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COMMITTEE:	DEVELOPMENT CONTROL COMMITTEE A
DATE:	WEDNESDAY, 18 JANUARY 2023 9.30 AM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

Councillors	
<u>Conservative and Independent Group</u> Matthew Hicks (Chair) Barry Humphreys MBE (Vice-Chair) Richard Meyer Timothy Passmore	<u>Green and Liberal Democate Group</u> Rachel Eburne Sarah Mansel John Matthissen John Field

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

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- 1 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**
- 2 **TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS**
- 3 **DECLARATIONS OF LOBBYING**
- 4 **DECLARATIONS OF PERSONAL SITE VISITS**
- 5 **NA/22/15 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 07 DECEMBER 2022** 5 - 10
- 6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**

7	NA/22/16 SCHEDULE OF PLANNING APPLICATIONS	11 - 12
	<i>Note: The Chairman may change the listed order of items to accommodate visiting Ward Members and members of the public.</i>	
a	DC/21/02956 LAND EAST OF WARREN LANE AND WEST OF CRESMEDOW WAY, ELMSWELL, SUFFOLK	13 - 46
b	DC/22/04002 LAND AT LAWN PARK BUSINESS CENTRE, WARREN LANE, WOOLPIT, IP30 9RS	47 - 74
c	DC/22/05717 11 MARKET PLACE, STOWMARKET, SUFFOLK, IP14 1YY	75 - 84
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8	SITE INSPECTION	

Notes:

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

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

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

- Parish Clerk or Parish Councillor representing the Council in which the application site is located
- Objectors
- Supporters
- The applicant or professional agent / representative

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

2. Ward Members attending meetings of Development Control Committees and Planning Referrals Committee may take the opportunity to exercise their speaking rights but are not entitled to vote on any matter which relates to his/her ward.
3. Speakers can join the meeting virtually. Any person who wishes to join the meeting virtually must contact Committee Services on committees@baberghmidsuffolk.gov.uk at least 24 hours before the start of the meeting. An email link will be sent to

participants prior to the meeting. Participants are requested to join the meeting via the MS Teams link. This email link is personal to the recipient and must not be shared.

Date and Time of next meeting

Please note that the next meeting is scheduled for Wednesday, 15 February 2023 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

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Introduction to Public Meetings

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- Cold water is also available outside opposite the room.
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2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
5. Do not re-enter the building until told it is safe to do so.

Agenda Item 5

MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **DEVELOPMENT CONTROL COMMITTEE A** held in the Frink Room (Elisabeth) - Endeavour House on Wednesday, 7 December 2022 at 09:30am

PRESENT:

Councillor: Matthew Hicks (Chair)
Barry Humphreys MBE (Vice-Chair)

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

In attendance:

Officers: Area Planning Manager (GW)
Planning Lawyer (IDP)
Acting Senior Heritage Officer (TP)
Case Officers (AG/DC/LK)
Lead Governance Officer – Planning and Development Control (CP)

58 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

58.1 There were no apologies for absence.

59 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS

59.1 Councillor Hicks declared an other non-registerable interest in respect of application numbers DC/22/01963 and DC/22/01964 as he has regularly visited the public house in the past. However, Councillor Hicks confirmed that as Ward Member he would not take part in the debate or the vote for the applications.

60 DECLARATIONS OF LOBBYING

60.1 Councillor Hicks confirmed that he had been lobbied in respect of application numbers DC/22/01963 and DC/22/01964.

61 DECLARATIONS OF PERSONAL SITE VISITS

61.1 None declared.

62 NA/22/13 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 09 NOVEMBER 2022

62.1 It was **RESOLVED:**

That the minutes of the meeting held on 09 November 2022 be confirmed and signed as a true record.

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

63.1 None received.

64 NA/22/14 SCHEDULE OF PLANNING APPLICATIONS

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

Application Number	Representations From
DC/22/04641	Councillor Dave Muller (Ward Member)
DC/22/01963 and DC/22/01964	Andrew Nunn (Worlingworth Parish Council) Tom Royall (Applicant) Councillor Matthew Hicks (Ward Member)
DC/22/04707	Councillor Rachel Eburne (Ward Member)

65 DC/22/04641 GATEWAY 14, LAND BETWEEN THE A1120 AND A14, CREETING ST PETER, STOWMARKET, SUFFOLK

65.1 Item 7A

Application Proposal	DC/22/04641 Full Planning Application – Construction of an emergency access and associated landscaping
Site Location	STOWMARKET – Gateway 14, Land Between the A1120 and A14, Creeting St Peter, Stowmarket, Suffolk
Applicant	Gateway 14 Limited

65.2 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location of the site, the proposed emergency access and the previously approved access points to the site, the details of the gate to be installed at the proposed access point, and the recommendation of approval as detailed in the Officer report.

65.3 The Case Officer responded to questions from members on issues including: when the access would be used, the proposed signage to be installed to prevent drivers from stopping at the access point, and whether any additional access points had been proposed.

65.4 The Chair read out a statement from Ward Member Councillor Dave Muller who was unable to attend the meeting.

65.5 Members debated the application on issues including: the importance of

having an emergency access point, and the timing of this application in relations to other previously agreed applications at the site.

65.6 Councillor Passmore proposed that the application be approved subject to additional conditions relating to warning signs at the entrance and to keep the access clear.

65.7 Councillor Field seconded the motion.

By a unanimous vote

It was RESOLVED:

That authority be delegated to the Chief Planning Officer to GRANT planning permission with conditions:

(1) That the Chief Planning Officer be authorised to GRANT planning permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- **Commencement time limit**
- **Approved Plans**
- **Highways - Access laid out and completed**
- **Highways - Surface water drainage details**
- **Highways - Measures to prevent unauthorised use**
- **Highways - Management Plan**
- **Timescale of landscaping**

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

- **Pro active working statement**
- **Highways (inc. requirement for S278 agreement)**

And with the following additional conditions:

- **Conditions for warning signs for entrance and to keep the access clear**

66 DC/22/01963 AND DC/22/01964 SWAN INN, SWAN ROAD, WORLINGWORTH, WOODBRIDGE, SUFFOLK, IP13 7HZ

66.1 Item 7B

Application Proposal	DC/22/01963 and DC/22/01964 Full Application with linked Listed Building Consent – Erection of extension to Public House and alterations as per schedule of works within Heritage Statement (following part demolition of existing outbuilding), including part change of use to form farm shop.
Site Location	WORLINGWORTH – Swan Ins, swan Road, Worlingworth, Woodbridge, Suffolk, IP13 7HZ

Applicant Mr & Mrs T Royall

- 66.2 Councillor Humphreys MBE chaired the meeting for the duration of application numbers DC/22/01963 and DC/22/10964.
- 66.3 The Case Officer introduced the applications to the Committee outlining the proposals before Members including: the location of the site, the listed building status of the building, the existing block plan and proposed site plan, the proposed use of the buildings, the potential heritage harm, and the Officer recommendation of refusal as detailed in the report.
- 66.4 The Case Officer responded to questions from Members on issues including: whether any comments had been received from the Economic Development team, the proposed design of the extension, the proposed vehicle and cycle parking at the site and whether the parking area would have permeable surfaces, whether any pre application advice was provided, the location of the entrances to the public house, and the outbuildings to be demolished and whether these were of historical importance.
- 66.5 The Acting Senior Heritage Officer responded to questions from Members on issues including: the listed status of the building, and the details of the parts of the buildings which are of special interest.
- 66.6 The Case Officer responded to further questions from Members on issues including: when permission was granted for the houses on the adjacent site and the heritage response to that application, whether there were any other public houses in the village, the location of those dwellings in relation to the village green, and whether there was any works planned to the back of the existing public house.
- 66.7 Members considered the representation from Andrew Nunn who spoke on behalf of Worlingworth Parish Council.
- 66.8 The Parish Council representative responded to question from Members on issues including: the response from local residents, and the location of the closest public house and shop.
- 66.9 Members considered the representation from Tom Royall who spoke as the Applicant.
- 66.10 The Applicant responded to question from Members on issues including: the type of products to be sold in the shop, and the proposed car parking plans.
- 66.11 Members considered the representation from Ward Member Councillor Matthew Hicks who spoke in support of the applications.
- 66.12 The Ward Member responded to questions from Members on issues including: the public transport provision in the area.
- 66.13 Councillor Eburne commented that contrary to a previous statement, there

was a five year land supply at the time the dwellings adjacent to the site were built.

66.14 Members debated the applications on issues including: the assessment of the harm to heritage and whether this was outweighed by the public benefits of the application, the sustainability of the site, the potential employment opportunities and support to the local economy, and the viability of the existing business.

66.15 Councillor Passmore proposed that the application be approved, with conditions, for reasons including sustainability, employment opportunities, the benefits to the local economy, and the public benefits of the application.

66.16 Councillor Matthissen seconded the proposal.

66.17 Members accepted the Heritage Officer's assessment of the potential harm to The Swan Inn as an heritage asset as being a low to medium level of substantial harm and noted their statutory duty as decision makers under section 66(1) of Planning (Listed Building and Conservation Areas) Act 1990. However, they felt that the public benefits of the application which they judged to be substantial outweighed the potential harm.

66.18 Members debated the conditions to be applied to the application including: permeable car parking surface, bicycle parking provision, and details of the timber frames.

By a unanimous vote

It was RESOLVED:

That authority be delegated to the Chief Planning Officer to GRANT planning permission and Listed Building Consent subject to conditions recommended by consultees and those as may be deemed necessary by the Chief Planning Officer

And:

- **Permeable surface**
- **Bicycle parking provision**
- **Timber frame details to be agreed**

67 DC/22/04707 45 FALCONER AVENUE, OLD NEWTON, STOWMARKET, SUFFOLK, IP14 4JP

67.1 Item 7C

Application	DC/22/04707
Proposal	Householder Application – Erection of outbuilding
Site Location	OLD NEWTON – 45 Falconer Avenue, Old Newton, Stowmarket, Suffolk, IP14 4JP
Applicant	Mr Mark Clements

- 67.2 A break was taken from 11:04am until 11:11am, after application numbers DC/22/01963 and DC/22/01964 and before the commencement of application number DC/22/04707.
- 67.3 Councillor Hicks resumed as Chairman of the meeting.
- 67.4 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location of the site, the proposed materials to be used for the outbuilding, the proposed use of the building, and the officer recommendation of approval as detailed in the report.
- 67.5 The Case Officer responded to questions from Members on issues including: any objections received from the neighbouring residents, details of the use restrictions referred to in the officer report, the reasons for referral to Committee, and whether the outbuilding would have windows installed.
- 67.6 Members considered the representation from Ward Member, Councillor Rachel Eburne.
- 67.7 Councillor Humphreys MBE proposed that the application be approved with the removal of the condition relating to power tool use.
- 67.8 Councillor Mansel seconded the proposal.

By a unanimous vote

It was RESOLVED:

That authority be delegated to the Chief Planning Officer to GRANT PLANNING PERMISSION.

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

Conditions:

- **Standard 3-year time limit to implement permission**
- **Approved Plans**
- **Use restriction**

68 SITE INSPECTION

66.1 None received.

The business of the meeting was concluded at 11:23am.

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Agenda Item 7

MID SUFFOLK DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE A

18 JANUARY 2023

INDEX TO SCHEDULED ITEMS

<u>ITEM</u>	<u>REF. NO (and link to consultee comments)</u>	<u>SITE LOCATION</u>	<u>MEMBER/WARD</u>	<u>PRESENTING OFFICER</u>	<u>PAGE NO</u>
7A	DC/21/02956	Land East of Warren Lane and West of Cresmedow Way, Elmswell, Suffolk	Councillor Helen Geake and Councillor Sarah Mansel / Elmswell & Woolpit	Gemma Walker	13-46
7B	DC/22/04002	Land at Lawn Park Business Centre, Warren Lane, Woolpit, IP30 9RS	Councillor Helen Geake and Councillor Sarah Mansel / Elmswell & Woolpit	Daniel Cameron	47-74
7C	DC/22/05717	11 Market Place, Stowmarket, Suffolk, IP14 1YY	Councillor Paul Ekpenyong / St Peter's	Thomas Pinner	75-84
7D	DC/22/06013	127 Poplar Hill, Stowmarket, Suffolk, IP14 2AX	Councillor Gerard Brewster and Councillor Keith Scarff / Combs Ford	Lily Khan	85-94

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Agenda Item 7a

Committee Report – with Risk Assessment

Item No: 7A

Reference: DC/21/02956

Ward: Elmswell & Woolpit.

Ward Member/s: Cllr Helen Geake. Cllr Sarah Mansel.

RECOMMENDATION – TO CONSIDER THE RISK ASSESSMENT

Description of Development

Application for Outline Planning Permission (Access to be considered, all other matters reserved Town and Country Planning Act 1990 - Erection of 44 dwellings, including bungalows, affordable housing, open space, landscaping; and associated infrastructure.

Location

Land East Of Warren Lane And West Of, Cresmedow Way, Elmswell, Suffolk

Expiry Date: 27/08/2021

Application Type: OUT - Outline Planning Application

Development Type: Major Small Scale - Dwellings

Applicant: JD and RJ Baker Farms Ltd

Agent: Mr James Bailey

Parish: Elmswell

Site Area: 2.88ha

Density of Development:

Gross Density (Total Site): 15.2 dwellings per ha

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

This application was presented to committee on the 8th December 2021 at which it was resolved to defer in order to seek further information on the impact of the Quarry to the south of Elmswell.

A further update was provided on 9th March 2022 following which the application was further deferred to seek a report on the risks of refusal on grounds of traffic, intrusion of development area and housing into the countryside, quarry and housing land supply position, with a member site visit before the application returns.

The case officer no longer works for the Council and officers have prepared this risk assessment on the basis of the Committee Minute of 9th March 2022.

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

Has the application been subject to Pre-Application Advice: Yes (DC/21/00802)

This report therefore considers the risks of refusal in respect of traffic, impact on the countryside, the quarry and housing land supply.

A committee site visit was made on 9th May 2022

Traffic

The application for consideration is made in outline with all matters reserved except access.

Paragraph 111 of the NPPF confirms 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.

Policy T10 requires consideration of the provision of a safe access to and egress from the site, the suitability of the existing roads giving access to the development, whether the amount and type of traffic generated will be acceptable in relation to the capacity of the road network, provision of adequate parking and turning space, provision of requirements for pedestrians and cyclists.

As noted in the original report, Policy T10 is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded full weight.

Further advice has been sought from SCC Highways in light of the concern raised. They confirm that there is no change to their overall advice. There is sufficient highways land to provide the passing places on Warren Lane. A package of measures for improvements to Warren Lane/Church Road junction as well as a further provision to extend the speed limit on Warren Lane to the south as the site access location coincides with the existing limit of the speed limit are proposed.

However, they provide further advice with regards to pedestrian trips to amenities to the south of the development site. The level of demand to access the amenities of the takeaway and café on foot is unclear, but it is not considered a suitable pedestrian route or crossing location is available or has been offered as part of the application. As such these amenities would be accessed via motor vehicles by the majority of visitors, given their relatively remote and unsustainable location, but if there is likely to be significant pedestrian movements generated on these routes then SCC Highways raise concerns. They state it may be complex and costly to mitigate (needing a footway and pedestrian refuge at the Warren Lane junction plus a continuous footway along the old A14 to the amenities), and even with those improvements it would still involve pedestrians walking in the road along Warren Lane, which may lead to conflicts given the limited width of the road.

However, SCC Highways nonetheless do not consider that a recommendation of refusal against NPPF 111 based on walking to those amenities, as other alternative and more significant amenities are located to the north of the site and there is no evidence to suggest that this proposal would generate a significant number of those specific trips.

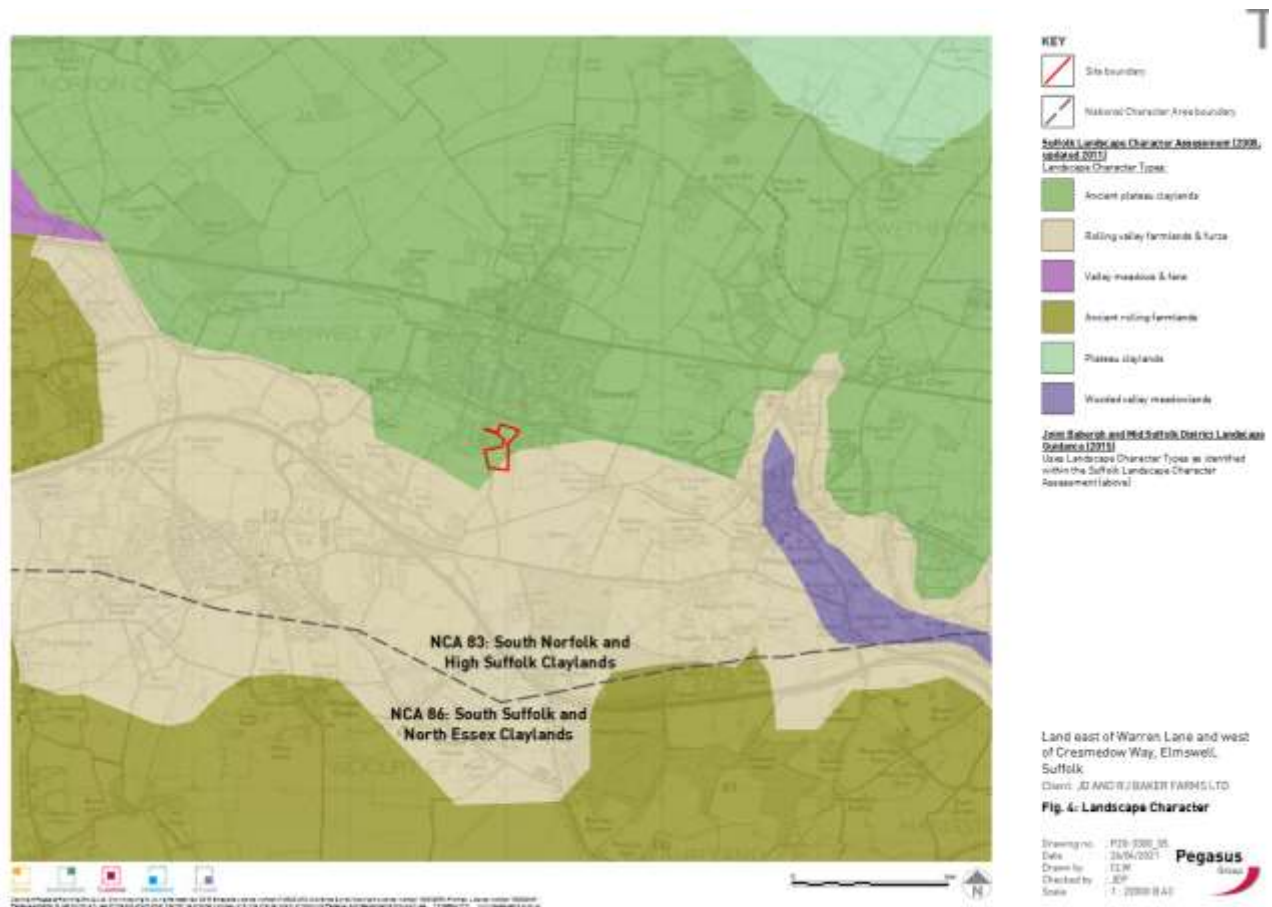
Planning officers are less sanguine about that position because the employment opportunities and services available to future residents would be within walking distance and the power of their attraction is likely to lead to residents attempting to make those journeys by foot. Members are entitled to consider that to be an unacceptable situation contrary to local and national planning policy. Such a position would not in officers' opinion be unreasonable or incapable of being defended at appeal. The applicant has been made aware of these concerns, but no proposal has been put forward to deal with them.

The proposal has been considered by our specialist landscape consultants, who raise no objection, subject to securing conditions. Further advice has been sought on the risk of refusal in respect of landscape from consultants Guarda Landscape.

They advise that there would be a risk to refusal on landscape grounds, in that there is no significant harm to the character and appearance of the site and its surrounding landscape. Guarda acknowledge that any development will give rise to change in the landscape of the area and the views of receptors. The degree of visual harm is not considered to be significant, and will not influence the judgement on acceptability of the scheme when balanced with the increased landscape benefits and other benefits delivered by the scheme. Guarda conclude that there would be high risk of refusing the application in relation to landscape and visual issues as the adverse visual impacts of the proposal do not significantly and demonstrably outweigh the landscape benefits.

This weighting is itself subjective, and the benefits and disbenefits must be clearly weighed across the scheme to consider the overall outcome. Furthermore the projection of development beyond the settlement could be considered to have wider than landscape implications. The development projects into the countryside beyond the current built form, and could be considered to have a wider impact on the character of the countryside in terms of encroachment and impact on the settlement pattern, and whether this would be out of character with the locality.

This wider impact and concern with settlement pattern begins from the landscape setting, on the edge of the plateau claylands, and top of rolling valley farmlands, as shown below:



The result of this is that the site sits in an elevated position, and development into this site would project the built form out into the countryside, and particularly down the slope, with a dominating effect on the rolling valley farmlands, notwithstanding the landscape mitigation. Currently the edge of the settlement sits in a position at the edge of the slope, and does not descend down the slope, further into the view as shown below.



Whilst landscape mitigation is proposed to screen the development, ultimately it will encroach upon the open countryside, and this can be considered to weigh against the balance of the proposal to a degree.

Core Strategy Policy CS5 seeks to maintain and enhance the environment and retain the local distinctiveness of the area. In addition it confirms that the Council will protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole, protecting the District's most important components and encouraging development that is consistent with conserving its overall character.

There would inevitably be a risk with regards to this issue in going against professional advice, which has considered landscape and visual amenity, if not the overall impact on the character of the area. However the concern raised was in respect of the intrusion of development and housing into the countryside and resulting impact on the overall character of the area and local distinctiveness than to landscape harm per se. This harm is weighed in the balance of the decision below because, even if not a reason for refusal in its own right, the inevitable harm that would arise from the development of the greenfield site needs to be factored into account.

Impact on Quarry

As noted below in the update for the previous committee the site is not within the current safeguarding zone, but will be partly within the future expanded area that SCC has provided. The indicative plans submitted do show some housing in that area with majority of that affected area being landscaping, SuDs and highway.

A planning application must be determined on its own merits, and with consideration given to the policies in place at the time. SCC as Minerals Authority consider that the housing will not prejudice the operation

of the quarry, and it will be for any future application to expand the quarry, if this occurs, to consider the amenity of existing residents and consider any mitigation

On the basis of the above, along with the confirmation that the site is not within the current safeguarding zone a proposed reason for refusal on the basis of housing within a future safeguarding zone would not be reasonable, and would apply a possible future policy, not yet in place to a current application.

Officers therefore advise that a reason for refusal on this basis would not be sustainable at appeal.

Housing Land Supply Position

The original principle assessment of the application is provided in full in the report below. Essentially consideration was given to the previous approval reference 4909/16, granted 21st June 2018, which whilst expired was still considered to be given weight as the Local Plan and Core Strategy remained applicable between the determination of the cases. However, in the intervening period the land supply position has changed significantly and as such resulted in greater weight being given to local plan policies, which weight has been recognised at recent appeal decisions.

Officers also advise that the original planning permission has lapsed with a failure to bring forward any related reserved matters and no end developer identified. Due to the change in circumstances, officers do not consider that there is a 'fall back' position and would afford very little weight to that previous decision.

Likewise, the previously proposed allocation (LA063) for the development of the site has fallen away, with site allocations to form part of the JLP 'Part 2'. Again, officers would afford very little weight to that previous draft allocation.

Officers also afford limited weight to the emerging Elmswell Neighbourhood Plan at this time. It is also not clear whether, in light of the above circumstances, the proposed settlement boundary revision that would include the site (which in any event is consistent with the lapsed permission and not the present proposal) will fall away i.e., that in light of the lapsed permission and removal of LA063 the settlement boundary will be re-drawn to exclude that land. Reg 14 consultation was undertaken over the Summer, but no further formal progress has been made (save for screening out the need for a SEA or HRA).

As such reconsideration has been given to the full consideration of principle:

Policy CS1 states: 'The majority of new development (including retail, employment and housing allocations) will be directed to towns and key service centres, but also with some provision for meeting local housing needs in primary and secondary villages, in particular affordable housing'.

The application site is situated outside of the settlement boundary of Elmswell (a key service centre), and as such within the countryside.

Policy CS2 of the Core Strategy extends from CS1 and restricts development in the countryside to defined categories. Policy H7 of the Local Plan also seeks to restrict housing development in the countryside in the interests of protecting its existing character and appearance. In countryside locations development will be restricted to particular types of development to support the rural economy, meet affordable housing, community needs and provide renewable energy. The proposal is not for one of these exceptions. As such

the proposal is for new residential development in the countryside, contrary to H7 of the Local Plan, and CS1 and CS2 of the Core Strategy.

The exceptional circumstances test at Policy CS2 applies to all land outside of the settlement boundary, as does saved Policy H7. This blanket approach is not considered to be entirely consistent with the NPPF, which favours a more balanced approach to decision-making in light of the datedness of the existing settlement boundaries and lack of a further allocations document to plan for future needs. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 80, however, it is only engaged where development is isolated.

The definition of isolation with regards to this policy has been shown to relate to remoteness of a site from a settlement. Given the functional and physical proximity of the application site to Elmswell, as well as close proximity to existing residential dwellings, the development is not considered to be isolated and paragraph 80 of the NPPF is not engaged.

The Council can currently demonstrate a significant 5-year housing land supply position, currently measured at 10.88 years. As such the tilted balance embedded within the NPPF does not engage for this reason.

Given the age of the adopted Development Plan with regards to the NPPF and the fact that both the Core Strategy and Local Plan pre-date the first publication of the NPPF, consideration must be given to their level of compliance with the provisions of the NPPF and the level of weight that can accordingly be attributed to them as required by paragraph 219 of the NPPF.

Policies CS1 and CS2 jointly set out the spatial strategy for the district in directing how and where new development should be distributed. They are not expressly prohibitive of new development in the countryside and allow for new development that is in accordance with them. Read together the policies provide a strategy for the distribution of development that is appropriate in recognising local circumstances and their overall strategy remains sound. This is because they take a responsible approach to spatial distribution, requiring the scale and location of new development to take into account local circumstances and infrastructure capacity. These elements are consistent with the NPPF.

However, as seen within the recent appeal decision with regards to development at Haughley, inconsistency is identified with regards to policies CS1, CS2 and H7 with regards to the NPPF. In this instance, CS1 and CS2 do not allow for the weighting of the benefits of an application, applying a blanket approach to development not reflected within the NPPF. H7 sets an expectation that new housing will form part of existing settlements but does allow for exceptions to be made such as where development may be located adjacent to existing settlements. 'On the ground' this leads to some inconsistency with the NPPF/concern of some out-of-datedness, because there is no formal plan in place to deal with future housing needs (though, of course, this will be overtaken by the JLP in the near future), notwithstanding the considerable housing land supply position and an observation that the housing needs for the District over the next plan period have in effect already been met by virtue of the sheer volume of committed developments that exist. Naturally, this has a bearing on the weight to be afforded to the aforementioned policies and offers would afford them a substantial weighting in light of these circumstances. The Council also continues to pass the HDT, with the latest result being 125%.

A further recent appeal decision in Elmswell confirms that the Core Strategy and Local Plan policies still direct development to sustainable settlements where there are facilities, services and employment accessible by sustainable transport. This is in accordance with Framework policy that indicates significant development should be focused on locations which are or can be made sustainable. The appeal concludes that despite Framework inconsistencies, significant weight can be attached to a proposals policy conflict.

Economically, the proposal would generate a minor benefit for local trade and predominately arise during the construction phase which would be short term. The benefit to the community and society of the application in this regard is minimal, however, more benefits in this regard would accrue from the economic spend of the future occupants within the village.

In respect of the social strand, the proposal would produce new dwellings, which would provide a contribution to housing. Additionally, affordable housing is being delivered within the site which is an additional benefit of the scheme. However, at the current time the Council has in excess of 10 year housing land supply, and whilst this is not a cap on development it is nonetheless clear that more than sufficient housing land can be delivered, such that the weight of this benefit is minor.

With regards the environmental strand, there are two main elements, landscape/environment and moving to a low carbon economy, taking each in turn.

As noted above the proposal has been assessed by our Landscape Consultant, who concludes that the proposal can be mitigated to address landscape harm. However this relates to the landscape element, not to the impact of the encroachment into the countryside, and the impact on local distinctiveness that is of concern. This impact is considered to weigh negatively in the balance with regards to the landscape, in that the proposal fails to protect and enhance the natural environment.

The site is located adjacent to the settlement boundary of Elmswell, and has access along Cresmeadow Way and Warren Lane. As a key service centre Elmswell has many facilities and services, including a primary school, railway station, food shop and library, to name but a few. Journeys either on foot, noting the above highway review, or by bicycle would be possible, and where these are by car the journeys short, and likely to support local services. However, trips to amenities to the south would risk harm to pedestrian safety, which weighs negatively in the balance.

In light of the additional issues raised by Members, including the highway and landscape issues, this also widens the ambit of policies 'most important' for the determination of the application. Overall these would include policies FC1, FC1.1, CS1, CS2, H7, CS5, and T10. Taken in the round that basket of most important policies is considered to be up to date.

Therefore, if Members were to exercise that judgement, which officers consider would be entirely reasonable, then the "tilted balance" could not engage for this reason either.

Conclusion and Recommendation of Risk Assessment

As set out above the proposal is not considered to warrant refusal with regards to the quarry itself, however harm is identified in respect of the intrusion into the countryside and traffic concerns. Whilst these might not in themselves explicitly warrant refusal, following an up to date consideration of principle they do weigh negatively in the balance.

As set out above the principle assessment can no longer rely on an expired previous consent, and furthermore the policy background to the proposal has changed through recent appeal decisions, and the land supply position, which are material considerations. Due to the issues identified by Members, it would also not be unreasonable to determine that the basket of policies most important for the determination of this application are up to date.

In the light of this the consideration of the balance of sustainability is such that the economic benefits during construction and occupation are minimal, and would result from development within the current 10 year

land supply in the district. Similarly with social benefits the Council has sufficient land supply to deliver these benefits, such that there is only a minor benefit attributed here.

In terms of the environmental strand, it is considered that there is harm with regards to the encroachment into the countryside, notwithstanding the landscape mitigation. Furthermore, whilst the site is within reach of services in Elmswell which can be reached by sustainable means it nonetheless brings development closer to amenities to the south, and such trips would risk harm to pedestrian safety, which weighs negatively in the balance.

With so little in favour of the development and harm as a result of both the intrusion of built development and pedestrian safety the proposal cannot be considered to fall within the definition of sustainable development. Even if the “tilted balance” were engaged, permission could reasonably be refused in accordance with paragraph 11 d) ii) in that the adverse impact of granting permission would significantly and demonstrably outweigh the benefits.

Accordingly the recommendation to committee is amended as set out below:

(1) That the Chief Planning Officer be authorised to REFUSE Planning Permission based on the following reasons and such other reasons as he considers fit:

The proposed form of development would intrude into the countryside, and would not add to the overall quality of the area but would foreseeably impact on the character and appearance of the rolling countryside location, having regard to the introduction of new buildings and activity on the valley side.

On this basis the proposal would be contrary to paragraph 126 and 130 of the NPPF and contrary to policy CS5 of the adopted Core Strategy which seeks to safeguard local distinctiveness. The development of this countryside location would moreover be contrary to policy H7 of the adopted Mid Suffolk Local Plan 1998 which seeks to control development outside settlement boundaries in the Plan in order to safeguard the character and appearance of the countryside.

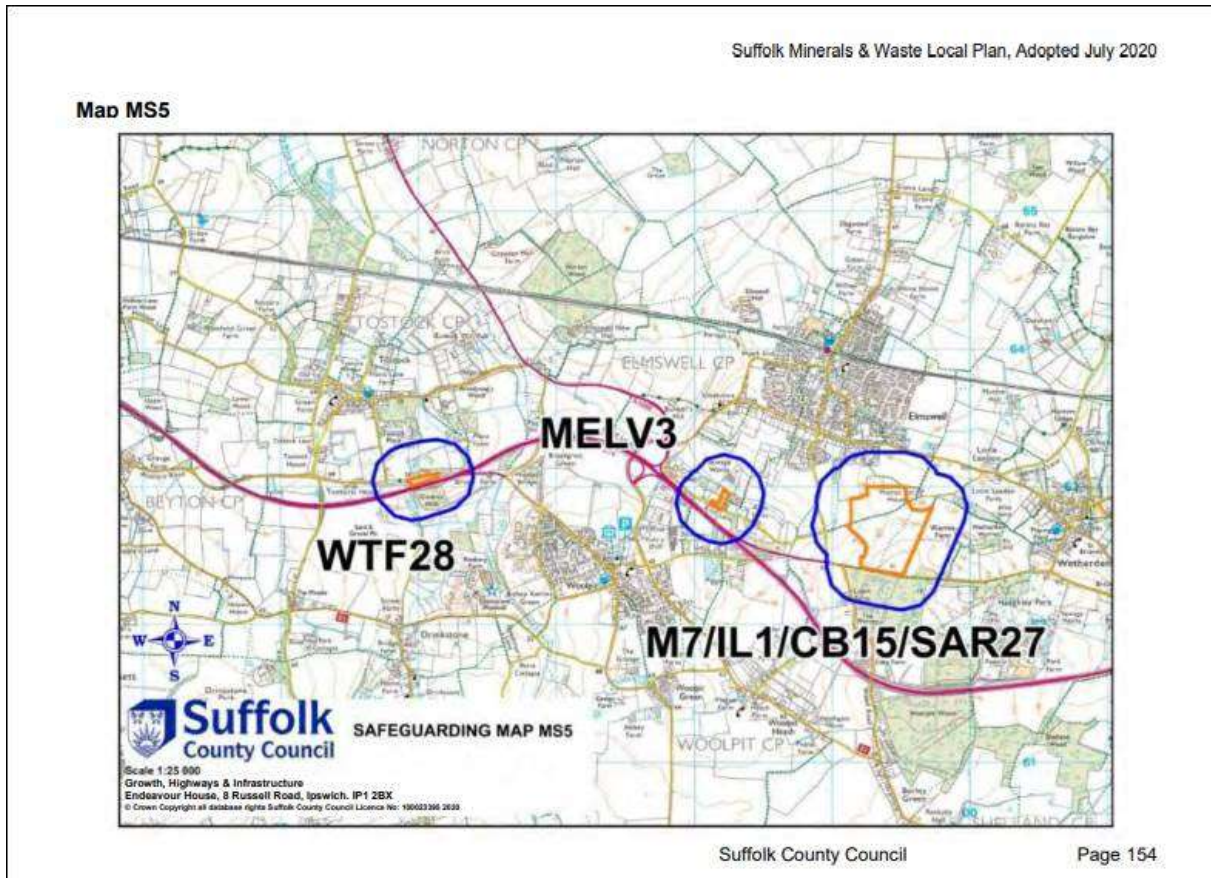
Furthermore the proposal risks harm by reason of risk to pedestrian safety, and as such fails to comply with the requirements of NPPF paragraph 110 b) and 112 c).

By reason of harm resulting from the intrusion into the countryside, and harm to pedestrian safety, the proposal fails to fulfil the requirements of sustainable development. As such the proposal would be contrary to the requirements of Core Strategy CS1 and CS2.

As such the proposal is not acceptable in principle, being contrary to paragraphs 8 and 11 of the NPPF (2021), Policy H7 and T10 of the Mid Suffolk Local Plan (1998), Policies CS1, CS2 and CS5 of the Core Strategy (2008) and Policy FC1 and FC1.1 of the Core Strategy Focused Review (2012). The harms identified would significantly and demonstrably outweigh the very modest benefits.

Impact of the Quarry

The Suffolk Minerals & Waste Local Plan, Adopted July 2020 provides policy for the expansion and safeguard of the quarry as shown below.



The 250m safeguard zone is not designated to stop development or refers to noise and dust impact. It is there to provide a zone to consider how a development may be prejudicial to the extraction of minerals as detailed in SCC policy MP10.

In terms of the expansion, the plan recognised the existing properties and the need for a buffer bund on all three boundaries (west, north and east). The 240 dwellings approved much closer to the quarry than this proposal also considered the quarry, and a SCC required a 100 metre buffer (much of this is the open space part of the development).

as dwellings under construction off Wetherden Road in the Safeguarding area. The existing dwellings are closer to the quarry allocation than the dwellings in this application would be. The southwest corner of the application site is approximately 200m from the allocated extension with existing properties being between approximately 120m from the boundary of the allocation. When allocated it was considered that the quarry site could mitigate significant amenity impacts at this distance, therefore we do not expect that the additional housing in this application would prejudice the delivery of the quarry extension, or that new residents would be significantly impacted.”

The SCC Obligations Manager was included in the above response and went on to ask the following question:-

“If the new housing scheme is granted planning permission and built out prior to the quarry extension, the developer will have disappeared off the scene. This would leave individual home owners/occupiers with the responsibility to mitigate (currently unknown) impacts. But you go on to say that existing homes would have any impacts mitigated by the quarry. If the new homes effectively become existing homes, then wouldn't responsibility also fall on the quarry to mitigate impacts? I'm unclear why there is a safeguarding map if we are content for development to occur inside it - won't new development inside this area potentially prejudice the future quarry extension?”

SCC Minerals response to this question was as follows and this is included to as members may have similar considerations:-

“Neil, on your point about the onus being on the developer to mitigate impacts, I was setting out the expectation of the policy as to what might be expected of a developer in a safeguarding zone – if we believed there would be additional impact on the delivery of the quarry then we would expect mitigation, but in this case we don't foresee that there will be. The safeguarding zones are not strictly speaking “no go zones” but are there to flag the presence of planning applications near minerals or waste sites. We then assess the sites in question to identify if there is any impact on amenity of new residents/users of the new development, or prejudice to the operation of the minerals and waste site. In this case we do not believe that there will be but the answer will differ depending on the circumstances.”

In conclusion your officers summaries the following:-

- That the SCC as Minerals Authority consider that the proposed housing development will not be prejudice to the operation of the quarry.**
- It will be for the future application to expand the quarry (if and when) to consider the amenity of existing residents and consider any mitigation, but SCC does not consider this being likely to be necessary. (Your officers also note that the expansion will likely continue the 3-5 metre high bund around the quarry and note the distance and woodland between)**
- The site is not withing the current safeguarding zone, but will be partly within the future expanded area that SCC has provided. The indicative plans submitted do show some housing in that area with majority of that affected area being landscaping, SuDs and highway.**

Obligations Update

Since the last committee SCC Obligation manager has updated the SCC position in respect of this application and discussions on the infrastructure requirements have taken place.

SCC will see a number of items through CIL, including local primary school expansion, secondary school expansion, sixth form expansion, Libraries improvements and household waste.

For a Section 106 the following is confirmed as sought and the recommendation is updated by officers.

- Early years new provision @ £20,508 per place. £82,032
- Secondary school transport £42,175
- Elmswell/Woolpit new footway/cycleway contribution @ £850 per dwelling. £37,400

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The development is a major development of 15 or more residential units and outside the scope of current delegation arrangements.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

CL08 - Protecting wildlife habitats
CL09 - Recognised wildlife areas
CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS05 - Mid Suffolk's Environment
CS09 - Density and Mix
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
GP01 - Design and layout of development
H03 - Housing development in villages
H07 - Restricting housing development unrelated to needs of countryside
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
HB01 - Protection of historic buildings
Elmswell Neighbourhood Plan
T10 - Highway Considerations in Development
NPPF - National Planning Policy Framework
NPPG-National Planning Policy Guidance

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at Stage 2:-

- Stage 1: Designated neighbourhood area
- Stage 2: Preparing a draft neighbourhood plan
- Stage 3: Pre-submission publicity and consultation
- Stage 4: Submission of a neighbourhood plan
- Stage 5: Independent Examination
- Stage 6: Referendum

Stage 7: Adoption by LPA

Accordingly, the Neighbourhood Plan has little weight at this time.

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

[Click here to access Consultee Comments online](#)

Consultee	Support/Object/Holding Objection/Other
Town/Parish council (Appendix 3)	
Elmswell Parish Council	Recommend refusal and these matters are considered in the assessment.
National Consultee (Appendix 4)	
Suffolk Wildlife Trust	We have read the Ecological Assessment (Ecology Solutions, May 2021) and we are satisfied with the findings of the consultant.
Natural England	Refer to standing advice only.
Anglian Water	Advise that the foul water capacity would need to be increased and they will take steps required. No conditions recommended and no objection.
Historic England	Confirm that the LPA do not need to notify or consult Historic England under the relevant statutory provisions.
County Council Responses (Appendix 5)	
SCC Highways Authority	Recommends planning conditions. Some of these relate to layout and need to be imposed at reserved matter stage. Those that apply to this outline and the access are recommended.
SCC Obligations Manager	SCC has set out the consideration for CIL and S106 monies. This is considered further in the assessment.
SCC Archaeology Team	No objection – recommend standard archaeology condition.
SCC Fire and Rescue	Recommend standard fire hydrant condition
SCC Flood Team	SCC finds the assessment of flood risk acceptable. The method for the disposal of surface water run off is also found acceptable. SCC do have a holding objection for two reasons. 1) The scheme is not a preferred full open SuDS scheme, 2) Annotations to be added to plans

	(Officer note: These are considered unnecessary for the outline).
SCC Travel Plan Team	On reviewing the planning application documents I have no comment to make, as the size of the development does not meet the threshold of requiring a Travel Plan in accordance with the Suffolk Travel Plan Guidance.
Internal Consultee Responses (Appendix 6)	
Place Services Landscape (On behalf of MSDC)	Support – recommend conditions - Arboricultural Method Statement - Landscaping and management (not recommended as this would be a reserved matter) - Details of SuDs (This is also picked up by SCC Flood Team and recommended) - Details of play equipment (A matter for 106 agreement along with open space)
MSDC Housing	The housing team have set out what they may wish to see in terms of affordable and market housing mix. Affordable housing shall be secured via the 106 and market housing is conditioned, including tenure and size. The appearance and layout of the housing is reserved and so comments on layout can be dealt with at a later stage.
Place Services Ecology (On behalf of MSDC)	We are satisfied that there is sufficient ecological information available for determination.
MSDC Heritage	On the basis of the submitted information I consider that the proposal would not result in sufficient heritage impacts to warrant the Heritage Team's involvement.
Environmental Health - Air	I can confirm that the scale of development, at 44 dwellings, is not likely to be of a scale of that would compromise the existing good air quality at, and around the development site
Public Realm	Elmswell currently has a deficit in child play provision when compared to local standards (Babergh and Mid Suffolk Open Space Provision Report) and the location of existing provision is distant from this development. Public Realm Officers would like to see either some on site play provision provided within the planned open space or a contribution made to enhance existing play facilities located off site. (Officer note – this is secured).
Environment Health - Contamination	I have no objection to the proposed development subject to a condition to secure the provisions of the Phase I Report by Nott Group (ref : 73100/R/001 dated 6/5/21)

MSDC Tree Officer	There are no significant arboricultural features within this site. Notes mature trees along the boundary that will require protection during the course of any development works. This can be dealt with under condition via an appropriately specified Tree Protection Plan.
MSDC Waste Management	No objection

B: Representations

At the time of writing this report at least 18 letters/emails/online comments have been received. It is the officer opinion that this represents 18 objections. A verbal update shall be provided as necessary.

Views are summarised below:-

Planning Matters
Increase in traffic and related matters
Use of Warren Lane
Increase area of development beyond that set before should be resisted.
Loss of wildlife and ecology potential
Need for improvements to Warren Lane (includes zebra crossing)
Light pollution
Impact on infrastructure (school places, shops and services)
Potential loss of privacy
Potential flooding and drainage issues from new housing

Other matters include need of housing and expression of too many houses in Elmswell. Loss of views. Private legal matters.

(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: 4909/16

Outline Planning Permission (Including access with all other matters reserved), development of up to 38 dwellings inclusive of affordable housing, with associated vehicular and pedestrian accesses and links. infrastructure, open space, landscaping and green infrastructure.

DECISION: GTD
21.06.2018

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings




2. The Proposal



2.1. This is an outline application with access for consideration. The proposal is for 44 dwellings, including bungalows, affordable housing, open space, landscaping; and associated infrastructure. Affordable housing will be 35% in accord with policy, and this would result in 15 affordable homes.

3. The Principle Of Development

3.1. This application is required to be considered on its merits, however for the majority of the site area development has been approved previously under reference 4909/16 granted 21.06.2018 and while this expired last year it is considered by officers that should be given weight as the Local Plan and Core Strategy remain applicable. This previously site area is also an allocation within the emerging joint local plan, but that document is undergoing significant changes at this time and is given limited weight at the time of writing this report. This position may change and updated as needed. For information, the proposed area is larger than the approved development in terms of the allocation text within the JLP, but not as shown on the JLP allocation plan itself. It is likely that the intended area was 1.86ha in this regard. A comparison is considered useful.

3.2. Comparison

	Previous Approval 4909/16 Granted 21/06/2018 (outline with access)	Current Application DC/21/02956 (outline with access)	Allocation JLP (Reg 19 Latest under review)
			
No of Dwellings	38	44	38
No of Affordable Dwellings	13 secured	15 secured	35% = 13 sought
Site Area	1.86ha	2.88ha	1.86ha on map, but 2.62ha allocation text. Policy confirms this needs to be reviewed.

Density	20.43 dwellings per ha	15.28 dwellings per ha	20.43 or 14.5 dwellings per ha depending on text or map site area.
SuDS?	Yes, but elements not shown on the indicative plan and not demonstrated as achievable on plan. Would not be in accord to current guidance.	Yes, details prove SuDS can operate and shown on the indicative plan. Preference of SCC for fully open scheme is noted.	None secured via allocation and other policy only state when appropriate.
Open Space	 <p>Not secured. Indicative plan (only showing 19 of the 38 units approved) appears to show very limited open space likely available beyond landscape buffer and attenuation.</p>	 <p>Given the increased area, details of all 44 dwellings and SuDs, landscape and open space is more likely as demonstrated on indicative plan.</p>	None referenced / sought in allocation.
Obligations/ Condition	A. Junction improvements to Warren Lane with Church Road/Cross Street secured.	A. Junction improvements to Warren Lane with Church Road/Cross Street would be secured.	A. Junction improvements to Warren Lane with Church Road/Cross Street sought.
	B. Provision of passing places on Warren Lane secured.	B. Provision of passing places on Warren Lane would be secured.	B. Provision of passing places on Warren Lane sought.
	N/a	C. Contribution to change speed limit of Warren Lane would be secured.	N/a
	N/a	D. A pedestrian access to Cresmedow Way	N/a
	N/a	E. Early years new provision @ £20,508 per place. £82,032	N/a
	N/a	F. Secondary school transport £42,175	N/a

	N/a	G. Elmswell/Woolpit new footway/cycleway contribution @ £850 per dwelling. £37,400	N/a
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3.3. The previous approval is material, but this proposal is larger in site by around 1ha and increases the development by 6 units. While the number of units is slightly increased, the density of development drops significantly due to the greater area and with the prospect of a more open space, consideration of rural landscape character and SuDS compliant development demonstrated.

Policy Position

Stage 1 – What is the policy position.

3.4. Current Local Plan/Core Strat and Focussed Review: The current adopted local plan and the important policies for the provision of new (net gain) housing within the local plan area would not support housing in this location.

3.5. Neighbourhood Plan: Elmswell does not have an adopted Neighbourhood Plan.

3.6. Emerging Joint Local Plan JLP: The emerging joint local plan policy position is considered to support a development for part of the site given the allocation, but this is under review.

Stage 2 – What is the policy status, and which are most important for determining for the application?

3.7. The NPPF is a material consideration as national policy, and it has a bearing on the current development plan position. In summary, Para 11d provides “where the policies which are most important for determining the application are out-of-date”, permission shall be granted unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Accordingly, in examination of Para 11d we must ask if the Mid Suffolk policies important for determining the application are out of date?

There are essentially two criteria to judge this:

1) The NPPF provides under Para 11 footnote 7 that the LPA must have a deliverable housing supply in excess of 5yrs (with associated criteria). Currently the LPA complies with the provisions of footnote 7 and has a sufficient housing supply above requirements of the NPPF. On this basis the current Development Plan policies important for making this decision are not out of date.

2) The NPPF provides that new development plans need to accord with the NPPF to be considered sound (ref para 35 and other paras). There is no requirement stated in the NPPF that an “old” development plan policy must conform with the NPPF.

NPPF Para 11 footnote 7 provides the criteria for considering a development plan policy as out of date “includes” the housing supply as assessed under point 1) above. However, the word “includes” implies there might be other reasons for considering policies as out of date, but these are not stated under Para 11.

Therefore, we look elsewhere in the NPPF for any provision to consider the Development Plan as out of date. Para 213 suggests that one of the reasons to consider a development plan policy as out of date could be if adopted/made prior to the publication of the NPPF. However, it also provides that this may not necessarily be the case. It is taken that due weight should be given in terms of their degree of consistency with the NPPF to form this judgement and the full text of this paragraph is copied below.

Para 213 states “However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

3.8. On this basis it could be considered that the current development plan policies are out of date depending on the degree of consistency with the NPPF. If the development plan policies are judged to be so inconsistent to be out of date and these are the most important policies as a whole to judge the proposal, then the tilted balance to grant as set out in Para 11d(i)(ii) engages.

Stage 3 – Are the development plan policies consistent with the NPPF and what weight should be applied?

3.9. Inconsistent Policies which cannot therefore be given full weight:

Given the provisions of Para 213 we must consider the policies and judge their consistency with the NPPF and consider due weight in terms of the proposal. A number of appeal cases within the District have helpfully established a position on a number of policies. H7, CS1, CS2, CS5 as well as FC01 and FC01_1 that are the most important policies in terms of the principle of housing development in this proposal have been determined not to conform with the NPPF previously in a number of appeal cases that remain relevant (Woolpit Appeal APP/W3520/W/18/3194926 being one). Furthermore, policy H15 is not considered to be consistent with the NPPF nor should be given full weight as it sets prescriptive design requirement and a cap on density that could be considered to limit housing.

3.10. Consistent Policies which attract full weight:

GP1 as a general design policy has been previously judged at appeal (Woolpit Appeal APP/W3520/W/18/3194926) to be consistent with the NPPF and so is given full weight. H13 provides design criteria for housing development that is considered to accord to the design aspirations of the NPPF and so is considered consistent and given full weight. H16 and T10 seek to protect the amenity and highway safety and with consideration of the provisions of the NPPF are considered to be consistent and given full weight.

Stage 4 – Engagement of the Tilted Balance

3.11. Based on the assessment above given the inconsistent policies important for this application, the tilted balance is considered to engage. On this basis, despite any development plan position not to support the development, we must instead consider granting permission unless:-

Para 11D (i). the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;

or Para 11D (ii). any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

On this basis, we must look at these elements.

3.12. Firstly, Para 11D(i) is not considered to apply. Protected area or assets of particular importance are identified by Para 11D Footnote 6 and related to habitats sites, sites listed in NPPF paragraph 176, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change. None of these apply to this site.

3.13. Looking at Para 11D (ii) the NPPF advises that we should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Lastly, the definition of isolation in the context of this policy has been shown within court judgements to relate to physical isolation only. The subject land is not physically isolated, and it must follow that paragraph 79 of the NPPF does not engage.

Stage 5 – Impacts and Benefits considered against the policies of the NPPF.

3.14. The case officer has reviewed the NPPF as a whole and these elements are assessed within this report in the sections below. The NPPF seeks sustainable development taken as a whole and the principle of development in this location abutting a key sustainable centre for economic and social services is considered acceptable subject to the material considerations below. It is noted that there could be an aspect of sustainability that a development may not be able to achieve, but other aspects may be more significant and then on balance it is concluded to be sustainable.

4. Site Access, Parking And Highway Safety Considerations

4.1. Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.

4.2. Paragraph 111 of the NPPF confirms 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.

4.3. The main vehicular access will be to Warren Lane and pedestrian accesses to both Warren Lane and Cresmedow Way (a pedestrian access to Cresmedow Way was not included in the previous scheme). The Highways Authority does not object to the proposed access arrangement that is the same vehicular access as the previous approval for 38 dwellings. The proposal also includes a package of measures for improvements to Warren Lane/Church Road junction (included previously) as well as a further provision to extend the speed limit on Warren Lane to the south as the site access location coincides with the existing limit of the speed limit. This will reduce the speed limit for part of the road and was not secured previously for the 44 units now proposed. The access arrangements are considered safe and suitable for all users, consistent with paragraph 110 of the NPPF.

4.4. Sufficient parking and manoeuvring space is demonstrated in the indicative plan as possible and can avoid potential issues such as triple parking once reserved matters are put forward. There are no public rights of way affected.

4.5. The SCC obligations team has requested 106 monies for a range of matters and this has been updated since Committee to reflect the adopted “Babergh and Mid Suffolk CIL and S106 Guidance Note, September 2019”. Also, since the last committee there has been a significant change in the policy

position of the emerging local plan and this is under review. However, the housing allocations are to be reviewed much later and so are considered to have less weight at this time and do not conflict as they did previously with the requests sought by SCC. In this regard, your officers have reviewed the SCC obligations sought and agree to all requests including the cycle link monies given the further justification received.

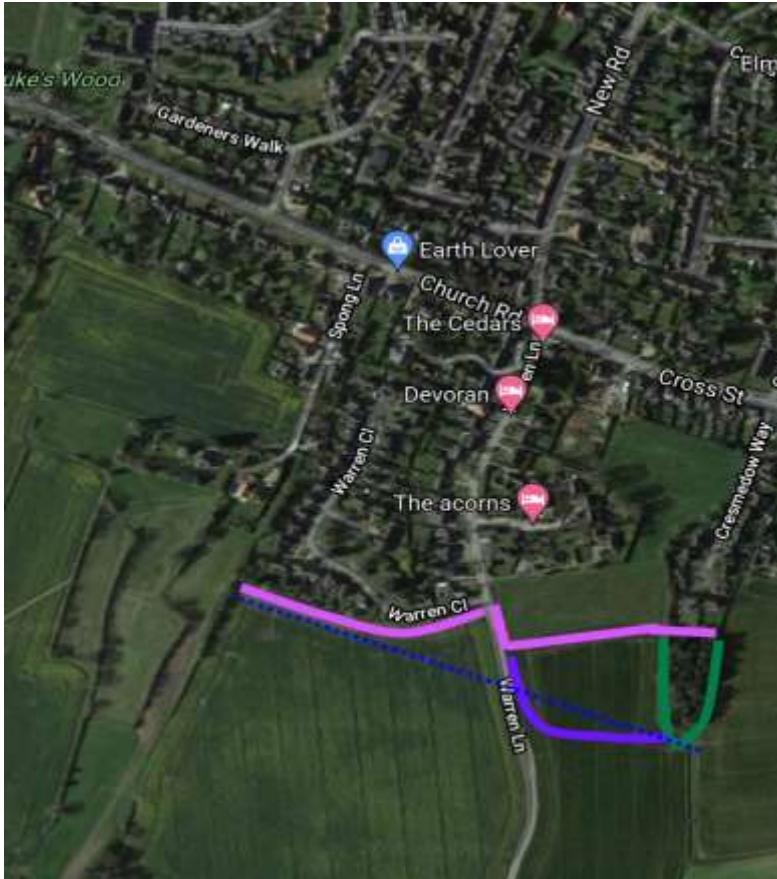
5. Design And Layout [Impact On Street Scene]

5.1. The indicative plan helpfully provides clear detail on layout to demonstrate that 44 dwellings can be accommodated that would have a low density, good landscaping buffers, reasonable distance from neighbours and considers the constraints of the site. Appearance and layout are reserved matters, but the principle of good design potential is demonstrated to be very achievable and more likely to be achieved compared to the smaller site area previously approved for similar numbers of dwellings. The scheme proposes a very low density of development, half that the Council's policy CS9 that seeks at least 30 dwellings per ha.

5.2. The purpose of indicative plans should be to demonstrate at least one arrangement that can in principle be possible to demonstrate the number of dwellings can be achieved and without significant detriment. It is considered that this is demonstrated in this case, especially given the unusual shape of the site. More land compared to the previous outline allows the development to move housing away from existing housing reducing risk of harm to amenity and increase open space provision within the site.

6. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

6.1. The development will extend further into the countryside than the previous approval for 38 units in terms of area. This is one of the points the Parish Council makes and is agreed. However, the proposal for 44 units does not extend past the woodland copse on the eastern boundary and is considered to be generally in line with parts of Warren Close.



View from Warren Lane to Warren Close (centre) and Site (right).



The edge of Warren Close.

6.2. Housing along Warren Close with little landscaping are seen the landscape for a long distance. Officers consider the previously approved development for 38, that also intrudes into the countryside, would likely be similar in landscape impact to those existing along Warren Close given the limited area for siting of the 38 units approved and reduced landscape potential. While the current proposal for 44

does intrude further, the proposal demonstrates the siting of all 44 dwellings as possible and could be set back from a significant landscape buffer at the same time. While this landscaping will need time to establish, this landscape and the space available for it will be able to blend the housing into the landscape. In conclusion, there is intrusion and change views for both the approved scheme and the proposal, but the planning harm to the landscape is considered less and opportunity for landscaping is far greater with this proposal and is considered a benefit. There are no objections in terms of trees matters or ecology given the current open field.

7. Land Contamination, Flood Risk, Drainage and Waste

7.1. The site is not in flood risk zone 2/3 and there are no known drainage, contamination or waste concerns for this site. SCC Flood Team have recommended a holding objection in respect their design preference of the SuDS scheme, but confirm that the SuDS proposals themselves are suitable.

Essentially their objection relates to two matters:-

1. Amend the proposed indicative surface water management scheme to utilise a full above ground open SuDS system for collection, conveyance, storage, and discharge (removing all potential pips and culverts), unless there is clear evidence why this is not appropriate for this site due to site constraints.

Provision of SuDS is a policy requirement under CS4 "The Council will seek the implementation of Sustainable Urban Drainage Systems into all new developments where technically feasible.". However, as yet the district does not have a policy requirement for elements of SuDS to be 100% open at this time. The SCC point is noted for consideration of ease of maintenance, but maintenance will be a private legal matter.

In this case, the scheme meets water quality and volume control criteria (cleaning runoff and releasing it at a slow rate so as not to increase off-site flooding or pollution) The shape of the site, levels, landscaping and consideration of distance to neighbours are all constraints and despite this the proposal is significantly open

2. Amend the cross sections to depict max side slopes of 1:4, 1.5m width benches and a 3 m maintenance strip

The side slope, depth, and bench annotations were added to drawing ZC331-PL-SK-301 revision P01 and uploaded to the application 13/08/2021. It should be noted that the maintenance strip around the top of the basin incorporates a road and is therefore in excess of 3 m wide.

In conclusion, the details at outline stage are considered to be sufficient to determine the principle of development and flood risk can be adequately mitigated in principle.

8. Impact On Residential Amenity

8.1 There is nothing in the application that suggests the residential amenity of neighbouring residents would not be appropriately safeguarded and can be addressed as needed in the layout, scale and appearance as reserved matters. The previously approval for 38 already included the land nearest to existing residents and while this includes additional land, this is further from existing residents. The additional land provides opportunity to better distancing from existing residents than the previous approval would have likely achieved and so is considered overall to be an improvement in this regard.

9. Biodiversity

9.1 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.

9.2 Officers consider that the site exhibits limited ecological value, attributed to the position of existing development and physical characteristics of the site. The residential use and scale of the development is such that lighting will be limited and of a typically domestic nature and for much of the site has been approved previously.

10. Conclusion

10.1 The development plan when taken as a whole does have some policies that prevent development in the countryside (Local Plan and Core Strat), but these important policies for determining the application are deemed out-of-date. Irrespective of Council's five year housing supply position, the weight to be attached to these policies has to be commensurately reduced and the default position at paragraph 11d of the NPPF engages.

10.2 The adverse effects of granting planning permission are insignificant, outweighed by the scheme benefits, most notably the improved landscape character outcome and improved potential for a suitable low density scheme for this location. Accordingly, the proposal would deliver sustainable development.

RECOMMENDATION

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

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure. (Officers may consider it appropriate to change requirement to form a planning condition on any further legal advice):

- Affordable housing 35%
- Properties shall be built to current Housing Standards Technical requirements March 2015 Level 1. All ground floor 1 bed flats to be fitted with level access showers, not baths.
- The council is granted 100% nomination rights to all the affordable units on initial lets and 75% on subsequent lets
- All affordable units to be transferred freehold to one of the Councils preferred Registered providers.
- Adequate parking provision is made for the affordable housing units including cycle storage for all units.
- Commuted sum option available to be paid instead of on site provision should the LPA agree to such request.

- On site open space and includes management of the space to be agreed and requirement for public access at all times.
- Junction improvements to Warren Lane with Church Road/Cross Street would be secured.
- Provision of passing places on Warren Lane would be secured.
- Contribution to change speed limit of part of Warren Lane would be secured.

- A cycle/pedestrian access to Cresmedow Way and Warren Lane would be secured
- Early years new provision @ £20,508 per place. £82,032
- Secondary school transport £42,175
- Elmswell/Woolpit new footway/cycleway contribution @ £850 per dwelling. £37,400

(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:

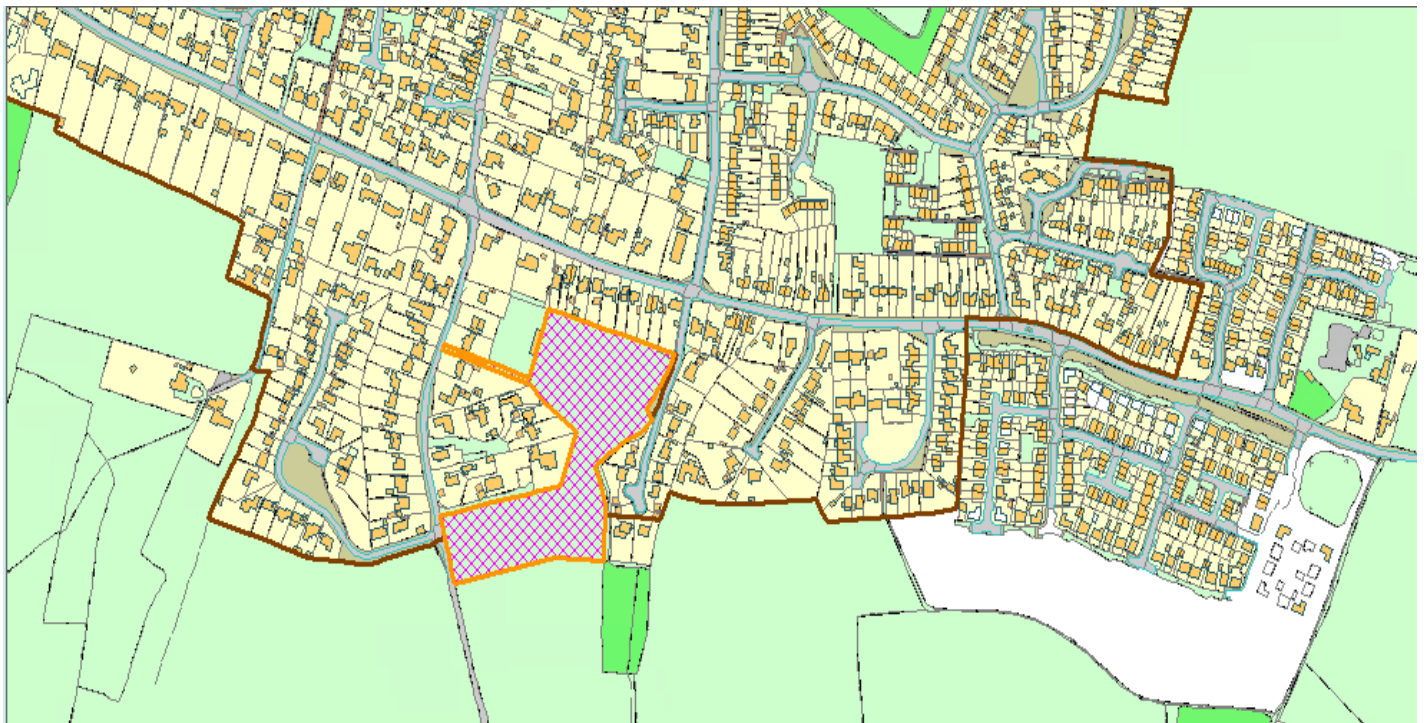
- 1) Standard time limit (Outline and Reserved Matters)
- 2) Approved Plans (Plans submitted that form this application)
- 3) Phasing Condition (To allow phasing of the development and allows spreading of payments under CIL)
- 4) Swift/Bat and/or Owl boxes installation scheme to be agreed for each dwelling/building
- 5) A scheme for Bee bricks shall be agreed for the development.
- 6) Hedgehog fencing scheme to be agreed (Concurrent with reserved matters)
- 7) Provision for a composting bin for each dwelling shall be provided
- 8) SuDS conditions
- 9) Market mix of dwellings to be agreed, including no of bed and space standards prior to or concurrent with reserved matters to be agreed
- 10) Energy, Water and Resource scheme to be agreed (Concurrent with reserved matters)
- 11) Rainwater harvesting for each separate building to be agreed
- 12) Construction Plan including operation hours of work to be agreed.
- 13) A scheme of level access, to enable wheelchair access for all dwellings/buildings (Concurrent with reserved matters).
- 14) Highways - Before the access is first used visibility splays shall be provided as shown on Drawing No.S761/240/A and no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 15) Highways - The layout to be agreed at reserved matters shall avoid the create of triple parking for each dwelling/building.
- 16) Ecology - All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Assessment (Ecology Solutions Ltd, May 2021),
- 17) Ecology - A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecological Assessment (Ecology Solutions Ltd, May 2021).
- 18) Ecology - A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority.
- 19) Contamination – Development shall accord to Phase I Report by Nott Group (ref : 73100/R/001 dated 6/5/21) submitted with the application.
- 20) Removal of permitted development (extensions and alterations)
- 21) Programme of Archaeology Works
- 22) Provision of fire hydrants

(3) 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 ground

Application No: DC/21/02956

Parish: Elmswell

Location: Land East of Warren Lane and West of Cresmedow Way, Elmswell, Suffolk



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Agenda Item 7b

Committee Report

Item No: 7B

Reference: DC/22/04002

Case Officer: Daniel Cameron

Ward: Elmswell & Woolpit.

Ward Member/s: Cllr Helen Geake. Cllr Sarah Mansel.

RECOMMENDATION – DELEGATE AUTHORITY TO THE CHIEF PLANNING OFFICER TO GRANT HYBRID PLANNING PERMISSION SUBJECT TO CONDITIONS ONCE ISSUES AROUND ECOLOGY AND LANDSCAPING ARE RESOLVED.

Description of Development

Hybrid Application. Full planning Application for B8 storage and E(g) office uses for Land Parcels 4 and 5. Outline Planning Application for B2 light industrial, B8 storage and E(g) office uses for Land Parcel 6.

Location

Land At Lawn Park Business Centre, Warren Lane, Woolpit, IP30 9RS

Expiry Date: 09/11/2022

Application Type: FUL - Full Planning Application

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

Applicant: C & K Smith

Agent: Mr James Bailey

Parish: Woolpit

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/22/00404)

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 nature of the application.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

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

Core Strategy Focussed Review (2012)

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

Core Strategy (2008)

CS01 - Settlement Hierarchy
CS02 - Development in the Countryside & Countryside Villages
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment

Local Plan (1998)

GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
CL02 - Development within special landscape areas
CL08 - Protecting wildlife habitats
E02 - Industrial uses on allocated sites
E03 - Warehousing, storage, distribution and haulage depots
E04 - Protecting existing industrial/business areas for employment generating uses
E06 - Retention of use within existing industrial/commercial areas
E08 - Extensions to industrial and commercial premises
E10 - New Industrial and commercial development in the countryside
E12 - General principles for location, design and layout
T09 - Parking Standards
T10 - Highway Considerations in Development

Neighbourhood Plan Status

This application site falls within the Woolpit Neighbourhood Plan which was formally adopted on 31st October 2022. Accordingly, the Woolpit Neighbourhood Plan enjoys full material weight. In particular attention is drawn to the following policies which will be discussed in further detail within the relevant sections of the report below:

Policy WPT6 – Location and Sustainability of Business Sites
Policy WPT11 – Settlement Gaps and Key Views

Consultations and Representations

[Click here to view Consultee Comments online](#)

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)

Elmswell Parish Council Comments Received 27th September 2022

Elmswell Parish Council objects to this application for the following reasons:

1. The Proposal seeks to impinge on the adjacent Listed properties at Lawn Cottage and Lawn Farmhouse to the detriment of their setting and to the enjoyment of those occupying them. Previous attempts to develop this site have failed, including at Appeal, on these grounds.
2. The doubling of employees which would result should this application succeed will exacerbate the existing problems as these people travel by car to and from work along the inadequate roads in Woolpit village as well as down the single-track Warren Lane in Elmswell.
3. The resultant nuisance and pollution, including light pollution, from a dramatic increase in industrial activity on the site adjacent to the growing built-out residential mass of Woolpit runs counter to NPPF strictures on sustainability.

Wetherden Parish Council Comments Received 20th September 2022

No comments for the above planning application.

Woolpit Parish Council Comments Received 7th September 2022

Woolpit Parish Council objects to this application on the following grounds:

This industrial site will be immediately adjacent to the Grade 2 listed properties of Lawn Farmhouse and Lawn Cottage and will be severely detrimental to their setting and to the quality of life of occupants of these dwellings and of neighbouring houses.

On several occasions applications and appeals for 5 dwellings on the former farmyard /scaffolding site have been refused because of the proximity to these listed buildings.

Some 300 people are employed on this site, and this will rise to some 600 when all the land available is developed. It will not be possible to control their travel routes to and from work and many already pass through the already narrow Warren Lane, Wood Road and Borley Green then onto congested Heath Road by the School and Health Centre or travel along equally unsuitable roads to access the A14 via Elmswell.

There is no public transport or safe cycle or pedestrian access to the site.

There is much more light pollution from the existing development than was expected and we can only expect more. This is detrimental to both human and animal life

There will be loss of habitat for birds of prey and the animals they rely on.

Suffolk is a rural county. This proposal will add to the urbanization of farmland alongside the A14 and contribute to the feel of driving through a ribbon of development. Industrial development should be confined to the designated areas near the major towns.

Woolpit is the fourth largest centre of commercial development in Mid Suffolk and its proximity to the A14 encourages workers to travel large distances to work. Additional employment areas should be located on already existing sustainable sites near centres of population with public transport and lower travel-to-work distances.

If the application is approved the following requirements should be incorporated:

1. In order to encourage sustainable travel to work, a footbridge should be provided over the A14 to give pedestrian/cycling access to the site from Old Stowmarket Road or from Warren Lane south.
2. An HGV ban should be placed on Warren Lane and Wood Road together with the imposition of other measures to discourage workers private vehicles using these roads.

Officer's note that Haughley Parish Council was consulted in response to this application, however, no response was received.

National Consultee (Appendix 4)

Anglian Water Comments Received 17th August 2022

No connection to Anglian Water sewers is proposed as part of the development. Therefore, Anglian Water have no comments.

Historic England Comments Received 17th August 2022

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers.

National Highways Comments Received 15th August 2022

Referring to the planning application referenced above, dated 15 August 22, notice is hereby given that National Highways formal recommendation is that we recommend that planning permission not be granted for a specified period.

Further National Highways Comments Received 24th November 2022

Referring to the planning application referenced above, dated 15 August 22, notice is hereby given that National Highways formal recommendation is that we recommend that planning permission not be granted for a specified period.

Final National Highways Comments Received 7th December 2022

Referring to the planning application referenced above, dated August 22, notice is hereby given that National Highways formal recommendation is that we offer no objection.

County Council Responses (Appendix 5)

SCC Archaeological Service Comments Received 19th August 2022

This site lies in an area of archaeological potential recorded on the County Historic Environment Record. Trenched Evaluation (MOLA, 2018) identified two trenches in the south-eastern most extent of the site which contained undated deposits of extensive burnt debris that contained substantial quantities of fire cracked flint. As a result, there is high potential for the discovery of further below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development will likely damage or destroy any archaeological remains which exist.

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 205), 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 Fire and Rescue Service Comments Received 6th September 2022

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.

Water Supplies

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 derived from the provision of an automatic fire sprinkler system.

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Sprinklers Advised

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

Consultation should be made with the Water Authorities to determine flow rates in all cases.

SCC Flood and Water Team Comments Received 23rd August 2022

The following submitted documents have been reviewed and we recommend a holding objection at this time:

- Site Location Plan Ref 175/2022/03 P2
- Site Layout Plan Ref 175/2022/07 P3
- Flood Risk Assessment and Drainage Strategy Ref 175/2022/FRADS P1

A holding objection is necessary because whilst the LLFA is generally happy with the level of detail for the outline application (plot 6), the level of detail provided for the full application (plots 4 & 5) is not sufficient and only indicative. The LLFA recommends full and final detailed design is submitted for the full application.

Further SCC Flood and Water Team Comments Received 26th October 2022

The following submitted documents have been reviewed and we recommend maintaining holding objection at this time:

- Site Location Plan Ref 175/2022/03 P2
- Site Layout Plan Ref 175/2022/07 P3
- Flood Risk Assessment and Drainage Strategy Ref 175/2022/FRADS P2
- Email from Applicant to LPA 2nd September 2022

A holding objection is necessary because whilst the LLFA is happy with the level of detail for the outline application (plot 6), the level of detail provided for the full application (plots 4 & 5) is sufficient, but additional information is required relating to the landscaping and establishment of the SuDs features.

For plots 4&5 it is recommended that a landscaping and establishment plan detailed for the first five years for all SuDs features be provided unless the LPA is minded to condition this requirement.

SCC Highways Team Comments Received 3rd November 2022

Notice is hereby given that the County Council as Highways Authority does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the adopted highway.

Please note: It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

SCC Travel Planning Team Comments Received 15th August 2022

No comment on this application.

Internal Consultee Responses (Appendix 6)

Economic Development Comments Received 14th September 2022

Economic Development fully supports this application.

This development brings forward a further phase of a now established and successful employment site, well located for the A14, a recognised driver for growth in the district and region.

There is an undersupply of suitable modern business accommodation available locally, this development will be supportive of this need, providing opportunity for businesses wishing to grow and to locate within the district and adjacent to the A14.

Environmental Health – Air Quality Comments Received 31st August 2022

This application does not meet the criteria for requiring an air quality assessment, and I have no objections with regard to air quality.

Environmental Health – Land Contamination Comments Received 20th September 2022

Many thanks for your request for comments in relation to the above application. Having reviewed the Phase I report by Norfolk County Laboratories I can confirm that I agree with the findings of the report that the risks from the former uses of the site are low. The report recommends that additional sampling is undertaken to confirm the low risk however I feel that it would not be necessary for these to be undertaken by means of condition. I therefore have no objection to the proposed development from the perspective of land contamination.

Should the developer wish to undertake the precautionary works then we would be willing to review their findings but this would be outside of the planning framework.

Environmental Health – Noise, Odour and Smoke Comments Received 5th September 2022

Plots 4 & 5

Lighting - I am not satisfied that the lighting diagram considered light intrusion to neighbouring residential premises. The Kingfisher plan dated 04/05/2022 clearly states that for light trespass they were unable to calculate this but also indicate that this passed.

I require clarification that this has been considered. I shall also require that the submitted scheme shall include a polar luminance diagram (based on the vertical plane and marked with 1,2,5,10 lux contour lines at the windows of the nearest residential premises).

Noise - The consultant has made some assumptions with regards to a 1.8 m close board fence being installed. The Nova Acoustic reports ref: 7709CK -v2 and CK7710-V2 dated 08/06/2022 appear to be robust and consider site vehicle movements and activities at both plots.

The reports author also makes the following recommendations regarding mitigation:
closed board acoustic fence has been should be installed along the eastern perimeter of the proposed development as per Appendix C. - A noise management plan should be implemented, and all staff trained on noise reduction processes. The findings of this report will require written approval from the Local Authority prior to work

Based on the reports for the full application, I recommend the following conditions is added to any permission granted for plots 4 and 5:

- Limit on external noise levels.
- Noise management plan to be agreed.
- Operating hours to be limited to 06:00 – 18:00 weekdays, 06:00 – 15:00 Saturdays, none at all on Sundays and public holidays.
- Acoustic fencing to be erected as specified within submitted acoustic report.

Plot 6

I am unable to see any supporting documents in terms of noise/light/odour/smoke for this plot within the application documents. As such I am unable to recommend that this hybrid application is approved due to insufficient supporting evidence.

Further Environmental Health – Noise, Odour and Smoke Comments Received 31st October 2022

I am now satisfied that the Tetra Tech report ref: 784-B042059 dated 23 September 2022 revision 1 addresses the questions I raised and demonstrates that the levels at the nearby residential premises from plots 4 and 5 will be within the ILP guidance levels. I would still require the previously suggested conditions to be added to any permission granted for these plots.

I am still unable to see any noise impact assessment from this plot or other supporting documents with regards to Plot 6.

Officers note that as the application on Plot 6 is made in outline only, such additional details would not usually be present at this stage in the application, given the spread of final uses sought, it is considered that a more appropriate time to require this information would be on submission of any reserved matters application as the required reports could then be varied to suit the end user of Plot 6.

Environmental Health – Sustainability Comments Received 25th August 2022

Many thanks for giving me the opportunity to comment on the Application. I have reviewed the available documents and request that a condition be applied to secure a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development which shall be submitted to and approved, in writing, by the Local Planning Authority.

Place Services – Ecology Comments Received 17th October 2022

Holding objection due to insufficient ecological information on European Protected Species (Great Crested Newt).

Officers note that previous development on site has taken place in line with Natural England's District Level Licencing scheme whereby development impacts are offset through the creation of off-site habitat creation for Great Crested Newts. It is understood that a similar approach would be taken here. Consultation on additional information in this regard is being undertaken with Place Services – Ecology and an update is to be reported at committee.

Place Services – Landscaping Comments Received 5th September 2022

Full application – Parcels 4 and 5

The full application is supported by the Landscape and Visual Impact Assessment, Arboricultural Report and Landscape Strategy drawing.

The Landscape and Visual Impact Assessment (LVIA) has been carried out in line with the principles set out on the third edition of "Guidelines for Landscape and Visual Impact Assessment"(GLVIA3) and includes an assessment of landscape and visual receptors. This report has been undertaken following the development of two parcels of land to the north of the site under granted permission DC/18/01279. We are generally in agreement with the baseline findings of the report, however there is a lack of detail provided with regards to the proposed layout of parcels 4 and 5, only details of the proposed small office building have been submitted therefore we are unable to assess if the likely visual and landscape character effects on the site and surrounding landscape have been adequately considered.

Given the site sensitivities and visibility we would recommend that a number of type 3 wireframe visualisations should be produced to demonstrate that effect of the development have been minimised; by considering the mass and location of the built form and that any proposed vegetative screening has been located for maximum effect. Therefore, we reserve judgement until further details of the buildings and layout have been submitted.

The Arboricultural Report fails to include details, location or protection measures for the areas of native species planting undertaken as part of the mitigation measures for DC/18/01279.

The Landscape Strategy focuses on the location of the proposed structural planting, though provides insufficient details of species, hard landscaping or boundary treatment. The indicated swales and SuDS are welcome, though also require further details regarding their visual appearance, management and maintenance.

Outline application – Parcel 6

The outline application is supported by the Arboricultural report and Landscape Strategy drawing (see above comments), the submitted LVIA does not include this parcel.

No details, indicative location or layout has been provided therefore we are unable to provide any further comment at this stage.

Summary

Considering the above, we recommend that a holding objection be placed until such time that further details are submitted and agreed. The holding objection is a temporary position to allow reasonable time for the applicant and the LPA to discuss what additional information is required to overcome the concern(s). If minded for approval, we would be happy to suggest some appropriately worded landscape conditions for use as part of any granted permission. Should you have any queries please feel free to contact me.

Officers note that additional information is being sought from Place Services – Landscaping to ensure the nature of the application is fully understood with regards to the open-air storage use of plots 4 and 5 and to gain further detail on the nature of additional information required or, should additional information not be required, to enquire to any planning conditions they would want to see imposed. Again, an update shall be reported at committee.

Public Realm Team Comments Received 26th August 2022

Thank you for consulting Public Realm on this application. Public Realm officers have no comment to make.

Waste Management Team Comments Received 1st September 2022

No objection subject to conditions to ensure that the development is suitable for a 32 tonne Refuse Collection Vehicle (RCV) to manoeuvre around the site to make collections from the businesses. Please provide plans of the waste storage facilities for the business units/offices, these must be sufficient capacity to accommodate all the waste types to be collected and appropriate segregation. Details of storage compounds requirements can be located within the waste guidance on table 6. A dropped curb should always be used to enable safe manoeuvrability of the bins from the compound/storage area to the RCV.

B: Representations

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

Views are summarised below:

- Impact on listed properties contrary to policy HB1 and paragraphs 201 and 202 of the NPPF.
- Noise and light pollution associated with site likely to increase as a result of the works. Proposed landscaping will not adequately shield the neighbouring properties from light and noise pollution.
- Intensification of the use of the highway, particularly by lorries and HGVs.
- Removal of trees will lead to a loss of ecological habitat.
- Development does not accord with Development Plan, particularly policy E10. There is no overriding need for the development to be located within the countryside and will lead to a loss of farmland.

(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: 4422/16	Screening Opinion for proposed industrial development of Lawn Farm.	DECISION: EIA 29.11.2016
REF: DC/17/04953	Planning Application - Erection of two storage buildings for the use by Suffolk Lowland Search and Rescue	DECISION: GTD 24.01.2018
REF: DC/17/04954	Planning Application. Erection of a single storey extension	DECISION: GTD 10.01.2018
REF: DC/18/01279	Hybrid Application. (1) Erection of 2No warehouses, 2No offices, creation of car parking and storage yards, landscaping,	DECISION: GTD 24.08.2018

sustainable urban drainage system, infrastructure and highway improvements. (2) Outline Planning Application. (Access and Landscaping to be considered) for erection of 1No warehouse, erection of an office and associated car parking and storage yard.

REF: DC/18/04293	Discharge of Conditions Application for DC/18/01279- Condition 8 (Programme of Archaeological Work), Condition 9 (Site Investigation and Post Investigation Assessment), Condition 10 (Construction Environmental Management Plan), Condition 15 (Farmland Bird Mitigation Strategy) and Condition 18 (Biodiversity Enhancement Strategy)	DECISION: GTD 27.03.2019
REF: DC/18/04409	Discharge of Conditions Application for DC/18/01279- Condition 23 for Full (Construction Surface Water Management Plan) and Condition 27 for Outline (Construction Surface Water Management Plan)	DECISION: REF 05.03.2019
REF: DC/19/00550	Planning Application - Erection of a B1 commercial building for use in association with new Suffolk Lowland Search and Rescue base.	DECISION: GTD 21.03.2019
REF: DC/19/01603	Discharge of Conditions application for DC/18/01279 - Condition 7 - Landscaping Scheme	DECISION: GTD 16.04.2019
REF: DC/19/02099	Discharge of Conditions Application for DC/18/01279 - Condition 4 (Visibility Splays), Condition 5 (Access), Condition 19 (Landscape and Ecological Management Plan), Condition 31 (Route Management) and Condition 34 (Sign Modification)	DECISION: GTD 24.07.2019
REF: DC/19/02339	Hybrid Application - Full Planning Application for conversion of cartlodge to residential dwelling and Outline Planning Application (some matters reserved) - Erection of 3no. dwellings and details for access and layout (following demolition of storage buildings).	DECISION: REF 30.07.2019
REF: DC/19/03361	Discharge of Conditions Application for DC/18/01279 - Conditions 6 (Highways-Surface Water Discharge), Condition 12	DECISION: GTD 13.01.2020

(Surface Water Design), Conditions 13 (SuDS Details) and Condition 23 (Construction Surface Water Management Plan).

REF: DC/19/03500	Application under Section 73 of the Town & Country Planning Act, Permission: DC/18/01279 without compliance with condition 7 (Landscaping Scheme) to relocate a landscape bund	DECISION: GTD 12.02.2020
REF: DC/19/03851	Outline Planning Application (some matters reserved -access and landscaping to be considered) for development comprising of a mixture of B1/B2/B8 uses.	DECISION: GTD 20.02.2020
REF: DC/20/00233	Submission of details under Outline Planning Permission DC/18/01279 - Appearance, Layout and Scale for erection of 1no. warehouse, erection of an office and associated car parking and storage yard.	DECISION: GTD 01.04.2020
REF: DC/20/01416	Discharge of Conditions Application for DC/18/01279- Condition 16 (Construction Environmental Management Plan), Condition 17 (Farmland Bird Mitigation Strategy), Condition 24 (Surface Water Drainage Scheme), Condition 25 (Surface Water Drainage Implementation, Maintenance and Management) and Condition 27 (Construction Surface Water Management Plan)	DECISION: GTD 27.05.2020
REF: DC/20/02823	Planning Application. Erection of self contained B1 commercial units (4No.) and a proposed A1 commercial unit.	DECISION: GTD 02.10.2020
REF: DC/20/03548	Hybrid Application - Full Application for conversion of existing building into a dwelling and Outline Application (some matters reserved, access and layout to be considered) for erection of 5 no new dwellings.	DECISION: REF 03.11.2020
REF: DC/20/05069	Application under S73a to vary or remove a condition relating to DC/19/00550 dated 21/03/2019. Town and Country Planning Act 1990 to vary (Condition 2 Approved Plans and documents) - to facilitate building to be split into two class E units, as no longer to be used in association with Suffolk Lowland Search and Rescue as a new base.	DECISION: GTD 11.02.2021

REF: DC/20/05871	Planning Application. Erection of 2No self contained commercial units E(g), 1No retail unit E(a) and 1No restaurant E(b). (Alternative to scheme granted under DC/20/02823)	DECISION: GTD 16.02.2021
REF: DC/21/01481	Submission of Details (Reserved Matters) Application relating to DC/19/03851. Appearance, Layout and Scale for development comprising of a mixture of B1/B2/B8 uses. Relocation of the vehicle maintenance and service depot, including bodywork, accident and paint repairs, and associated buildings. Provision of landscaping and drainage.	DECISION: GTD 07.05.2021
REF: DC/21/03061	Discharge of Conditions Application for DC/19/03500- Condition 23 (SUDS Implementation) and Condition 27 (Decentralised Energy)	DECISION: GTD 22.06.2021
REF: DC/21/03565	Discharge of Conditions Application for DC/19/03500- Condition 5 (Surface Water) and Condition 28 (Route Management)	DECISION: GTD 24.06.2021
REF: DC/21/04524	Application for a Non Material Amendment relating DC/21/01481 - Additional roof vents added; ducting amended; rooflights relocated; doors and windows relocated; truck wash amended; environmental station relocated; and a smoking shelter added. Full details are set out in the covering letter.	DECISION: GTD 09.09.2021
REF: DC/21/06430	Application for a Non Material Amendment relating to DC/21/01481 - Additional roof vents added; ducting amended; retaining embankment; alterations to surface water attenuation pond; and a reduction in car parking. Full details are set out in the covering letter.	DECISION: GTD 10.12.2021
REF: DC/21/06542	Application for Discharge of Conditions for DC/19/03851- Condition 3 (Construction Phase Management), Condition 7 (Surface Water Drainage), Condition 9 (Landscaping), Condition 12 (Environmental Management Plan) and Condition 16 (Construction Management)	DECISION: GTD 17.02.2022

REF: DC/21/06933	Discharge of Conditions Application for DC/19/03851- Condition 11 (Sustainability Measures)	DECISION: GTD 26.01.2022
REF: DC/22/00144	Application under Section 73 of The Town and Country Planning Act following grant of Planning Permission DC/20/05871 for Variation of Condition 2 (Approved Plans and Documents) in order to reposition one of the approved buildings to avoid a gas main.	DECISION: GTD 21.02.2022
REF: DC/22/00638	Planning Application - Erection of 1no Class E(g) commercial building	DECISION: GTD 04.04.2022
REF: DC/22/01735	Discharge of Conditions Application for DC/19/03851- Condition 13 (Landscape and Ecological Management Plan) and Condition 14 (Biodiversity Enhancement Strategy)	DECISION: GTD 19.07.2022
REF: DC/22/02992	Application for approval of Reserved Matters (Appearance, Layout and Scale) and Discharge of Conditions 5 (Noise Impact Assessment), 6 (Lighting Assessment), 7 (Surface Water Drainage Scheme), 8 (SUDS Components/Piped Networks), 10 (Provision of Parking and Turning), 12 (Construction Environmental Management Plan), 13 (Landscape and Ecological Management Plan), 14 (Biodiversity Enhancement Strategy), and 15 (Wildlife Sensitive Lighting Design Scheme) pursuant to Outline Planning Permission DC/19/03851 dated: 20.02.2020 - Use of land for B8 and E(g) uses including construction of hard standing area to facilitate storage, and erection of an office block.	DECISION: WFI 08.07.2022
REF: DC/22/04086	Discharge of Conditions Application for DC/22/02993 - Condition 3 (Hours of Illumination)	DECISION: WFI 17.08.2022
REF: DC/22/04216	Planning Application - Erection of Hot Food Takeaway with Office above (revised application following permission DC/22/00144)	DECISION: GTD 18.10.2022
REF: DC/22/04479	Planning Application. Erection of 1No Class E(g) commercial building (revised application following planning permission granted under reference DC/22/00638)	DECISION: GTD 21.11.2022

Revised position and size (Permission DC/22/00638 will not be constructed)

REF: DC/22/04909	Planning Application - Change of use of land and buildings from scaffolding business to scaffolding/mobile plant/vehicular hire business.	DECISION: PCO
REF: DC/22/04979	Discharge of Conditions Application for DC/19/03851 - Condition 8 (SUDS Component/Piped Networks)	DECISION: GTD 23.11.2022
REF: 4422/16	Screening Opinion for proposed industrial development of Lawn Farm.	DECISION: EIA 29.11.2016
REF: 2754/13	Proposed change of approved use of existing building from cafe use (Class A3) to office use (Class B1) and alterations to vehicle parking and turning area	DECISION: GTD 13.11.2013
REF: 3325/11	Application for a non-material amendment following a grant of planning permission 0668/10 - Removal of existing portacabins, toilet block and unauthorised hardstanding and erection of new cafe building with associated separate access and egress, turning area, parking and landscaping. Change of hard surfacing material for lorry parking bays from tarmac to concrete.	DECISION: GTD 20.10.2011
REF: 0668/10	Removal of existing portacabins, toilet block and unauthorised hardstanding and erection of new cafe building with associated separate access and egress, turning area, parking and landscaping.	DECISION: GTD 24.03.2011
REF: 1226/09	Environmental Scoping Opinion for proposed strategic lorry park and associated road services	DECISION: EIA 13.08.2009
REF: 1522/09	New cafe building, associated parking & landscaping	DECISION: REC
REF: 3870/08	Screening Opinion	DECISION: EIA 25.11.2008
REF: 0067/08/EQ	Proposed lorry park	DECISION: REC
REF: 1538/04/	REPOSITIONING OF CAFE AND TOILET FACILITIES TOGETHER WITH ASSOCIATED PARKING	DECISION: GTD 12.05.2005

REF: 0567/95/	LAYOUT OF PICNIC AREA, CAR PARK AND STATIONING OF MOBILE CATERING UNIT AND ANCILLARY WORKS; ALTERATION TO EXISTING VEHICULAR ACCESS.	DECISION: GTD 15.08.1995
REF: 0019/96/A	THIS IS A SPLIT DECISION - SEE A/19/96/A AND A/19/96/R	DECISION: WDN 04.12.1996
REF: 0887/96/	RETENTION OF PORTABLE CATERING UNIT, STATIONING OF TOILET ACCOMMODATION AND PRIVATE FOUL SEWAGE SYSTEM.	DECISION: GTD 27.11.1996
REF: 1717/17	Application for Outline Planning Permission for the conversion of brick outbuilding to form a dwelling and the erection of 3no. new dwellings following demolition of storage buildings	DECISION: REF 06.11.2017
REF: 0567/17	Erection of new dwellings	DECISION: ECP 09.02.2017
REF: 4422/16	Screening Opinion for proposed industrial development of Lawn Farm.	DECISION: EIA 29.11.2016
REF: 0611/16	External and internal alterations as specified in Design, Access and Heritage Statement. (Retention of)	DECISION: GTD 16.09.2016
REF: 1150/14	Variation of Condition 9 of planning permission 2396/09 (working hours) "Change of use and alterations to agricultural buildings to be used as scaffolding company storage, office and staffroom" to vary the hours of the permitted use to between the hours of 0600 -1800 Monday to Friday and between the hours of 0700 -1500 Saturday	DECISION: REF 05.06.2014
REF: 0489/14	Certificate of existing lawful development: Erection of kennels.	DECISION: LU 21.07.2014
REF: 1156/13	Retention of stabling, kennels and menage.	DECISION: DIS 26.06.2014
REF: 0876/10	Regularise demolition of wall; remove tie beams; replace part of roof structure; replace missing wall bricks; repair and repoint brick wall cracks; remove brick and concrete floor and install new floor; replace internal door; inject chemical DPC; insert 5	DECISION: GTD 13.08.2010

new rooflights and 3 new window openings;
clad part of external walls; install kitchen
and WC.

REF: 2396/09	Change of use of and alterations to agricultural buildings to be used as scaffolding company storage, office and staff room.	DECISION: GTD 12.11.2009
REF: 1226/09	Environmental Scoping Opinion for proposed strategic lorry park and associated road services	DECISION: EIA 13.08.2009
REF: 0757/09	Change of use from B1 to B8 - Scaffolding distribution, storage with office facility.	DECISION: REC
REF: 0067/08/EQ	Proposed lorry park	DECISION: REC
REF: 2080/06	Conversion and change of use of outbuildings to B1 office use and erection of garage and store.	DECISION: GTD 24.01.2007

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1 Lawn Farm Business Park is located to the south of the village of Elmswell and east of the village of Woolpit. The villages of Haughley and Wetherden are located further east of the site. The wider site is a roughly triangular parcel of land set to the immediate north of the A14 and to the immediate west of Warren Lane and Wood Road as they travel towards Borley Green. At present, Bacton Transport Services, PreCon Products and TruckEast are all located on the site. A small group of black weatherboarded buildings are arranged to the immediate east around The Hungry Stag Café.
- 1.2 Two listed buildings are notable within the immediate surrounding area. Lawn Farmhouse and Lawn Cottage are both Grade II listed, and which were previously involved in agriculture although that use has since ceased with Lawn Farmhouse now utilised by a scaffolding company.
- 1.3 Historic England gives the following list descriptions for the two properties:
Lawn Farmhouse - II Farmhouse, late C17. Red brick in Flemish bond, with old colourwash. A band at 1st floor and a dentil course beneath the eaves; parapet gables. Concrete plain tiled roof with axial C17 chimney of red brick. 2 storeys. 3 windows. C19 3-light casements with transoms, and at ground storey with chambered heads. C19 6-panelled entrance door with a canopy on console brackets. A C18 rear service wing on 2 storeys: red brick with similar details, but with flint fabric at the rear. Hipped plain tile roof. Ovolo-moulded first floor beams to earlier range.

Lawn Cottage - II House, probably C17 with C19 alterations. 1 storey and attics. 3-cell lobby-entrance plan. 3 windows. Timber-framed, encased in mid C19 red-brick. Glazed pantiled roof, once thatched; axial chimney, the shaft rebuilt in C19 red brick. C19 raking casement dormers. C19 3-light small-pane casements with chambered heads. C20 gabled entrance porch, boarded and battened door.

- 1.4 A non-listed dwelling is noted to lie between the two listed buildings and is identified as Lawnswood.
- 1.5 A public right of way crosses through the site running roughly north to south following the route of internal roads within the site. No landscape designations affect the site itself although the dense woodland to the immediate east of Warren Lane is part of a special landscape area.
- 1.6 Planning history on the site is complex with most of the site already benefiting from planning permission for use as B1 office, B2 light industrial and B8 storage uses. It should be noted that changes introduced in 2020 altered the Use Class Order, such that B1 uses became Class E uses with office use specifically falling under Use Class E(g), hence the description of development sought and the difference between this application and the older permissions on the site. The older permissions are set out within the table below:

Ref.	Description	Decision
DC/18/01279	Hybrid application. (1) Erection of 2no. warehouses, 2no. offices, creation of car parking and storage yards, landscaping and highways improvements. (2) Outline (access and landscaping to be considered) for erection of 1no. warehouse, erection of an office and associated car parking and storage yard.	Granted
DC/20/00233	Submission of RM details under Outline DC/18/01279 (appearance, layout and scale) for erection of 1no. warehouse, erection of an office and associated car parking and storage yard.	Granted
DC/19/03851	Outline planning application (access and landscaping to be considered) for development of mix of B1/B2/B8 uses.	Granted
DC/21/01481	Submission of RM details under Outline DC/19/03851 (appearance, layout and scale) for development of mix of B1/B2/B8 uses. Relocation of vehicle maintenance and service depot, including bodywork, accident and paint repairs and associated buildings. Provision of landscaping and drainage.	Granted
DC/21/03296	Full application. Construction of an area of hardstanding for stationing of lorries. Erection of single-storey modular building, external lighting and 2m high security fence.	Granted

- 1.7 At present the site is laid to grass and slopes towards the south. The site is within flood zone 1 and lies between areas of grade 3 and grade 4 agricultural land.

2. The Proposal

- 2.1 The proposed development brought before Development Control Committee is a hybrid application such that part of the application is made part in full and part made in outline such that it would require a further reserved matters application. If approved, conditions would be set out such that it would be clear which applied to the full part of the application and which related to the part made in outline.

- 2.2 With regards to this application, all works to plots 4 and 5, for the creation of a E(g) office and B8 storage use are made in full. All development relating to plot 6 is made in outline, such that only the principle of a B2 light industrial, B8 storage or E(g) office use on the site is considered at this time and would be subject to a reserved matters application if it were approved.
- 2.3 The proposed user of plots 4 and 5 is a building materials stockist, specialising in drainage and block paving which would be stored onsite. Storage height is to be limited to 5m high which is the same restriction that PreCon Products have on their open-air storage of materials. Access is taken off an internal road providing a route to the old A45, with access to the site being made at either junction 47A or junction 48 of the A14.
- 2.4 Together, plots 4 and 5 would cover some 4.04ha of land and development would entail a small office/administration building, car parking, cycle parking and HGV parking on site. The office building would be a simple, single storey building with mono-pitched roof incorporating 52no. photovoltaic panels which would face east.

3. 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 the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 3.2 As Members are aware, the examination of the Council's emerging Joint Local Plan (JLP) is currently paused, pending the submission of additional information. Within the emerging JLP, the site is allocated under reference LA120 for delivery of Class E/B2/B8 employment uses, with scope to provide flexibility within the use classes such that buildings might change use within the confines of Class E/B2/B8 without the need for express planning permission to do so provided the building itself did not change. Strategic Policy SP05 identifies Lawn Farm as part of the range of sites through which the Council would seek to meet the current and future economic needs. Nevertheless, Members are advised that the weight that may be attached to JLP as part of the consideration of development proposals is limited at this stage, it should be noted that the strategic policies are programmed to come forward at an earlier point.
- 3.3 Policy CS1 identifies a settlement hierarchy based on the services, facilities and access within the locality and accordingly directs development sequentially towards the most sustainable areas. The application site itself is located within the countryside as it does not fall within the established settlement boundaries of Elmswell, Woolpit, Haughley or Wetherden.
- 3.4 CS2 flows from CS1 and identifies the acceptable forms of development for countryside areas and includes new-build employment generating proposals where there is a strategic, environmental or operational justification for their location. In this instance, making use of the existing infrastructure at Lawn Farm Business Park, as well as the proximity of the site to the A14 would provide the strategic and operational justification for the location of the development.
- 3.5 The NPPF, however, is not as proscriptive with regards to the locations of businesses. At paragraph 84, the NPPF requires that planning decisions 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. Paragraph 85 goes onto recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements and in locations not well served by public transport. Taking both of these into account, it is considered that the fact that the site lies outside

of the established settlement boundaries is not a determinative factor which would prove fatal to this application. CS2 allows for such new-build development and while the NPPF would support this approach it does not restrict development to new-build buildings but would allow existing businesses to expand as well.

- 3.6 Policies E6 and E8 seek retain to employment sites in their employment generating uses and extensions to existing employment sites respectively.
- 3.7 Woolpit Neighbourhood Plan contains policy WPT6. It gives support to the redevelopment of brownfield sites and development of greenfield sites for business and industrial use, provided that certain criteria are met, including:
- Being within the capacity of existing infrastructure and road layout of the village, providing additional capacity if necessary.
 - Having good access to the A14 avoiding the village centre.
 - Mitigating traffic and road impacts from development.
 - Improve pedestrian and cycle links with the built-up area of the village.
 - Providing enough on-site parking to meet the use.
 - Avoidance of nuisance (noise, fumes, smells, light or other source of disturbance) to neighbours.
 - Be submitted with a lighting plan that will keep pedestrians and other road users safe without detrimental effect on the environment.
 - Mitigate the visual aspects of development on the rural setting of Woolpit.
 - Enhance the environment.

Provided these can be delivered, there is no in principle objection to development from the Woolpit Neighbourhood Plan.

- 3.8 Given the above, it is considered that the principle of development is established. The development site has both operational and strategic justification for its location, making use of existing infrastructure already in place and moreover, would receive full support from the NPPF. No other conflicts with policies E2, E3, E6 or E8 are noted. It is therefore considered that planning policies would support the principle of the outline element of the application and that the full element would be further scrutinised within the following report below.

4. Nearby Services and Connections Assessment of Proposal

- 4.1 The site is immediately adjacent to the A14, a key strategic HGV route through the county. Access from the A14 can be taken from Junction 47A which is located close to the site. Access to the A14 is taken from Junction 48, close to Tot Hill, allowing vehicles to join the A14 travelling in either direction. The route from Junction 47A to Junction 48 is noted within the HGV traffic routing plan for Suffolk as being a tertiary route for HGVs, meaning that they either need to begin or end their journey on this part of the highway network in order to make use of it. No HGV routes are noted that would allow those vehicles to travel through Elmswell, Haughley or Wetherden.

5. Site Access, Parking and Highway Safety Considerations

- 5.1 Policy T10 of the Local Plan requires the Local Planning Authority to consider a number of highway matters when determining planning applications, including the provision of safe access, the safe and free flow of traffic and pedestrian safety, safe capacity of the road network and the provision of adequate parking and turning for vehicles. Policy T10 is a general transport policy which is generally consistent with Section 9 of the NPPF on promoting sustainable transport, and therefore is afforded considerable weight.

- 5.2 Access to the site suitable for the use of HGVs is already in place and utilised on a daily basis by the existing businesses already located on Lawn Farm Business Park. Parking is to be delivered on site for cars, bicycles and HGVs in line with the adopted parking standards of the Local Planning Authority. Consultation with the Highway Authority notes no issues with the proposed development, with no issue noted regarding the additional HGV traffic that would access the site.
- 5.3 Paragraph 111 of the NPPF confirms 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. In this instance, no such evidence has been provided with regards to any adverse highway impacts relating to the proposed development.

6. Design and Layout

- 6.1 As already noted, the design of the office building proposed to serve plots 4 and 5 is simple but would fit well with the functional nature of the buildings already on the site. The rest of those parcels would be utilised as open-air storage with maximum storage height of 5m, which is noted as being the limit on open-air storage at the PreCon Products. No conflict with the design policies present within GP01 or E12 of the Local Plan nor with the NPPF are identified.
- 6.2 With regards to parcel 6, Members are reminded that development of this parcel would be subject to a reserved matters application which would cover aspects of appearance, layout, scale, landscaping and access

7. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

- 7.1 Policy CS5 of the Core Strategy seeks to protect and conserve landscape qualities taking into account the natural environment and the historical dimension of the landscape as a whole rather than concentrating solely on selected areas, protecting the District's most important components and encouraging development that is consistent with conserving its overall character. However, blanket protection for the natural or historic environment as espoused by Policy CS5 is not wholly consistent with the Framework and is afforded limited weight.
- 7.2 Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 7.3 With regards to landscaping, previous development on the site has already created a sizable landscape buffer planted with trees which would be expanded by this application and planted in a similar manner, matching the dense woodland on the other side of Warren Lane/Wood Road. Only one existing tree (category U) is proposed to be removed to accommodate the development of plots 4 and 5 and construction exclusion is proposed to be erected to preserve existing root protection areas. Consultation with the Council's Arboriculture Officer and with Place Services – Landscaping notes no issue with the baseline conclusions of the supporting landscaping details, however, concern is raised regarding the lack of detail regarding building on plots 4 and 5, given that only a small office building is proposed with the rest of the site to be used as open-air storage, this is not surprising. Officers are engaging with Place Services – Landscaping to see whether they are clear on the nature of the application and to see whether the additional information is necessary.
- 7.4 In a similar vein, comments from Place Services – Ecology with regards to Great Crested Newts are being examined and additional dialogue is being sought with regards to whether additional information is required, or whether the use of the District Level Licensing Scheme to offset impacts

is acceptable as has been the case elsewhere on the site. Both of these issues could either be resolved through dialogue or through additional detail submission and re-consultation.

- 7.5 At this point attention is drawn to policy WPT11 of the Woolpit Neighbourhood Plan. It seeks to retain a separate and distinct identify for Woolpit and surrounding settlements, looking to make sure development safeguards the integrity of the gap and the quality of the landscape. Ten key views are noted within the policy, including looking west towards Woolpit from the junction of Warren Lane and the old A45.
- 7.6 The view towards Woolpit takes in the existing businesses on the Lawn Farm Business Park site, and in expanding the use of the site, it is not considered that the view towards Woolpit would be adversely affected by the proposed development.

8. Land Contamination, Flood Risk, Drainage and Waste

- 8.1 Land contamination details were supplied with the application and were reviewed by the Environmental Health Team. No issues have been identified and should the additional measures outlined within the plan be necessary, the Environmental health Team have requested to be made aware of the results, however, note this is more for information purposes. An informative is considered to be the most appropriate mechanism to secure this information should it become available.
- 8.2 With regards to flood risk, the site benefits from an existing drainage pond designed to take surface water run-off from across the entirety of the site. Consultation with the Lead Local Flood Authority notes no issue with the plots forming part of this application from utilising the drainage as it exists on the site. Comments note a lack of detail for landscaping and maintenance of landscaping around the drainage basin on site and note that these could be provided via use of planning condition which is considered reasonable.
- 8.3 Waste comments note the need to ensure that a waste tender can make a route around the site. Given that the highways within the site are designed to allow HGVs to make access, it is considered that waste tenders would be able to traverse the site as well. Details of bin locations as also requested can be secured via planning condition.

9. Heritage Issues

- 9.1 Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving a listed building, its setting or other architectural or historic features from which it draws significance. In practice, a finding of harm to the historic fabric of a listed building, its setting or any special features it possesses gives rise to a presumption against the granting of planning permission.
- 9.2 The Council's Heritage Team were consulted on the application and do not consider it necessary to provide comment in this instance. Full comments were given during pre-application discussions and are considered to be relevant here. They consider that the impact of the proposed development would be of a low level of less than substantial harm given that landscaping would buffer the development site and that the current setting of Lawn Farmhouse is dominated by the scaffolding business operating from the building.

- 9.3 Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as is the case here, the harm should be weighed against the public benefits of the proposal. The level of heritage harm must therefore be weighed, and considered in the context of the environmental, social and economic benefits that the scheme will bring about. With specific regard to the economic benefits of the scheme, these are significant, with the application considered to generate some twenty FTE jobs within the district.
- 9.4 Specific reference is made within the Parish Comments as well as in the objections to an appeal decision which turned on heritage grounds within the setting of Lawn Farmhouse. DC/20/03548 was another hybrid application seeking conversion of an existing building to a dwelling with outline planning permission for another five. The Appeal Inspector concluded that the proposed residential development would have a harmful effect on the setting of Lawn Farmhouse with the public benefits of the scheme not being held to be sufficient to outweigh the identified harm (APP/W3520/W/21/3267909). That development was located immediately adjacent to Lawn Farmhouse and a little way to the north of Lawnswood and Lawn Cottage. The Inspector also found the site to be unsustainable for residential uses having regard for the reliance on the private motor vehicle to make connections to the surrounding villages, and through the loss of the scaffolding business from the site.
- 9.5 With specific regard to this application, the same issues are not found to affect the development proposed, which would be a greater remove from Lawn Farmhouse and which carry significant public benefits.

10. Impact on Residential Amenity

- 10.1 Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential areas. Paragraph 130 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.
- 10.2 Consultation with the Council's Environmental Health Team note no issues with the proposed development of plots 4 and 5 with conditions noted which would restrict hours of work on site, the illumination of the site and control noise from the site. With regards to plot 6 there is concern from the Environmental Health Team at the lack of information available, however, given the use of this land is made in outline and given the range of end users who might reasonably take on the site, it is considered more reasonable to impose conditions to require that information to come to the Local Planning Authority as part of the submission of reserved matters. This approach allows for bespoke reports to be prepared once the end user of the site is known. An office user is likely to give rise to fewer noise concerns but may have more issues around illumination than a storage warehouse might, which again would have very different impacts compared to an industrial user.
- 10.3 It is considered that the proposed development of plots 4 and 5 would not have detrimental adverse impacts on the nearby residential properties identified as Lawn Farmhouse, Lawnswood or Lawn Cottage given the intervening distance between the site and those buildings as well as the additional landscaping which is proposed.

11. Parish Council Comments

- 11.1 Both Elmswell and Woolpit Parish Council's voice their objections to the application and fall into three broadly similar categories. Firstly, impact on the setting of the listed buildings of Lawn

Farmhouse and Lawn Cottage which has already been addressed in Section 9 of this report. Secondly, additional traffic impacts arising from the movement of workers to and from their place of work and finally, additional pollution impacts.

- 11.2 With regards to the impact of vehicle movements, HGV movements to and from the site are already strictly controlled, while the movements of workers would be much more difficult to control or enforce, however, the increase in the number of employees at the site would be minimal compared to the estimated impact given within the Parish responses with an additional 20 jobs being created against the estimated 300 given by the Parish Council.
- 11.3 Finally, with regards to pollution, no objection is noted from Council's Environmental Health Team and no comment relating to complaints received by them have been made. The existing site is already governed by conditions to restrict light, noise and other forms of pollution, similar conditions are proposed to be applied here.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 The principle of development is considered to be established. The site is in existence and makes a certain amount of spatial sense to congregate the various HGV dependent businesses within one site with existing infrastructure. The site forms part of the emergent JLP to deliver economic growth within the two districts and is well placed adjacent to the A14.
- 12.2 The adopted development plan would support the expansion of the site as would the NPPF and no conflict with the Woolpit Neighbourhood Plan is noted.
- 12.3 The only issue identified with consultees (excepting Parish Councils) is with regards to landscaping and ecology and additional confirmation is being sought from those consultees such that the recommendation is to delegate authority to the Chief Planning Officer to ensure those additional details, if required, are suitable and to grant planning permission subject to the conditions laid out below.

RECOMMENDATION

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

Full Planning Permission:

- Development to be commenced within 3-year time scale.
- Development to accord with submitted drawings.
- Use class confirmation – B8 storage with E(g) office (no change of use within B or E use classes).
- Limit to external storage height and location of storage.
- Car, HGV and cycle parking to be provided as shown.
- Provision of EV charging points.
- Archaeological investigation to be agreed and undertaken.

- Fire hydrants to be provided.
- SuDS landscaping and maintenance details.
- Sustainability details to be agreed.
- Lighting to comply with submitted details.
- Limit to external noisy works.
- Noise management plan to be submitted and agreed.
- Hours of work.
- Acoustic fencing to be erected.
- Bin storage details to be agreed.
- Details of security fencing to be agreed.

Outline Planning Permission:

- Outline commencement requirement. Reserved matters to be made within 3 years, commencement within two of reserved matters approval.
- Reserved matters details to include access, appearance, layout, landscaping and scale.
- Development to accord with indicative drawings.
- Use class confirmation – B2 light industrial, B8 storage or E(g) office.
- Archaeological investigation to be agreed and undertaken.
- Fire hydrants to be provided.
- Sustainability details to be agreed.
- Lighting details, including light spill to be submitted.
- Noise details to be submitted.
- Hours of work to be agreed.

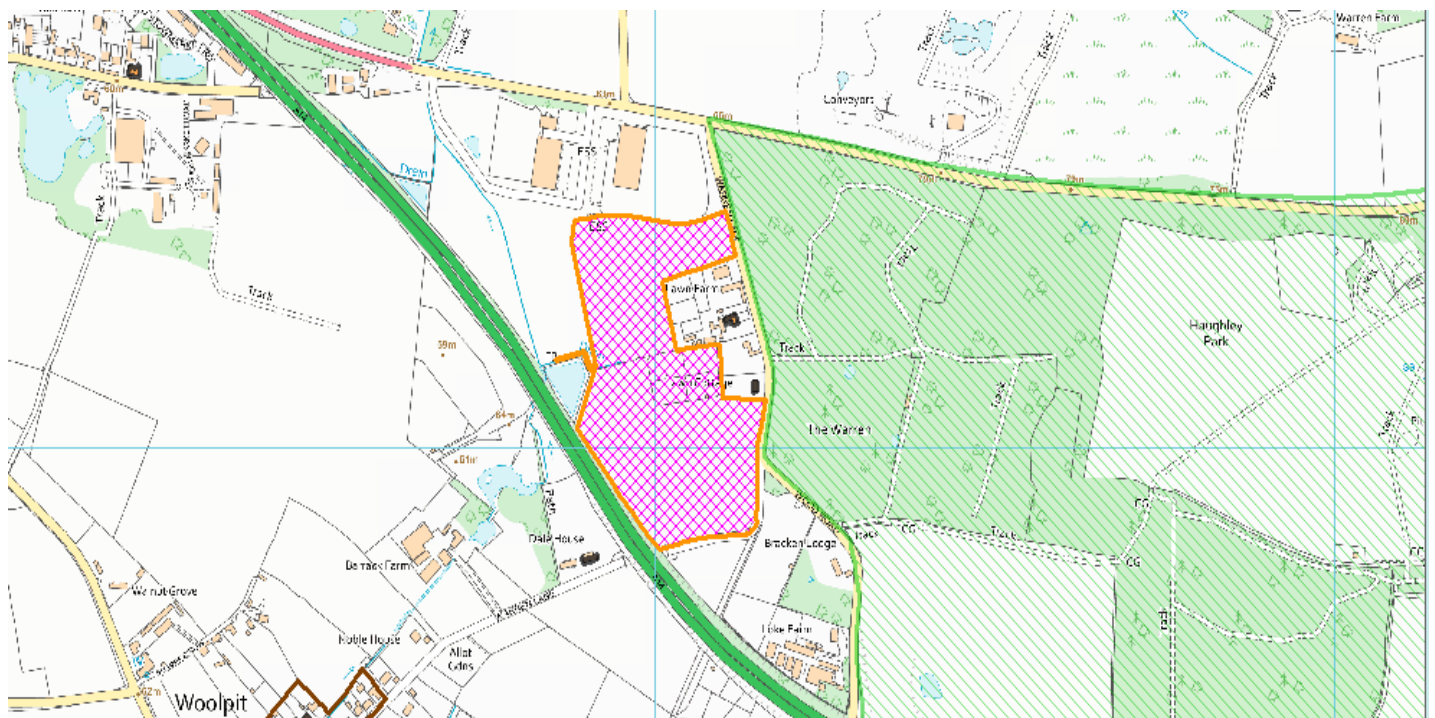
And the following informative notes as summarised and those as may be deemed necessary:

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

Application No: DC/22/04002

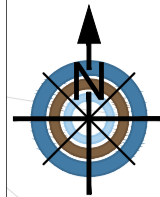
Parish: Woolpit

Location: Land at Lawn Park Business Centre, Warren Lane, Woolpit, IP30 9RS



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- NOTES:**
1. This drawing is to be read in conjunction with GHB series 175/2022 drawings and documents and any other relevant project team documents.
 2. Preliminary Issue - This drawing is not to be used for construction or detailed pricing purposes. Any work undertaken before approvals are received (in writing) are at risk of abortive works.
 3. This drawing has been prepared solely for the purpose of obtaining a Planning Consent based on information available and planning requirements at the date of issue only.
 4. Site levels based on topographical survey undertaken by Ashwell Construction Ltd. on 13/06/22

Legend

- Site Application Boundary- Area: 8.2ha
- Land Ownership Boundary
- Outline Application
- Detailed Application

P3	08/08/22	Drawing Title Amended
P2	11/07/22	Plot Layout Amended
P1	06/07/22	Initial Issue
Revision	Date	Description

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Partnership No. OC383830, Registered in England and Wales

Client: **WOOLPIT BUSINESS PARK**

Project: **PLOTS 4,5, & 6
LAWN PARK BUSINESS CENTRE,
WOOLPIT, SUFFOLK**

Drawing Title: **SITE LAYOUT PLAN**

Scale: **1:1250@ A1**

Date: **JUL 2022** Drawn: **DJB** Checked: **JAH**

DWG Reference: **175-2022.DWG**

Status: **FOR INFORMATION**

Drawing Number: **175/2022/07** Revision: **P3**

P# = Preliminary, C# = Construction, AB# = As Built

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Agenda Item 7c

Committee Report

Item No: 7C

Reference: DC/22/05717

Case Officer: Thomas Pinner

Ward: St Peter's.

Ward Member/s: Cllr Paul Ekpenyong.

RECOMMENDATION – APPROVE LISTED BUILDING CONSENT WITH CONDITIONS

Description of Development

Listed Building Consent - Replacement flat roof section, replacement roof lights.

Location

11 Market Place, Stowmarket, Suffolk, IP14 1YY

Expiry Date: 12/01/2023

Application Type: LBC - Listed Building Consent

Development Type: Listed Building Consent - alterations

Applicant: Mid Suffolk District Council

Agent: Hamson Barron Smith Ltd

Parish: Stowmarket

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

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

Has the application been subject to Pre-Application Advice: Yes – DC/22/03307

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The applicant, and owner of the land, is Babergh and Mid Suffolk District Councils.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework

FC01 - Presumption In Favour Of Sustainable Development

FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

HB01 - Protection of historic buildings

HB03 - Conversions and alterations to historic buildings

HB08 - Safeguarding the character of conservation areas
CL08 - Protecting wildlife habitats
SAAP - Stowmarket Area Action Plan

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

[Click here to access Consultee Comments online](#)

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 1) **Stowmarket Town Council**

No objection

Internal Consultee Responses (Appendix 2)

Ecology - Place Services

No objection subject to securing mitigation measures

B: Representations

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

PLANNING HISTORY

REF: DC/17/02418	Full Planning Application - Removal of existing NatWest brand signage, night safe and ATMs.	DECISION: GTD 28.07.2017
REF: DC/17/02419	Application for Listed Building Consent - Removal of existing NatWest brand signage, night safe and ATMs together with internal alterations to remove non-original fixtures , fittings, furniture and equipment.	DECISION: GTD 28.07.2017
REF: DC/18/03381	Planning Application. Change of Use from A2 (Professional and Financial Services) to Mixed Uses (incorporating A3 (Food and Drink), A4 (Drinking establishment) and D2 (Assembly and Leisure).	DECISION: GTD 27.09.2018
REF: DC/21/04909	Discharge of Conditions Application for DC/18/03381- Condition 3 (Restriction on Operation Times), Condition 4 (Details of	DECISION: GTD 16.09.2021

Uses) and Condition 5 (Restriction on Hours of Music Playing)

REF: DC/21/04986	Application for Non Material Amendment- Re-word Condition 7 of Planning Permission DC/18/03381 to allow use by the John Peel Centre without installing sound-proofing.	DECISION: GTD 13.09.2021
REF: DC/22/04287	Listed Building Consent - Repairs to cupola, replacement flat roof section, replacement roof lights.	DECISION: WDN 11.10.2022
REF: 3575/15	Replacement of existing ATM with new ATM.	DECISION: GTD 01.12.2015
REF: 3473/15	Considering replacing the existing external ATM for a new one that is 90mm taller. It wouldn't affect the stonework just the window would need to be replaced as the new ATM is taller. Needs to know if any LBC is needed for this.	DECISION: REC
REF: 2288/15	Internal reconfiguration and redecoration.	DECISION: GTD 24.09.2015
REF: 0001/15	Installation of new external shopfront signage to replace those insitu.	DECISION: GTD 16.02.2015
REF: 4032/14	Display of 1 no. non-illuminated fascia sign and 1 no. non-illuminated projecting sign.	DECISION: GTD 19.02.2015
REF: 1181/10	Install fire protection system. Replace rooflights. Replace fire doors.	DECISION: REC
REF: 0269/02/LB	DISPLAY OF NON-ILLUMINATED SIGNAGE	DECISION: GTD 10.02.2003

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. No.11 Market Place, Stowmarket is located on the east side of Market Place. It was formerly Nat West Bank, with a former assembly room at first floor. The building is believed to be unoccupied currently. A change of use to Mixed Uses (incorporating elements of A3, A4 and D2 uses which have since been reorganised into sui generis uses by the amendment to the Use Class Order) was granted under DC/18/03381. However, it is not clear if this approval has commenced. To the rear is a brick range, formerly a Corn Exchange, currently forming the John Peel Centre for Creative Arts, but this is not considered to be covered by the listing.
- 1.2. The building is listed at Grade II, as 'Former Nat West Bank,' with the following list description:

GV II Former bank. Mid C19. Brick with ashlar front, c1930 ground floor. Slate roof. Two storeys in three bays. Ground floor with three four-light cross casements, the northern one adapted as an entrance. Rusticated stone blocks between with shields bearing monogram of National Provincial Bank. Three C20 French windows to first floor opening onto wrought-iron balconies separated by Ionic pilasters rising to moulded parapet. Hipped roof with cupola.

INTERIOR. Open-plan late C20 bank interior.

- 1.3. The building is located within Stowmarket Conservation Area and is also relatively close, although not directly adjacent to, other listed buildings.

2. Details of Amended Plans and Negotiations

- 2.1. The application originally proposed the removal of the cupola from the building, and from the site, for repairs. However, I consider that removal from the building/off site of this, likely historic, feature would increase the risks of accidental damage during removal and transportation, and permanent loss through subsequent failure to reinstate it (for any number of reasons). It was not clear that there were any structural or other ongoing condition issues with the cupola, as opposed to superficial wear and tear only, so it was agreed to leave it as is (with monitoring to check it is not further degrading). The plans were therefore amended accordingly.

3. The Proposal

- 3.1. The application proposes the replacement of a section of flat roof covering and the replacement of rooflights (of which one is more strictly an access hatch), including a reduction in the number and size of the rooflights, as part of restoration works to the building. Informal advice was previously sought from the Heritage Team regarding the need for consent for various restoration works (ref. DC/22/03307). The Heritage Team concluded that many of the works would constitute small scale local repair and would not require Listed Building Consent, but some would constitute alterations, that would require Listed Building Consent, covering those works now proposed. Nonetheless, no issue was raised in principle regarding those works.

4. Principal of Development

- 4.1. As 11 Market Place is a listed building, and within a conservation area, the statutory duties of the P(LBCA)A1990 are of relevance. These are, S.16 - to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses," and S.72 – that "special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area."
- 4.2. The NPPF requires applications affecting heritage assets to "describe the significance of any heritage assets affected...proportionate to the asset's significance" (para.194). The Local Planning Authority is required to "identify and assess the particular significance of any heritage asset that may be affected by a proposal" (para.195). In line with the P(LBCA)A1990, "great weight should be given to the asset's conservation" (para.199).
- 4.3. The relevant Local Plan Policies relating to listed buildings and conservation areas for this proposal are HB01, which requires the Local Planning Authority to place "a high priority on protecting the character and appearance of all buildings of architectural or historic interest," HB03, which requires alterations to (and conversions of) listed buildings "to meet high standards of design, detailing, materials and construction" and that would "not detract from the architectural or historic character

of the existing building or its setting,” and HB08, which requires “new building, alterations or other forms of development (within or adjacent to a conservation area) to conserve or enhance their surroundings.”

- 4.4. As the proposal also involves works to the roof of the building, Local Plan Policy CL08, which requires the Local Planning Authority to refuse development that would threaten rare or vulnerable species, is also considered of relevance, due to the potential presence of bats in roof spaces.
- 4.5. The Stowmarket Area Action Plan (SAAP) also includes a Policy (9.5) covering the historic environment, including that “development proposals should...safeguard our built heritage ensuring that the district’s historic building are protected.”
- 4.6. It is considered that the proposed works would accord with the requirements of the P(LBCA)A1990, the NPPF and Local Plan Policies.

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

- 5.1. The existing rooflights proposed for removal are not considered of any historic interest, likely being later C20 insertions. Therefore, their replacement is not considered to cause harm to any heritage assets. The proposed rooflights would utilise the existing openings, reduced in size, so there would be no loss of historic fabric to install them. Furthermore, their size, position and form are considered appropriate to the significance of the listed building. The Rooflight Company Conservation Rooflight product, as specified in the Design and Access Statement, is considered suitably reflective of the design of traditional rooflights.
- 5.2. A limited amount of additional slate is proposed ‘to match existing’ for repairs and to infill the reduced rooflight opening sizes. However, it can be particularly difficult with slate to ensure a good match, which is important to preserve the historic character of the materials used, due to geological variations within the material, so a condition is requested requiring agreement of a specific slate to be used for the shortfall, to ensure a good match.
- 5.3. The existing area of felt flat roof covering to be replaced is likely also a modern, late C20 addition, that has likely been added over the pitched roof in an attempt to provide a better weathering detail at the junction with the John Peel Centre to the rear. It is not considered of historic interest and felt is not a traditional or sympathetic material for use on a historic building of this nature. The proposed single ply membrane is considered to be a better alternative (and there are limited viable options for flat roofs) and is therefore considered acceptable.
- 5.4. N.B. The plans contain reference to other works, including render repair, masonry repair and drainpipe works. These are considered minor small-scale repair works that do not require Listed Building Consent.
- 5.5. Overall, the works are not considered to harm the significance of any listed buildings or the character and appearance of Stowmarket Conservation Area, subject to a condition for the shortfall slates.

6. Ecology

- 6.1. Place Services Ecology raise no objection to the works, based upon the findings of the submitted Ecology Appraisal, subject to securing an Informative for the undertaking of the mitigation measures

set out in the Appraisal, as it is not possible to request a condition for this on a Listed Building Consent.

PART FOUR – CONCLUSION

7. Planning Balance and Conclusion

7.1. The proposal would not result in any demonstrable harm to any matter of planning substance. There would be no detrimental effect on the significance of any listed building or the character and appearance of the Conservation Area. The proposal therefore accords with relevant development plan policies and national planning guidance. The proposal is therefore considered to be acceptable.

RECOMMENDATION

That the application is GRANTED listed building consent

(1) That the Chief Planning Officer be authorised to GRANT Listed Building Consent subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

- Standard time limit (3yrs for commencement of scheme)
- Approved Plans (Plans submitted that form this application)
- Shortfall slate to be agreed

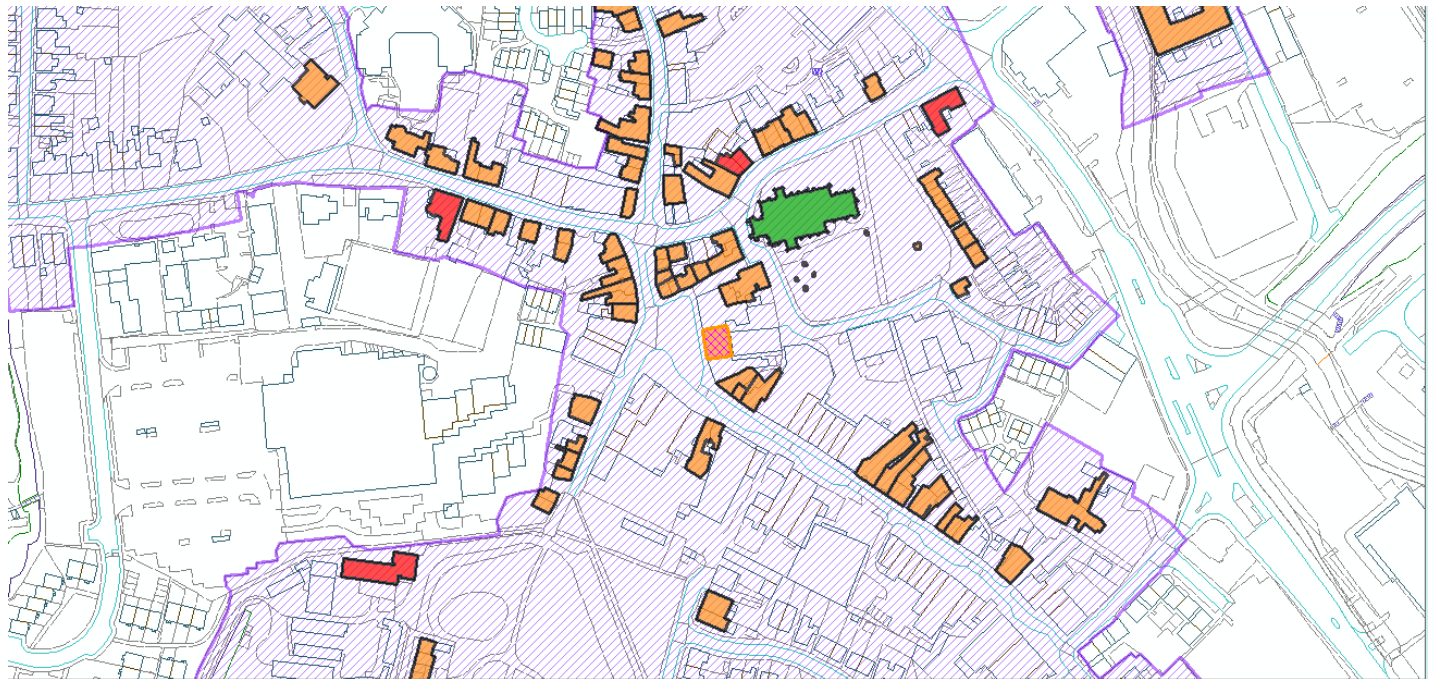
(2) And the following informative notes as summarised and those as may be deemed necessary:

- - PROTECTED SPECIES

Application No: Dc/22/05717

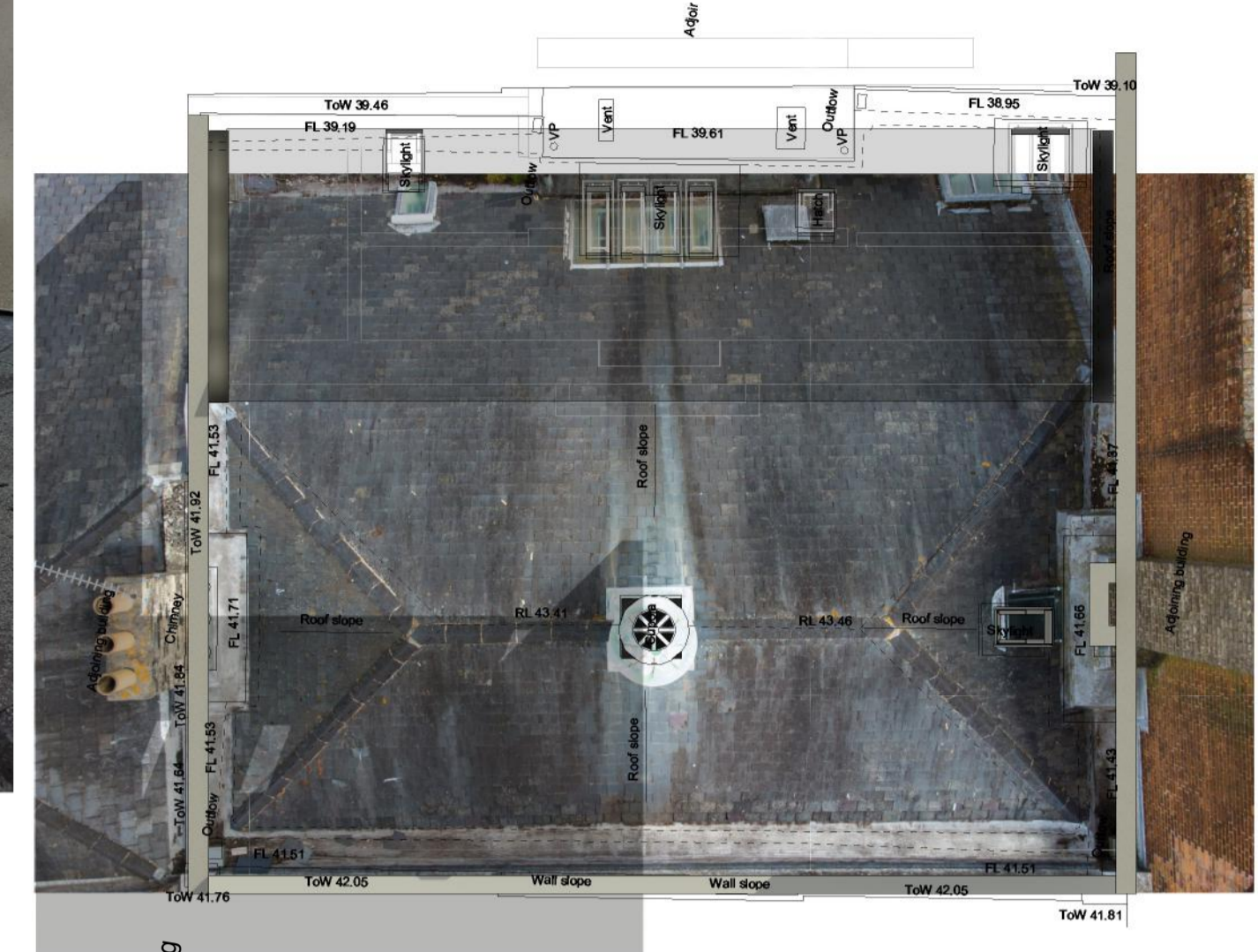
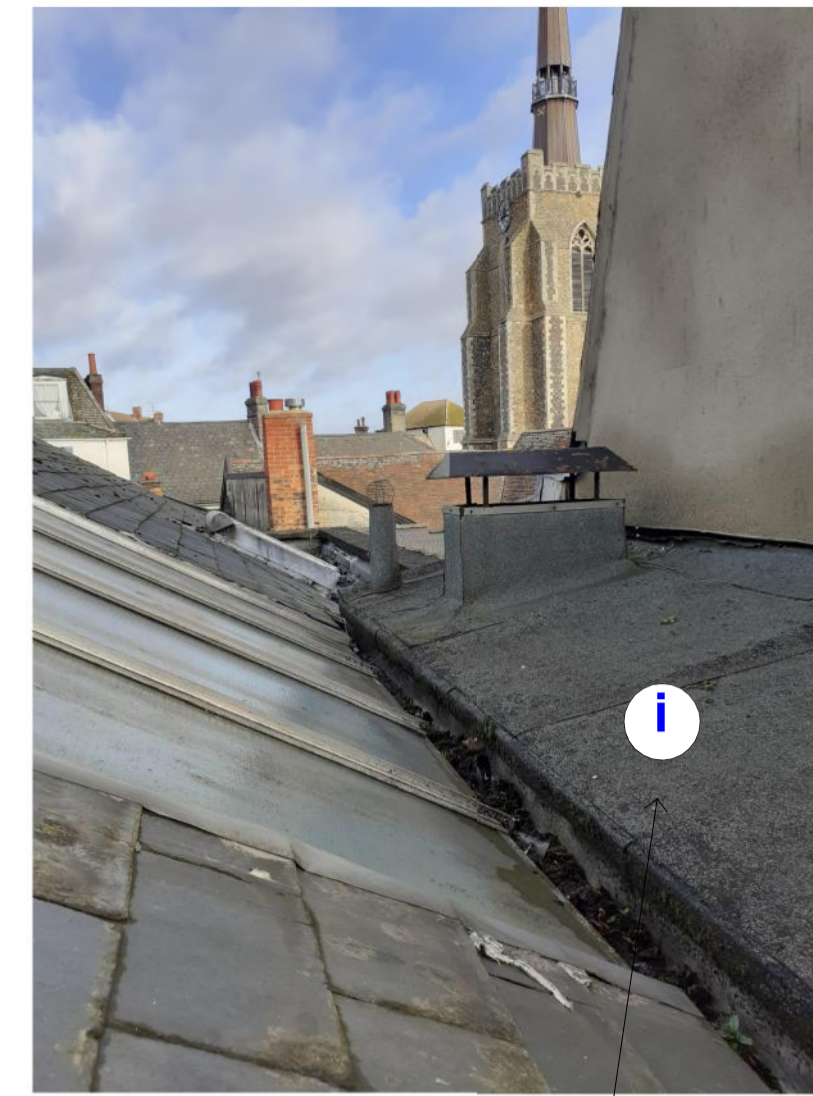
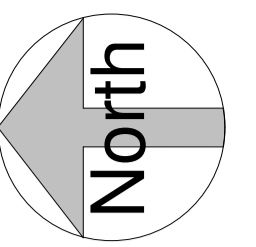
Parish: Stowmarket

Location: 11 Market Place. Stowmarket

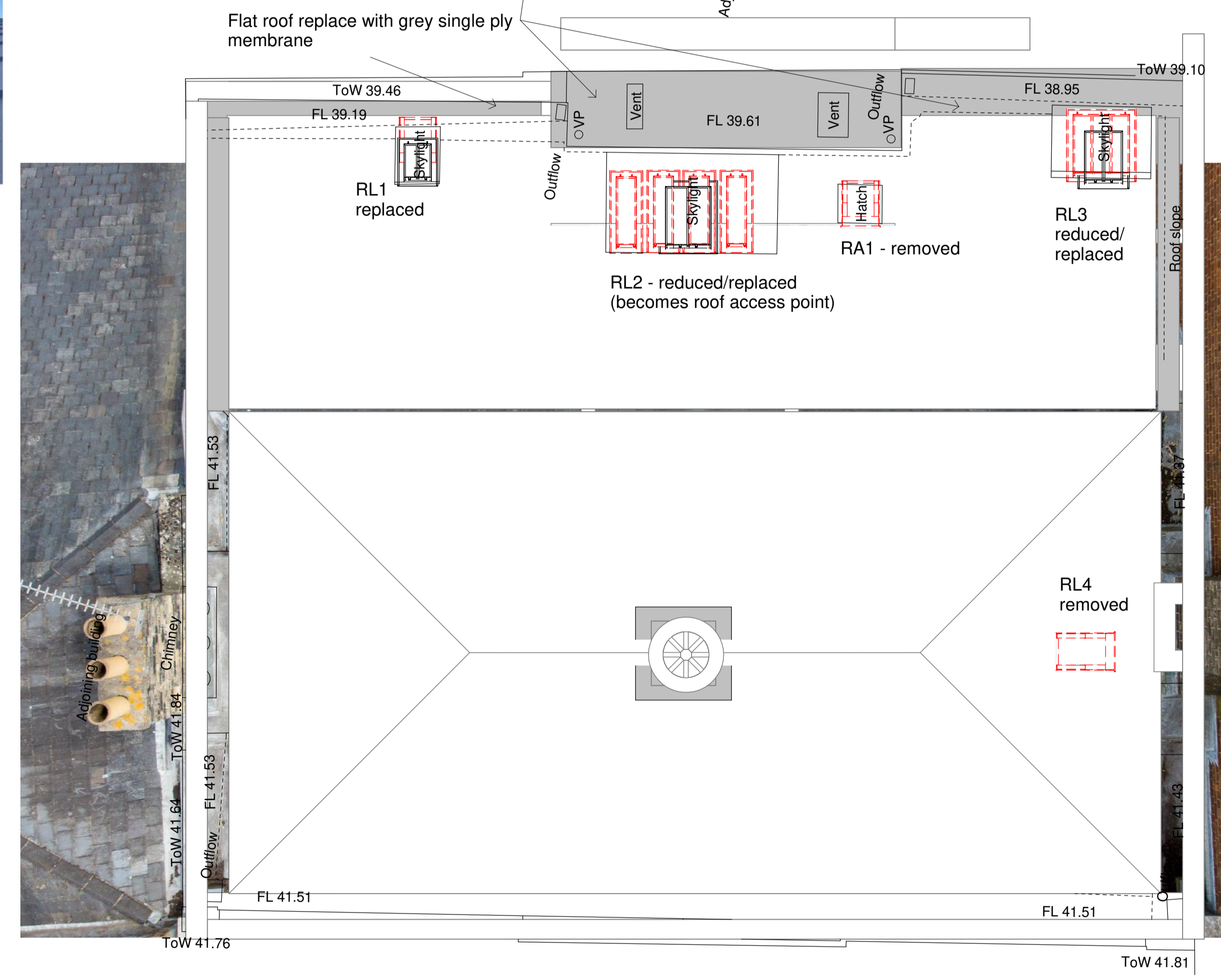
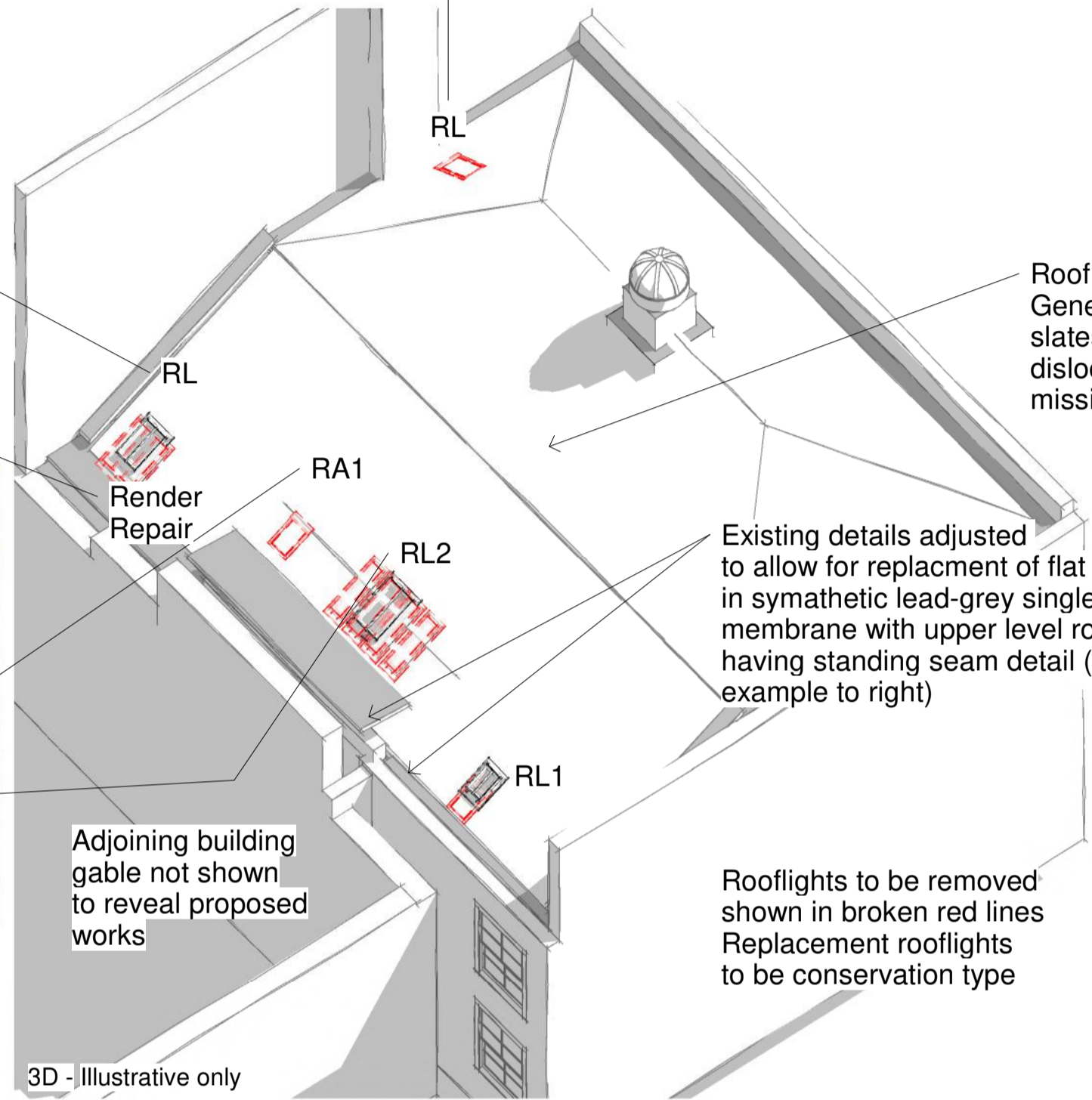


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- SUMMARY OF PROPOSED WORKS REQUIRING PERMISSION**
- Flat roof section replace with grey single ply membrane with upper level having standing seam detail.
 - Rooflights (RL1/2/3/4 & Loft Access RA1) to be replaced with conservation rooflights/roofed over



Proposed Roof Plan 1:50



Front Elevation (West) - No works to be carried out

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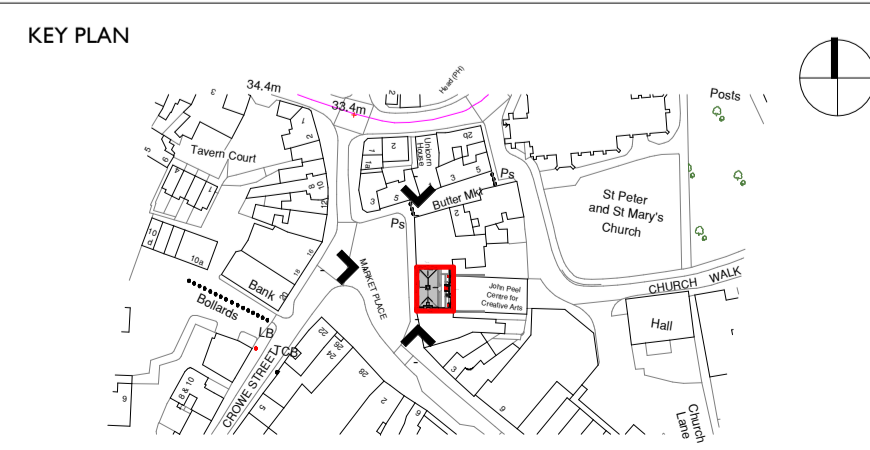
ORIGINAL SHEET SIZE **A1**

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NOTES

Rev	Description	Date
P00	Draft Planning	26/7/22
P01	Revised for planning resubmission	10/11/22
P02	Works to Cupola removed	24/11/22
P03	Example RL photo removed	04/01/23

CLIENT
Babergh and Mid Suffolk District Councils

PROJECT
11 Market Place, Stowmarket, Suffolk, Roof Repairs

TITLE
Planning Drawing

SCALE As indicated	DISCIPLINE Surveying	PROJECT NUMBER 111405
DRAWING NUMBER 61	REV CODE P03	Drawn by MP
STATUS CODE s2	PURPOSE OF ISSUE Planning	Approved by ---
		Checked by ---

Hamson Barron Smith

NPS Norwich
5 Anson Road
Norwich
NR6 6ED
npsplc@nps.co.uk

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Agenda Item 7d

Committee Report

Item No: 7D

Reference: DC/22/06013

Case Officer: Lily Khan

Ward: Combs Ford.

Ward Member/s: Cllr Gerard Brewster. Cllr Keith Scarff.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Householder Application - Construction of vehicular hardstanding in front garden with associated footpath crossing and dropped kerbs for a disabled person.

Location

127 Poplar Hill, Stowmarket, Suffolk, IP14 2AX

Expiry Date: 28/01/2023

Application Type: HSE - Householder Planning Application

Development Type: Householder

Applicant: Babergh and Mid Suffolk District Council

Agent: N/A

Parish: Stowmarket

Site Area: 1368sqm

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: No

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The application site is owned by Mid Suffolk District Council.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

Mid Suffolk Local Plan [2008]

GP01 - Design and layout of development

H16 - Protecting existing residential amenity

T09 - Parking Standards
T10 - Highway Considerations in Development

Mid Suffolk Core Strategy [2008]

CS01 – Settlement Hierarchy
CS05 - Mid Suffolk's Environment

Mid Suffolk Core Strategy Focused Review [2012]

FC1 - Presumption In Favour Of Sustainable Development
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development

Stowmarket Area Action Plan [2013]

SP4.1 - Presumption In Favour Of Sustainable Development

The National Planning Policy Framework (NPPF)

Particularly relevant elements of the NPPF include:

Chapter 4: Decision-Making
Chapter 12: Achieving Well-Designed Places

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

[Click here to view Consultee Comments online](#)

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

A: Summary of Consultations

County Council Responses (Appendix 5)

SCC - Highways Comments Received 15/12/2022

No objection, subject to conditions:

- to control visibility splays and pedestrian visibility splays
- to construct the access in accordance with SCC standard access drawing DM03
- to control the gradient of proposed accesses
- to surface the access with a bound material

Internal Consultee Responses (Appendix 6)

Contract and Asset Management

No comment made in relation to this application.

B: Representations

No representations were received.

PLANNING HISTORY

No planning history available.

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site is a 1368sqm area which hosts a detached bungalow located in an established residential area. The sites neighbouring dwellings to the east and west are of similar size and appearance.
- 1.2. The building is not listed, the site is not located in a conservation area, nor designated landscape area, nor has any trees with preservation orders on them.
- 1.3. The site is located within Flood Zone 1 and is not vulnerable to pluvial or fluvial flooding.

2. The Proposal

- 2.1. The proposal seeks permission for the construction of a vehicular hardstanding in the front garden with associated footpath crossing and dropped kerb for a disabled person.
- 2.2. The plans propose construction of a dropped kerb access off Poplar Hill which would be constructed in Tarmac to meet SCC Highways standards. The proposal details a 45m vehicular visibility splays in both directions. The new access will be 5.5m in width and constructed to SCC drawings DM03 specification.
- 2.3. The existing tarmac footpath, which runs between the site and the highway would be lowered and finished in tarmac. It is proposed to meet current highways standards to allow a vehicle to pass over without causing damage.
- 2.4. A portion of the garden to the front of the dwelling would be excavated before laying Geotextile membrane, followed by crushed stone, then 80mm thick permeable paving blocks (colour red brindle) to create a permeable block paved parking bay.
- 2.5. The dimensions of the proposed parking bay would measure 6m x 3.6m and laid in a 90° Herringbone pattern.

3. The Principle Of Development

- 3.1. As a Householder Application for the construction of vehicular hardstanding with associated footpath crossing and dropped kerb for a disabled person, the application is assessed under Local Plan policies GP1, H16, T9, T10 and Core Strategy Policies CS1, CS5, FC1, FC1.1 and the NPPF.

- 3.2. Key considerations will be the design of the proposed accesses, their impact on the surrounding road safety, landscape considerations and residential amenity of neighbouring properties. The policies seek to provide safe access to and egress from the site whilst protecting the needs and safety of pedestrians and cyclists and ensure residential amenity is maintained with consideration to the existing landscape and design of the local area.
- 3.3. Subject to compliance with the details of these policies the proposal is considered acceptable in principle.

4. Design, Access, Parking and Highway Safety Considerations

- 4.1. NPPF paragraph 130(c) states that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 4.2. Policy GP1 calls for proposals to, amongst other matters, maintain and enhance the character and appearance of their surroundings.
- 4.3. The proposal would create a new vehicular access off Poplar Hill which would run across the existing footpath and grass verge. It is considered that the frontage of the dwelling has sufficient space to accommodate the proposed vehicle hardstanding and the purpose of the development would accommodate the needs of the disabled resident.
- 4.4. By way of creating a new vehicular accessway off the highway, the proposal engages highways considerations. In respect of Policy T9 and T10 and Paragraph 111 of the NPPF, development should not adversely affect the highway network and associated safety.
- 4.5. The Highway Authority were consulted and have no objection, subject to conditions to ensure the access is developed to highways standard drawing DM13, with proposed visibility splays, and conditions ensuring the gradient and surface of the existing footway are safe and suitable for pedestrians and cycling access.
- 4.6. The proposed finishing surface of the parking space would be 'Formwave Aquaflow' 80mm thick permeable paving blocks in the colour 'Red Brindle'. It is considered that proposal would appear visually unobtrusive and sufficient to withstand regular vehicular movements. The proposed hardstanding surface being of a permeable material, would allow water to be collected on the surface to flow to the ground, and mitigates any surface water drainage issues. Given that the site is also within flood zone 1, which is considered the lowest risk of flooding, it is therefore considered acceptable.
- 4.7. The road is speed limited to 30mph and affords good visibility in both directions, ensuring safe access to and egress from the site. The footpath is to remain the same width and material, ensuring the needs of pedestrians are met, in accordance with policy T10 of the Local Plan.
- 4.8. Due to the potential impact of noisy work effecting the nearby residents during the construction phase of the development Officers recommend applying a condition limiting construction work hours to protect residential amenity and to ensure that noisy works do not take place at sensitive times.

- 4.9. To conclude, the proposal would not erode the character of the area, nor reduce the amenity of the area by means of appearance, traffic generation, nuisance or safety and accords with policies GP1 and H16 of the Local Plan.

PART FOUR – CONCLUSION

5. Planning Balance and Conclusion

- 5.1. Decision taking begins with the development plan and it is of vital importance that planning decisions are plan-led. The NPPF, an important material consideration, reiterates this fundamental point.
- 5.2. The basket of policies identified hold full weight, of specific importance and relevance are Core Strategy policies CS5, FC1 and FC1.1 and Local Plan policies GP1, H16, T9 and T10. The proposal is considered acceptable with no adverse impacts to the character of the surrounding area, residential amenity, highways safety or flood risk.
- 5.3. The access is onto a 30mph road serving the existing residential dwelling. There are no design concerns, and the highways team are satisfied with the accesses from a safety perspective. The proposal offers no residential amenity concerns sufficient to warrant the refusal of the application. The proposal would accommodate the needs of the disabled resident and ease on-street parking pressure within the area.
- 5.4. The application accords with relevant development plan policies and national planning guidance and permission should be granted with the added safeguards provided by the recommended conditions.

RECOMMENDATION

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

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Vehicular visibility splays provided as shown on Drawing No. 03 and thereafter retained in perpetuity.
- Pedestrian visibility splays to be provided within 2 metre by 2 metre triangular areas each side of the access.
- No obstruction to visibility over 0.6m high within visibility splays
- Access to be provided in accordance with SCC standard access drawing DM13 with an entrance width of 3m and thereafter retained in perpetuity
- New access onto the highway to be surfaced with a bound material
- Gradient of vehicular access to not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

- Gradient of the access driveway to not be steeper than 1 in 12 measured from the nearside edge of the highway.
- Restriction on construction times during development: 0800 to 1800 Monday to Fridays and 0900 to 1300 on Saturdays, no works on Sundays and Bank Holidays.

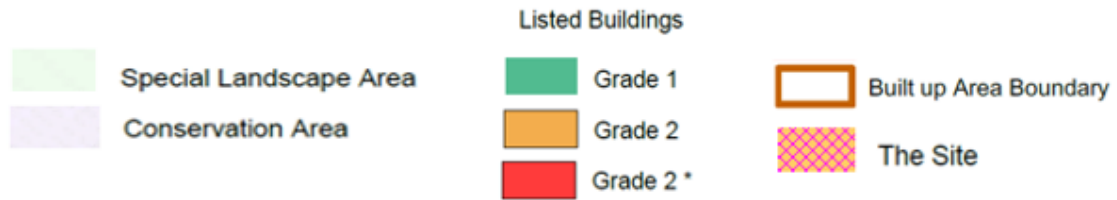
Informative notes

- Pro active working statement
- SCC Highways notes

Application No: DC/22/06013

Parish: Stowmarket

Location: 127 Poplar Hill, Stowmarket, Suffolk, IP14 2AX

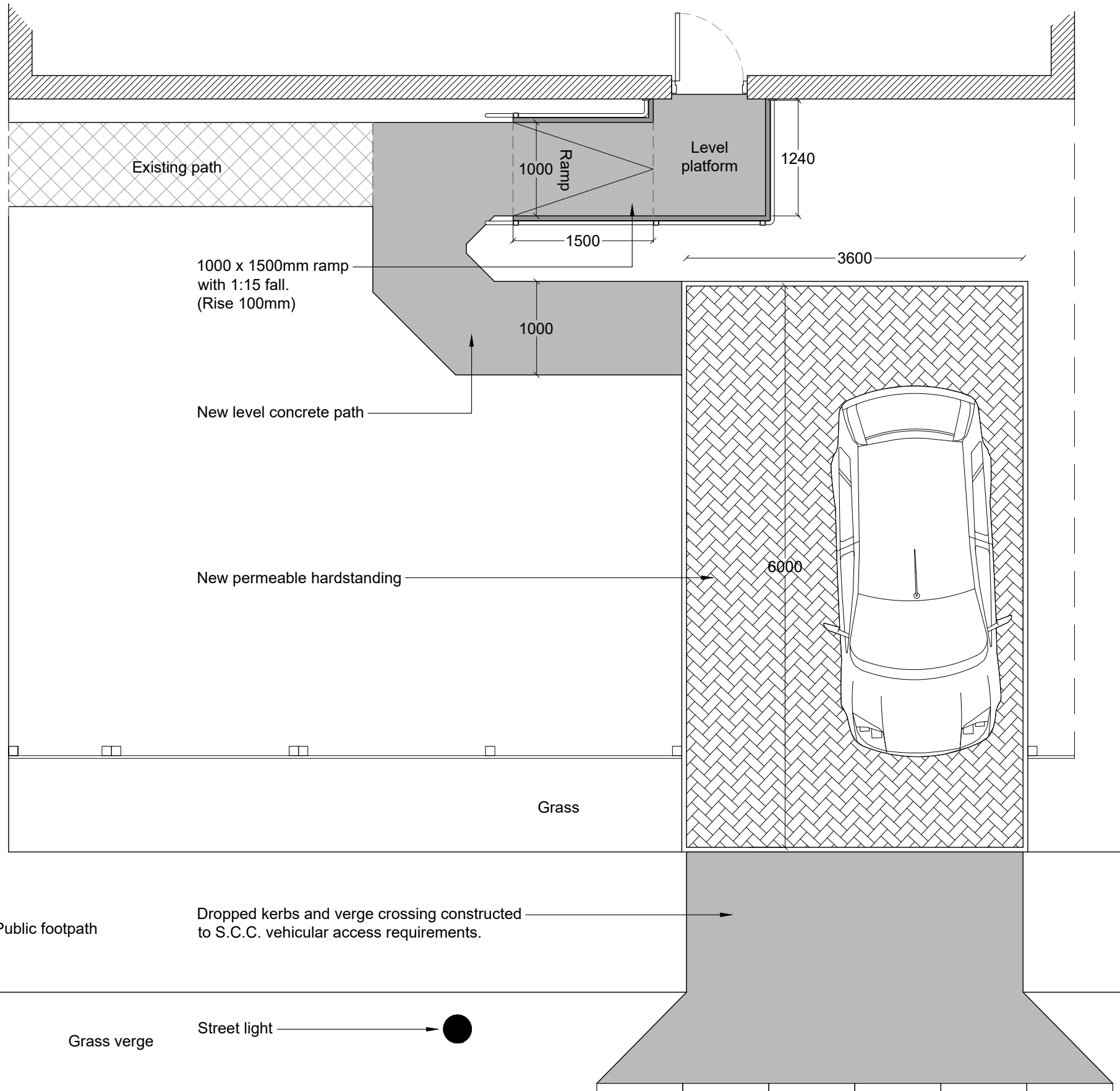


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Proposed access to front door

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Page 93

Poplar Hill

REV	DATE	DESCRIPTION	CLIENT
PROJECT		OT Approved Works	
SUBJECT		New ramp and hardstanding at 127 Poplar Hill, Stowmarket	DATE: Nov 22 SCALE: 1:50 @ A4
PROJECT NR	DRAWING NR	REV	DRAWN CHECKED
M15-EN-409	02		

Babergh & Mid Suffolk District Council
PROPERTY SERVICES
 Endeavour House, 8 Russell Road, Ipswich IP1 2BX
 Tel. No: 0300 1234000

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