarding the preservation of the character and appearance of the Conservation Area. Additionally, a balanced judgement will be required when weighing the levels of harm identified to the non-designated heritage assets in the planning balance as per para. 197 of the NPPF.

25 March 2020

The additional report does not provide sufficient justification for the demolition of the Conservative Club in its entirety. The report states that "considerable expenditure will be required" to remedy the defects of the building, but this expenditure is not quantified or expanded on. The report also discusses the buildings in comparison to "current standards" in terms of structure and energy efficiency, however this is a historic building which is not expected to conform to the standards of modern new-builds. Historic buildings can be successfully converted while retaining their heritage significance. I also concur with SPS (Suffolk Preservation Society) comments regarding the issues of obtaining guarantees and building warranties.

The Conservative Club retains heritage interest and makes a positive contribution to the character and appearance of the Conservation Area. At this point, the application does not contain sufficient information to show that a repair and conversion of this building would not be possible, or that a repair and conversion would alter the building to such a degree that its remaining significance and contribution to the Conservation Area would be lost.

Additionally, the NPPF states in para 191, that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision." The current condition of the buildings and any deterioration which they may have experienced since the approved permission in 2017 should not be material a consideration, as the approved works could have been carried out, but were not.

The demolition of the Conservative Club would therefore still be considered to cause substantial harm to this non-designated heritage asset which is not justified. In addition to this, the proposed replacement building is not considered to be a benefit to the character and appearance of the Conservation Area which could outweigh the loss of the Conservative Club. The proposed buildings do not reflect the architectural styles and detailing of the surrounding historic buildings, and introduce a high variety of cladding materials, which would not integrate the development well into the streetscape. The proposal is, therefore, still considered to cause a medium level of less than substantial harm to the character and appearance of the Conservation Area.

The demolition of all but the front façade of Victoria Hall would be considered to cause a high level of less than substantial harm to this non-designated heritage asset. My previous comments regarding the demolition of 30% of the New Hall still stand.

31 March 2020

To clarify further: During the pre-application enquiry in December 2018, the demolition of everything behind the Victoria Hall facade was discussed, however, the demolition of the entirety of the Conservative Club was not a part of this enquiry. The structural report dated 3rd July 2018 was considered at that point, which did not make specific reference to the retention of the facade. I noted that if the engineer was confident that the front façade could be retained, the principle could be accepted. This confirmation should have formed part of the full application. This current planning application proposes additional demolition works, however the same report which was submitted at pre-application stage to support the demolition of part of Victoria Hall was submitted to now justify the demolition of the Conservative Club also. This was therefore not considered sufficient. For example, the report does not justify why the demolition of the entire Conservative Club is required, while at the same time the retention of the front elevation of Victoria Hall is deemed possible. The additional report dated 13th of February 2020 still does not provide this information. The high level of less than substantial harm identified to Victoria Hall would therefore at this point not be considered justified. My initial comments regarding the works to Victoria Hall, submitted on 20/11/19, still stand.

Land Contamination received 29 October 2019

No objection subject to standard Contaminated Land condition. Without this condition I would be minded to recommend that the application be refused until such time as the applicant is able to demonstrate that the site can be made suitable for use without need for the condition.

Environmental Health received 8 November 2019

I have now had sight of the Noise Assessment ('Mr David Fenton, Victoria Hall and Conservative Club, Sudbury, Technical report – Acoustic Assessment' (produced by MLM Acoustics, document reference MS/101644/PS/R1, dated April 2017) which was originally produced in association with the previous application B/16/00956.

The assessment identifies that, during a typical live music event at the Prince of Wales Public House, it would not be possible for residents of the proposed dwellings either to have windows open and meet the guidance levels for internal noise levels given in BS8223 (Guidance on sound insulation and noise reduction for buildings). Indeed, the levels experienced during the music event were such that it would not be possible to meet the guidance levels internally with closed standard thermal double glazing.

Although the assessment shows how technically the BS8223 (Guidance on sound insulation and noise reduction for buildings) can be met, with an enhanced glazing and ventilation specification, this will mean that any future occupiers will be forced to have their windows closed and rely on mechanical ventilation. This could have economic ramifications for the occupiers of the flats as not only must they pay to heat their homes in winter but also pay to ventilate it in summer.

It is realised that there are numerous examples of Public Houses coexisting with residential properties but given that the previous use of the building had been for many years a licenced premises as well, there would not have been the same impact. However, if it is considered there are significant wider social and economic benefits of the development and you are minded to approve the development, I would recommend five conditions (sound insulation, assessment, construction management, burning of waste and external illumination) in order to protect amenity.

In respect of the proposed design studio/galley, I note that drawing 2573/06 has been revised to clarify that it will be limited to A1/A2 use only. I would suggest that the hours of operation for this unit be limited to those given in the application, although you may consider that it might be appropriate to reduce the hours for Sundays and Bank holidays to 10.00 – 16.00hrs, in order to provide nearby dwellings with some respite.

Economic Development received 12 November 2019

The loss to residential development is unfortunate, but the proposed gallery/retail space within the mixed-use development offers an alternative space to local operators. The site lies within the town centre, but away from the main retail and commercial area, so is likely to be attractive to smaller operators seeking a smaller unit and lower rental values. There is a strong market for this scale of premises. As long as the function of the spaces is compatible with the residential elements of the building to avoid amenity conflicts, the units should be successful.

Accordingly, the Economic Development team supports the proposed development.

Suffolk Preservation Society - Initial comment dated 18 November 2019

Site includes three locally listed buildings and is within the Sudbury town centre conservation area. Having considered the proposals, the SPS objects to the development of this site due to:

- the substantial harm to the conservation area resulting from the extent of demolition of three non-designated heritage assets. Insufficient information has been submitted to demonstrate that the extensive demolition proposed is the only solution.

- the proposed design of the redevelopment which fails to preserve or enhance the character and appearance of the Sudbury Conservation Area and is not in accordance with the government's recently launched National Design Guide.

Demolition of Non-designated Heritage Assets:

New Hall is a single-storey industrial building characterised by large-scale north lights necessary for manufacturing. It is an important survival from the silk industry and is testament to the significant contribution that silk weaving made to the town's history. The proposed conversion is welcome in principle, but considers that the loss of three northern bays is not justified by the provision of proposed parking spaces. The Heritage Impact Assessment notes that the elements to be demolished include surviving 19th century fenestration, which makes an important contribution to the significance of the heritage asset. The HIA seeks to mitigate this loss by the suggestion that they should be retained and re-used. However, SPS does not accept that this is a satisfactory compensation for the loss of a substantial element of a rare and important heritage asset. We consider that the loss of such key elements should be avoided and revisions made to the scheme to avoid such losses.

Victoria Hall is a 19th century theatre which has played an important social, communal and historic role in the town. The proposed façade retention is an outdated approach to conservation and instead the building should be retained in large part and converted. SPS agrees with the views expressed by the Sudbury Society that the gables and oriel windows, and the white brick elevations of The Conservative Club, play a significant role in the townscape, especially in long views from New Road. Both buildings have strong historical associations with the town, reflected in their inclusion within the Sudbury Local List.

Having carefully reviewed the Morrish engineer's report, it is clear that the case for demolition of the Conservative Club and New Hall has not been made as the report does not particularly suggest the buildings are in poor condition, i.e. no mention of extensive movement, cracking etc. and the conclusion is that the structures have performed satisfactorily to date. Therefore, the proposal to demolish is predicated upon the need for a building warranty. This does not justify the substantial harm and an alternative approach must be found. In the absence of sufficient information in the report to demonstrate, or conclude, that extensive demolition is the only solution, a specialist conservation engineer, such as Morton Partnership, should be sought to advise on a conservative approach that retains as much of the historic fabric as possible.

It is understood that there will be a need to incorporate insulation to the floors and thermal upgrades are perfectly sensible and reasonable. However, the submission has not demonstrated that the existing foundations will be undermined, and indeed the conclusion is carefully worded to say 'potentially undermine the existing foundations'. In this type of case where there is little footing depth, it is possible to achieve required levels of insulation by forming the slab in sections against the material under the walls, so not to undermine them. In some cases, the edge strip can be made to form a kerb, so that deeper insulation can be achieved away from the edges. Alternatively, floor levels can be raised to accommodate the insulation where ceiling heights allow.

In a case like this which is seeking demolition on the grounds of inadequacy of the foundation one would expect to see a record of existing floor levels, existing ground floor construction thicknesses and cross referenced to the existing foundations. This has not been provided and therefore the case for demolition has not been made. Furthermore, the proposed construction build-up should be provided to show how this relates and whether it does undermine the existing.

The presence of made-up ground is noted, but there does not seem to be reference to whether this has actually caused any type of problem, such as cracking or subsidence, or more importantly any evidence presented of ongoing issues. Other reference to boreholes some way away in respect to depth of fill may not have any direct relevance. Sometimes the presence of traditional 'trench fill' footings is not understood; it could be that these exist.

In summary, the application before the council is wholly lacking in detail and fails to identify ways in which the buildings can be converted to meet current regulations. SPS considers that, with the advice of a conservative, problem solving engineer, it will be possible to find creative solutions which avoid the demolition of these non-designated heritage assets and harm to the character of the conservation area.

Para 194 of the NPPF requires that any harm to the significance of a designated heritage asset, from development within its setting, requires clear and convincing justification. Para. 197 states that *in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*. In this case Babergh DC is currently able to demonstrate a 5-year supply of housing land and therefore the delivery of just 6 dwellings carries limited public benefit. Therefore, SPS strongly believes that the application should be refused.

Design of Proposed Redevelopment:

The proposed redevelopment of the site, and in particular the three storey town houses on New Street, is weak and fails to respond positively to the rich character and appearance of the conservation area.

The NPPF at para. 192 sets out three criteria which LPA's should take account of: *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities...; and the desirability of new development making a positive contribution to local character and distinctiveness*. The proposed scheme fails to achieve all three of these tests.

The NPPF at para 201 give guidance on assessing harm to a conservation area. It makes clear that the contribution that each building makes must be weighed against its loss. In this case the quality of the new build elements in no way negates the loss of architectural and historic quality of the theatre, conservative club and silk weaving shed. The inferior standard of design of the new elements will result in harm to the character of the conservation area, contrary to the statutory duty set out in S.72 of the 1990 LBCA(Act).

The NPPG sets out the Government's expectations of good design and states:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience and concludes at para.30 that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*

The recently launched MHCLG National Design Guide (October 2019) reinforces this emphasis on good design and sets out a series of characteristics starting with an understanding of context and identity. It is

clear that the proposals have made just a nominal effort to provide a responsive, original and high-quality response to the site.

In summary, SPS has serious concerns that the application fails to examine ways in which buildings on the local list can be retained. The advice of a conservative, problem solving engineer should be sought with a view to minimise the demolition of these non-designated heritage assets and the associated harm to the character of the conservation area.

Moreover, the site is sensitive and worthy of a high-quality scheme. For too long the standard of design in the district has languished. The planning framework, supported by the new design guidance, is more than enough reason for a more concerted effort to be made in delivering good design in the district. Accordingly, it is strongly recommended that the applicants are advised to take the scheme to the Suffolk Design Review Panel for independent review by a panel of design experts.

We therefore strongly urge that this application is resisted and trust you will find these comments helpful in the consideration of this application.

Suffolk Preservation Society - Subsequent comments to revised proposal received 1 December 2020

In response to the committees request for a structural report the applicant has submitted an earlier report by Morrish Consulting dated 3 July 2018. This report is limited to an investigation of the foundations concluding that demolition is necessary and reiterates comments about guarantees and warranties. It does not address SPS's stated concerns regarding the necessity for a conservation accredited engineer to report on the structural condition of the building and advise on the appropriateness of a conservative method of repair and conversion. Accordingly, I would refer you to our detailed comments set out in our letters dated 18 November 2019 and 18 March 2020. In the opinion of the Society, the report is inadequate and does not address the concerns expressed by officers, consultees and members of the planning committee.

Secondly, the submitted viability assessment requires an independent viability appraisal review. The SPS defers to the opinion of those who have the appropriate expertise in this area. However, we would highlight government guidance which states that *The optimum viable use may not necessarily be the most economically viable one* (NPPG Para.015). It is very important that a viable future is found for this group of buildings as *sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation* (NPPF para.193). However, we remain concerned that the proposal is not sensitive to the heritage value of the site and we would encourage the council to take appropriate independent advice.

In order to fairly assess the conservation and economic case for extensive demolition it is necessary to have robust evidence. To strike the right balance expert, sensitive and realistic advice is required. However, the submitted documents in the opinion of the Society continue to fall below the level required to inform a defensible decision.

Therefore, we continue to object to the application.

PREVIOUS COMMENTS (FOR INFORMATION) 18 March 2020

Thank you for re-consulting the Society in respect of the latest engineer's report by Morrish Consulting Engineers, dated 13 February 2020. Having reviewed the brief report I note that it concludes firstly, that

considerable expense will be incurred to remedy the identified defects and secondly it would be difficult to achieve the levels of energy efficiency required by Building Regulations and therefore very difficult to provide any type of insurance guarantees or building warranties on the flats provided by the scheme. It is extremely disappointing that the report continues to fail to understand the significance of the buildings in question and has not provided reasoned justification for why the buildings cannot be repaired and converted. The issue of guarantees and warranties are not relevant material planning considerations in the assessment of this case. If they were, they would provide a universal justification for the demolition of any historic building within, or without, a conservation area. In any event a bespoke insurance policy can be sought to indemnify any future owners against defective works.

In summary, the report has not identified alternative ways in which the structural problems might be resolved nor does it provide the necessary justification for demolition that the SPS and the Heritage Officer has called for. Therefore, we continue to object to the application and refer you to our previous letter dated 18 November in calling for a specialist engineer on the Conservation Accredited Register of Engineers (CARE) to review the proposals.

B: Representations

Two online comments have been received from the Sudbury Society Planning Group. It is the officer opinion that these represent an objection.

Subsequent comment to revised proposal received 2 December 2020

The Sudbury Society strongly objects to this application. It completely fails:

- 1. to respect the fact that Victoria Hall, the former Conservative Club and New Hall are Locally Listed non-heritage assets sitting within the town Conservation Area.**
- 2. to make any attempt to address the various challenges of retaining these important buildings, opting for wholesale demolition on the grounds that alternatives are not structurally or financially viable.**

We challenge those assumptions. We accept that the brick façade of Victoria Hall is in very poor condition and we might concede that the layout of the interior could make it difficult to achieve a successful residential conversion. Therefore, reluctantly, we would be prepared to accept demolition on the condition that the replacement frontage to Prince Street be in a similar warm red brick and make a strong reference to the present design features. As an example of what can be achieved, we point to the new frontage of the Mattingly/Oxfam building at No 42 Market Hill where excellent architects and engineers were employed, using locally resourced red bricks.

The New Hall building is the oldest surviving silk mill in the town. It is not acceptable that the application envisages removing a section to allow parking access and a rethink on this element of the application must be explored.

Above all, we are very strongly opposed to the proposal to demolish the former Conservative Club building. We question the argument that the foundations are weak - this could be used to justify the demolition of most Victorian buildings in Sudbury which of course do not have the foundations required by modern regulations. The present frontage is of a character and scale which enhance this part of the Conservation Area; it would be nothing short of vandalism to demolish the building.

Victorian buildings can be very successfully converted to meet modern needs – witness the very successful conversions of the former St Leonards and Walnut Tree hospitals. It would have been possible for the developers of both those schemes to use the arguments for demolition presented by the applicant in this case. But they rose to the challenges and produced results which are highly satisfactory and widely commended additions to the townscape. The applicants here should be required to do the same.

PREVIOUS COMMENTS (FOR INFORMATION) 29 October 2019

The objection raises the following concerns:

- Any development must respect the character of this part of the Sudbury Conservation Area, particularly when it involves three locally listed non-designated heritage assets.
- The structural appraisal suggests that demolition of the Conservative Club and the body of Victoria Hall is essential because of the shallow foundations for these Victorian buildings. That could be accepted as an argument for the demolition of Victoria Hall which also has very considerable level issues inhibiting a successful conversion. Even if the developers set out to retain the present façade to Prince Street it might well prove too unstable to be incorporated in the new interior. In that case we would favour a replacement façade that, whilst recognisably modern, makes reference to the features of the original.
- We feel that the present white brick façade of the Conservative Club with its gables and oriel windows is a significant element in the town Conservation Area when looking down New Street and the building should be retained. Renovation might not be easy but its foundations should not be an issue; they have supported the building for over 100 years. That would still allow space for two three storey town houses extending up to the boundary of the adjacent three storey former mill (no 42).
- Regarding the proposed replacement frontage to New Street we note the claim in the Supporting Statement Section 6.12 that "the external appearance will match that of the locality" However, we feel that the use of red brick, red cedar cladding and red roof tiles is totally inappropriate in a street where the dominant materials are white brick, grey slate and black weatherboarding (on No 42). We trust that even if Babergh accept the broad outline of what is proposed they will instruct the developer to come back with a more sensitive and appropriate choice of materials.

PLANNING HISTORY

REF: B/16/00956

Change of use of the Conservative Club and part Victoria Hall to 5 no residential flats. Alterations/demolition works to facilitate conversion including demolition of existing extensions, new fenestration, installation of new external staircase to serve first floor flats

DECISION: GTD
03.08.2017

Note the time limit for implementation is extended to 1 May 2021 subject to the Additional Environmental Approval process.

REF: B/15/01442

Change of use and conversion of the Victoria Hall and the Conservative Club into 8 No. self contained residential flats, including demolition of an attached (B1) light industrial unit and toilets.

DECISION: WDN
17.11.2015

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site lies at the junction of New Street and Prince Street in the Sudbury Town Centre. The site is occupied by the Victoria Hall (adjacent No.7 Prince Street) and Conservative Club (No.39 New Street) buildings, which front Prince Street and New Street respectively. To the rear of these buildings and also occupying the site is the New Hall building (accessed from New Street). All of the buildings are vacant and in a deteriorating condition.
- 1.2. The site is located within the Sudbury Conservation Area and whilst not listed, the three buildings are on the Sudbury Local List. To the north and south of the site is existing residential development and to the west is a public house (trading as the Prince of Wales) with residential beyond. To the east are commercial properties, much of which front onto North Street.
- 1.3. There are hardstand areas to the rear of the hall and club buildings and around the New Hall, with vehicle access provided from the northern end of the site via North Street (adjacent Gainsborough Road).
- 1.4. A Grade II listed building is located to the east at 48 North Street. There are no other designated heritage assets within the block that the application site occupies, nor are there any along Prince Street or New Street. However, the Corn Mill adjoining the site to the east and No.47 North Street are locally listed as is no.42 New Street. Nos 1-6 St John's Terrace and the Baptist Church opposite the site are also locally listed; other properties in New Street are also locally listed.
- 1.5. Saved Policy SD08 applies to part of the site in relation to land at the junction of North Street and Gainsborough Road. SD08 allocates the site for one or a combination of the following; retail, office, residential or hotel development.

2.0 The Proposal

- 2.1. The application seeks full planning permission for the redevelopment of the site for residential and a design studio/gallery (formerly Use Class A1/A2 now Use Class E/F1). The proposal includes the demolition of all buildings save for the front façade of Victoria Hall (fronting Prince Street) and seven of the ten bays of New Hall. In other words, three of the southernmost bays of New Hall are proposed to be demolished.
- 2.2. New-build development accommodates 2 x 3-bedroom dwellings and 4 x 4-bedroom dwellings. Each of the new build dwellings features rear courtyard/gardens and is served by two on-site car spaces located to the rear of the built form, which extends to the street boundaries consistent with existing built form and hard edge character in the area. These dwellings are contained within part two and three-storey buildings.
- 2.3. New Hall is proposed to be converted into a two-bedroom dwelling and to also contain the design studio.

- 2.4 Proposed exterior finishes include painted timber windows, vertical western red cedar cladding, power coated aluminium doors, red brickwork, painted render, gault brickwork, clay roof tiles and natural slate roof tiles.
- 2.5 Following its deferral at Planning Committee on 9 September 2020, the design of the proposal has been amended (as described in Paragraph 5.0 below) as shown on amended drawings received 4 November 2020. The previously submitted Structural Reports dated 13 February 2020 and 3 July 2018 have been re-submitted together with a Development Cost Report dated October 2020 and a Financial Viability Appraisal dated 27th October 2020.
- 2.6 The Development Cost Report explains that two cost summaries have been prepared:
- Option 1 is to demolish and construct 6 No. Town Houses with conversion of New Hall industrial building to 1 No. single storey Apartment and a Commercial Design Studio/Gallery,
- Option 2 is to repair, refurbish and convert into 5No. Residential Flats with conversion of New Hall industrial building to 1 No. single storey Apartment and a Commercial Design Studio/Gallery.
- The cost summaries for these two options sets out budgets for the proposed works that the author anticipates will be required. The Development Cost Report considers the risk greater for Option 2 and has, therefore, reflected this in the percentage for Contingency and design fees typically will attract higher fees for alteration and refurbishment works due to additional resource input with the design. The Report also explains that ‘the actual cost for both schemes cannot be determined without significantly more detailed design input that will enable firm pricing. With a relatively clear site and new build structures as set in Option 1, there is less financial risk to the development as the design can be based on a more blank canvass approach. Option 2, retaining and repairing the existing structures, will require considerable amounts of money expended to bring the building structures up to suitable standards and even then, it is questionable how much of the existing structure will remain if the condition dictates significant replacement. From a purely financial perspective our recommendation would be Option 1 with a scheme more financially viable and which carries less financial risk.’
- 2.7 The Financial Viability Appraisal shows the following information for both options and states that based on the profit and loss figures detailed below, the only viable route is Option 1. The Financial Viability Appraisal also states that ‘As a result of the Coronavirus pandemic, the property market has entered uncharted territory and it is impossible to predict what effect it will have on property values and sales. However, bearing in mind the predictions that the pandemic will have on the economy, it would not be unreasonable to anticipate that property values are likely to fall in the very near future.’
- 2.8 It is noted that these two schemes were the only ones considered under this analysis. It is also noted that the demolish and rebuild option leads to larger units with a higher roof and also creates one extra unit.
- 2.9 It is also worth noting that some of the works deemed to be necessary for a conversion, such as the replacement of the floor, are not strictly necessary and that Building Regulations for heritage buildings can be relaxed for some matters. For example, Part L (Energy Conservation) of the Building Regulations states: “The aim for these (locally listed)

buildings should be to improve energy efficiency as far as is reasonably practicable without prejudicing the character of the building or increasing the risk of long-term deterioration.”

- 2.10 The unnecessary replacement of the floor is one example of where conversion costs could be avoided – and this counts against arguments for demolition.

Option 1

Demolish & Construct New Residential Development comprising 6 No. Town Houses & conversion of New Hall to 1 No. Apartment & a Commercial Design Studio.

Projected Sale Figures – with vacant possession

Plot 1 – 4 bed house	£350,000
Plot 2 – 4 bed house	£350,000
Plot 3 – 3 bed house	£325,000
Plot 4 – 3 bed house	£300,000
Plot 5 – 4 bed house	£350,000
Plot 6 – 4 bed house	£350,000
New Hall - Apartment	£250,000
New Hall - Studio	£250,000
Total -	£2,525,000

Less –

Selling Costs – Estate Agents - £25,250 Legal Costs - £10,000	£35,250
Site acquisition to include legal fees	£508,000
Expenditure to date – insurance & security	£18,000
Estimated Build Cost	£2,265,863
Total -	£1,963,750

Projected Income	£2,525,000
Expenditure	£1,963,750
PROFIT	£302,113

Option 2

Repair, Refurbish & Convert into 5 No. Residential Flats & conversion of New Hall into 1 No. Apartment & a Commercial Design Studio.

Projected Sale Figures - with vacant possession

Flat 1 – 2 bed	£225,000
Flat 2 – 2 bed	£200,000
Flat 3 – 2 bed	£225,000
Flat 4 – 2 bed	£235,000
Flat 5 – 2 bed	£235,000
New Hall Apartment	£250,000
New Hall Studio	£250,000
Total -	£1,620,000

Less –

Selling Costs – Estate Agents - £16,200 Legal Costs - £15,000	£31,200
Site acquisition to include legal fees	£508,000
Expenditure to date – insurance & security	£18,000
Estimated Build Cost	£2,984,681
Total -	£3,541,881

Projected Income	£1,620,000
Expenditure	£3,541,881
<u>LOSS -</u>	<u>£1,921,881</u>

3.0 The Principle of Development

- 3.1 The principle of redeveloping and refurbishing the site for residential purposes was established by the grant of planning permission B/16/00956 in 2017 for the change of use of the Conservative Club and part of Victoria Hall to 5 no. residential flats (4No. 2 bed and 1No. 4 bed).
- 3.2 The key issues are:
- The effect on the character and appearance of the Sudbury Conservation Area from the demolition of the Conservative Club and partial demolition of Victoria Hall and New Hall;
 - The effect of the new build development on the character and appearance of the Sudbury Conservation Area;
 - The effect of the development on neighbouring residential amenity;
 - The internal amenity levels for future occupants of the proposed dwellings;
 - On-site parking provision and highway safety;
 - Impact on employment site and Saved Policy SD08.
- 3.3 Saved Local Plan Policy EM24 seeks to protect existing employment sites from redevelopment and Saved Policy SD08 allocates the north east part of the site for possible alternatives uses and or redevelopment. The proposal includes the provision of design studio/gallery (Use Class A1/A2)

within part of the retained New Hall and the Economic Development Team have confirmed that whilst the loss of employment uses to residential development is unfortunate, there is a strong market for this scale of premises. On this basis, Policy EM24 is satisfied. The principle of the proposal is compatible with Saved Policy SD08. *However, the supporting text to the policy explains that 'redevelopment of the site should however be sensitive to the history of the New Hall building on the site'. The proposal specifically relates to the New Hall building and in this regard the Heritage Team have confirmed strong opposition to the part demolition of this building. In order to be considered 'sensitive', any redevelopment of the site is therefore required to retain New Hall as its loss would be considered contrary to Saved Policy SD08. This point is discussed in the heritage section, below.*

4.0 Site Access, Parking, Connectivity and Highway Safety Considerations

- 4.1 Two on-site parking spaces are provided for each three and four-bedroom dwelling, and one space for the two-bedroom dwelling; standard compliant. The existing vehicle access is to be utilised, to which the Highways Authority does not raise an objection.
- 4.2 Matters relating to cycling and electric charging points, as raised by the Highways Authority, could be addressed by condition if required. There is nothing in respect to parking or highway safety that officers suggest justifies withholding planning permission.

5.0 Design & Layout

- 5.1 **Following its deferral at Planning Committee on 9th September 2020, the design of the proposal has been amended to incorporate the following:**

- **Bay Windows and a traditional panel door have been inserted to recreate the existing Bay Windows to Plot 3 (rebuilt Conservative Club),**
- **removal of hips to roof of Plot 3,**
- **change of materials to Plot 3, 4, 5 & 6. The main change is to Plot 3; red facing brickwork replaces part western red cedar cladding,**
- **an option to amend the roof to a single roof pitch to three storey element (Plot 5 & 6) however, the preference is to retain a dual pitch roof to this element and the dual pitch is before Members for consideration.**

- 5.2 With the exception of the proposed dwelling in part New Hall, all other dwellings have a frontage onto either Prince Street or New Street and will have access to private amenity space. The layout of the proposal is considered acceptable in this regard.
- 5.3 The proposed design, of itself, is not objectionable. However, whether the design of a scheme is acceptable is dictated by the context of its setting. The site is in a sensitive town centre location and, for the reasons cited by the Heritage Officer, the proposed design is not considered acceptable **in relation to the use of red brick on the New Street frontage; the village farmhouse characteristic of the central New Street element and the large scale and contemporary design of the north eastern three-storey block.** The proposed buildings do not reflect the architectural styles and detailing of the surrounding historic environment and the proposed design introduces a high variety of cladding materials, which would not integrate the development well into the streetscape.

6.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 6.1 No issues.

7.0 Land Contamination, Flood Risk, Drainage and Waste

- 7.1 Council's Land Contamination Officer does not object to the scheme subject to standard planning conditions.
- 7.2 There are no other issues in this regard.

8.0 Heritage Issues

- 8.1 Demolition: It is agreed by all parties, including the applicant, Council's Heritage Team and the Suffolk Preservation Society that New Hall, Victoria Hall and the Conservative Club are non-designated heritage assets. They are all located within the Sudbury Conservation Area, all contribute positively to the valued character and appearance of the Conservation Area, and all feature in the Sudbury Local List.
- 8.2 Paragraph 197 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.3 Paragraph 201 states that the loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.
- 8.4 The proposal involves the complete demolition of the Conservative Club building. This building clearly makes a positive contribution to the Conservation Area. The harm to the asset itself, and the Conservation Area, is substantial. All but the front façade of the Victoria Hall building is to be demolished. Council's Heritage Team deems the impact of demolition to result in a high level of less than substantial harm. Three of the 10 bays of the industrial New Hall building are proposed for removal, to be replaced with a hardstand car parking area. Council's Heritage Team considers this loss of heritage fabric to result in a medium level of less than substantial harm.
- 8.5 The application is supported by a Heritage Statement (HS). The HS does not make out a compelling case justifying the demolition of the non-designated heritage assets. The HS largely defers to the supporting Structural Report (SR) for justification. The Structural Report, not authored by a specialist conservation engineer, lacks any detailed justification for the extent of proposed demolition, failing to demonstrate that extensive demolition is the only solution. The SR makes the case that replacing the existing floor of the Conservative Club with a more thermally efficient floor has the potential to undermine the existing foundations. However, as noted by the Heritage Team, no methods of achieving this have been explored, nor has it been sufficiently demonstrated that the building could not reasonably be converted without the replacement of the existing floor and that no part of the building could reasonably be retained. In respect to the Victoria Hall building, the SR sets out concerns regarding the existing substructures to the rear of the building, however it does not explore in any detail any options to address the identified concerns.
- 8.6 The SR states that "considerable expenditure will be required" to remedy building defects evident at the site. However, no expense details are provided. There is no supporting cost analysis of any

development alternatives. **Note – some evidence of financial viability has been submitted, but this only explores two options.**

- 8.7 There is no evidence before officers to demonstrate that it would not be possible to bring forth a residential scheme that retains the elements of the existing buildings that contribute most to their heritage significance. It should be noted that planning permission was granted on 3 August 2017 to convert the buildings to create 5No. flats (B/16/00956) **and that the time limit for implementation of this permission is extended to 1 May 2021 subject to the Additional Environmental Approval process.** In short, officers consider the Structural Report to be unconvincing.
- 8.8 The three bays of the New Hall that are to be demolished, making way for the provision of a carparking and vehicle turning area. Any public benefit associated with on-site parking is substantially outweighed by the harm to the Conservation Area that will result from the loss of one third of the non-designated heritage asset, **which is the oldest surviving silk mill in the town.** It is noted, however, that the making good of the retained part of the New Hall building is appropriately designed and represents a heritage benefit.
- 8.9 Sudbury Conservation Area: Council's Heritage Team, the Suffolk Preservation Society and the Sudbury Society Planning Group are all critical of the new build design response. Officers consider the criticism well founded. The design is not cohesive but rather disjointed, appearing discordant in the context of the established and valued character of this part of the Conservation Area. The mix of external finishing materials is not characteristic of the Conservation Area, highlighted by the design approach to the New Street frontage, which proposes red brick, red cedar cladding and red roof tiles. The prevailing materiality is, in contrast, white brick, grey slate and black weatherboarding. The built form outcome is one that causes material harm to the character and appearance of the Sudbury Conservation Area.
- 8.10 Policy CN08 requires new development in Conservation Areas to use materials and components that complement or harmonise with the character and appearance of the area. The proposal conflicts with this policy requirement. Similarly, the proposal would not be in accordance with paragraph 127 of the NPPF that requires developments to be sympathetic to local character and history, as well as paragraph 192 which requires Councils to take account of the desirability of new development making a positive contribution to local character and distinctiveness. **Note, some red brickwork has now been incorporated into the scheme.**
- 8.11 The potential for archaeological disturbance has been considered by SCC who has determined that the likelihood is low and therefore recommended archaeology-related conditions are not necessary.

9.0 Residential Amenity

- 9.1 Policy CN01 seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 9.2 There is nothing in the application to indicate the development would unreasonably impinge upon the amenity of neighbouring residents. The development would result in habitable room windows facing existing habitable room windows however a degree of intervisibility in urban environments such as this are commonplace and, in most cases, inevitable.

- 9.3 In respect to internal amenity, a key consideration is the potential for amenity impacts on future occupants of the development from the licensed premise directly opposite the site. In response to this concern the applicant has provided a supporting Noise Assessment that has been reviewed by Council's Environmental Health Officer (EHO). The assessment sets out how, with particular building measures, internal noise levels can comply with BS8223 (Guidance on sound insulation and noise reduction for buildings). The EHO notes that this will require windows to be closed, with a reliance on mechanical ventilation. Whilst not ideal, this is not an uncommon arrangement in denser, mixed-use urban environments. It is also noted that each dwelling is served by a rear courtyard/garden area that will be well shielded from the public house by the dwellings themselves. These areas will serve as valuable external amenity areas which will not be subject to the same noise impact as the street frontage windows of the development. In the planning balance the scheme would, subject to appropriate conditions, provide adequate internal amenity levels for future occupants.

PART FOUR – CONCLUSION

10.0 Planning Balance and Conclusion

- 10.1 The applicant's supporting Planning Statement indicates that the proposal would satisfy the requirements for sustainable development set out in paragraph 7 of the NPPF. However, whilst there would be economic and social benefits arising from the provision of housing in a highly sustainable location, the proposal would not be in accordance with the environmental role, in that it would not protect or enhance the historic environment, in fact it would cause demonstrable harm to identified heritage assets. Moreover, the public benefit arising from the additional housing is limited because the district currently benefits from a five plus year housing supply. **In addition, the demolition of the existing buildings and their replacement with a new-build construction would be far more carbon-intensive than refurbishment, as building re-use and incorporation of salvaged building materials can greatly reduce the embodied carbon of construction. For this reason, the proposal fails to represent sustainable development. It is also contrary to the Council's wider Climate Change Task Force proposals and priorities for its first Carbon Reduction Management Plan.**
- 10.2 Paragraph 192 of the Framework sets out three criteria which LPA's should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities...; and the desirability of new development making a positive contribution to local character and distinctiveness. In this regard the proposal fails to satisfy these criteria.
- 10.3 Paragraph 201 of the Framework makes it clear that the contribution that each building makes to the significance of the Conservation Area must be weighed against its loss; the proposed demolition results in a medium level of less than substantial harm to the character and appearance of this part of the Sudbury Conservation Area, contrary to the statutory duty set out in S.72 of the 1990 LBCA(Act).
- 10.4 Paragraph 194 of the NPPF requires that any harm to the significance of a designated heritage asset, from development within its setting, requires clear and convincing justification. Paragraph 197 states that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposed

replacement structures are considered to be contrived and alien. In terms of the NPPF, they would cause a *low to medium level of less than substantial harm* to the character and appearance of the CA and a *low to medium level of less than substantial harm* to the setting – and therefore the significance - of non-designated heritage assets, namely locally listed buildings.

- 10.5 The complete or partial loss of non-designated heritage assets that contribute positively to local character should be resisted unless convincing justification is provided. The supporting Heritage Statement and Structural Report fail to provide convincing justification.
- 10.6 **In terms of viability, cost is a factor in the retention of these buildings, rather than simply their condition and suitability for conversion. NPPG paragraph.15 states that ‘the optimum viable use may not necessarily be the most economically viable one’. Planning permission was granted in August 2017 for conversion to 5 dwellings; it is likely that the intervening time period has negatively impacted viability.**
- 10.7 The replacement development does not constitute a high-quality design response. It does not have sufficient regard to the valued character and appearance of the Sudbury Conservation Area. Officers agree with the contention made by the Suffolk Preservation Society, which notes *‘the quality of the new build elements in no way negates the loss of architectural and historic quality of the theatre, conservative club and silk weaving shed.’*
- 10.8 The scale of heritage harm outweighs the very limited public benefits and the proposal will not advance sustainable development. Planning permission is not supported.

RECOMMENDATION

That the application is REFUSED planning permission for the following reason:

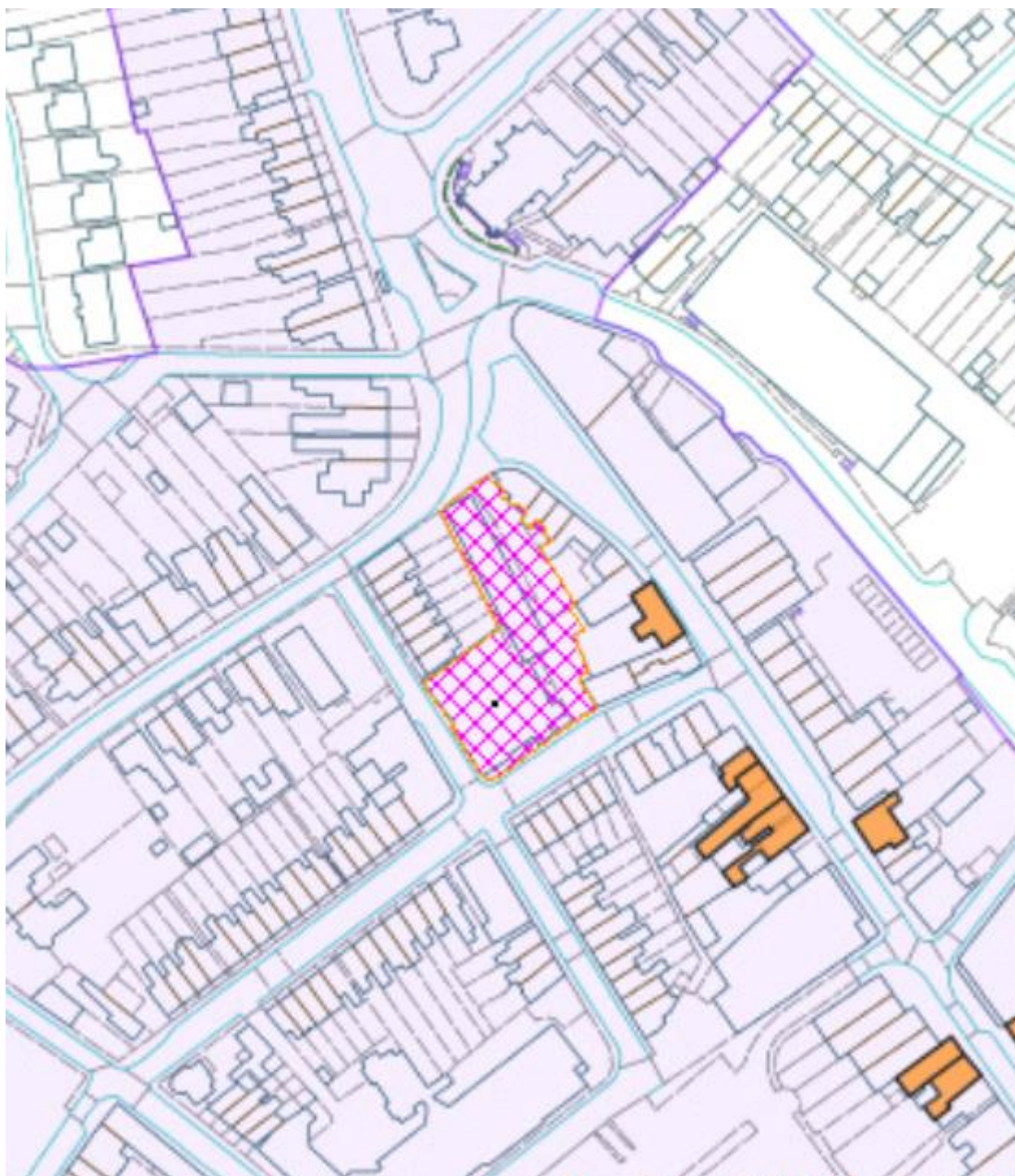
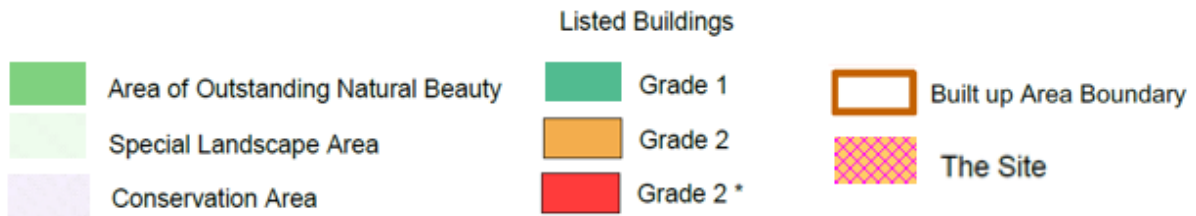
The application fails to demonstrate that extensive demolition is justified. The proposed demolition of non-designated heritage assets and the limited design quality of the replacement development would substantially harm the character and appearance of the Sudbury Conservation Area, outweighing the scheme's modest economic, social and environmental benefits and failing to deliver sustainable development, contrary to Saved Policies CN01, CN08 and SD08 of the Babergh local Plan 2006, Policies CS01 and CS15 of the Babergh Core Strategy 2014, the National Planning Policy Framework 2019 and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

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Application No: DC/19/04892

Parish: Sudbury

Location: Victoria Hall/Conservative Club/New Hall, 39 And 41 Prince St/New St



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Agenda Item 7c

Committee Report

Item 6C

Reference: DC/20/03116

Case Officer: Alex Scott

Ward: Lavenham.

Ward Member/s: Cllr Clive Arthey. Cllr Margaret Maybury.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Planning Application - Erection of new workshop building with the existing access to the site from the A1141 upgraded.

Location

Land to the east of, Sudbury Road, Cockfield, Bury St Edmunds Suffolk IP30 0LN

Expiry Date: 24/02/2021

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Manu/Ind/Storg/Wareh

Applicant: Firstgrade Recycling Systems Limited

Agent: Mr I Crawford

Parish: Cockfield

Site Area: 0.65 hectares

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/18/00007 - 31.01.2018.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s: The Chief Planning Officer considers the application to be of a controversial nature, having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties and the location, scale and / or nature of the application.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS11 - Core and Hinterland Villages
CS12 - Sustainable Design and Construction Standards
CS13 - Renewable / Low Carbon Energy
CS15 - Implementing Sustainable Development
CS17 - The Rural Economy
EM20 - Expansion/Extension of Existing Employment Uses
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
CN08 - Conservation Areas
TP15 - Parking Standards - New Development
CR07 - Landscaping Schemes
EN22 - Light Pollution - Outdoor Lighting

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.

A: Summary of Consultations

Town/Parish Council (Appendix 3)

Cockfield Parish Council

Unable to support, and objects to the application as presented:

- Village development survey (2014) shows a desire for employment opportunities within the village;
- Site is identified as a potential development area (for light industrial use) within the emerging Joint Local Plan;
- The Parish Council would support appropriate development at the location;
- The application lacks detail;
- The application is unacceptable in overall terms for the site context and locality;
- Question the planning use class proposed (B1(c) - Light Industrial or B2 (General Industrial));
- It has not been robustly demonstrated that the proposal is compliant with the Core Strategy and other policies;

- Proposed working hours are essentially 24/7/365 - This is wholly unacceptable due to proximity of residential properties which would detriment amenity and environment;
- Concern regarding potential 24/7, unrestricted, HGV movements, which would pose an unacceptable impact to the locality - all commercial vehicles should route via the A134 and not through the village or subsequent rural areas;
- Concern with regards potential light spillage and the impact this would have on the area;
- Works are likely to be noise generating, and there are external storage, handling and manoeuvring areas - Noise control measures need to be detailed;
- No clear design or detail of paint spray facilities, and mitigation measures to prevent fume and odour release, has been provided;
- 1.8 metres high steel fencing would not obscure and blend the site with the surroundings - Consider good natural landscape screening on all aspects should be provided;
- The loss of existing trees and hedgerows to facilitate the new entrance is not tolerable;
- Do not consider the overall scale, height and mass of the structure is appropriate for the setting;
- Concern with regards future development of area of grass field shown to be retained.

National Consultee (Appendix 4)

The Environment Agency

Have no comments to make on this application.

Historic England

Do not wish to offer any comments - Suggest the LPA seek the views of their specialist conservation and archaeological advisers, as relevant.

Natural England

Natural England has no comments to make on this application.

East Suffolk Inland Drainage Board

The site in question lies outside the Internal Drainage District of the East Suffolk Internal Drainage Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make.

West Suffolk District Council

Do not formally object:

- Content to leave consideration of the principle to BDC;
- Advise liaising with SCC-Highways in relation to highway related impacts;
- Note the economic benefit which weighs in favour;
- Adequate soft landscaping should be proposed;
- Significant trees should be protected;
- Concern with regards noise and odour impacts which may be felt in West Suffolk if not adequately addressed.

No further comments to add on basis of additional information received.

County Council Responses (Appendix 5)

SCC – Highway Authority

No Objection - Subject to conditions: SCC Highways consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking, as the site is accessed via the existing

access road. There are bus stops on the A134/A1141 junction and the area is served by a good bus service and there is no intensification of use as the business is moving from its existing location just north of the site. Therefore, the County Council as Highway Authority, does not wish to restrict the grant of permission.

SCC - Travel Plan Co-ordinator

No comment to make as it does not meet the thresholds that would require a Travel Plan.

SCC - Archaeological Service

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), 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.

SCC - Flood & Water Management (Lead Local Flood Authority)

Recommend Approval - Subject to conditions.

SCC - Fire & Rescue

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e., avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derive from the provision of an automatic fire sprinkler system.

Internal Consultee Responses (Appendix 6)

BDC - Economic Development & Tourism

No objection - The development will allow the consolidation of an existing business based in several units and allow for their future growth plans, enabling them to increase their workforce from 12 to 20 in time. The company supplies machinery to the waste collection & disposal sector, which is forecast to grow in the region. The site is well located adjacent to A1141 with easy access to A14. I, therefore, support the application - The additional information supplied by the applicant has clarified how the business would operate from the site and the impact this would have on traffic movements, amenity etc. It is clear that this site is the optimum site for this specialist business to operate from and that extensive searches for alternatives have been undertaken - The application is still supported from an Economic Development perspective.

BDC - Environmental Health - Noise/Odour/Light/Smoke

On basis of additional noise assessment and proposed mitigation received - Raise No objection - Subject to compliance with suggested conditions.

BDC - Environmental Health - Air Quality

No objection to the proposed development from the perspective of local air quality management. I would note that the development comprises a spray booth and as such I would recommend establishing the need, or otherwise, for an environmental permit to cover these aspects of the operation - but this would be outside the scope of the planning permission. – On the basis of the additional received: Do not wish to amend comments previously given.

BDC - Environmental Health - Sustainability Issues

No Objection - Subject to condition.

BDC - Heritage Team

The Heritage Team have no comments to provide on the application.

BDC - Public Realm

The Public Realm Team have no comments to make on this application. It has no impacts on public open space and does not include the provision of new public open space within the application boundary.

BDC - Waste Strategy Team

The waste services team has no comment on this application as it doesn't affect household waste collection.

B: Representations

At the time of writing this report, letters/emails/online comments have been received from at least 41 no. Third Parties. It is the officer's opinion that this represents 39 objections, 0 in support and 2 general comments. A verbal update shall be provided, as necessary.

Views are summarised below:-

Principle

Consider the proposal is a Factory and not a Workshop, as described in the application.

Consider the proposed Land Use would be Planning Land Use Class B2 (General Industry) and not B1 (c) as implied in the application.

The principle of the proposed development is unacceptable as the site is open countryside and outside of any plan settlement boundary.

The applicant has suggested that the site is currently used, in part, for the storage of machinery in association with the Applicant's existing business to the north of the site. Do not consider that the site has received planning permission for such a use and do not consider there is an established use for such storage.

The Hamlet of Cross Green has already suffered from extensive residential development - do not wish to see further detrimental development at Cross Green.

Consider the proposal is unsustainably located - workers would have to commute to the site and there are no immediate shops and other services in proximity of the site.

Consider the associated economic benefits would be minimal and suggest that the creation of 8-12 jobs would not be significant and would not benefit the surrounding villages.

Concern with regards the loss of good quality agricultural land - The land has previously been used for the grazing of Sheep, Pig rearing, and storage of agricultural machinery. Dispute the applicant's claim that the site has had a previous industrial use.

The proposal site is a small historic meadow, undisturbed for 30+ years, which should be retained.

Concern with regards the precedent that would be set for other similar development in the area if the proposal is approved.

Request that more suitable, alternative sites are considered for the development - Suggest there are many suitable Brown Field Sites within a 7-mile radius of the site, on or adjacent to existing industrial sites, closer to the A14 Trunk Road. Several examples given of land and sites considered to be available.

Environmental and Amenity Impacts

Concern with proposed 24-hour operational requirements and the impact this would have on residential amenity.

Concern that 24-hour working would become the norm, even if restrictive conditions applied.

The factory would make recycling equipment - seen no justification for the need to work 24 hours.

Concern with regards additional noise, odour, dust and paint particles, artificial light pollution; traffic disturbance; and loss of natural daylight on neighbouring amenity.

The proposal would result in significant harm to the amenities of residential properties in close proximity by reasons of: Impact on Amenity View; Domination; Noise and Odour impacts.

Concern with regards the impact the proposal would have on the peaceful environment of Cross Green Hamlet.

If allowed the development will severely blight the lives of all who live in the immediate area.

Do not agree that the conclusions of the noise report would sufficiently mitigate the harm perceived to the amenities of neighbouring properties - Some representations consider assessments and conclusions to be inaccurate - Some consider the report is biased in favour of the applicant and development and not impartial.

The proposal would Harm the Environment.

Concern with regards increased Air Pollution as a result of the Development.

Concern with regards light pollution as a result of the development.

Highway Safety

The Proposal site lies off a busy Road (A134 Sudbury to Bury St Edmunds Road) where (as is the view of many third-party comments made) many Drivers exceed the Speed Limit.

Many third-party comments received consider the Junction of the A1141 and A134 is a notorious "black spot" for Road Traffic accidents.

The proposed site Entrance/Exit is close to the junction of the A1141 and A134 - Many third-party comments received consider this Junction has seen a number of serious Accidents and near misses over the last few years.

Many third-party comments received consider the proposal would make the A1141 and A134 Road Junction more dangerous and more accidents would occur.

Concern that if lorries miss the site entrance they will end up in Cross Green, damaging the highway verges and endangering pedestrians.

Concern with regards the comments made by SCC Highways and some third-party comments received consider these comments should be subject to serious scrutiny - some objectors considered these comments to be irrational.

Local knowledge indicates that there have been several minor knocks and near misses at the Junction, which will not have been recorded and SCC Highways will not be aware of these.

Concern that the proposal would result in an increase in HGV Traffic.

Suggest Highway improvements at A1141 and A134 junction to improve traffic flow and highway safety.

Impact on Character

Proposal is totally inappropriate within a Small Village Location.

Proposal is out of character with local area, which is mainly residential and rural.

The scale of the proposal is out of keeping with the rural location and would dominate the surrounding rural scene.

The proposal would change the character of the existing rural location.

The proposed change of use from agricultural to industrial would be wholly incongruous.

Concern that this area of the Village is being turned into an Industrial Zone.

Concern with regards the visual impact should materials be stored in the open air, on the proposed concrete yard.

Consider no attempt has been made to blend the proposed building into the surrounding area.

The site is in close proximity of a Conservation Area and would impact its setting.

Impact on Tourism

Consider the visual impact would give a bad impression of the area and would negatively impact tourism in the area, particularly in Lavenham and Bury St Edmunds.

Ecology and Biodiversity

The proposal would impact wildlife in the lakes and grasslands to the east.

Concern with regards potential impact on biodiversity and protected species.

Concern that existing trees on the site would be required to be felled to make way for the development and access visibility splays.

Archaeology

Concern with regards the impact of the proposal on Archaeology - advise that a large Bronze Age Fort was found close to the site.

Flood Risk and Surface Water Drainage

Concern with regards increased flood risk should the existing meadow be developed - Impermeable surfaces would replace natural grass and soil, resulting in increased surface water run-off and less infiltration into the ground.

Concern with regards Dirty Water from development reaching Fishing Lakes close to development.

Other non-material issues

Consider the existing site operator is difficult with regards to noise and traffic issues and concern is that they would continue to be so with regards this current development proposed - have little faith that planning conditions applied would be complied with.

Object on basis of businesses and individuals making a lot of money at the expense of the parishioners' beautiful Village.

(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: B//85/01141	ERECTION OF A SINGLE STOREY OUTBUILDING FOR USE AS A GATE AND PANEL MAKERS WORKSHOP WITH ALTERATIONS TO SITE BOUNDARY FENCING (AS AMENDED BY REVISED PLANS RECEIVED FROM AGENT BY LOCAL PLANNING AUTHORITY ON 04/02/86)	DECISION: GRA 1986
REF: B/0150/84/FUL	Erection of two sales offices, provision of toilets and alterations to forecourt and vehicular access, as amended by agent's letter of 14th March 1984, with accompanying drawing no.572/A/Rev.A.	DECISION: GRA 1984
REF: B/0772/83/FUL	Erection of radio mast and aerial to be used in conjunction with the applicant's business.	DECISION: GRA 1983
REF: B/0446/77/FUL	Erection of office building for agricultural engineering business.	DECISION: GRA 1977

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site, its Surroundings and History

- 1.1. The application site is located at the Junction of the A143 and A1141 (to the east of the A143 and to the north of the A1141) within the Parish of Cockfield, approximately 13 kilometres (8.07 miles) to the north of Sudbury and 6.6 kilometres (4.1 miles) to the south of Bury St Edmunds. The site

is close to the Hamlet of Cross Green, Cockfield, which lies 310 metres away to the south-east. The site is located outside of any Built-Up area Boundary (BUAB) as defined in the current development plan and for planning purposes is defined as being located within the Countryside.

- 1.2. The site extends to approximately 0.65 hectares (1.606 acres) and forms part of wider land within the applicant's ownership, extending to approximately 1.0448 hectares (2.58 acres) as identified on the red line site location plan/drawing submitted with the application.
- 1.3. The site is associated with an existing site and business owned and operated by the applicant (Firstgrade Recycling Systems Limited), located at Ivory House, Crossways on the A134 in close proximity to the site to the North. The existing site and business comprise several industrial units, offices, and a mixture of parking, and hardstanding areas. This location is also shared with another engineering company.
- 1.4. The applicant's business specialises in the design, manufacture and installation of bespoke machinery for the waste processing and recycling industry and retains services with dedicated in-house design, fabrication and installation teams. The business supplies Industries with machinery, including those involved with the processing of: skip waste; commercial waste; dry recyclables; and aggregates. The types of machinery supplied includes picking cabins, conveyors, feed hoppers and screens, amongst other products.
- 1.5. The application site comprises part of an existing undeveloped area of grassland, which the applicant states has been used historically for the storage of machinery and equipment in association with the applicant's existing business at Ivy House, located in close proximity to the north, connected by an existing driveway which runs along the eastern boundary of the applicant's land and the application site.
- 1.6. Local knowledge indicates that the site has historically be used only for pastoral farming. Your officers consider the site to have a current undeveloped/greenfield planning use, therefore capable of being used only for the purposes of Agricultural, Horticulture and Forestry, without the requirement of planning permission.
- 1.7. The site is relatively open to its western boundary with the A143, defined along much of this boundary only by an unmaintained green roadside verge, with a small cluster of Trees adjacent to the far north-west corner. The site is also relatively open to its southern boundary, being defined by a low Bramble Hedge to the western half and then by a cluster of tall trees to this boundary's eastern half. The site's existing concrete pad access is located to the far south-east corner of the site, onto the A1141, with an existing pair of large metal frame and wire gates, and metal fence surrounds, set back approximately 10 metres from the highway edge. The site's eastern boundary with the adjacent field is defined by an access driveway and a wire fence 2 to 3 metres in height. The site's northern boundary is presently open, bounding part of the existing grassed field, with an existing residential property at Crossways lying a minimum distance of 30 metres to the north of this boundary.
- 1.8. In terms of the site's surrounds the applicant's existing business, at Ivy House and associated large industrial buildings, lies to the north of the site, as does the residential property of Crossways. Other residential properties at Bendysh and Rayleen lie on opposite sides of the A143 and A1141 respectively. An existing Haulage Business at Hewicks Haulage lies across the A1141 from the site and comprises several large industrial buildings and large areas of hardstanding for storage and the parking of vehicles. A cluster of large, industrial character, Farm Buildings also lies in close proximity to the site, at Loft Farm, to the south-west, on the opposite

side of the A143. A Fisheries lies approximately 210 metres to the east of the site, and several large light industrial buildings lie beyond this, in between the site and Cross Green Hamlet.

2.0 The Proposal

- 2.1. The application proposes the erection of a new two-storey building and associated hardstanding, in association with the applicant's existing business. The proposed access would be via the existing access to the A1141, which is proposed to be upgraded as part of the proposal.
- 2.2. Gradual growth of the applicant's business and the need for fabrication of larger equipment and machinery has seen the applicant out-grow their current premises and can no longer support future growth for additional design and manufacturing staff. They are further restricted by limited storage and manoeuvrability areas which further burdens logistics.
- 2.3. With the current and forecasted growth in the business, the Applicant requires new premises that are bespoke for their manufacturing needs. This includes adequate office and welfare facilities for staff, sufficient storage for raw materials and large assembly and manoeuvring areas for their manufacturing process.
- 2.4. The current facilities at Ivory House are not ideal for the applicant's staff and supervision of work. The fabrication, manufacturing and assembly of machinery takes place in a separate workshop which is disconnected from the main office and welfare facilities. The proposal would amalgamate all processes within one area and would allow more efficient communication and supervision between the workshop and the office.
- 2.5. The application proposes the erection of a new workshop and connecting office facilities, in order to provide a bespoke and modern manufacturing facility to complement the Applicant's business. The proposal has been designed specifically for the manufacturing process of the business, including the workflow through the workshop.
- 2.6. The proposed workshop would also include modern equipment to support the business and increase production efficiency. The workshop would be fitted with an overhead crane capable of lifting assembled parts, thus reducing the requirement for forklift movements and manual handling, whilst a new paint spray booth would be installed in the attached lean-to.
- 2.7. The proposed office facilities have been designed to accommodate current and potential future staff growth with space on the proposed first-floor for administration, the design team and management. The proposed ground floor would provide modern and robust facilities for all staff, including a canteen, toilets, changing/shower facilities and a laundry area.
- 2.8. An external concrete yard area is also proposed in order to provide an area for storage of materials and finished machinery. This area would also provide space suitable for the on-site turning of large vehicles.
- 2.9. The Applicant's core business hours are typically from 0700 to 1800hrs Monday to Friday; from 0600 to 1800 Saturdays; and from 0800 to 1200 on Sundays. Due to the need to respond quickly to client's operational needs in an "emergency" (repairs, call outs) the applicant's operational hours may need to extend outside of these typical core hours on infrequent occasions. In the applicant's experience such need would occur on approximately 10 occasions per year. Such flexibility in the applicant's proposed core business hours forms part of the application proposal.

- 2.10. The proposed workshop and office building would have a combined gross internal floor area of 1676m². This is broken down as follows:
- Workshop = 1171m²
Paint Shop (inc. stores & office) = 195m²
Welfare facilities (Ground Floor) = 155m²
Office Facilities (1st Floor) = 155m²
- 2.10. The proposed ground floor of the building would consist of staff welfare facilities, changing areas, reception lobby and the main workshop area. The workshop area would encompass the fabrication line of the machinery include cutting, fabrication bays, assembly area, paint shop and storage.
- 2.11. The proposed building's first-floor would contain office facilities for design and office staff, including a meeting room and small welfare facilities.
- 2.12. The proposed building has been positioned to the Southern boundary, and it is proposed to utilise the existing access to the public highway (A1141), to the south of the site.
- 2.13. As part of the proposal, a proportion of the existing grassland/meadow, directly to the North of the Red Line Application site, within the applicant's ownership, will remain as existing as open grass field.
- 2.14. To support the electricity requirements of the proposed development, it is proposed to install a sub-station on the Eastern boundary, subject to a UKPN application.
- 2.15. The application also includes external lighting, which includes the car park area, hardstanding area and downlights above roller shutter doors. Bulkhead lights with low luminaire rating will also be provided above personnel doors. The proposed lighting would be designed to ensure best practices to avoid light pollution. Lighting located near the Highway would be directed towards the site and fitted with shields to prevent glare for road users.
- 2.16. The proposed building would have overall external dimensions of 54.9 metres length x 25 metres wide, with a ridge height of 10.1 metres and 8.82 metres to eaves. A lean-to to the north elevation has external dimensions of 24.8 metres length x 8 metres wide with an eaves height of 7.6 metres.
- 2.17. Building dimensions, including height and width, have been sized to support the manufacturing process through the workshop. The eaves height is required to provide an internal lifting clearance of 6.5 metres for the overhead gantry crane and machinery assembly.
- 2.18. The proposed buildings walls would be profiled steel cladding panels in willow green (BS ref: 12B17). Sectional doors, fire exit doors and flashings would be in bottle green (RAL 6007). Roof sheeting would be goose-wing grey (BS ref: 10A05) profiled steel panels with minimum 10 per cent transparent roof lights.
- 2.19. Company signage would be affixed to either gable end of the building, on the East and West Elevations. Further signage would be placed at high level on the North and South elevations, all to be visible from the A134. It is envisaged that the signage affixed to the West gable elevation would be illuminated whilst avoiding light glare for passing vehicles. New company signage would also be installed on the access junction from the A1141 which is to be visible in both East and West-bound directions. These would be placed outside of the visibility splays.

- 2.20. The proposal would be visible from the A134 whilst being set back from the Highway, maintaining the visibility splay of the junction with the A1141. Along the A1141, the proposal would be largely screened by the existing hedge/treeline on the Southern Boundary.
- 2.21. The existing treeline to the Eastern boundary would remain untouched and it is proposed that one tree to the West of the existing site access would be removed to suit highway access requirements. The Southern boundary hedges and trees are to remain as existing with minor clearance works taking place.
- 2.22. To the North, and the boundary between the residential dwelling and their current facilities, the existing fence-line (mixture of timber and wire mesh fencing) and treeline are to remain.
- 2.23. It is proposed to provide perimeter security fencing to the western boundary by means of steel wire mesh fence panels in green, approximately 1.8 metres high. A similar fence already exists on the Eastern boundary between the proposed development and adjacent field.
- 2.24. The existing access on the A1141 is proposed to be used as the main entrance on to site. The existing concrete surfaced entrance is proposed to be revised and widened to suit Suffolk County Council (SCC) highway requirements for accessing an industrial unit. It is envisaged that an access gate would be installed, set back a minimum of 20 metres from the edge of the highway, for the purposes of site security.
- 2.25. New 15-metre radius kerbs are proposed to allow for a visibility splay of approximately 95 metres to the West at the junction of the A134, and an approximate distance of 215 metres towards the East with a setback of 2.4 metres from the revised access (subject to SCC highways approval).
- 2.26. The proposed access with the A1141 would provide the applicant with a formalised and safer means of accessing a highway with good visibility.
- 2.27. It is envisaged that the number of HGV's entering the proposed site would be relatively low, typically on average one articulated HGV per week. These would be either for delivery of materials or collection of finished machinery. The proposed layout has also been designed to provide sufficient manoeuvring and turning areas for articulated vehicles.
- 2.28. The Applicant currently employs 12 people and envisages, with gradual growth, that this will increase to approximately 20 over a number of years. Initially there are to be 21 no. on-site parking spaces provided for site employees and visitors, including 2 no. disabled parking bays. When necessary, and where employee numbers dictate, the applicant will increase the number of parking spaces which the site can support.
- 2.29. Due to the large floor area required for the manufacturing and assembly process of the machinery (up to 17 metres x 4 metres wide); the number of spaces provided have been designed for the applicant's business and are lower than the recommended amount as set out in the SCC advisory parking standards. It would be deemed unnecessary to provide the number of spaces based on the floor area as this would far exceed the number of spaces actually required. This proposal is subject to the SCC Highway Authority's approval.
- 2.30. A covered cycle stand would also be provided on site to provide secure storage of cycles. This would support current and future employees that cycle to work.

- 2.31. On completion of the development, the applicant would vacate their current premises at Ivory House.

3.0 The Principle of Development

- 3.1. NPPF Paragraph 80 provides that planning decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. NPPF Paragraph 83 provides that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. NPPF Paragraph 84 provides that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). Furthermore, NPPF paragraph 182 provides that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.
- 3.2. Babergh Core Strategy Policy CS2 provides that Hinterland Villages (such as Cockfield) will accommodate some development to help meet the needs within them.
- 3.3. Babergh Core Strategy Policy CS11 provides that Development in Hinterland Villages will be approved where proposals are able to demonstrate a close functional relationship with the existing settlement where the following issues are addressed:
- the landscape, environmental and heritage characteristics of the village;
 - the local context of the village and the proposed development (particularly AONBs, Conservation Areas, and Heritage Assets);
 - site location and sequential approach to site selection;
 - locally identified need; and
 - cumulative impact of the development in the area in respect of social, physical and environmental impacts.

Policy CS11 also provides that favourable consideration will be given where the proposed development:

- is well designed and appropriate in size/scale, layout and character to its setting and to the village;
 - is adjacent to or well related to the existing settlement pattern of development for that settlement;
 - meets a proven local need;
 - supports local services and/or creates or expands employment opportunities; and
 - does not compromise the delivery of permitted or identified schemes in adopted community / village plans within the same functional cluster.
- 3.4. Babergh Core Strategy Policy CS17 provides (inter alia) that the economy in the rural area will be supported through a number of measures, including support for / promotion of rural businesses.
- 3.5. Saved Local Plan Policy EM20 provides the planning policy basis for expansion/extension of existing employment uses. Policy EM20 provides 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.

- 3.6. The above planning policies are considered to cumulatively support the principle of business growth in such locations.
- 3.7. Your Economic Development Officers have been consulted on the application proposal and fully support this application. Your officers advise that the applicant has been looking for a new location since 2011 and is considered to be clearly invested in the local area, and that the development on this proposed site will allow the business to create a bespoke facility which will secure their future within the district for the long term. The proposed development would result in an increase in full time staff by 8 to total 20 employees, and your officers advise that job creation in the area is extremely important and these jobs will be for highly-skilled and specialist individuals. Your Officers also advise that the company are also committed to recruiting from local area. The application proposal is, therefore, considered to have sufficiently demonstrated a sequential approach to site selection, expansion of local employment opportunities, support for local services, and a locally identified need, in accordance with the requirements of Plan Policy CS11. The proposal site is also considered to be well related to the existing settlement pattern of this part of the village and is not considered to compromise the delivery of any existing adopted community / village plan allocations, again consistent with CS11.
- 3.8. The Applicant has been actively looking to relocate the business to larger premises since 2011, searching via, and registering with, local agents and property websites. This is due to the continued growth of the business and supporting the fabrication of machinery that they manufacture on site. Although exhaustive searches and potential sites in the immediate and wider area were reviewed by the Applicant, they were found to be unsuitable. The vast majority of existing industrial areas are not suitable for a bespoke building of this type proposed.
- 3.9. Alternative locations near established industrial areas and towns were also considered. Unfortunately, these were again deemed impractical as the plots were generally not large enough to accommodate the required building and external storage area for use by the business.
- 3.10. The application proposal is, therefore, considered to have sufficiently demonstrated a sequential approach to site selection, expansion of local employment opportunities, support for local services, and a locally identified need, in accordance with the requirements of Plan Policy CS11. The proposal site is also considered to be well related to the existing settlement pattern of this part of the village and is not considered to compromise the delivery of any existing adopted community / village plan allocations, again consistent with CS11.
- 3.11. The principle of the proposed development is, therefore, considered acceptable, subject to assessment of all other material planning considerations, particularly those mentioned above. Those considered most relevant to the development proposal are considered below:
- 3.12. Representations received have raised question as to whether the proposed building should be termed a workshop or factory or whether the proposal would be defined as Planning Land Use Class B1(c) or B2 (General Industry - excluding incineration, chemical treatment, landfill or hazardous waste).
- 3.13. Before considering this, it is important to note that Planning Use Class B1 is revoked from 1st September 2020, following the latest amendments to the Town and Country Planning (Use Classes) Order 1987, and the relevant class is now E(g)(iii) - Industrial processes which can be carried out in a residential area.

- 3.14. Should the proposed development not result in significant harm to existing residential amenity, then it is your Officer's assessment that, by definition, the proposed land use would conform with the requirements of Land Use Class E(g)(iii) and should therefore be defined as such.
- 3.15 With this in mind, it would appear appropriate to impose conditions which: i) Limit the scope of this permission to that applied for and ii) Remove Permitted Development rights to exclude changes within the E Use Class (which could include retail or even residential).

4.0 Design and Layout and Impact on Landscape Character

- 4.1. The proposed scale, form and design of the building is considered appropriate to the existing character of the site's surroundings, proposing an additional large industrial building, similar in visual character to those already existing: to the north at Ivy House; to the south at Hewicks Haulage; to the south-west at Loft Farm; and further to the east at Cross Green Farm Light Industrial Estate. The proposal is, therefore, considered to adequately blend with the existing landscape character of its immediate surrounds.
- 4.2. Whilst the proposal would result in the loss of a significant tree adjacent to the existing and proposed point of access, the tree in question is not presently protected by way of a Tree Preservation Order and such removal is considered to be justified in order to achieve highway visibility from the point of access. It is considered that there would be the opportunity to ensure the replacement of trees of the same, or more appropriate, species elsewhere on the site, as part of a detailed scheme of soft landscape planting, should permission be granted.
- 4.3. The proposal is, therefore, considered to be in accordance with the provisions of Development Plan Policies CN01, CS11 and CS15 in such regards.

5.0 Site Access, Parking and Highway Safety Considerations

- 5.1. NPPF Paragraph 108 states (inter alia) that in assessing specific applications for development, it should be ensured that: appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location; safe and suitable access to the site can be achieved for all users; and significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.2. NPPF Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3. Saved Local Plan Policy TP15 states that proposals for all types of new development will be required to provide parking in accordance with parking standards adopted as Supplementary Planning Guidance. Provision of car parking below these standards will be considered in relation to the type, scale and trip generation or attraction of the development; and its location and accessibility by means other than the car. The District Council will consider opportunities for improving accessibility of the development by means other than the car. Parking standards may be reduced if this can be achieved. The development will not be permitted if existing car parking provision is so low that on-street parking associated with the development would create a highway safety or amenity problem.

- 5.4. The SCC Highway Authority has assessed the application proposal and considers the proposal would not have an impact on the public highway with regard to congestion, safety or parking as the site is accessed via the existing access road. The Highway Authority considers that there would be no intensification of use, as the business is moving from its existing location just north of the site. The Highway Authority advises that there are bus stops on the A134/A1141 junction and the area is served by a good bus service. Therefore, the County Council as Highway Authority, does not wish to restrict the grant of permission, subject to compliance with suggested conditions relating to: access, visibility splay, access drainage, on-site turning and parking, Electric Vehicle Charging; and Construction Management Conditions.
- 5.5. Your Officers consider that, on the basis of the evidence presented, there is nothing to suggest that safe and suitable access to the site cannot be achieved for all users; that the application proposes sufficient on-site turning and parking; that the application promotes sustainable transport modes (provision of cycle parking and close proximity to bus stops); that there is nothing to suggest significant impacts from the development on the transport network, in terms of capacity and congestion, would result; that there would be an unacceptable impact on highway safety; or that the residual cumulative impacts on the road network would be severe.

6.0 Environmental and Amenity Impacts

- 6.1. The proposed building would be located 34.8 metres from the neighbouring dwelling to the south (with the intervening A1141); 87 metres from the neighbouring dwelling to the north; and 112 metres from the neighbouring dwelling to the west (with the intervening A134). At such distances it is not considered that the proposed building would result in significant detriment to the current amenities of these nearby dwellings in terms of dominance, loss of natural daylight, or loss of privacy.
- 6.2. The applicant has submitted a detailed noise impact assessment with the application, carried out by suitably qualified individuals, which has been assessed by your Environmental Protection Officers who have assessed the following:
- 6.3. Your Officers note that the proposal concerns an existing business which currently operates in the immediate vicinity of the application site and note that the application seeks to allow the business to expand and to use more equipment than at present.
- 6.4. Your Officers advise that manufacturing processes can result in a loss of amenity to residential dwellings as a result of noise, lighting and odour, and note that there are a number of dwellings in the vicinity of the proposed development.
- 6.5. Your Officers note that the proposal includes a deliveries yard, use of skips and internal manufacturing with two roller doors facing towards one of the dwellings, and that the design and access statement suggests that air conditioning may be installed, as well as an extraction system for the paint spraying booth.
- 6.6. The applicant has confirmed the proposed core operating hours are Monday to Friday 7am to 6pm; Saturday 6am to 6pm; and Sunday 8am to 12pm. The applicant has confirmed that weekend working will be occasional as set out in the noise report submission. Your Environmental Protection Officers have accepted the proposed regular core working hours of 7am to 6pm Mondays to Fridays and your Officers consider that proposed operations carried out regularly within these timeframes would not likely result in a significant adverse impact on the amenities currently experienced by occupants of nearby properties. A condition ensuring the

proposed regular core hours are adhered to is, therefore recommended as a condition of any permission granted.

- 6.7. With regards emergency and occasional working outside of the aforementioned core hours, your Officers note that this would most likely occur on Saturdays 6am to 6pm; and Sundays 8am to 12pm, as set out by the applicant in their supporting documents. The applicant has advised that working outside of core hours would be infrequent and likely on no more than 10 occasions per year. Your Environmental Protection Officers have advised that 20 occasions per year would be acceptable, as set out in their final consultation response. A condition restricting emergency and occasional working, outside of the above core hours, on not more than 20 occasions per year, with a requirement for the applicant to keep a register of such instances, available for inspection on request, is considered appropriate by your Officers as part of any planning permission issued.
- 6.8. On assessing the submitted Noise Report, your Environmental Protection Officers have also recommended conditions ensuring no Forklift or HGV movements, and no opening and closing of roller-shutter doors, between 11pm and 7am, requiring Walls and Roofs to be sound insulated as per the specifications proposed, and requiring submission of further information regarding proposed materials and calculations showing sound restriction levels to be submitted and approved prior to commencement. It is, therefore, recommended that such conditions be applied to any permission granted.
- 6.9. Your Officers note that the manufacturing process may result in odours/dust and also that a paint spray booth is proposed. It is recommended that a condition should be attached to any permission to the effect that the development shall not commence before a scheme (to include a drawing showing stack height and extraction system) detailing the paint-spraying extract ventilation and filter arrangement (to treat fumes and odours so as to render them innocuous before their emission to the atmosphere) has been submitted to and approved in writing by the local planning authority, and the extract ventilation and filter arrangement shall be constructed in accordance with the approved scheme before the development is brought into use and maintained as such thereafter for the lifetime of the permitted development. Such a condition is considered to be required to ensure that emissions to air are minimised to protect the amenity of the occupiers of premises in the vicinity. The applicant should be advised that they will need to apply to the local authority for an Environmental Permit (under the Environmental Permitting (England & Wales) Regulations 2016, Schedule 1, Chapter 6, Section 6.4) if they are likely to use more than 1 tonne of organic solvents in any 12-month period.
- 6.10. Your Officers also recommend that, prior to commencement of development, a full written scheme for external lighting shall be submitted to, and approved in writing by, the Local Planning Authority to provide that: Light into neighbouring residential windows generated from the floodlights shall not exceed 5/1 Ev (lux) (vertical luminance in lux – pre/post 23.00hrs)); Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical; The floodlighting shall be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 2.5%; The submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. If possible, isolux contour lines should be provided showing 5lux, 1lux and 0lux contours; The approved scheme shall be implemented prior to beneficial use of the approved development and be permanently maintained for the life of the approved development; and the applicant should be referred to the ILP document 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'. Such a condition is considered to be required to protect the residential amenity of the locality, in terms of light pollution and artificial light nuisance.

- 6.11. Lastly both the SCC Highway Authority and your Environmental Protection Officers have recommended a condition be added to any permission granted requiring submission and approval of a construction management plan, prior to commencement, in the interest of neighbouring and environmental amenity during construction of the proposal.
- 6.12. Subject to the proposed development being carried out in accordance with the conditions as recommended by consultees, your Officers consider the proposal would not result in demonstrable harm to the amenities currently experienced by occupants of nearby properties, to the extent that refusal of the proposed development should be considered on such grounds.

7.0 Heritage Issues [Including the impact on the character and appearance of the Conservation Area and on the setting of neighbouring Listed Buildings]

- 7.1. In terms of the location of Heritage Assets relative to the proposal site, the nearest Conservation Area lies approximately 370 metres to the south-east of the site, at Cross Green, which contains a number of Grade II Listed Buildings, which are the nearest Listed Buildings to the site.
- 7.2. Your Heritage Officers have been consulted on the application proposal and have not identified that the proposal would result in harm to the setting and significance of any of these or any other heritage assets. Your Planning Officers, therefore, conclude that the application proposal would not result in any harm to the setting and significance of the Cross Green Conservation Area, or that of any Listed Building, by reason of the separation distance between the proposal site and the nearest such Heritage Asset(s) and the presence of existing intervening landscape features.
- 7.3. This also site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER) adjacent to part of the Roman road between Long Melford and Pakenham (HER reference BRC 007). To the east of the proposed development area is a designated moated site (National Heritage List for England reference 1002972, HER ref COK 003). In addition, to the south-west, is circular cropmark evidence (SNN 023). As a result, there is high potential for the discovery of below-ground 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.
- 7.4. SCC Archaeology have been consulted on the application proposal and advise that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with NPPF Paragraph 199, 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.

8.0 Ecology, Biodiversity and Protected Species

- 8.1. Paragraphs 170 and 175 of the NPPF require, inter alia, that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 8.2. The proposal site is considered to be of limited ecological value, attributed to its location adjacent to 2 no. existing busy highways and existing industrial land uses to the north and south. The site also lies in excess of 200 metres from the nearest significant water body, to the west of the site. It is also noted that the proposal would retain the majority of tree and hedgerow planting to site boundaries and, should additional landscape planning be secured by way of condition, then it is considered that this would secure some degree of net gain in terms of biodiversity, consistent with the above aims of the NPPF.

- 8.3. The proposal is therefore not considered to result in demonstrable harm to biodiversity and arboriculture, consistent with the provisions of the NPPF.

9.0 Flood Risk and Surface Water Drainage

- 9.1. The site lies completely within Environment Agency (EA) Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding. The nearest EA Flood Zone 2 or 3 lies approximately 735 metres to the south-east of the site. As such the proposal site is not considered to be at significant risk of flooding.
- 9.2. The applicant has provided a Flood Risk Assessment (FRA) and surface water drainage strategy with the proposal which has been assessed by the Lead Local Flood Authority at SCC, who recommended approval subject to: The development being carried out in accordance with the provisions of the FRA and SWDS received; submission of details of components and piped networks; and approval of a Construction Surface Water Management Plan (CSWMP) prior to commencement.
- 9.3. The Environment Agency has also been consulted on the application and the FRA and SWDS submitted. The EA advises that it has no comments to make on the application. Your Officers therefore consider the proposed surface water drainage strategy would sufficiently ensure adequate protection of controlled waters.

10.0 Tourism

- 10.1. Representations received have raised concern that the proposal would impact negatively on Tourism in the Area, by reason of adverse visual impact on the character and appearance of the area.
- 10.2. Your Officers do not consider that the proposal would result in a significantly negative visual impact, and any such impact would be localised and would not demonstrably affect Tourism in the area.

11.0 Parish Council Comments

- 11.1. It is considered that the matters raised by Cockfield Parish Council have been suitably addressed in the above report.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1. The principle of the proposed development is considered in accordance with Development Plan Policies CS2, CS11, CS17 and EM20, and with NPPF paragraphs 80, 83, 84 and 182, subject to other material planning considerations.

- 12.2 The proposed layout, scale and appearance of the development is considered to be in accordance with the provisions of Development Plan Policies CS11, CS15, CN01, CN06 and CN08, subject to conditions.
- 12.3. Subject to compliance with conditions, as suggested by your Environmental Protection Officers, the proposal is considered acceptable in Residential and Environmental Amenity Terms, and in accordance with the provisions of the NPPF and Development Plan Policy EM20.
- 12.4. The proposed means of access to the site, the proposed amount of on-site turning and parking, the projected impact in terms of additional traffic movements, and impact on existing highway capacity are cumulatively not considered to result in a severe impact on existing highway safety, in accordance with the requirements of NPPF Paragraph 109.
- 12.5. The proposal is not considered to result in significant harm to protected and priority Ecology Species and conditions will seek to secure biodiversity gain, in accordance with NPPF Paragraphs 170 and 175.
- 12.6. The proposal site is not considered to be at significant risk of flooding and the application is considered to propose a suitable scheme of surface water drainage. The proposal is, therefore, in accordance with NPPF Section 14, subject to compliance with conditions as suggested by the LLFA.

RECOMMENDATION

That the application is GRANTED planning permission and includes the following conditions:-

- Standard 3 Year Commencement Time Limit;
- Standard Approved Plans and Documents Condition;
- Detailed Landscaping scheme to be submitted and agreed prior to commencement;
- Landscaping timescales for implementation and aftercare;
- Those required by SCC-Archaeology;
- Details of Water, Energy and Resource efficiency measures prior to commencement;
- Details of Fire Hydrants prior to first use / occupation;
- Those required by SCC-Highways: Access; Visibility Splays; Access Drainage; On-site Turning and Parking; Electric Vehicle Charging;
- Those required by SCC-Local Lead Flood Authority: Implementation of surface water disposal strategy as proposed; Submission of sustainable drainage system components, and piped networks details, within 28 days of completion; and Construction Surface Water Management Plan;
- No Forklift or HGV movements between 2300 and 0700 hours;
- No opening or closing of Roller Shutter Doors between 2300 and 0700 hours;
- Walls and Roofs to be sound insulated as per specifications proposed;
- Details of proposed materials and calculations showing sound reduction levels to be submitted and approved prior to commencement;
- Operational Hours limited to: 0700 to 1800hrs Monday to Friday;
- Exceptions to the above operational working hours to be permitted only in the event of 'emergencies' where operations and working is justifiably required and could not reasonably be undertaken within the above approved usual operational hours. Such exceptions shall be limited

to not more than 20 occasions per year, and a register of all such exemptions undertaken shall be retained and made available for inspection on request by the LPA;

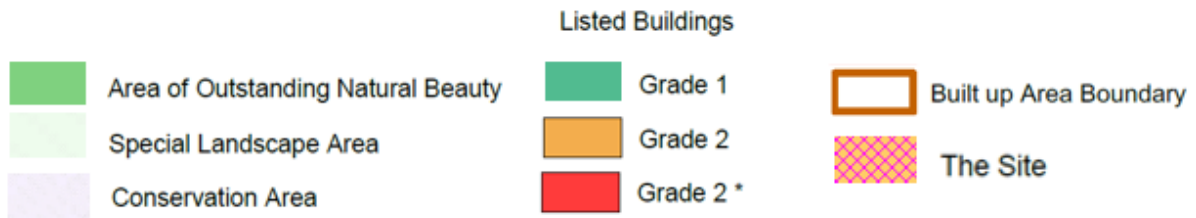
- Details of Paint Spraying extract ventilation and filter arrangement to be submitted and agreed prior to the installation of such;
- External Lighting Scheme to be submitted and agreed prior to the installation of such;
- Construction Management Plan to be agreed prior to commencement.
- Permission for the purpose applied for.
- PD removal to exclude change to other uses within Use-Class E.

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Application No: DC/20/03116

Parish: Cockfield

Location: Land To The East Of Sudbury Road



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