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COMMITTEE:	PLANNING COMMITTEE
DATE:	WEDNESDAY, 18 OCTOBER 2023 9.30 AM
VENUE:	FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE

Members		
<u>Conservative</u> Peter Beer Michael Holt Margaret Maybury	<u>Independent</u> Kathryn Grandon Adrian Osborne Stephen Plumb (Chair) <u>Liberal Democrat</u> Helen Davies (Vice-Chair) John Whyman	<u>Green</u> Jane Carruthers Jessie Carter Tim Regester

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AGENDA

PART 1

MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT

Page(s)

- 1 **APOLOGIES FOR ABSENCE/SUBSTITUTIONS**
- 2 **TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTERABLE OR NON REGISTERABLE INTERESTS BY MEMBERS**
- 3 **DECLARATIONS OF LOBBYING**
- 4 **DECLARATION OF PERSONAL SITE VISITS**
- 5 **BPL/23/07 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 23 AUGUST 2023** 5 - 10
- 6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME**
- 7 **SITE INSPECTIONS**

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

8 **BPL/23/08 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** 11 - 14

An Addendum to Paper BPL/23/08 will be circulated to Members prior to the commencement of the meeting summarising additional correspondence received since the publication of the agenda but before 12 noon on the working day before the meeting, together with any errata.

a **DC/23/01962 LAND AT WEAVERS MEADOW, IPSWICH ROAD, HADLEIGH, IP7 6BE** 15 - 102

Notes:

The Council has adopted Public Speaking Arrangements at Planning Committees, a link is provided below:

[Public Speaking Arrangements](#)

Those persons wishing to speak on an application to be decided by Planning Committee must register their interest to speak no later than two clear working days before the Committee meeting, as detailed in the Public Speaking Arrangements (adopted 30 November 2016).

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

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

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

Date and Time of next meeting

Please note that the next meeting is scheduled for Wednesday, 1 November 2023 at 9.30 am.

Webcasting/ Live Streaming

This meeting will not be livestreamed.

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

Introduction to Public Meetings

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

Domestic Arrangements:

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

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

Agenda Item 5

BABERGH DISTRICT COUNCIL

Minutes of the meeting of the **PLANNING COMMITTEE** held in the SIR BOBBY ROBSON SUITE, IPSWICH TOWN FOOTBALL CLUB, PORTMAN ROAD, IPSWICH, IP1 2DA on Wednesday, 23 August 2023 at 09:30am.

PRESENT:

Councillor: Stephen Plumb (Chair)
Helen Davies (Vice-Chair)

Councillors: Jane Carruthers
Paul Clover
Michael Holt
Adrian Osborne
John Whyman
Jessie Carter
Kathryn Grandon
Margaret Maybury
Tim Regester

Ward Member(s):

Councillors: Derek Davis

In attendance:

Officers: Area Planning Manager (MR)
Planning Lawyer (IDP)
Case Officer (HG)
Governance Officer (CP)

20 APOLOGIES FOR ABSENCE/SUBSTITUTIONS

20.1 Apologies were received from Councillor Peter Beer.

20.2 Councillor Paul Clover substituted for Councillor Beer.

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

21.1 There were no declarations of interest declared.

22 DECLARATIONS OF LOBBYING

22.1 There were no declarations of lobbying.

23 DECLARATION OF PERSONAL SITE VISITS

23.1 Councillor Carruthers declared a personal site visit in respect of application number DC/22/05162.

24 BPL/23/05 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 26 JULY 2023

It was RESOLVED:

That the minutes of the meeting held on 26 July 2023 were confirmed and signed as a true record.

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

25.1 None received.

26 SITE INSPECTIONS

26.1 None received.

27 BPL/23/06 PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

27.1 The Chair informed the Committee that application number DC/23/00764 had been withdrawn by the Applicant.

27.2 In accordance with the Council's arrangements for Public Speaking at Planning Committee, representations were made as detailed below relating to the items in Paper PL/23/06 and the speakers responded to questions put to them as provided for under those arrangements.

Application Number	Representations From
DC/22/05162	Dina Bedwell (Shotley Parish Council) Jeanette Briscoe (Objector) Roger Balmer (Agent) Councillor Derek Davis (Ward Member)

It was RESOLVED

That subject to the imposition of conditions or reasons for refusal (whether additional or otherwise) in accordance with delegated powers under Council Minute No. 48(a) (dated 19 October 2004) decisions on the items referred to in Paper PL/23/06 be made as follows:-

28 DC/22/05162 LAND NORTH OF, THE STREET, SHOTLEY, SUFFOLK

28.1 Item 8A
Application DC/22/05162
Proposal Full Planning Application – Erection of 43No. dwellings (including 15No. affordable homes) with associated highways access, estate road, landscaping, and Public Open Space.

Site Location **SHOTLEY** – Land North of, The Street, Shotley, Suffolk
Applicant R, H, J, M Wrinch and K Blake

- 28.2 The Case Officer introduced the application to the Committee outlining the application before Members including: the reasons for refusal, the site location, the proposed site layout and housing mix, the elevations and floor plans, the proposed landscaping plans, the distance to the adjacent Erwarton Hall and local amenities, the proposed site access, and the officer recommendation of refusal as detailed in the report.
- 28.3 The Case Officer and the Area Planning Manager responded to questions from Members on issues including: the location of the site and the trees to be removed, the precise distance to Erwarton Hall, and the definition of Grade 2 farmland.
- 28.4 Members considered the representation from Dina Bedwell who spoke on behalf of Shotley Parish Council.
- 28.5 Members considered the representation from Jeanette Briscoe who spoke as an Objector. A reasonable adjustment was made to allow the representation to be read out on behalf of the Objector by the Parish Clerk, with the agreement of the Chair. The Objector was present at the meeting.
- 28.6 The Objector responded to questions from Members on issues including the location of the nearest play area to the development.
- 28.7 Members considered the representation from Roger Balmer who spoke as the Agent.
- 28.8 The Agent responded to questions from Members on issues including: the potential impact of the loss of Grade 2 farmland, alternative agriculture plans, whether there were there any public rights of way across the site, public access into the wild flower meadow and whether this would be conditioned by the planning permission if granted, whether the existing meadow would remain as a meadow, the housing needs survey, and the S106 agreement.
- 28.9 The Area Planning Manager provided clarification to Members regarding: the requirements and methodologies for housing needs surveys, and how these impacted an application, and when an S106 agreement would be required and why this had been included in the reasons for refusal.
- 28.10 The Agent responded to further questions from Members on issues including: the recommendations from Officer regarding the location of the play equipment and the design of the development and why these recommendations were not followed, the benefits to the community of the proposed design, the cycling and walking routes from the estate into the village, details of the landscaping policy, the location of the pedestrian crossing, who will be responsible for the management of the meadow, whether Air Source Heat Pumps would be installed in each property, and the solar panel provision per property.

- 28.11 Members considered the representation from Councillor Derek Davis who spoke as the Ward Member.
- 28.12 The Ward Member responded to questions from Members on issues including: the potential benefits of this application to future Local Cycling and Walking Infrastructure Plans (LCWIP), the location of the development being outside of the built-up boundary, the layout of the site, employment opportunities in the area, and the need for the development.
- 28.13 A break was taken from 10:24am until 10:31am.
- 28.14 The Area Planning Manager provided clarification to Members of the application before them today and how the allocation of housing for people with a local connection would not affect this application and could not be secured through planning conditions. He also explained that the personal circumstances of the applicant were not relevant to the case.
- 28.15 The Area Planning Manager responded to questions from Members on issues including: the number of affordable housing units with planning permission in Shotley, the relevance and application of the policies detailed in the Officer report, and the legal implications of the reasons for refusal.
- 28.16 Members debated the application on issues including: the lack of comments from Suffolk County Council Highways regarding the accumulative impact of the additional vehicles, the provision of solar panels and air source heat pumps in the dwellings, the access to the meadow, the children's play area, and the range of design within the development.
- 28.17 The Area Planning Manager responded to comments regarding the allocation of housing for people with a local connection.
- 28.18 Members continued to debate the application on issues including: the design and layout of the development, the proposed housing mix, the provision of affordable housing for local residents, the potential impact of other developments in the area, the potential highways impact, the existing public transport provision, the location of the development, the cycle path provision, the proposed location of the access to the site, the potential impact on the character of the village and the accumulative effect of additional housing in the village, the response to the housing needs survey and the methodology of the survey, alternative sites for affordable housing in the ward, the lack of highways objections, the planning reasons for refusal, and the heritage aspects.
- 28.19 The Area Planning Manager provided confirmation to the Committees regarding the reports received from the Heritage Team and Historic England, and advised that if comments were received from two separate bodies with one being an objection, that comment must be considered.
- 28.20 The Area Planning Manager and The Planning Lawyer responded to questions on issues including: the weight to be given to the emerging Joint

Local Plan, and the relevance of stage one of the plan to this application.

28.21 Councillor Grandon proposed that the application be approved as detailed in the Officer recommendation.

28.22 Councillor Osborne seconded the proposal.

28.23 Members continued to debate the application on issues including: the weight given to the various policies detailed in the reasons for refusal.

28.24 The Area Planning Manager and the Case Officer responded to questions from Members regarding the details of the landscaping report referred to in the Officer report.

28.25 The Proposer and Secunder agreed to remove reference to the emerging Joint Local Plan Policy SP03 from the Reason for Refusal 1 (Principle), and to remove the Reason for Refusal 3 (Heritage).

By a vote of 7 votes for and 4 against

It was RESOLVED:

That the application is REFUSED planning permission for the following reasons: -

1. REASON(S) FOR REFUSAL – PRINCIPLE

The site is located outside the Built-Up Area Boundary of Shotley and is therefore classed as countryside. Babergh is currently able to demonstrate a 7.13-year housing land supply. The proposed development has failed to demonstrate an identified need for market housing. The application is therefore contrary with the aims of the National Planning Policy Framework (2021), and Policies CS1, CS2, CS11 and CS15 of the Babergh Core Strategy (2014).

2. REASON(S) FOR REFUSAL – LANDSCAPE IMPACT

The site is located adjacent to the Suffolk Coasts & Heaths Area of Outstanding Natural Beauty (AONB) and within the Additional Project Area. The proposal has failed to respect the character of the AONB through its design and layout, breaking from the linear pattern of development prevalent within the locality. The application is therefore contrary with the aims of the National Planning Policy Framework (2021), as well as Policy CS15 of the Babergh Core Strategy (2014).

3. REASON(S) FOR REFUSAL – LACK OF S106 AGREEMENT

The proposal has failed, through the lack of an agreed S106 agreement, to provide sufficient contributions towards infrastructure provision and is therefore deemed contrary to Paragraph 57 of the NPPF (2021) and Policy CS21 of the Babergh Core Strategy (2014). Such agreement would be

required to address provision for infrastructure that cannot be provided through a planning condition.

4. REASON(S) FOR REFUSAL – LACK OF AFFORDABLE HOUSING PROVISION

The proposal has also failed, through the lack of an agreed S106 agreement, to provide sufficient contributions towards affordable housing and is therefore deemed contrary to Paragraph 57 of the NPPF (2021) and Policy CS19 of the Babergh Core Strategy (2014). Such agreement would be required to address the provision of affordable housing that cannot be provided through a planning condition.

29 DC/23/00764 LAND SOUTH OF, TAMAGE ROAD, ACTON

29.1 Item 8B

Application Proposal	DC/23/00764 Application under Section 73 of the Town and Country Planning Act for DC/22/01674 for variation of Conditions 1 (approved plans and documents) & 4 (Additional pieces of play equipment)
Location	ACTON – Land South of, Tamage Road, Acton
Applicant	Bloor Homes Eastern

29.2 Application withdrawn by the applicant.

The business of the meeting was concluded at 11.09 am.

.....
Chair



BPL/23/08

BABERGH DISTRICT COUNCIL

PLANNING COMMITTEE

18 OCTOBER 2023

SCHEDULE OF APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

Item	Page No.	Application No.	Location	Officer
8A		DC/23/01962	Land at Weavers Meadow, Ipswich Road, Hadleigh, IP7 6BE	VP

Philip Isbell
Chief Planning Officer

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

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

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

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

DELEGATION TO THE ACTING CHIEF PLANNING OFFICER

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

PLANNING POLICIES

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

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

National Planning Policy Framework:

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

LIST OF ABBREVIATIONS USED IN THIS SCHEDULE

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

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Agenda Item 8a

Committee Report

Item No: 7A

Reference: DC/23/01962

Case Officer: Vincent Pearce

Ward: Hadleigh North.

Ward Member/s: Cllr Simon Dowling.

RECOMMENDATION – The Chief Planning Officer be authorised to GRANT conditional permission subject to him first being satisfied that a permanent right of access across the site for vehicles servicing, maintaining or otherwise undertaking essential repair to the pumping station to the north of the site have been secured via an appropriate legally binding mechanism.

Description of Development

Erection of a coffee shop with drive through facility, associated vehicular access, circulation, parking and landscaping.

Location

Land at Weavers Meadow, Ipswich Road, Hadleigh, IP7 6BE

Expiry Date: This application is the subject of an extension of time

Application Type: FUL - Full Planning Application

Development Type: Minor Retail distribution & servicing

Applicant: Burney Estates Ltd

Agent: Mr Luke Thrumble

Parish: Hadleigh

Site Area: 0.15ha

Gross & Net Density: not applicable

Gross floor area: 195.6sq.m.

Gross internal floor area: 170.6sq.m.

Plot ratio* (ie; ratio of total floor area to site area) : 0.1 : 1 (ie: total floor area is $\frac{1}{10}$ of the total site area)

**Plot ratio is a basic tool for describing the intensity of built-form on a site. The figure here of 0.01 represents a low intensity. A plot ratio of 1:1 would indicate that total floor area equalled the site area. As plot ratio reaches nearer to 1:1 you can see that if the building is single-storey it leaves nothing left of the site for parking, landscaping and so on. The entire site is entirely occupied by building floorspace. That suggests overdevelopment. The more the figure on the left exceeds the figure on the right the greater the intensity. Multi storey buildings are a way of dealing with higher intensity development whilst delivering parking landscaping etc but will result in intensive use of a site. It can be argued that this represents efficient use of land but can result in other planning issues*

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

The application site is owned by Babergh District Council and as such the application will be determined by the Planning Committee in a meeting open to the public rather than authority delegated to officers under the Constitution, in the interest of:

1. ensuring the transparency and openness of the Council's planning decision making process; and,
2. maintaining public confidence in the integrity and fairness of the planning process as operated by the Council by exposing it to public scrutiny; and,
3. to ensure full probity is publicly demonstrated and open to view

Whilst the Council is not the applicant in this case it is the land-owner and if the application is successful the applicant will acquire an interest in the land from the Council. In such circumstances the Council will benefit financially from the decision.

Transparency Statement

As is required the merits of this proposal have been considered and reported herein by planning officers based only on their professional consideration of all relevant material planning considerations as is the case with any other application where the Council is not the landowner and/or the applicant. For the avoidance of doubt the Council's current ownership of the site is not a material planning consideration and has not been taken into account in this report or influenced the recommendation herein.

The Main Planning Issues

The main planning issues upon which Members are going to have to exercise their individual planning judgement and to attribute weight variously as they see appropriate are considered to include the following: Will the proposed development -

- Have a significant adverse impact on the vitality and viability of the Town Centre thereby undermining the objective of the 'Town Centre First' approach as promoted in the NPPF 2023, The Adopted Development Plan and the Draft JLP?
- Cause unacceptable impact/s on highway safety, or the residual cumulative impacts on the road network that are severe?
- Generate unacceptable harm to the residential amenity enjoyed by nearby dwellings such as to significantly harm the quality of life of the residents therein, where such impacts cannot be adequately mitigated?

- So undermine the Council's strategic economic strategy that it prejudices the Council's ability to deliver strategic employment objectives in a plan-led system?
- Meet the Council's relevant parking standards and so be expected not to cause undue congestion on the highway?
- Conform to the letter or spirit of the extant planning permission granted on this site?
- Be environmentally and ecologically compatible and sustainable?

These will be explored throughout the report and revisited within the Planning Balance and Conclusion section of this report to provide justification for the Recommendation that is provided at Section 5.0.



figure 1: **The location of the site (red dot) in the wider context of Hadleigh**

The application is supported by the following additional documents:

- | | |
|---|--------------------------------------|
| • Arboricultural Impact Assessment | • Planning Statement |
| • Archaeological Assessment | • Preliminary Ecological Assessment |
| • Biodiversity Impact Net Gain Assessment | • Sequential Test (Town Centre Uses) |
| • Flood Risk Assessment (FRA) & SuDS Strategy | • Transport Statement |
| • Noise Impact Assessment | |

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

SP03 (Local Plan 2006):

“Proposals for significant new retail, leisure and other substantial trip generating developments, including convenience goods superstores and retail warehouses that cannot be located in defined town centres, will be considered against the following criteria

- the retail need for the development;*
- the availability of suitable sites in or adjoining the town centre;*
- the potential impact of the development on the vitality and viability of town centres and the rural economy;*
- the accessibility by non-car methods of transport, including pedestrians, cyclists and buses, and the ability to promote access of this kind; in some cases the submission and approval of a ‘Green Travel Plan’ will be required;*
- the ability of the local highway network to safely accommodate traffic likely to be generated by the development;*
- the ability of the site to provide for appropriate car parking and servicing requirements; • the ability to link the site by good footpath routes to the town centre; and the potential impact on residential amenity, or that of other occupiers;*
- the potential impact on landscape characteristics, biodiversity, archaeology and cultural heritage;*
- the potential impact on the visual amenity of the locality;*
- the potential impact on conservation areas and listed buildings;*
- the site should not include land allocated for employment purposes in the Local Plan; and*
- in the case of retail warehouse proposals, the goods to be sold must be mainly bulky*.”*

EM03 (Local Plan 2006):

“Land to the south-east of Lady Lane (and south of the A1071) at Hadleigh (off Grays Close) is allocated for a mixed-use development, comprising employment, housing and open space. This will incorporate:

- a minimum of 5.0 hectares of new land for general employment use, to be located on the eastern part of the site;
- a minimum area of 3.5 hectares of open space to be located at the southern end of the site;
- provision for substantial landscaping measures to create a new eastern boundary to the site and green/amenity and wildlife corridors within the development, particularly along the route of footpath 24;
- housing on the remainder of the site (see Policy HS15);
- a site within the general employment area for the establishment of a waste transfer station;
- provision for a new means of separate road access direct from the A1071 and junction improvements where these two roads will meet (see note below); and
- provision for a linked network of pedestrian and cycle ways through the site linking to Grays Close, Lady Lane and Tower Mill Lane.”

CN01
CN04
TP15

Joint Local Plan 2023

On 19th September 2023, the Babergh and Mid Suffolk District Councils received the Inspectors' report on the examination of the Joint Local Plan. The Inspectors' have concluded that, subject to the recommended modifications, the Plan is sound. Accordingly, officers have considered the modified policies having regard to the requirements of paragraph 48 of the NPPF, as relevant to the determination of this planning application. The JLP and its policies are a material consideration of significant weight in this case."

The policies most relevant to the case before Members include:

“Policy SP06 – Retail and Main Town Centre Uses

1. *Proposals for new main town centre uses will be supported in Sudbury, Hadleigh and Stowmarket town centres (as defined on the Policies Map) and centres that are defined in made Neighbourhood Plans.*
2. *A sequential test will be applied for proposals for main town centre uses which are neither in defined town centre areas, nor in accordance with an up-to-date plan.*
3. *In order to protect and enhance the historic environment of the settlements, development proposals will need to demonstrate they have been appropriately designed with the townscape, heritage assets and their settings.*

Policy LP11 - Retail and Town Centres

1. *Within Town Centre Boundaries as defined on the Policies Map development proposals should normally seek to ensure they do not eliminate separate access arrangements to upper floors, which could be used for residential, community or employment uses.*
2. *To maintain vitality and viability of town centres, proposals:*
 - a. *That include ‘above the shop’ homes, and/or a mix of retail and other leisure and cultural activity, including support for the evening economy, and improvements to the public realm (such as tree planting and green infrastructure) will be encouraged in principle.*
 - b. *That ensure new and existing open spaces, community facilities, including meeting places that are accessible to all, will be encouraged in principle.*

3. Out of Town Centre Applications

Where an application for Class E (retail and leisure development) outside of town centre boundaries), is in excess of 400m² , an impact assessment will be required. A sequential test in accordance with the NPPF will be applied for any applications for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan, including Neighbourhood Plans where relevant. Applications which would fail the sequential test or are likely to have a significant adverse impact on the vitality and viability of nearby centres will not be supported.”

Policy LP09 – Supporting a Prosperous Economy

1. *Proposals for employment use must:*
 - a. *Be sensitive to the surroundings, including any residential and other amenity, landscape and heritage assets;*
 - b. *Demonstrate a high standard of design;*
 - c. *Where necessary, provide contributions to the enhancement of the digital infrastructure network; and*
 - d. *Demonstrate a safe and suitable access for all users, sufficient on-site parking and that it will not have a severe impact on the road network.*
2. *Change of use to small scale employment within a residential curtilage, is supported where:*
 - a. *There are no direct sales from the site;*
 - b. *The direct and indirect effects of the scale of the business activity, including the employment of non-residents at the business, must remain incidental to the overall use of the site for residential purposes;*
 - c. *The hours of operation are compatible with residential use; and*
 - d. *The business does not create noise, dust, fumes or other emissions, outdoor storage or frequent delivery/collection that are likely to give rise to significant adverse impacts on health, quality of life or local amenity.*

Policy LP10 – Change from Employment Uses

1. *In order to sustain a suitable land supply to meet economic demands, proposals for development will only be approved where the proposal would not compromise ongoing employment use(s).*
2. *Proposals that would lead to the full or partial loss of employment sites or premises will be required to demonstrate:*
 - a. *That the possibility of re-using or redeveloping the land for other employment-or community uses have been explored by a period of sustained marketing normally for 6 months by an independent qualified assessor. This must be undertaken at a*

- realistic asking price, on a range of terms and in an appropriate format. The approach for the marketing must be agreed by the relevant LPA; and*
- b. The proposal would not give rise to amenity conflicts with existing or proposed employment uses/activities in the vicinity of the site.*

Policy LP 12 – Tourism and Leisure

- 1. Proposals for new tourism and leisure facilities, or improvements/extensions to existing facilities, will be supported where they:*
 - a. Improve the Districts' ability to attract and cater for visitors, increase local employment opportunities, enhance the vitality of places and provide for environmental improvements;*
 - b. Improve the range, quality and accessibility of facilities;*
 - c. Are accessible by public transport and facilitates walking and cycling, whilst providing appropriate parking and access, and ensuring the associated traffic movement would not compromise highway safety;*
 - d. Includes facilities which are open to the wider community, to enhance both accessibility and the range of facilities available;*
 - e. Respect the character of the landscape by having regard to landscape guidance that supports the development plan; and*
 - f. Follow a hierarchy of seeking firstly to avoid impacts, secondly mitigating for impacts so as to make them insignificant on the local ecology, biodiversity, trees and hedgerows, or thirdly as a last resort compensate for losses that cannot be avoided or mitigated.*

- 2. In addition to the criteria above, proposals outside settlement boundaries may be supported where the proposal:*
 - a. Increases access, enjoyment and interpretation of the countryside, appropriately, sensitively and sustainably;*
 - b. Improves accessibility for existing places, which are not well served by public transport; and*
 - c. Is of an appropriate scale for their context.*

Policy LP24 - Design and Residential Amenity

- 1. All new development must be of high-quality design, with a clear vision as to the positive contribution the development will make to its context. As appropriate to the scale and nature of the development, proposals must:*

- a. *Respond to and safeguard the existing character/context;*
 - b. *Create character and interest;*
 - c. *Be designed for health, amenity, well-being and safety; and*
 - d. *Meet Space Standards*
2. *In order to achieve this development proposals shall:*
- a. *Respond to the wider townscape/landscapes and safeguarding the historic assets/ environment and natural and built features of merit;*
 - b. *Be compatible/harmonious with its location and appropriate in terms of scale, mass, form, siting, design, materials, texture and colour in relation to the surrounding area;*
 - c. *Protect and retain important natural features including trees or hedgerows during and post construction;*
 - d. *Create/reinforce a strong design to the public realm incorporating visual signatures*
 - e. *Take account of the Building for a Healthy Life design assessment framework and include good practice in design. Non-householder schemes of exceptional design and /or development within a sensitive area/ landscape will be required to undertake a design review to test incorporation of good design principles*
 - f. *Incorporate high levels of soft landscaping, trees and public open space that creates, and connects to, green infrastructure and networks;*
 - g. *Prioritise movement by foot, bicycle and public transport, including linkages to create/contribute to a ‘walkable neighbourhood’;*
 - h. *Design-out crime and create an environment for people to feel safe, and has a strong community focus;*
 - i. *Protect the health and amenity of occupiers and surrounding uses by avoiding development that is overlooking, overbearing, results in a loss of daylight, and/or unacceptable levels of light pollution, noise, vibration, odour, emissions and dust, including any other amenity issues;*
 - j. *Provide appropriate long-term design principles and measures in terms of privacy and adequate facilities such as bin storage (including recycling and re-use bins), secure cycle storage and garden space;*
 - k. *Where appropriate demonstrate that the design considers the needs of disabled people and an ageing population and follow Dementia-Friendly Design Principles; and*
 - l. *Provide at least 50% of dwellings which meet the requirements for accessible and adaptable dwellings under Part M4(2) of Building Regulations (or any relevant regulation that supersedes and replaces). Where site viability issues exist, proposals must be supported by a viability assessment which convincingly demonstrates what the maximum viable contribution for accessible and adaptable dwellings is.*
3. *All developments must also demonstrate that they have regard to the design principles set out through Suffolk Design, the Councils’ Design Supplementary Planning Documents, design documents which support Neighbourhood Plans and/or village design statements. Development which fails to maintain and, wherever possible improve, the quality and character of the area will not be supported.*

Core Strategy (February 2014)

- CS1: Applying the Presumption in Favour of Sustainable Development in Babergh
- CS2: Settlement Pattern Policy
- CS3: Strategic Growth and Development
- CS6 (A & B): Hadleigh
- CS12: Sustainable Design and Construction Standards
- CS13: Renewable/Low Carbon Energy
- CS14: Green Infrastructure
- CS15 Implementing Sustainable Development in Babergh (mixed and balanced communities)
- CS16: Town, Village and Local Centres

“Retail, leisure, tourism, cultural and office development will continue to be focussed in Sudbury and Hadleigh, and in village and local centres at an appropriate scale and character for the location, and in new local centres located in the Strategic Allocations / New Direction of Growth.

New retail, leisure and similar service uses, including evening and night-time uses, will be assessed for potential impact, including cumulative impact, on the character and function of the centre / area, anti-social behaviour and crime, including considering security issues raised by crowded places, and the amenities of nearby residents, as well as on the vitality and viability of existing centres.”

NPPF 2023

Relevant parts include:

Paragraph 11

Paragraph 12

Paragraph 35

Paragraph 47

Paragraph 83

Paragraph 86-91

Paragraph 174

Section 6. Building a strong, competitive economy

Section 7. Ensuring the vitality of town centres

Particularly but not exclusively:

Paragraph 87

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

Paragraph 90

“When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of: a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).”

Section 9 Promoting sustainable transport

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving the historic environment

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan is currently at:-

Stage 2: Preparing a draft neighbourhood plan

Accordingly, the Neighbourhood Plan has little to no weight as material planning consideration in the determination of planning applications.

Other

Suffolk Guidance for Parking 2019 (3rd Edition)

Consultations and Representations

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

A: Summary of Consultations

Town Council

■ Hadleigh Town Council objects: 17 July 2023

“The Planning Committee¹ met on 17th July 2023 and viewed the revised plans (we had not been notified officially of revised plans being provided).

They still object to the revised plans and stand by all their previous comments submitted on 24th May 2023 with the exception of the pedestrian access (which has been addressed) as the plans have not substantially changed from the original.”

■ Hadleigh Town Council objects: 24 May 2023

The Planning Committee met on 23rd May and agreed to OBJECT to this application.

While we are aware that this area of land is designated as business/industrial/employment and are not averse to development here but we have the following concerns about this application:

- 1. Location - the entrance/exit is on a dangerous bend straight off a roundabout of the A1071, the visibility while exiting will be very limited and cars park on the opposite side of the road making the road single file.*
- 2. Design - this is not in keeping with the town, the building is of modern design which does not match the majority of the town which is a conservation and historical area.*
- 3. Signage - The proposed signage is far too large for the area and we have concerns about the illuminated sign causing light pollution and affecting wildlife in the area. No opening times are listed so it is difficult to know when the proposed illumination will be.*
- 4. Parking Spaces - there are not enough parking spaces provided.*

¹ Reference here is to the Planning Committee of Hadleigh Town Council and not that of MSDC

5. *Pedestrian/Cycle Access - There is no detail about how pedestrians and cyclists will access the location.*
6. *Noise Pollution - local residents who live opposite are likely to be impacted by the noise.*
7. *Waste Water - there is already an issue with waste water on the estate and this development will add to it. Could Anglian Water be asked to comment about this?*

Councillors will also be asking our District Councillor to call this application in to the BDC Planning Committee.”

Officer comment: 1. Location (highways and access)

The location is considered to be acceptable in highway terms by the local highway authority (lha)(25 September 2023) and the access geometry and position has evolved through discussion with the lha.

Officer comment: 2. Design/Heritage

The concern expressed by the Town Council is noted. It is acknowledged that the proposed building is of a contemporary design but this is not inappropriate in a location such as this where a large new residential estate is being constructed around two sides of it (parts with a contemporary character) and where a large area to the west is a long-standing industrial estate.



figure 2: **Examples of the appearance , scale and style of existing commercial buildings in Lady Lane.** (please see figure 3 [yellow arrow] for location and direction of this image)

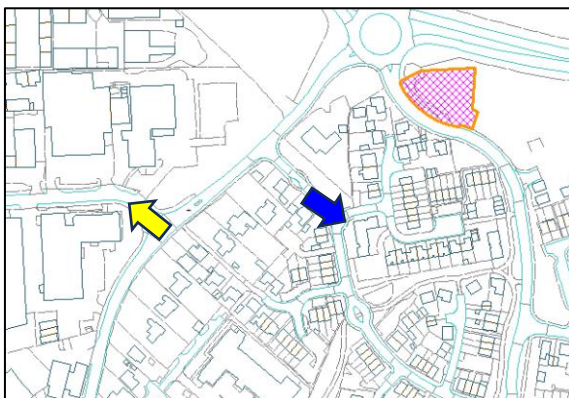
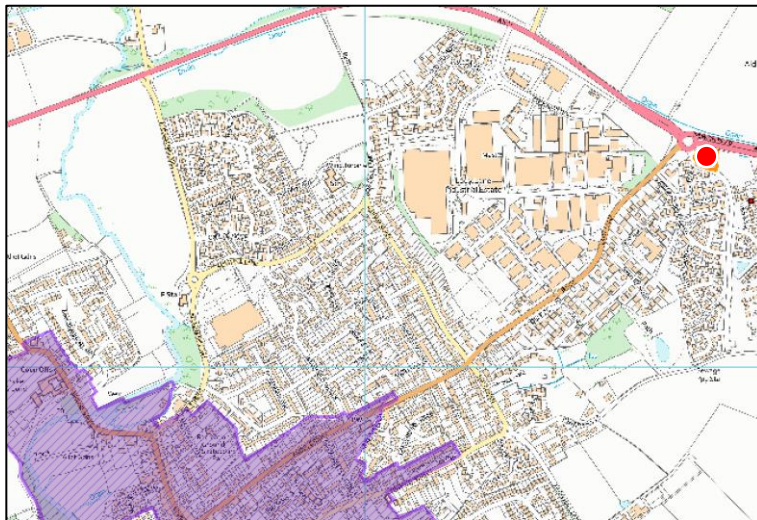


figure 3:
The location and direction of images taken in figures 2 and 4



figure 4: **An example of an existing residential building on the Weavers Meadow development**

The site is sufficiently distant from the historic core of Hadleigh and such is the nature and character of intervening existing development that the proposal will not result in harm to the character of the conservation area and/or the listed buildings and their setting in the historic core of the Town.



- application site
- conservation area

figure 5:
The significant distance between the site and Hadleigh Conservation Area.

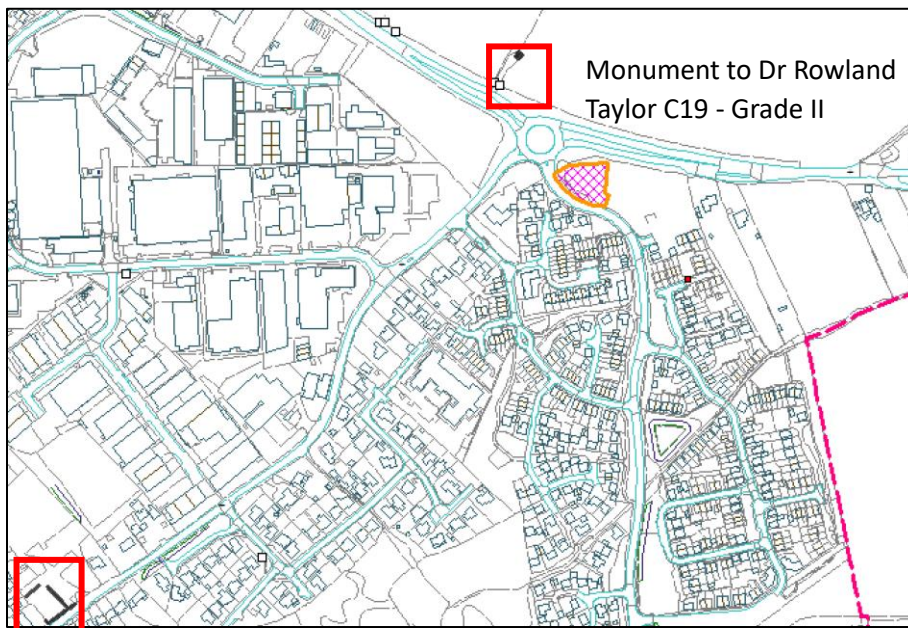


figure 6:
The site and relationship to heritage assets in the immediate vicinity

▼ figure 7: **Scheduled monument**



▼ figure 8: **Concealed location of scheduled monument**



Rowland Taylor was an English Protestant martyr during the Marian Persecutions. At the time of his death, he was Rector of Hadleigh in Suffolk. He was burnt at the stake at nearby Aldham Common on 9 February 1555.



figure 9:
**Access point to
scheduled
monument from
Ipswich Road**



figure 10: **Section of Listed Walls: Lady Lane frontage**

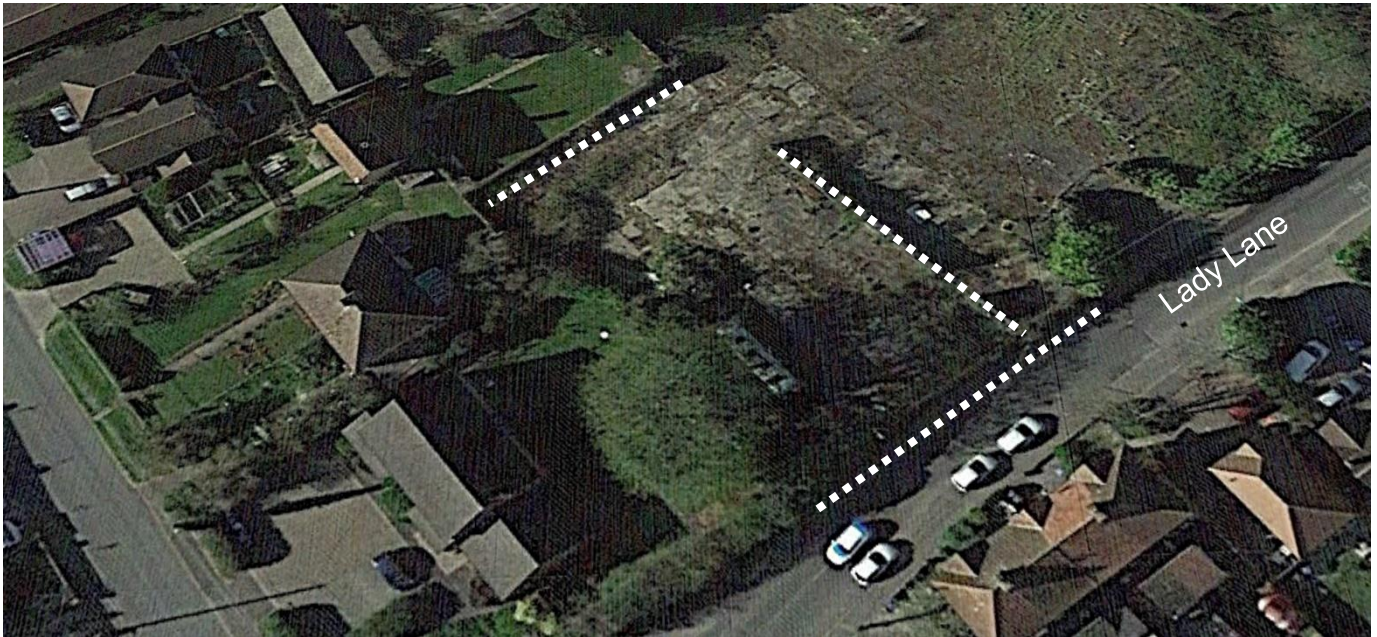


figure 11: **Listed Walls: Lady Lane from the air**

Officer comment: 3. Signage

Signage is not a matter for determination here and is the subject of a sperate application for consent to display advertisements. That said officers shared the concerns of the Town Council in terms of the signs shown illustratively on the elevation drawing that do accompany this application. As a result the applicant was asked to amend the elevations in order to shown less prominent and more subdued forms of signage. It is intended that the applicant will amend the proposed signage on the buildings to resemble that shown on the current elevation drawings. This is shown in detail later in this report. If members are minded to grant planning permission it is recommended that a condition be added to clarify the situation in respect of signage.

Officer comment: 4. Parking Spaces

The amended proposal includes sufficient off street parking to meet the Council's adopted parking standards and cannot therefore be reasonably refused on the grounds of adequate parking provision..

Officer comment: 5. Pedestrian and cycle parking

Pedestrian and cycle access has been improved as a result of negotiated amendments. Hadleigh Town Council in its comments of 7 July 2023 recognise and welcome this.

Officer comment: 6. Noise Pollution

Please see the relevant section in the Assessment section of this report where noise is specifically considered

Officer comment: 7. Waste Water

Please see the relevant section in the Assessment section of this report where noise is specifically considered

■ Hadleigh Town Council objects: 17 July 2023

“The Planning Committee met on 17th July 2023 and viewed the revised plans (we had not been notified officially of revised plans being provided).

They still object to the revised plans and stand by all their previous comments submitted on 24th May 2023 with the exception of the pedestrian access (which has been addressed) as the plans have not substantially changed from the original.”

National Agency Responses

Not applicable

County Council Responses

■ Highways: No objection following amended details (25 September 2023)

Conditions are recommended:

1. visibility splays in accordance with amended drawings
2. no occupation until approved access implemented
3. no occupation until approved access surfaced with bound material
4. Surface water drainage details
5. full details of footway and implementation prior to occupation
6. full binstore details
7. construction management strategy
8. deliveries management plan

■ Fire & Rescue: No objection (9 May 2023)

“No additional water supply for fire-fighting purposes is required in respect of this planning application.”

Recommended Informatives:

“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.”

“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”

“Sprinkler advice letter”

■ Travel Plans: No objection (26 April 2023)

“The Travel Plans team have no comments to make on this development.”

Internal Consultee Responses

■ Economic Development Team: Broadly supports (20 September 2023)

“The economy team broadly support this application as it will deliver 20 new jobs and will provide an anchor for a new employment site on the edge of Hadleigh.

Whilst this land has been designated for employment use and this proposal doesn't fit within these use classes, it is expected that this development will provide a catalyst for the commercial development of the remainder of the site, delivering substantial new jobs for the community in and around Hadleigh.

As the applicant has stated within the application, a sequential test has been completed to review alternative locations for this business. Their summary is that no other locations are suitable as the business needs “high passing trade and a suitable area for a drive-thru and parking”.

Whilst we do not necessarily disagree with the outcome of the sequential test, a number of locations that should have been included have been omitted, including for example 60 High Street in Hadleigh which is 1476sqm – slightly below the minimum sqm required by Starbucks. The applicant has been asked to look at this property by way of an addendum

Whilst our preference is for this use to be based in the town centre, the proposed location will attract a high number of customers who are driving past Hadleigh on the A1071 who would not

otherwise drive into Hadleigh to visit the business in this location. It will also provide a local hub for businesses who will be co-located on the wider employment site. This type of facility will potentially reduce the need for car travel by staff on this estate at lunchtimes and make the wider development more sustainable.

The Hadleigh town centre is still relatively healthy, but has seen a recent increase in vacancies with a vacancy rate of 15% as of July 23, up from 11% in April 22. This is higher than the national average of 10.9% and substantial efforts are being put in to support the growth of Hadleigh market and encourage new investment within the town centre through the Town Vision programme. However, as the applicant has stated that there are no available, suitable locations within the town centre, refusing permission for this unit in this location would not result in the investment being redirected to the town centre, it would be lost to the District and it is felt that this would be an undesirable outcome, particularly at a time when we are still within a cost of living crisis and all new jobs are essential to provide employment opportunities for our residents.”

Officer comment:

The broad support from the Economic Team is noted.

Whilst the Economic Team correctly identifies that this site is designated for employment use in the Local Plan 201,4 the planning permission that was granted does allow for A1 (retail as was), A3 (restaurant as was) and B1 business as was). These are now Class E uses. Much of the proposed use constitutes what was A3 use. The Principle of Use section of this report explores the issue in significant detail.

■ **Heritage Team: (12 May 2023)**

“The Heritage Team has no comments to make on the above application”

■ **Environmental Health [Land Contamination] : No objection (17 May 2023)**

“Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.”

Recommended Informative:

“In the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification”

■ Environmental Health [Air Quality]: No objection (17 May 2023)

"I can confirm that the scale of development is not likely to be of a scale of that would compromise the existing good air quality at, and around the development site. When assessing the impacts of developments, we give regard to the existing air quality at the site as provided by DEFRA background concentrations and also the number of likely vehicle movements. DEFRA and the Institute of Air Quality Management provide benchmarks of the scale of development that may start to cause a deterioration of air quality that requires further assessment. IAQM indicate that concerns may start to occur on developments which generate an additional 500 vehicle movements a day – this development falls short of this threshold and as such further investigation is not warranted."

■ Environmental Health [Noise, Odour, Light, Smoke]: Objection (15 May 2023)

"I have had regard to the Noise Impact Assessment (NIA) (prepared by Clear Acoustic design, dated 16.02.23, revision 0.

No operating hours are given in the application form, however section 3.2.1 of the NIA states that the development will operate from 05.00 – 000.00 hrs. It is stated that "the night time assessment for customer vehicles is conducted for 2100 – 2200hrs as this is the worst case time period". I am unsure of why this is – it may be that the opening hours to the public would cease at 22.00hrs and I would therefore ask for this to be clarified (along with the time at which the site would open to the public in the morning) . I would also ask for clarification on table 3.1 where both columns are labelled as LAeq. I suspect this is a typo and the right hand column should be labelled LA90 however I would ask that this be clarified .

The NIA firstly looks at the impact of noise from the arrival and departure of customer vehicles and HGV deliveries at the site. In terms of customer vehicles, the NIA finds that during busy daytime periods, there may be a +2dB increase in existing noise levels. This is likely to be just perceptible for the nearest residents, although the nature of the noise (being different from the existing linear traffic noise) may make it appear more intrusive.

In terms of noise from service vehicles, the time periods 05.00 – 06.00 and 23.00 – 0000 are used as these are when deliveries will be made. In both time periods, the noise from HGV vehicles will be higher than the existing ambient noise levels and by 2-3dB. Again, this will be a discernible increase to the nearest residents. I am concerned that short term noise events associated with deliveries, such as air brakes, tailgate lifts, roll cage movements etc have not been taken into account. These should be expressed in the form of LAm_{ax} and do have the potential to disturb sleep. Whilst I appreciate that the HGVs will remain in forward gear it is unclear how the delivery will be managed and I would appreciate clarity on this – will it be made via the drivethru road (which presumably has a height restriction)?

I am concerned that both the main customer entrance and the binstore/delivery area are both on facades facing the residential properties and thus this layout is more likely to disturb during deliveries. It would be advantageous to alter the layout so that the openings used for deliveries are on the other side of the building, thus benefiting from screening by the building itself. Sound from the loading and unloading of goods and materials at industrial and/or commercial premises are included within the scope of BS4141 and as such I would ask that the deliveries be assessed

in accordance with this standard. On this basis, I am unable to recommend that the application be approved, on the basis of insufficient information to allow determination.

The NIA also looks at noise from mechanical plant (such as refrigeration units and air handling plant) at the proposed development. As this has to yet been selected, the NIA has used BS4142 methodology to establish rating levels to inform plant design. This results in a rating level of 33dB(A), T dB which would be unlikely to adversely impact on nearby residential properties. I note the development includes illuminated signage and lighting and it is important to establish the impact of this on nearby residential units which face the site.

Notwithstanding my comments above regarding the noise assessment, which would need addressing before I would recommend approval, I would also recommend the following conditions be attached to any permission:

Ongoing requirement – Operating hours

Operating hours for the development shall be limited to 05.00 – 00.00hrs only, with hours the premises is open to the public being limited to 06.00 – 22.00hrs. Outside of these hours, vehicular access to the development shall be prevented by means of a barrier or similar system.

Reason: to minimise detriment to nearby residential amenity

Ongoing requirement – BS4142 limit on external plant noise levels The rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed 33dB(A), 15mins. Prior to first use of any use equipment, full details of such equipment including manufacturer's acoustic information and demonstration that the equipment, plus any proposed attenuation (such as screens, silencers etc) along with written calculations demonstrating that the rating levels will be met. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Reason: to minimise detriment to nearby residential amenity

Commercial Kitchen Odour Control

Prior to the commencement of development, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. These details shall include outlet height, which in general should be at least 1 metre above the ridge height of the nearest

building Such a system should be suitably attenuated and isolated to prevent noise nuisance. The equipment shall be effectively operated and maintained in accordance with manufactures instructions for as long as the proposed use continues.

(note: The applicants should be referred to the EMAQ document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems')

Reason: to minimise detriment to nearby residential amenity

External lighting

Prior to the commencement of development, a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented prior to beneficial use of the approved development and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority. The scheme shall demonstrate that all lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) fully complies with the figures for the E3 environmental zone and advice specified in the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2021. The submitted scheme shall include a polar luminance diagram (based on the vertical plane and marked with 10, 2, 1 and 0 lux contour lines).

Reason: to minimise detriment to nearby residential amenity

Construction Hours

Operations related to the construction (including site clearance and demolition) phases) of the permitted development/use shall only operate between the hours of 07.30 and 18.00hrs Mondays to Fridays and between the hours of 08.00 and 13.00hrs on Saturday. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no HGVs arriving at or departing the site outside of these approved hours.

Reason: to minimise detriment to nearby residential amenity

Prohibition on burning.

No burning shall take place on site at any stage during site clearance, demolition or construction phases of the project.

Reason: to minimise detriment to nearby residential amenity

Construction Management Plan

No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of:

- Operating hours (to include hours for delivery)*
- Details of the scheduled timing/phasing of the development for the overall construction period*
- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)*
- protection measures for footpaths surrounding the site*

- *Loading and unloading of plant and materials*
- *Wheel washing facilities*
- *Lighting*
- *Location and nature of compounds, portaloos and storage areas (including maximum storage heights) and factors to prevent wind-whipping of loose materials*
- *Waste storage and removal*
- *Temporary buildings and boundary treatments*
- *Dust management measures*
- *Method of any demolition to take place, including the recycling and disposal of materials arising from demolition.*
- *Noise and vibration management (to include arrangements for monitoring, and specific method statements for piling) and;*
- *Litter and waste management during the construction phases of the development.*

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. Note: the Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

Reason: to minimise detriment to nearby residential amenity

Foul Drainage scheme

Prior to the commencement of development details of the foul drainage scheme to serve the development shall be submitted to and approved, in writing, by the Local Planning Authority prior to the beginning of any works to the building it would serve are commenced. No part of the development shall be first occupied or brought into use until the agreed method of foul water drainage has been fully installed and is functionally available for use. The foul water drainage scheme shall thereafter be maintained as approved.

Reason: to minimise detriment to nearby residential amenity

Other responses

■ Anglian Water: (28 April 2023)

“The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.”

B: Representations

A summary follows. Full details can be viewed on-line.

figure 12: **Table summarising representations from objectors**

Nature of Objection	frequency	Officer comment
Inadequate parking provision	20	Off street parking meets the Councils adopted standards
Increase traffic issues	20	The Local Highway Authority has raised no objection following amendment to access detail. Ellen Aldous Avenue is designed to accommodate some 600 new dwellings and a large employment area. The roundabout was constructed to facilitate such development. Land on the east side of Hadleigh is a strategic growth area
Inadequate/unsafe access	18	The Local Highway Authority has raised no objection following amendment to access detail and pedestrian and cycle access has been improved further via amendment
Noise nuisance	17	Please see detailed Assessment section of report
Increase in anti- social behaviour	12	This is a coffee shop. Anti-social behaviour tends to be associated with fast food premises. Moreso in town centres especially after a 'night out'
Increase in pollution	12	Please see detailed Assessment section of report
Light pollution	10	Please see detailed Assessment section of report
Adverse impact on residential amenity	8	Please see detailed Assessment section of report
Application lacks information	6	The supporting information is extensive and is not deemed insufficient by the DM service to determine the application
Sustainability	6	Please see detailed Assessment section of report
Ecological harm	6	Please see detailed Assessment section of report

Out of character with area	6	A contemporary design solution is considered acceptable as the site is distanced from the historic core of Hadleigh and adjoins 100's of modern estate homes. The site has pp for commercial development
Loss of privacy	6	Please see detailed Assessment section of report
Drainage issues	6	Please see detailed Assessment section of report
Odour	6	Please see detailed Assessment section of report
Inappropriate design	4	A contemporary design solution is considered acceptable as the site is distanced from the historic core of Hadleigh and adjoins 100's of modern estate homes. The site has planning permission for commercial development . A pastiche approach to design does not lend itself to innovative design/materials
Poor public transport	4	It is unlikely that a customer will travel to this coffee shop by bus or get off during a longer trip. Hadleigh by definition is at the apex of the accessibility hierarchy being defined as a Town. A condition requiring a staff travel plan is recommended.
Strain on existing facilities	4	Unsubstantiated and consultees
Fear of crime	4	Conditions recommended
Health & Safety issues	4	Unspecific claims but highway safety is not an issue for lha
Trees	4	Some tree/scrub will be lost. Impact and mitigation is explored within the tree section of the Assessment later in tis report.
Overdevelopment of site	3	The site has a low plot ratio and meets the Council's parking standards it is not over development
Conflict with ' <i>District</i> ' Plan	2	Officers believe the proposal to be in conformity

Conflict with NPPF		2 Officers believe the proposal to be in conformity
Conflict with Neighbourhood Plan		2 Hadleigh does not have a made/adopted neighbourhood plan but one is being worked on.
Overlooking		2 Officers satisfied that amenity safeguarded
Loss of outlook		2 Officers satisfied that amenity safeguarded
Risk of flooding		2 The risk of flooding is the lowest it can be as the site is within Flood Zone 1 (fluvial) and in a very low surface water flood risk area. Both are expected to safely accommodate development from a flood risk perspective (provided other planning policies are met)
Loss of parking		2 n/a
Building is dominant and overbearing		2 The building is predominantly single storey with flat roof. Its general height is lower than a two storey dwelling and a bungalow (with pitched roofs) Too high compared to what?
Landscape impacts		2 Suitable landscaping included
The development is too high		2 The building is predominantly single storey with flat roof. Its general height is lower than a two-storey dwelling and a bungalow (with pitched roofs) Too high compared to what?
Traffic cutting through from/to this development to/from Lady Lane will be unsafe		2 The link already exists and any attractor in Ellen Aldous Avenue may have such an effect but the direct route would be via B1070/1071
Development will exacerbate issues residents have in Phase 1 of Weavers Meadow		1 Issues that residents may have with living in Phase 1 is not a matter for this applicant
This is not a facility for local people		1 It likely that some local people will enjoy using this business as coffee shops are a popular aspect of current recreation and socialising. For many it will be in easy walking distance

Members are advised that this list is a summary prepared by the case officer and looks to capture the nature of objections expressed. Please note that all representations received can be viewed on-line if further detailed analysis and/or the full wording of objections is desired. In the majority of the objections received the writer expressed objections as bullet points. The summarised headings cited above are expressed as bullet points and many are drawn straight from the bullet-pointed objections received and so interpretation was not required. What is not included here is any subsequent detailed commentary. The aim of this summary list is to provide Members with a broad indication of the areas of objection and the frequency with which such objections of that type are expressed.

To some degree there is overlap with objections that appear on the list because some objectors referred to issues such as harm to residential amenity and then specified the nature. Where that occurred the summary above tries to also reflect that specificity. Other respondents did not provide additional qualification.

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

The plan that follows broadly indicates the location of addresses from which representations were sent.

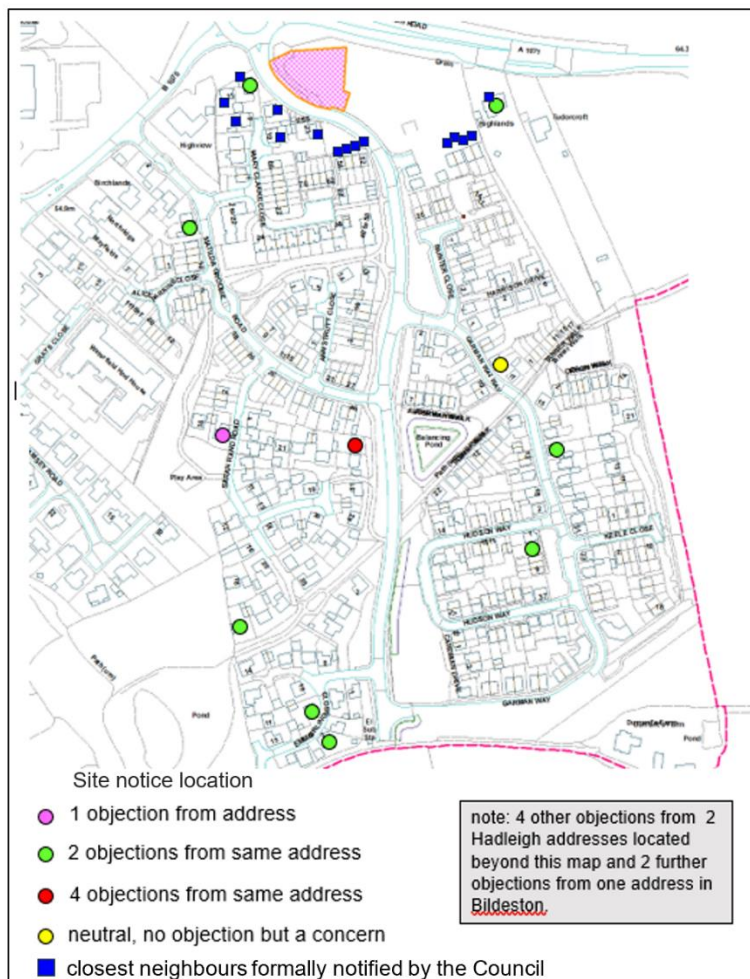


figure 13: **Representation map** (summary illustrative analysis - full details on-line)

E-Petition

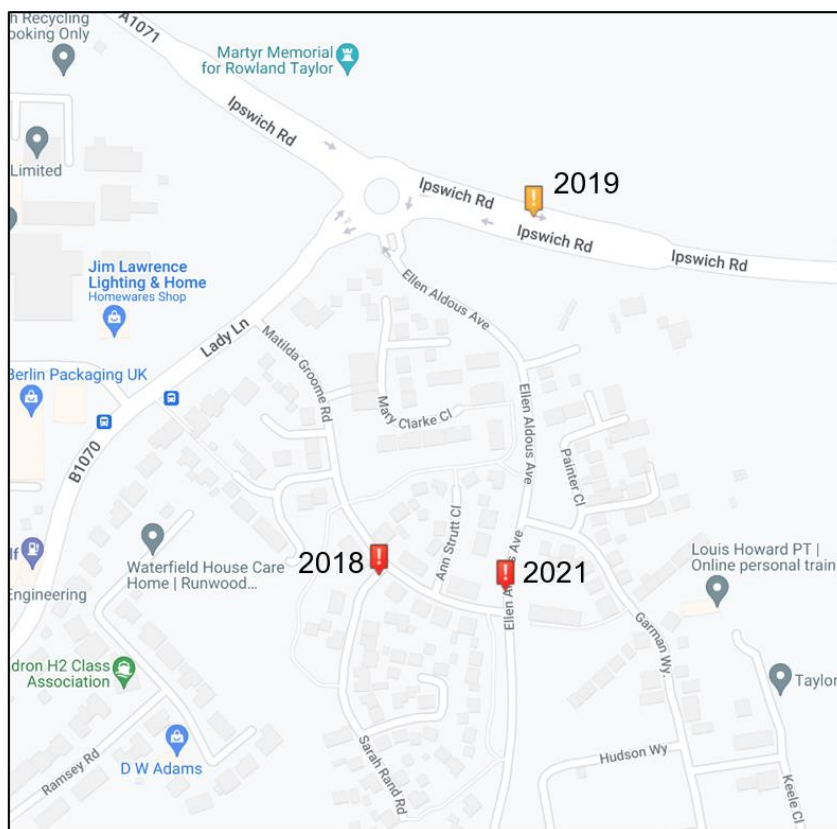
fifty-six people signed the following petition (05/06/23-13/06/2023):

“We the undersigned petition the Council to Refuse the planning application for a Starbucks Drive Through. planning applications no. DC/23/01962 and DC/23/01963
There are already problems with waste water overflowing onto the road. There have been two occasions so far this year where foul water has overflowed into surface water drains, residents’ gardens and blocked their toilets. I am concerned that the drainage system is already under pressure. That is before approximately 300 additional residential properties are built. This proposal will, due to the type of business, add to these pressures.

Ellen Aldous Avenue at this point is already dangerous, adding more traffic will make the problem worse. Vehicles will be entering a residential road from a 60 mph road to be confronted by parked cars reducing the road width to a single carriageway. There are multiple near misses on a daily basis, and this is from drivers who are aware of the road layout. It will be much worse with strangers entering the estate. The visibility for drivers exiting the proposed site will be reduced increasing the prospect of collision.

Officer comment:

Members will see from the crash map data below there have been no reported serious accidents at the Ipswich Road/Ellen Aldous Avenue roundabout between 2017-2021. Only one slight accident is reported on Ipswich Road in the vicinity.



Incident Severity

Slight	Serious	Fatal

<https://www.crashmap.co.uk/Search>

figure 14: **Crash Map data 2017-2021 (latest published) in the vicinity of the application site**

The location is not an accident hotspot and has a low accident record.

There are no safe routes into the proposed site for pedestrians. The proposal assumes all access and egress will be by vehicle. This does not take account that the site is on the edge of a large residential development. There is a high likelihood that pedestrians, including children some of whom will be on bicycles will enter the site.

Officer comment:

The proposal has been amended to provide improved pedestrian and cycle access as will be described later in this report.

The proposal to install a large illuminated sign would have a “detrimental impact on visual amenity,” it would make the area around the retail site unattractive.

Officer comment:

The advertisements do not form part of this application and officers are negotiating reductions in the extent of signage, some of which will be explained later in this report

The design of the signage is not in keeping with the emerging Neighbourhood Plan (NP). The NP seeks to retain the character of a Market Town, the proposed site is one of the major gateways to the town and as such should adopt the principles and vision set out in the advertising and shopfront design code document, which states:

"In 2038 Hadleigh will still have its recognisable character as a small, rural market town." The size and illumination of the signage will detract from the character of the area

Officer comment:

Whilst the emerging Neighbourhood Plan carries little to no weight as a material planning consideration due to the early stage of its development the design of the building is not considered by officers to harm the character of Hadleigh as an historic town, particularly when it is sited near to a large Industrial estate and a new housing estate. The site is sufficiently distant from Hadleigh's historic core to pose no harm to its character.

I am concerned that traffic entering this site will increase the noise and light pollution in this residential area, particularly as the entrance is from a residential road.

Officer comment

These concerns are suitably addressed as described later in this report

Light pollution will adversely affect residents, particularly the three houses which are adjacent to the proposed site. In addition, the light pollution will adversely affect wildlife in the area, particularly the bat population.”

Officer comment:

The concern expressed on behalf of the 3 dwellings opposite the site are noted and it is considered that suitable mitigation can be secured to prevent unacceptable harm to residential amenity as will described later in this report

Hadleigh Society (12 July 2023)

“It is noted that Amended plans for the design of the building, the site layout and landscaping details were submitted on the 23 June 2023. The Society is disappointed it was not notified of these amendments.

The Society has the following additional comments to its original submission of comments submitted on the 16 May 2023.

Amended Design of Building.

The amendment is to substitute most of the proposed rendered wall panels on all elevations with a “Green Wall”. No explanation of this material is given and it is not included in any landscape details. The Society is concerned whether this means green painted walls, or that these ‘Green Walls’ will comprise artificial plastic/fabric reproduction plant material stuck to the walls. If so it is considered that either is a retrograde modification to the building’s appearance and diminishes further the limited design quality it possessed in the original submission. If is intended that the ‘Green Walls’ are properly constructed walls designed to carry growing living plants then there is a sad lack of information as no details of proposed plant species are provided nor the density of planting, nor means of maintenance e.g. irrigation. Indeed, if live plants, why are the ‘green walls’ not mentioned in the landscape details recently submitted?

Officer comment:

The ‘green walls’ referred to in the application are structures comprises living plant. The green walls will have their own metal frames and will provide a year-round wall of natural greenery. The plants will not be artificial. It is recommended that the final planting regime is to be controlled by condition along with the need for a Green Wall Maintenance Plan.

Recommended condition

Submission of further details of green wall frame and construction, irrigation, maintenance and full planting specification.

Amended Layout

The amendment in the layout is the removal of 3 proposed car parking spaces adjacent to the proposed access to provide basic driver visibility splays identified as required by this Society and subsequently the County Highway Authority. The proposed reduction of parking spaces to 22 spaces unfortunately increases further the deficiency of the scheme in providing adequate offstreet car parking as required for a development of this type in accordance with “Suffolk Guidance for Parking “(2019).

Officer comment:

The amended layout meets current parking standards as will be explored later in this report

Landscaping details

It is nice to now have landscape details submitted. Whilst the scheme shows a reasonable density of drought resistant shrubs in beds and along the western perimeter of the site, the proposed close proximity of tree planting on the eastern boundary together with deciduous hedgerow underplanting appears somewhat optimistic in achieving a successful long term solution as competition for growth between the plants, due to very limited space, will guarantee the failure of the planting to reach a healthy mature tree and hedge screen.

Officer comment

The concern expressed by the Hadleigh Society about the long-term viability of planting on the sites eastern boundary is shared and the applicant has been asked to relocate trees on this boundary to elsewhere on the site. Amended drawings are expected to be received in time for the Committee meeting

The Continuing Failures of the Proposal

Whilst there have been some amendments trying to overcome the scheme's inadequacies, In regard to other matters the proposal is still deficient in satisfactorily addressing the Society's previous objections of ;-

- Unknown Foul Drainage proposals with resultant Public Health issues,*
- Lack of proposed Low Carbon Use and Energy Efficiency schemes,*
- Unsubstantiated Biodiversity and Greening Environment claims, and*
- Lack of Lighting appraisal and safeguarding Public Amenity.*

In conclusion the proposal should be refused on grounds that it fails to comply with requirements of Core Strategy policy and NPPF guidance as outlined in the Society's previous submission.

Officer comment:

These concerns will be explored within the main report

Hadleigh Society (16 May 2023)

"The site of the proposed development is located on the highest elevated point in Hadleigh, and prominently sited on a major entrance into the historic market town and will become a landmark building. It is particularly important therefore that the proposal is a good, quality design both in its appearance, and its environmental sustainability. The Society considers that, regrettably, the scheme lacks both visual attractiveness and an appropriate level of environmental sustainability. To approve the scheme would therefore be unfortunate as detailed examination of the proposals are found to be contrary to policies C13, C14 & C15 of the local Core Strategy, and neither do they comply with Central Governments National Planning Policy Framework [NPPF]PF guidance.

The principal failings relate to:-

- *Foul Drainage and Public Health*
- *Design & Appearance*
- *Low Carbon Use and Energy Efficiency*
- *Biodiversity and Greening Environment*
- *Highway and Pedestrian Safety*
- *Lighting and Public Amenity*

Set out below in Appendix A an analysis of the relevant planning policy together with the principal failings of the scheme listed above

Whilst the applicant may claim these matters can all be dealt with by planning conditions the Society considers that all ought to be resolved at this full planning application stage of consideration as most elements are fundamental to the principle of the development. The subsequent planning condition stage will be too late to alter and amend the proposal, nor can give any confidence that current deficiencies would be satisfactorily resolved. Additionally whilst an outline planning permission for A.1, A3 & B1 uses has been granted for use on this site, this proposal is a separate full planning application and cannot therefore take cover from the outline consent but must be determined on its own merits.

In conclusion the proposal should be refused on grounds that it fails to comply with requirements of Core Strategy policy and NPPF guidance, as listed in Appendix A. Alternatively the Council might invite the applicant to withdraw the current application and only resubmit when all necessary details and design modifications are submitted.”

(please note: the full text with the appendices referred to is available on line)

PLANNING HISTORY

REF: DC/23/01962	Planning Application - Erection of a drive-through unit with associated signage and landscaping.	DECISION: THE CURRENT APPLICATION to be determined
REF: DC/17/03902	Hybrid Planning Application comprising of the following elements - 1. Full Planning Application - Proposed residential development comprising of 170 dwellings, associated infrastructure, the provision of Public Open Space and Structural Landscaping. 2. Outline Planning Application - Outline: 0.65 hectares (10,000 sq ft.) of Class A1, A3 and B1 employment uses and associated infrastructure and landscaping.	DECISION: GRANTED 12.06.2020 The residential development described here is what became Phase 1a of the Weavers Meadow development (nearly completed)

REF: DC/19/05419

Revised Hybrid Application. Phase 2 of Hadleigh East urban extension area (part of Core Strategy Policy CS6: Hadleigh). On 19.6Ha of land to the South of Tower Mill Lane/East of Frog Hall Lane, Hadleigh comprising the following elements:

DECISION: GRANTED

16.11.2022

Full Planning Application. (11.98Ha) Proposed residential development of 273 dwellings, associated infrastructure, including main access and estate roads, drainage attenuation ponds, utilities/services equipment, provision of Public Open Space and structural landscaping, secondary access (loop) road to serve the employment land. (including secondary link to Phase 1).

The residential development described here is what is now Phase 2 of Weavers Meadow development (under construction)

Outline Planning Application (7.64Ha). (Access to be considered) to include 5.5Ha of land for B1, B2 and B8 employment uses, a 928sqm pre-school site (Use Class D1), associated infrastructure and landscaping. All matters reserved apart from the primary means of access (from the main access road) and secondary access (loop) road, including a secondary link to Phase 1.

REF: B/09/01431

Submission of details under O. P. P. B/06/01488/OUT - for the appearance, layout, scale and means of access for the erection of 166 dwellings with associated garages, car parking and landscaping. Construction of roads, footpaths and cycle links including a distributor road accessed from new roundabout at the junction of the A1071 with Lady Lane, improvements to Lady Lane and the vertical realignment of Footpath No. 24 where it crosses the distributor road (as amended by agent's letter and plans dated 26/04/2010; 29/06/2010 and 14/09/2010; as further amended by agent's letter; Low Carbon Energy Statement; Foul Drainage Assessment Addendum and plans dated 07/01/2011 and plans dated 15/02/2011 and 17/01/2011.

DECISION: GRANTED

15.07.2011

This was the first phase of the residential development that became Weavers Meadow

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 This *'thumb-shaped'* 0.19ha (0.47acres) site presses itself into land on the south-east corner of the A1071 (Ipswich Road)/Ellen Aldous Avenue Roundabout .
- 1.2 The B1071 (Ipswich Road) runs parallel with its northern edge and Ellen Aldous Avenue curves around its tip and southern edge. The site's *'knuckle'* and remaining side runs in an almost straight line in a sou'-sou'-west to nor'-nor'-east to direction and abuts additional vacant land now also owned by the Council.
- 1.3 The Council is expected to put forward proposals for commercial development on that site in due course as the site was also included in the same outline planning permission that facilitated commercial/employment use on the application site presently before Members.
- 1.4 It is important to note that existing residential development is located immediately to the south-west and south of the site on the opposite side of Ellen Aldous Avenue.
- 1.5 To the south-east and east lies additional existing residential development but this is separated from the application site by the remainder of the wider employment land site owned by Babergh District Council.
- 1.6 Land to the north on the opposite side of the B1071 is in agricultural use.
- 1.7 The site is generally flat with scrub and trees on its margins.



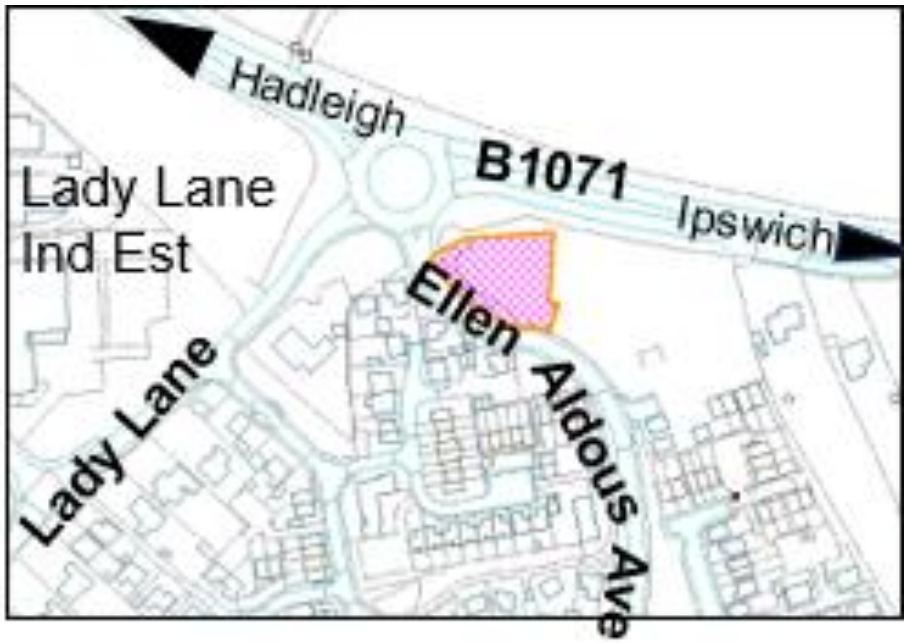
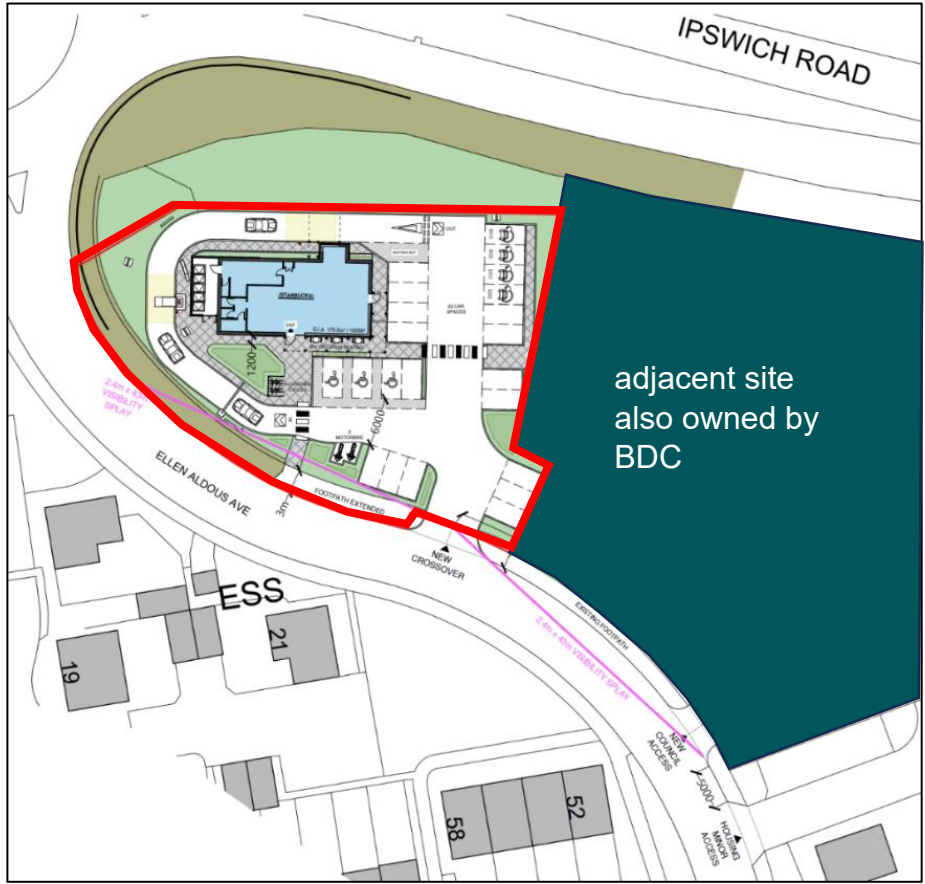
figure 15
Aerial view



figure 16:
**Aerial view
(close up)**

2.0 The Proposal

- 2.1 A single storey coffee shop with drive through facility and associated access, parking, and landscaping. *Note: the applicant has also submitted a separate application for the display of advertisements. Any signage that may appear on drawings related to application DC/23/01962 do not form part of the present application and are not for determination under this reference. Advertisements are the subject of different control under a separate planning regime (Control of Advertisement Regulations)*
- 2.2 Amendments including those as described below have been secured since original submission of the proposal
1. Amended building design
 2. Inclusion of permanent 'living' green walls to parts of the exterior of the proposed building.
 3. Reduced external seating area
 4. Enhanced landscaping
 5. Parking numbers updated to reflect agreed ratio;
 6. Parking spaces relocated to address visibility concerns;
 7. Footway across part of frontage widened;
 8. Access revised to ensure 40m distance from adjacent site;
 9. Added boundary enclosure
 10. Gate to pumping station added
 11. Entrance barrier added
 12. Tree planting locations amended



figures 17:
Proposed Layout

2.3 Within the building itself only 46% of the internal floorspace is 'public area' and within that there is a significant amount of circulation space. The plans show approximately 55 covers around tables and raised bar counters with chairs, bench seats and stools.,

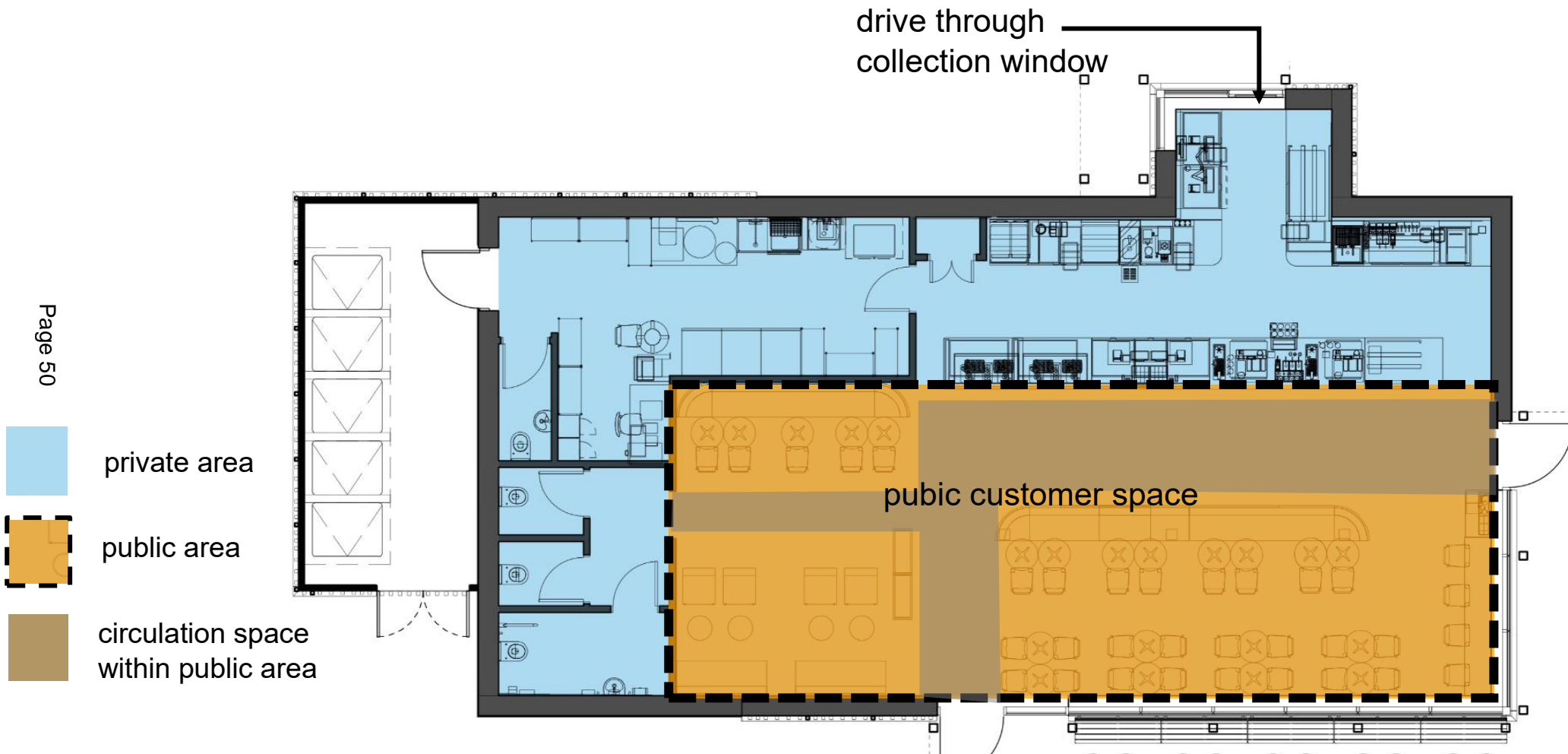


figure 18:
Proposed floorplan

3.0 THE PRINCIPLE OF DEVELOPMENT

- 3.1 The site currently enjoys the benefit of outline planning permission for Class A1, A3 and B1 employment uses and associated infrastructure and landscaping. (*reference DC/17/03902, granted 12.06.2020*).
- 3.2 Under the Uses Class Order in force at the time of the decision that permission allows the for the following uses:
- A1 shops/retail
 - A3 the sale of food or drink for consumption on the premises or of hot food for consumption off the premise
 - B1 business (offices, light industry and research and development)
- 3.3 The element of the current proposal that involves customers sitting down and enjoying coffee and snacks at tables is an A3 use and therefore compliant with the extant permission.
- 3.4 The drive-through element of the current proposal sits closest to what was an A5 use (for hot food takeaways, where food is sold for consumption off the premises). Albeit that the principal element that is being 'taken away' here will be coffee, tea and cold drinks with an element of sandwiches,(some toasted) pastries and other snacks.
- 3.5 The drive through element is a significant component of the business and it is not appropriate to consider it to be an ancillary part of the A3 use and is not incidental in terms of its scope intensity, character and impact.
- 3.6 That being the case the drive-through element sits outside of the extant outline planning permission for A3 use and it is not a retail use in the sense of the definition of A1.
- 3.6 Changes to the Use Classes Order since the grant of outline planning permission have resulted in adjustment to some of the previous categories. A new class, Class E has been created and includes the following:
- What was previously Class A5 is now considered to be sui generis (a use in its own right) sitting outside of any of the specific use classes. As such the drive through element (now sui generis rather than A5) remains outside of the ambit of the extant outline planning permission.
- 3.7 Therefore in terms of considering the principle of the proposed use particular attention needs to be given to the drive-through element as this sits outside of the outline planning permission whereas the 'sit down' coffee shop element doesn't.
- 3.8 The original outline planning permission was justified on the basis that it would facilitate employment uses and jobs in lieu of such uses on the land that ultimately secured residential use even though it had itself been allocated for employment use. The departure from the Development Plan was justified at the time on the basis that the full residential

permission (on what was allocated as employment land) would deliver much needed housing during a period when the Council was unable to demonstrate it had a 5-Year Housing Land Supply. The fact that the outline component of the hybrid planning application secured a smaller extent of employment land, but that land was to be transferred to the Council for a £1, meant that the Council could actively ensure delivery of employment generating development rather than rely on the commercial development industry was a determinative factor. This application demonstrates the Council's agency in bringing forward commercial use.

- 3.9 As the outline planning permission permitted A3 use, it is clear that the Committee accepted that the hospitality sector generates jobs and that they did not wish to restrict job opportunities just to the traditional business uses such as offices and light industry. On that basis, the inclusion of a drive-through element will expand the customer base of this particularly prominent hospitality sector business, will help to sustain local job opportunities and offer consumers greater choice.
- 3.10 Whilst the hospitality sector doesn't represent the type of highly paid, technology sector job the Council aspires to encourage within the District, it does provide employment opportunities for a wide section of community, particularly those that enjoy working in hospitality for its customer focused environment or those who seek to fit their employment around family or life commitments.
- 3.11 Members will have noted the broad support expressed by the Council's Economic Development Team and the officer comments in the consultation response section of this report. The fact that the planning permission permits A3 use is a material consideration.
- 3.12 It is therefore a valuable source of employment that helps many people to secure regular income, shape their quality of life, wellbeing and self-esteem.
- 3.13 Interestingly the national census 2021 (Office of National Statistics) notes the following: (<https://www.ons.gov.uk/visualisations/censusareachanges/E07000200>)

"Babergh saw the East of England's largest percentage-point fall in the proportion of people aged 16 years and over (excluding full-time students) who were employed (from 57.7% in 2011 to 54.3% in 2021)

..... Census 2021 took place during the coronavirus (COVID-19) pandemic, a period of rapid and unparalleled change; the national lockdown, associated guidance and furlough measures will have affected the labour market and our ability to measure it."

- 3.14 In this context securing new job opportunities is therefore an important objective. And one that is consistent with LP09 - Supporting a Prosperous Economy.

3.15 Coffee shops have become an important part of daily life for many and are now a well-established feature in the urban, suburban and rural landscape. In many places coffee shops serve a valuable function as a place for socialising, meeting, doing business and just relaxing. They serve a quasi-leisure function.

3.16 Policy CS16 of the Core Strategy states:

“Policy CS16: Town, Village and Local Centres

Retail, leisure, tourism, cultural and office development will continue to be focussed in Sudbury and Hadleigh, and in village and local centres at an appropriate scale and character for the location, and in new local centres located in the Strategic Allocations / New Direction of Growth.

New retail, leisure and similar service uses, including evening and night-time uses, will be assessed for potential impact, including cumulative impact, on the character and function of the centre / area, anti-social behaviour and crime, including considering security issues raised by crowded places, and the amenities of nearby residents, as well as on the vitality and viability of existing centres.”

3.17 For the reasons given below, this policy is complied with.

3.18 In terms of the JLP SP06 *Retail and Main Town Centre Uses*, whilst the proposed use is a Main Town Centre Use and the site is outside of the Main Town Centre (bullet point 1) and therefore not normally acceptable - a sequential test has been undertaken as prescribed by bullet point 2 of the policy. That Sequential Test has demonstrated that a suitable town centre that would deliver the locational business requirements necessary is not available. The implication of bullet point 2 is that in such circumstances consideration can be given to such a use outside of the Main Town Centre.

3.19 The submitted sequential test concludes thus:

<p>6.0 Conclusion</p> <p>6.1 The application seeks full planning permission for the erection of a new drive-through café, including associated car park, signage and landscaping on land to the north of Ellen Aldous Avenue, Hadleigh. The site lies in an out-of-centre location but is within 1.6km of Hadleigh Town Centre and is within close proximity to regular buses services to the south-west on Lady Lane.</p> <p>6.2 A sequential test assessment has been undertaken of the proposal which considered potential alternative sites that were available.</p> <p>6.3 In summary, the assessment confirms there are no other suitable sequentially preferable sites available within sequentially preferable locations. The main reasons for this are the applicant’s specific requirement for a building with high passing trade and suitable area for a drive-thru and associated parking.</p> <p>6.4 No impact assessment is necessary in this instance as the proposed floorspace falls under the local thresholds set out in the Local Plan.</p> <p>6.5 In light of the sequential test having been satisfied the proposed out of centre location of the application site is considered to be acceptable in this case.</p>
--

figure 19:
**Conclusions
from submitted
Sequential Test**

3.20 Officers believe the proposed design of the building does not contravene the requirements of bullet point 3 of SP06 in that it is acceptable in terms of impact on townscape and heritage as will be explored in greater detail within the Assessment section of this report.

3.21 The sequential test requirement described in paragraphs 3.17 & 3.18 above reflects the requirement contained in paragraph 87 of the NPPF 2023.

“ Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

3.22 The Proposals Map that accompanies the Adopted Development Plan (2006) describes the extent of the Town Centre and that is shown below.

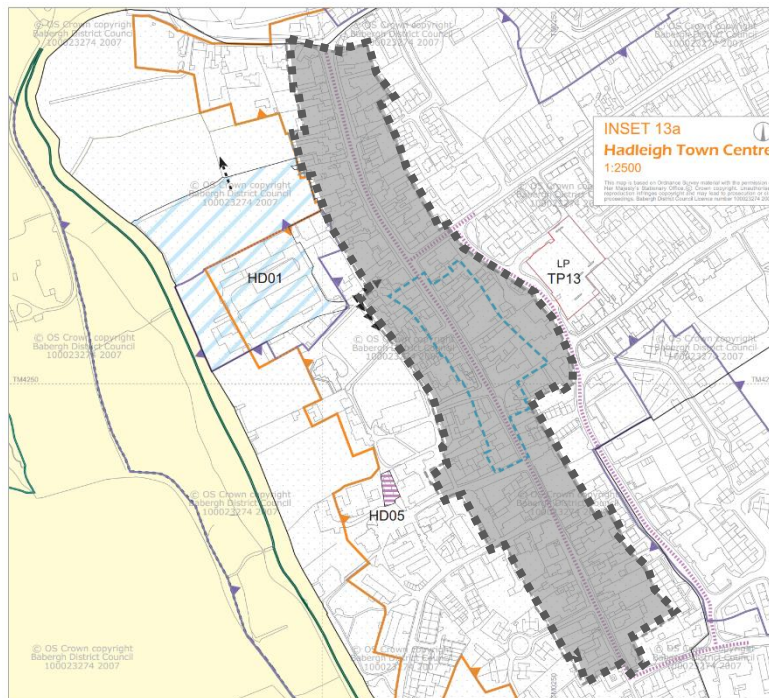


figure 20:
**Proposals Map
extract Local
Plan 2006
Defined Town
Centre: Hadleigh**

3.23 The NPPF 2023 defines ‘Edge of Centre’ accordingly:

“Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.”

3.24 The site cannot be considered as an edge of centre location as it is more than 300m from

the Town Centre Boundary.

3.25 The site is therefore 'out of centre'.

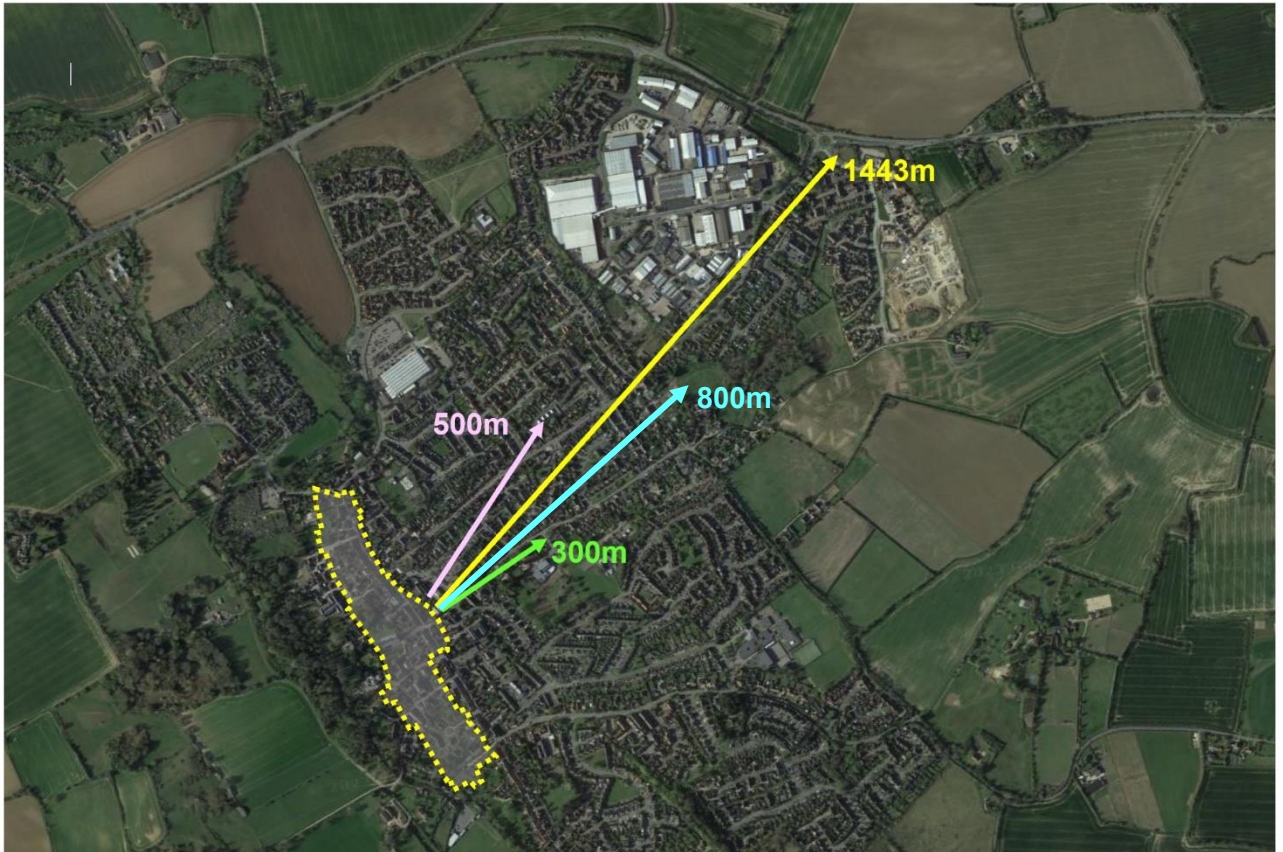


figure 21: **Distance from application site to defined Town Centre boundary + 300m, 500m and 800m distances from Defined Town Centre**

3.26 Members are however reminded that the site already enjoys the benefit of planning permission for a range of uses that include retail and restaurant use which are (and were) by definition Main Town Centre uses on what is (and was) an out of centre location. This is an important material consideration as a 'fallback' which has a real prospect of being pursued if this standalone application is not permitted.

3.27 The aim of having a sequential test requirement is to ensure that the vitality and viability of Centres is safeguarded and that where a main town centre use is being considered outside of a main town centre its impact is first assessed and any decision in respect of that proposal is then taken in the light of that impact in a legislative planning environment where viability and vitality within designated retail Centres are to be protected as part of what is known as the 'Town Centre First' Approach.

3.28 The Town Centre First approach underpins Policy HD03 of the Babergh Local Plan in that it seeks to prevent the intrusion of non-retail uses into shopping frontages as over time such changes are likely to dilute the ability of such shopping areas to function as attractors for retail spending.

HD03 At ground floor level in the protected shopping frontages in Hadleigh High Street, the introduction of, or change of use to, shops, will be permitted. The introduction of, or change of use to, non-shopping uses will not be permitted except where:

- it can be demonstrated that a unit has remained vacant for a considerable period of time;
- the unit has proven consistently unattractive to retail interest; and
- documentary evidence is submitted in support of the application to confirm the above conditions.

figure 22:
EM24
Local Plan 2014

- 3.29 Whilst not directly relevant to consideration of the application to hand there is local concern that the siting of a popular coffee shop brand 'out of centre' might have the same effect of diluting the vitality and viability of Hadleigh High Street as would developments that would be resisted under Policy HD03 – different context, same outcome.
- 3.30 The thrust of this policy is replicated in JLP Policy LP11 which has a similar town centre centric presumption.
- 3.31 Hadleigh Town Centre is described by the Council's Economic Development Team as 'relatively healthy' but it notes the currently vacancy rate which is higher than the national average. (Hadleigh at 15% as of July 23, up from 11% in April 22. Whereas the national average is 10.9%).
- 3.32 Post-covid Hadleigh continues to have an extensive hospitality sector concentrated in the High Street with not only numerous restaurants, takeaways and pubs but also coffee shops and places to purchase sandwiches. The images at figure below highlight some of those in the coffee shop and 'places to purchase sandwich' categories.

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Huffers



Jet Lounge



Paddy & Scott's



The Flying Guardsman



Greggs



Ferguson's Delicatessen



Fork

figure 23: **Some examples of Hadleigh High Street coffee and sandwich shops**

- 3.33 Well before the economic impacts of Covid stunted local spending in retail and hospitality across the country, many communities had seen their town centres and high streets decline as a result of sectors changing shopper and shopping behaviour, the economic impacts of the 2008 financial crisis, commercial rent rises, often what were seen as punitive town centre car parking charges compared to usually free edge of centre or out centre retail parks, business rates that have had an increasingly challenging impact on tight profit margins for small or independent, often niche, businesses had all challenged the health of traditional high streets and local centres.
- 3.34 It is likely that the proposed coffee shop will be frequented by many in the local community as the population on this side of Hadleigh burgeons as the Weavers Meadow Development continues to expand. In time it is also likely to be used by employees in whatever development/s occupies the remainder of the wider site. Custom is also likely to come from those within the Lady Lane Industrial Estate and in time the approved large employment area to the south. of Phase 1a of Weavers Meadow
- 3.35 Members are advised that the land-owner is currently working up a proposal for a campus style small office suite development that will occupy all of the remaining land that benefits from planning permission for employment uses. That proposal needs to be the subject of a reserved matter submission but it has the prospect of providing jobs in the sectors that more readily align with expectation in an employment area. Inevitable if approved and built , some employees within that site will frequent the coffee shop on its doorstep.
- 3.36 The nature of uses in the vicinity and the distances involved mean that the coffee shop is less likely to be used for linked trips by those shopping in Hadleigh Town Centre and shoppers are likely to use the facilities that exist therein if having a coffee is presently part of their preferred shopping experience. That of course does not mean they wouldn't use the proposed coffee shop if travelling to or from the town centre via this part of the B1071.
- 3.37 The application site has planning permission for employment use and is therefore employment land. Consequently EM 24 is tangentially relevant. It states:

EM24 Planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. This may be undertaken in one of the two following ways:

1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.

figure 24:
EM24
Local Plan 2014

- 3.38 Clearly the application is an employment generator and could be considered not to involve a use that would in and of itself engage EM24. Whilst employment with the context of employment policy tends to mean Light Industry, Office and R&D uses the character of employment continues to change in response to many factors. (decline in manufacturing, increase in self-employment, higher levels of working from home, rise of service sector), changing logistics requirements, on line retailing etc)
- 3.39 JLP Policy LP10 Change from Employment Use continues to provide protection for designated employment areas from changes of use away from employment uses.
- 3.40 The proposed use will generate 20 new jobs and an unknown number of indirect job and short-term construction jobs. It is therefore a direct employment use. (as opposed to let's say a residential use)
- 3.41 The acceptability of the site for employment uses has already been established by the earlier grant of outline planning permission and that permission provided for retail and restaurant uses . That particular ship has sailed.
- 3.42 The outline permission of 12 June 2020 carries a condition which provides for an extended reserved matters submission date of 5 years from the date of the original permission in order to provide time to develop viable commercial projects with tenants / occupiers on board rather than a speculative development/s.
- 3.43 The case before Members is a proposal with a keen occupier wishing to invest In Babergh on a site that meets their locational requirements for a site with good access and adjacency to a busy highway and a resident local population on order to deliver a coffee shop with a drive-through facility.
- 3.44 The drive -through element is designed to do what it says on the tin. It caters for travellers in vehicles who do not want to divert their journey or unnecessarily delay it to find a coffee shop with parking. Their need is for convenience and speed of service without having to leave their vehicle. A town centre location tends not to offer this customer requirement.
- 3.45 Such businesses represent legitimate roadside services.
- 3.46 JLP Policy LP09 Supporting a Prosperous Economy is relevant in that
- 3.47 As the proposal comprises just 195.6sq.m of gross (*external*) floorspace, the requirement for an impact assessment to be undertaken by an applicant proposing a Main Town Centre use outside of such a centre prescribed by JLP Policy LP11(3) is not engaged as the threshold for such research is set at 400sq/m or above therein.
- 3.48 The threshold level of 400sq.m. is set as that is considered to be the point at which a use might threaten to divert trade from established centres and by doing so undermine vitality and viability of that centre.

3.48 The bigger the Centre and the more prosperous it is the greater likelihood that it will take substantially more than 400sq.m of new floorspace ,outside of that Centre to threaten its viability and vitality. Previously the now superseded NPPF 2021 had prescribed an impact assessment requirement for such development in excess of 2500sq.m. and so even within the now tightened regime the proposed use is significantly below the new threshold for impact testing.

3.49 **Principle of use: Conclusion**

3.50 The proposed use is one that will generate employment. generating use is acceptable in principle as it accords with EM03 and CS16 and is consistent with the meaning and spirit of the outline planning permission granted previously on this site. It also complies with emerging JLP policy which is a consideration of significant weight.

3.51 **THE DETAILS**

3.52 **Parking**

3.53 The Suffolk Guidance for Parking (third edition 2019) prescribed the following requirements:

Use	Vehicle Requirement	Cycle Minimum	PTW Minimum	Disabled Minimum
A3 (excluding Transport Cafes)	1 space per 5 m ² of public floor area	2 spaces per 100 m ²	1 space + 1 per 20 car spaces (for 1 st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces).	200 bays or less = 3 bays or 6% of total capacity, whichever is greater, Over 200 bays = 4 bays plus 4% of total Capacity

figure 25: **Extract from Suffolk Guidance for Parking**

3.54 The parking requirement for the coffee shop element of proposal is therefore as follows:

The public area of the building is **99sq.m.** (91sq.m internal seating area and 8sq.m. external seating area.)

This generates a car parking guidance compliant requirement for $99 \div 5 = \mathbf{20 \text{ car parking spaces}}$ (*19.8 rounded up*)

The actual number of spaces being provided is **22.**

3.55 The basic number of car parking spaces proposed is therefore acceptable. Members will have noted the objection of Hadleigh Town Council to the proposal on the grounds that it believes parking provision is inadequate. The officer comment provided earlier in the Town Council's comments section of this report that parking is in fact adequate is based on the calculations above and below.

3.56 The takeaway element of the use does not require a customer to park their vehicle and go physically into the building to order, receive and take away their item/s. It is therefore not appropriate to apply the takeaway parking standard. Cars using the drive through service will not need to use any of the 22 static spaces but will instead use a drive through lane around the building. and this accommodates 54m of stacking space which is enough for approximately 10 cars. This is acceptable. Throughput is rapid as orders are placed at the start of the drive through and collected at the end with moving vehicles between these points keeping the process dynamic and thereby avoiding queues into the main car park or highway.

3.57 The fact that 2 additional spaces are being provided beyond the A3 requirement means that vehicle spaces for staff accords with the takeaway standard. 1 space per 4 employees. (Note the A3 parking standard does not have a separate requirement for staff parking).

3.58 In this case the guidance requires 3 disabled parking bays and that is what is being provided all within close proximity to the buildings entrance and connected by pathway.

3.59 Connectivity

3.60 The site will have a newly provided section of 3m wide footway cycleway on part of its southern edge to provide a connection to existing connections into Weavers Meadow to the south and west and a new pedestrian access will connect that directly to the main customer entrance via a demarcated crossing within the site to enhance safety where the route crosses the drive through lane. (see below).

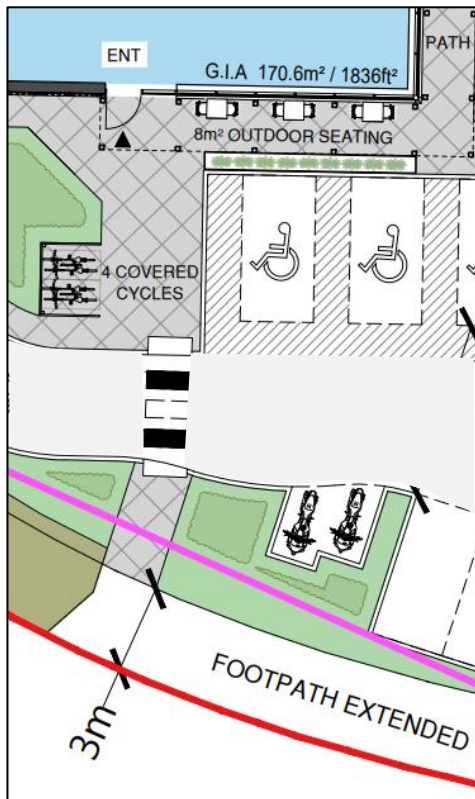


figure 26:
Proposed 3m wide connection point to entrance

3.61 The building can be serviced from within the site.

3.62 **Public Transport (buses)**

3.63 Within the vicinity of the site are two sets of bus stops. One set (either side of road) at Lady Lane and the other on the B1071. These sites primarily serve route 91 (Ipswich to Sudbury / Sudbury to Ipswich) although the route 340 once a day service (Elmsett to Hadleigh / Hadleigh to Elmsett) also uses the stops in Lady Lane.

3.64 The map and timetable details below provide greater detail. It is however fair to say that from that detail it would appear the area within the vicinity of the application is well served by the 91 bus. Certainly the frequency of the service is good by comparison to rural settlements and smaller urban settlements.

3.65 The 91 provides connectivity from early morning until late afternoon/early evening except on Sunday when there is no service.

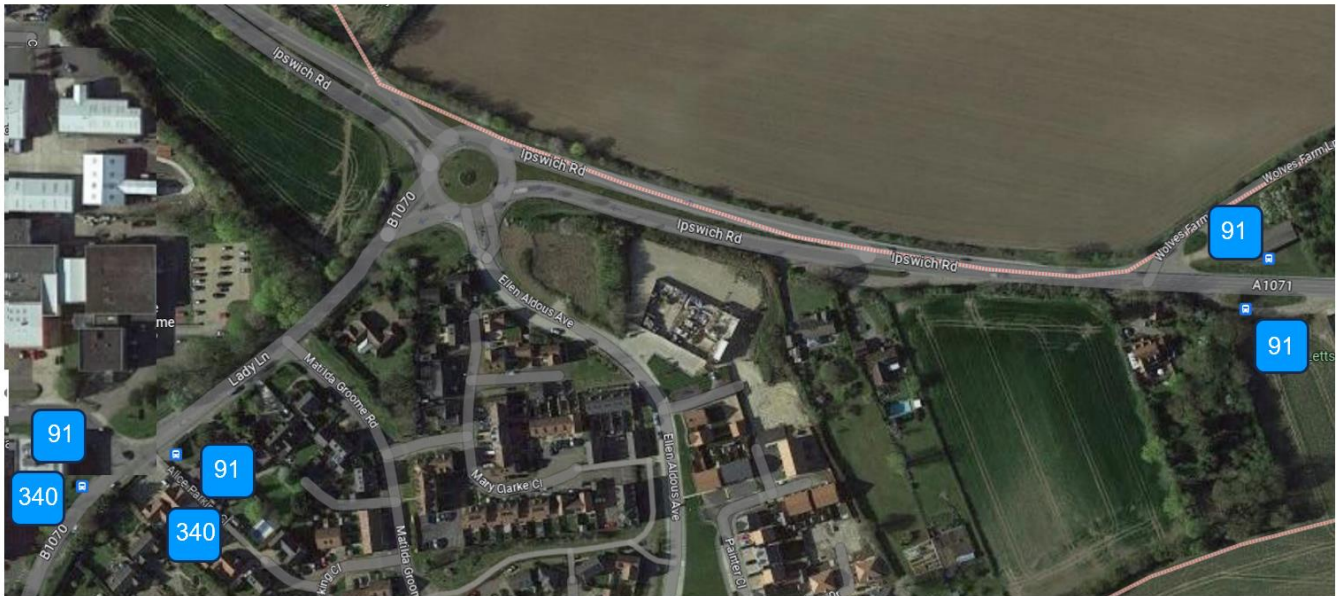


figure 27: Bus stops in vicinity of application site

Ipswich - Hadleigh - Sudbury																		91 / 91A / 91B						
Monday to Friday (Except Bank Holidays)																		Saturday						
Service	91	91	91	91	91	91B	91	91	91	91	91	91A	91	91	91	91	91	91	91	91	91	91	91	91
Operator	IB	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE
Service Restrictions			NSch	NSch	Sch	Sch	NSchO	SchO	NSchO	SchO	NSchO	SchO	Sch	NSchO	SchO									
Notes																								
Ipswich, Old Cattle Market Bus Station (L)	0615	-	-	0745	-	0745	0915	0915	1115	1115	1315	1315	-	1545	1545	1715	1830	-	0915	1115	1315	1545	1715	1830
Ipswich, Railway Station (R2)	0618	-	-	0748	-	0748	0918	0918	1118	1118	1318	1318	-	1548	1548	1718	1833	-	0918	1118	1318	1548	1718	1833
Ipswich, McDonald's (adj)	0620	-	-	0753	-	0753	0923	0923	1123	1123	1323	1323	-	1553	1553	1723	1838	-	0923	1123	1323	1553	1723	1838
Hadleigh Road Industrial Estate, Earl Kitchener (opp)	0621	-	-	0755	-	0755	0925		1125		1325		-	1555		1725	1840	-	0925	1125	1325	1555	1725	1840
Chantry Park, Stella Maris (opp)	0624	-	-	0756	-	0756	0926		1126		1326		-	1556		1726	1841	-	0926	1126	1326	1556	1726	1841
Chantry, Suffolk One (adj)								0930		1130		1330			1600			-						
Sproughton, Washbrook Turn (adj)	0628	-	-	0800	-	0800	0930	0935	1130	1135	1330	1335	-	1600	1605	1730	1845	-	0930	1130	1330	1600	1730	1845
Burstall, Burstall Road (SW-bound)	0630	-	-	0802	-	0802	0932	0937	1132	1137	1332	1337	-	1602	1607	1732	1847	-	0932	1132	1332	1602	1732	1847
Hintlesham, The George (opp)	0632	-	-	0805	-	0805	0935	0940	1135	1140	1335	1340	-	1605	1610	1735	1850	-	0935	1135	1335	1605	1735	1850
Hadleigh, Lady Lane Industrial Estate (opp)	0638	-	-	0813	-		0943	0948	1143	1148	1343	1348	-	1613	1618	1743	1856	-	0943	1143	1343	1613	1743	1856
Hadleigh, Morrisons (adj)	0641	-	-		-								-					-						
Hadleigh, Bus Station (D)	0644	-	-	0815	-		0945	0950	1145	1150	1345	1350	-	1615	1620	1745	1858	-	0945	1145	1345	1615	1745	1858
Hadleigh, High School (o/s)				0820	-	0820	0950	0955	1150	1155	1350	1355	1455	1620	1625	1750	1900	-	0950	1150	1350	1620	1750	1900
Hadleigh, Bus Station (A)		0650	0750		0750	0825	0955	1000	1155	1200	1355	1400		1625	1630	1755		0750	0955	1155	1355	1625	1755	
Bower House Tye, Brewers Arms (opp)		0658	0758		0758		1003	1008	1203	1208	1403	1408		1633	1638	1803		0758	1003	1203	1403	1633	1803	
Boxford, Fleece (opp)		0705	0805		0805		1010	1015	1210	1215	1410	1415	1510	1640	1645	1810		0805	1010	1210	1410	1640	1810	
Newton Green, Saracens Head (adj)		0710	0810		0810		1015	1020	1215	1220	1415	1420		1645	1650	1815		0810	1015	1215	1415	1645	1815	
Great Cornard, Lindsey Avenue (adj)		0715	0815		0815		1020	1025	1220	1225	1420	1425		1650	1655	1820		0815	1020	1220	1420	1650	1820	
Sudbury, Bus Station (B)		0720	0820		0830		1025	1030	1225	1230	1425	1430		1655	1700	1825		0820	1025	1225	1425	1655	1825	
	Sunday												Spring Bank Holiday			Summer Bank Holiday								
	no service												no service			no service								

figure 28: Route 91 timetable

Ipswich > Lady Lane > Hadleigh

M-F 12 buses (8 unrelated to school or Suffolk One days)

Sat 6 buses

NOTES

NSch Not School Days

NSchO Operates when Suffolk One sixth form is closed

Sch School Days Only

SchO Operates when Suffolk One sixth form is open

0 Part sponsored by Suffolk County Council

VTG Via Thomas Gainsborough School

OPERATORS

BE Beestons 01473 823243

IB Ipswich Buses 01473 344800

Service Operator	Monday to Friday (Except Bank Holidays)																		Saturday											
	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91	91						
	IB	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE	BE						
Sudbury, Bus Station (B)	-	-	0730	0730	-	-	0920	0920	1120	1120	1320	1320	-	1515	1520	1715	1720	1830	-	0920	1120	1320	1520	1720	1830					
Great Cornard, Lindsey Avenue (opp)	-	-	0735	0735	-	-	0925	0925	1125	1125	1325	1325	-	1530	1525	1725	1725	1835	-	0925	1125	1325	1525	1725	1835					
Newton Green, Saracens Head (opp)	-	-	0740	0740	-	-	0930	0930	1130	1130	1330	1330	-	1535	1530	1730	1730	1840	-	0930	1130	1330	1530	1730	1840					
Boxford, Fleece (o/s)	-	-	0750	0750	-	-	0935	0935	1135	1135	1335	1335	-	1540	1535	1735	1735	1845	-	0935	1135	1335	1535	1735	1845					
Bower House Tye, Brewers Arms (o/s)	-	-	0755	0755	-	-	0940	0940	1140	1140	1340	1340	-	1545	1540	1740	1740	1850	-	0940	1140	1340	1540	1740	1850					
Hadleigh, Bus Station (D)	-	-	0805	0805	-	-	0950	0950	1150	1150	1350	1350	-	1555	1550	1750	1750	1900	-	0950	1150	1350	1550	1750	1900					
Hadleigh, High School (o/s)	-	-	0705	0810	0810	0840	0840	0955	0955	1155	1155	1355	1355	1455	1600	1555	1755	1755	-	0810	0955	1155	1355	1555	1755					
Hadleigh, Bus Station (A)	0645	0710	0815	0815	0845	0845	1000	1000	1200	1200	1400	1400	-	1605	1600	1800	1800	-	0815	1000	1200	1400	1600	1800						
Hadleigh, Lady Lane Industrial Estate (adj)	0650	0711	0816	0816	0846	0846	1001	1001	1201	1201	1401	1401	-	1606	1601	1801	1801	-	0816	1001	1201	1401	1601	1801						
Hintlesham, The George (adj)	0656	0720	0825	0825	0855	0855	1010	1010	1210	1210	1410	1410	1510	1615	1610	1810	1810	-	0825	1010	1210	1410	1610	1810						
Burstall, Burstall Road (NE-bound)	0658	0722	0827	0827	0857	0857	1012	1012	1212	1212	1412	1412	-	1617	1612	1812	1812	-	0827	1012	1212	1412	1612	1812						
Sproughton, Washbrook Turn (opp)	0700	0725	0830	0830	0900	0900	1015	1015	1215	1215	1415	1415	-	1620	1615	1815	1815	-	0830	1015	1215	1415	1615	1815						
Chantry, Suffolk One (adj)	-	-	0840	-	-	0905	-	1020	-	1220	-	1420	-	-	-	-	-	-	-	-	-	-	-	-						
Chantry Park, Stella Maris (adj)	0704	0726	-	0831	0901	-	1016	-	1216	-	1416	-	-	1621	1616	1816	1816	-	0831	1016	1216	1416	1616	1816						
Hadleigh Road Industrial Estate, Earl Kitchener (adj)	0706	0727	-	0832	0902	-	1017	-	1217	-	1417	-	-	1622	1617	1817	1817	-	0832	1017	1217	1417	1617	1817						
Ipswich, Bingo Hall (adj)	0707	0730	0845	0835	0905	0910	1020	1025	1220	1225	1420	1425	-	1625	1620	1820	1820	-	0835	1020	1220	1420	1620	1820						
Ipswich, Railway Station (R3)	0710	0732	0847	0837	0907	0912	1022	1027	1222	1227	1422	1427	-	1627	1622	1822	1822	-	0837	1022	1222	1422	1622	1822						
Ipswich, Old Cattle Market Bus Station (L)	-	-	0735	0850	0840	0910	0915	1025	1030	1225	1230	1425	1430	-	1630	1625	1825	1825	-	0840	1025	1225	1425	1625	1825					
Ipswich, Old Cattle Market Bus Station (J)	0714	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						
	Sunday																		Spring Bank Holiday						Summer Bank Holiday					
	no service																		no service						no service					

figure 29: Route 91 timetable

Hadleigh > Lady Lane > Ipswich

M-F 16 buses (9 unrelated to school or Suffolk One days)

Sat 6 buses

NOTES

- NSch Not School Days
- NSchO Operates when Suffolk One sixth form is closed
- Sch School Days Only
- SchO Operates when Suffolk One sixth form is open
- 0 Part sponsored by Suffolk County Council
- VTG Via Thomas Gainsborough School

OPERATORS

- BE Beestons 01473 823243
- IB Ipswich Buses 01473 344800

Route 340

Mon -Fri

Elmsett 07.58 (opp Mill Lane, Whatfield Road)

Lady Lane 08.14

Hadleigh 08.20 (outside High School)

Hadleigh 14.55 (outside High School)

Lady Lane 14.59

Elmsett 15.17 (adj Mill Lane, Whatfield Road)

3.66 Site access, highways and traffic

3.67 It is proposed to access (vehicular) the site from a single access onto/off Ellen Aldous Avenue. The general location of the proposed access generally matches the temporary access point formed to serve the site compound for the construction of Phase 1a of the Weavers Meadow development and so has already accommodated access movements.



figure 30: **Previous construction compound within the site**

- 3.68 The position and design of this access has evolved with input from officers from Suffolk County Council as the local highway authority.
- 3.69 The Local Highway Authority raises no objection to the proposal on the grounds of highway safety or capacity and the access is therefore considered acceptable.
- 3.70 Following the amendments the Local Highway Authority now raises no objection to the proposal from highway safety and capacity perspectives. The altered vehicular access will now satisfactorily accommodate vehicle movements in and out of the site respectively from and to Ellen Aldous Avenue and pedestrian cycle access has been suitably enhanced from that initially proposed.

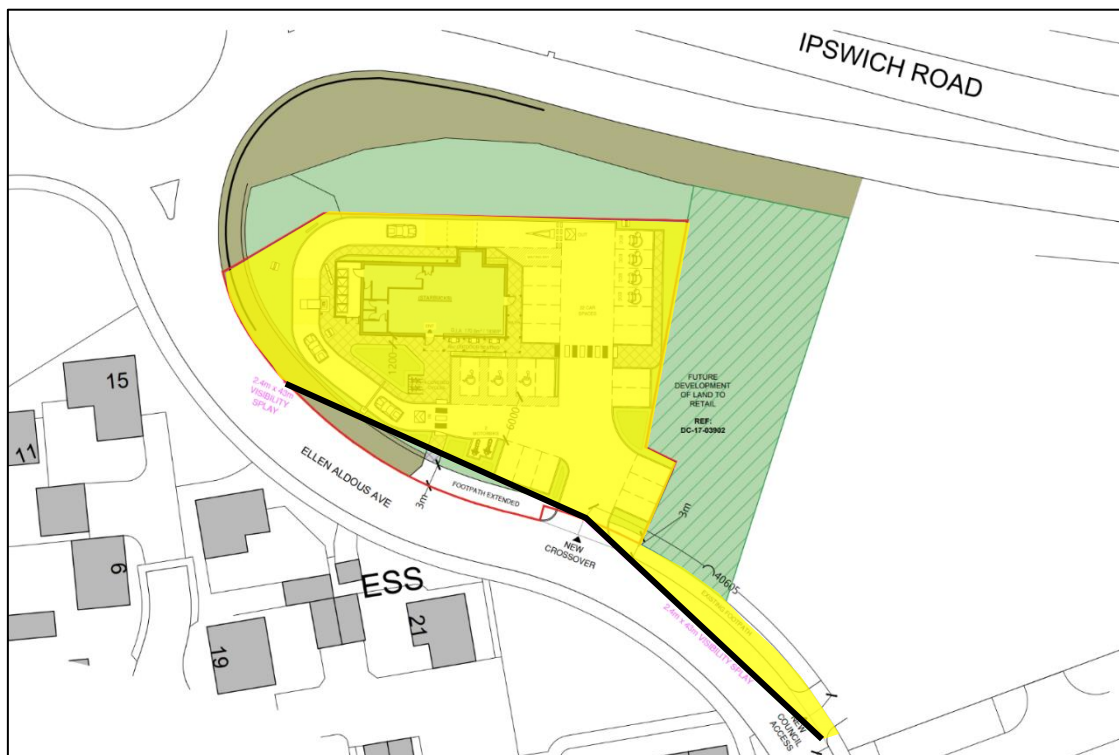


figure 31: **Satisfactory visibility splays achieved at access (43m x 2.4m x 43m)**

3.71 It is noted that the local highway authority does not disagree with the conclusion reached in the Transport Statement submitted by the applicant when it opines:

“Accessibility

- 5.5. *Overall, it is considered that the proposed development is ideally located in accessibility terms, being suitably located in relation to the local highway network and A1071 Ipswich Road, which would attract high levels of pass-by traffic.*
- 5.6. *A review of the local network has been undertaken which has found that there are no records of any existing highway safety concerns.*
- 5.7. *The site is ideally located to facilitate sustainable travel and access by modes other than the private car, being in suitable walking distance to the surrounding residential area, as well as the nearby bus stops, which serve the local area as well as Ipswich Railway Station.*
- 5.8. *The site is located within an established location for the end use, meaning there is an established network of amenities and facilities that would support the proposed commercial use. On that basis, the site can be regarded as sustainable in transport terms.*

Layout and Servicing

- 5.9. *A policy compliant level of cycle parking will be provided within the curtilage of the proposed development.*
- 5.10. *Car parking will be provided in accordance with the policy requirements, as well as in accordance with the anticipated demand, based on the parking accumulation assessment undertaken.*
- 5.11. *A dedicated turning area will be provided within the site to facilitate access for servicing and emergency vehicles.*

Trip Generation

- 5.12. *The TRICS based trip generation assessment suggests that the proposed development will result in a total of 63 two-way vehicular trips in the AM peak and 30 two-way vehicular trips in the PM peak.*
- 5.13. *However, it is considered that the vast majority of these trips will be associated with linked ‘pass by’ trips that would already be on the network.*
- 5.14. *Therefore, in highway and traffic impact terms, it is not considered that the proposed development will result in an unacceptable impact on the capacity of the local network, as the trips would already be existing on the network.*
- 5.15. *The proposed development is consequently considered to be in accordance with the requirements of the NPPF.*

Summary

- 5.16. *In conclusion, it is regarded that all highways and transport matters have been addressed for the proposed development and that it should be recommended for approval.”*

3.72 The proposal is therefore considered acceptable in highway and traffic terms.

3.73 The Anglian Water pumping station matter

3.74 At the tip of the land that adjoins the south-east corner of the B1071/Ellen Aldous Avenue, beyond the north western corner of the application site is a largely underground pumping station serving Weavers Meadow. The plant and equipment sits almost immediately alongside the carriageway and is protected by a low Armco crash barrier. The barrier also stops vehicles (including Anglian Water maintenance vehicles) mounting the verge close to the roundabout.

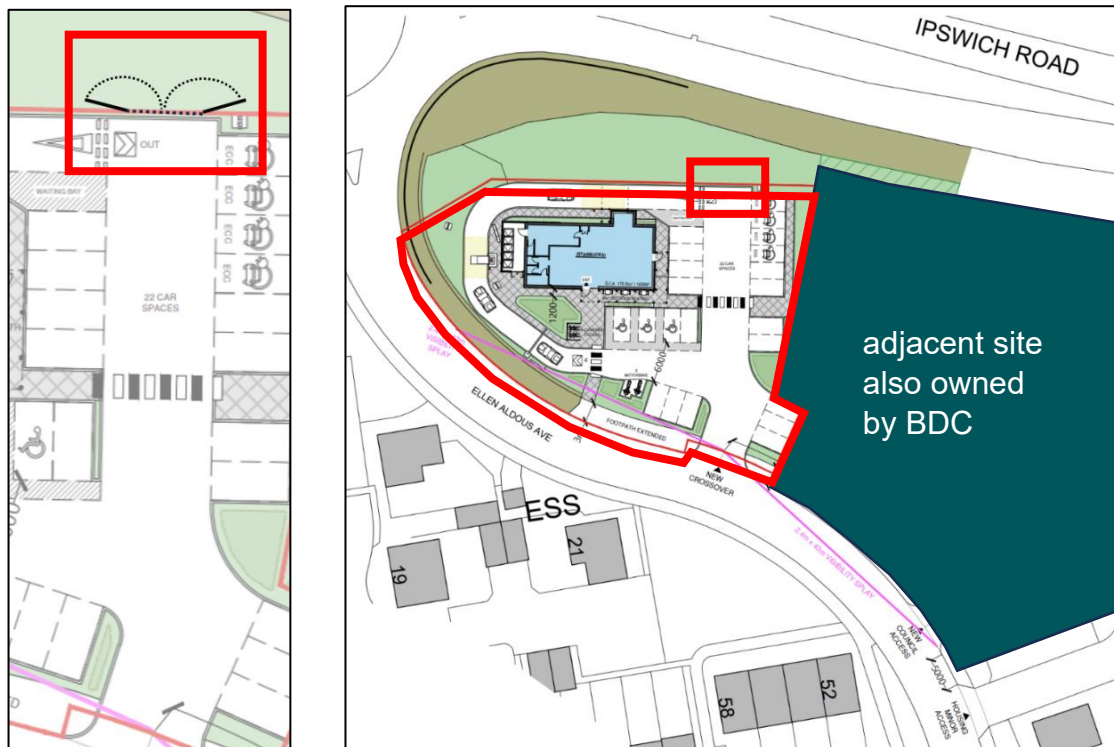


figures 32:
**The Anglian Water
pumping plant**

3.75 Anglian Water has been servicing the pumping station via a seemingly unauthorised vehicular access across the adjacent land now in the Council's ownership. That access

created without the landowners apparent formal consent (previously owned by Persimmon Homes) cuts across part of the application site and it is not appropriate or reasonable that this action should frustrate legitimate development proposals on this site which currently benefits from an extant outline planning permission. Planning permission for the service access and service route has not be applied for and therefore not granted by the local planning authority. It is unauthorised and would not be were a retrospective planning application to be submitted because it prejudices the proper planning of the area over which it has been formed and would prevent land allocated for employment uses in a plan-led system from coming forward.

- 3.76 Whilst it is not the duty of the Council as landowner to retain this seemingly unlawful access or allow its continued use negotiation with Anglian Water has been ongoing in order to identify an alternative means of access. The Council as a responsible local authority acknowledges the importance of Anglian Water being able to adequately service the pumping station as does the applicant as that facility will also serve the proposed use/building.(Note the Council only formally acquired the site in summer 2023.)
- 3.77 As a result of discussion between the Development Management Service and the Applicant the latter is willing, as a gesture of goodwill, to allow a right of access across the site for pumping station maintenance vehicles up to and including the size of a transit van and to include a vehicular gate at the northern edge of the site to allow those vehicles to pass onto land beyond the applicants control in order to get to the pumping station without having to try and secure direct access from either Ellen Aldous Avenue or the B1071.



figures 33: **Suggested location for Anglian Water pumping plant access**

- 3.78 The regular maintenance and monitoring regime for the pumping station is believed to involve a visit approximately once a week using a transit van.
- 3.79 If the site requires a major repair or complex maintenance, then it may need to be serviced by larger vehicles, cranes/hoists and/or specialist plant in which case suitable provision for safe access will need to be agreed with Suffolk County Council to access the plant with such vehicles across the existing highway verge.

3.80 Highway and traffic: Conclusions

- 3.81 The proposal is considered acceptable in terms of highway impact and traffic generation in that it is unlikely to give rise to serious highway safety and capacity issues and certainly not those that would warrant refusal of planning permission under NPPF paragraph 111, which states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 3.82 Proposed parking meets the Council’s required standards and manoeuvrability, accessibility and connectivity are acceptable.

3.83 Layout and design

(note: please also see officer comments on design in reference to Hadleigh T. C. objection reported earlier)

- 3.84 The central component of the proposal is a single storey coffee shop with an associated drive through facility. The intended operator is Starbucks.
- 3.85 The scale and mass of the proposed building are low key and not out of scale with surrounding development which is largely two storey dwellings.
- 3.86 The elevations are treated with various materials to further soften the overall perception of the building’s shape.
- 3.87 Facades will comprise a mix of render, glass, vertical timber battening and ‘living green wall’. (a dense mat of vertically presented natural plants with their own integrated irrigation system). It is recommended that the final actual planting details of the green walls are to be conditioned - if Members are minded to grant planning permission.
- 3.88 For the avoidance of doubt Members are advised that the ‘living green wall’ will comprise living plants and that they will not be artificial. The aim is to provide added all year round spectacle to the elevations by way of changing colours and textures as well as enhancing biodiversity through the provision of a habitat within this living tapestry.



figure 34: **A random example of a living wall.** <https://www.tendercare.co.uk/green-walls-vertical-planting>

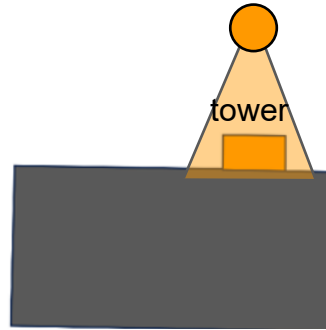
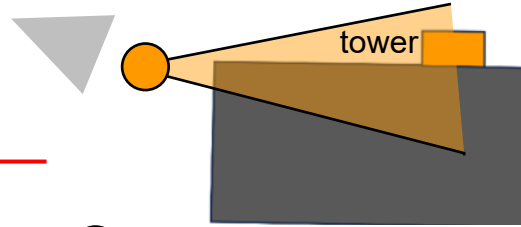
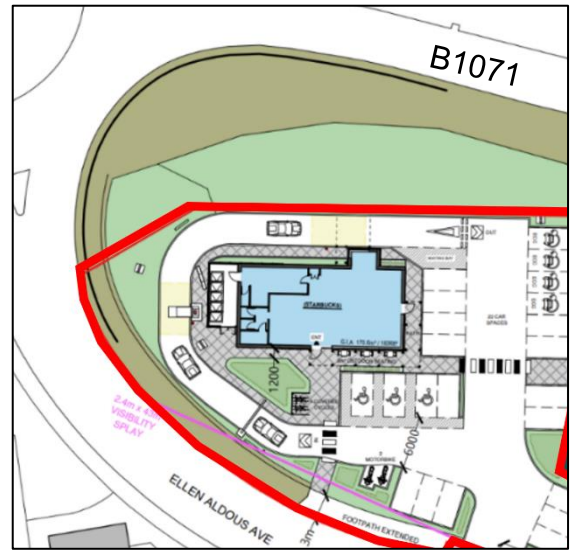
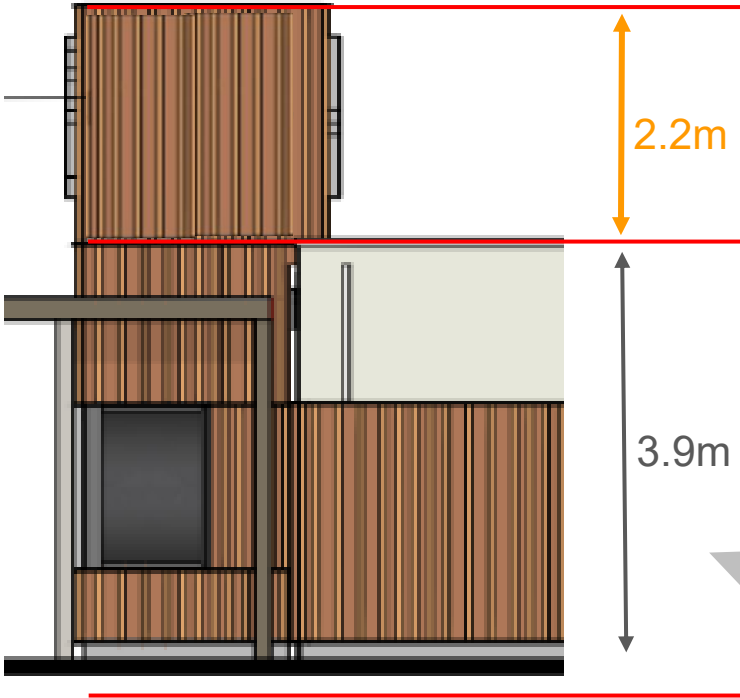
- 3.89 Living vertical walls tend to be frame mounted and are often modular systems that rely on pocket-based planting that include automated irrigation and feeding. In the case of the application before the Committee it is recommended that a condition be added (if Members are minded to grant permission) to require the further submission of full planting specification (including construction system) and a Living Wall Maintenance Plan.

Suggested condition:

[Details of full planting specification , construction system and Living Wall Maintenance Plan](#)

- 3.90 The height of the majority of the building is a uniform 3.9m. (a two-storey dwelling with pitched roof is approx. 8m).
- 3.91 The design includes a small tower feature (overall ground-to-top of tower height being 5.2m) located above the projecting drive through collection point portal .
- 3.92 This tower offers the ability to conceal kitchen plant, provide an area for subtle advertising and adds visual interest and facilitates legibility (signposting using buildings and urban features for the purpose of navigation/wayfinding). (eg: a person may say to a friend who is planning to visit them at home on Weavers Meadow... *“When you get to Starbucks on the B1070, it’s the building with the little tower, just turn immediately left/right into Ellen Aldous Avenue and we are 150m down on the left – See you on Saturday!”* - legibility)
- 3.93 The use of living green wall has been suggested by officers and embraced by the applicant as a way of enhancing the visual interest of the building, an innovative way to increase biodiversity and to add some natural colour and drama.
- 3.94 The combination of timber and plants is expected to result in a gentle, visually harmonious natural composition that excites the senses and revives the spirit.

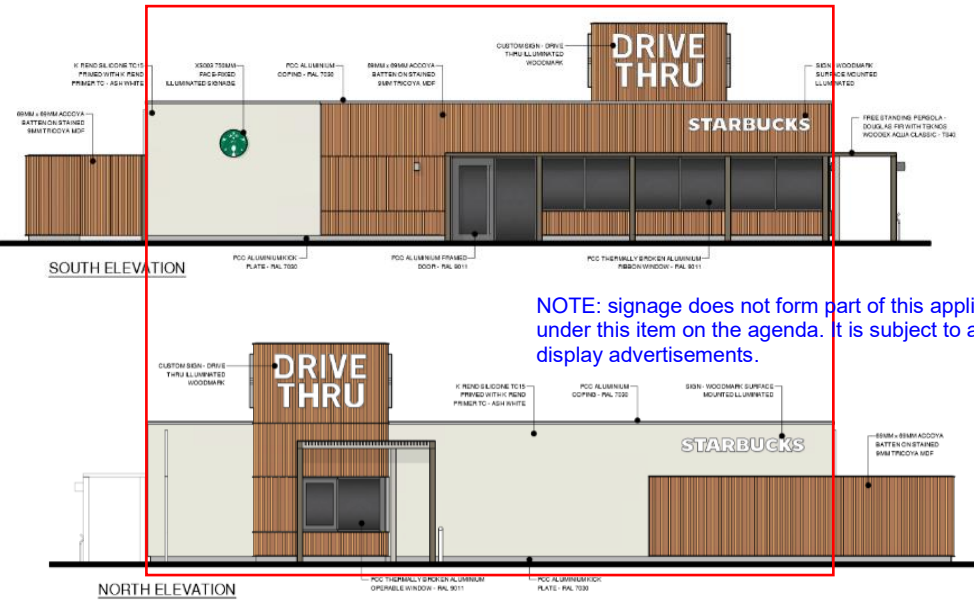
figures 35: Height of proposed building



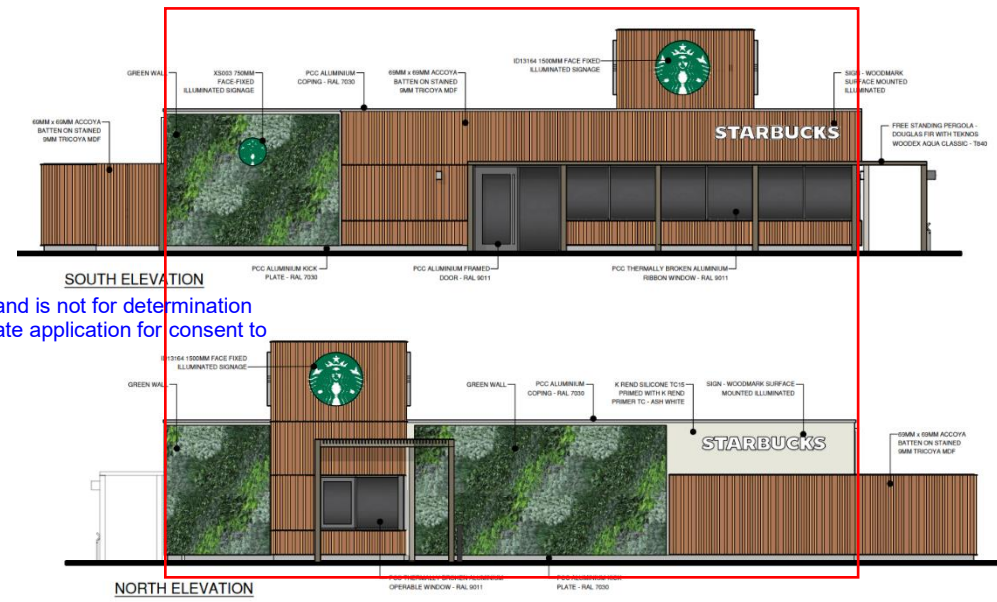
initial submission

amended submission

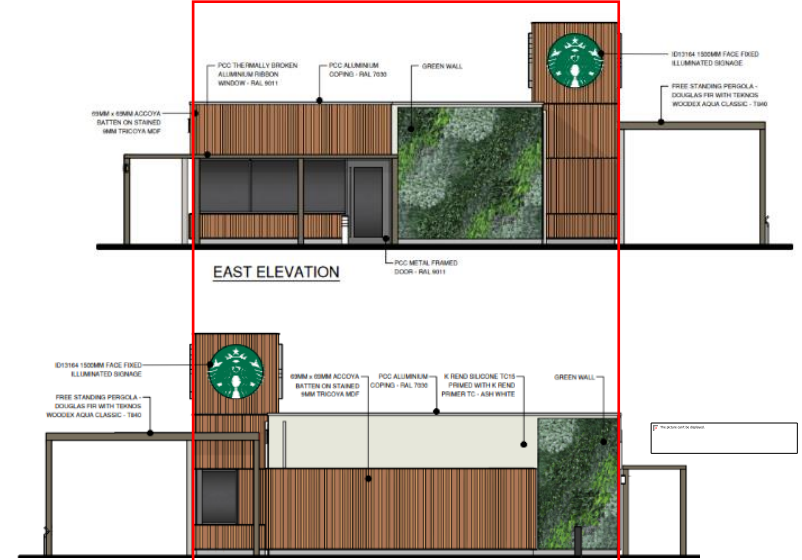




NOTE: signage does not form part of this application and is not for determination under this item on the agenda. It is subject to a separate application for consent to display advertisements.



NOTE: the appearance of the living wall is indicative at this stage - actual details to be conditioned if Members are minded to grant permission.



figures 36: Proposed elevations as initially submitted

figures 37: Proposed elevations as subsequently amended

3.95 **Design and layout: Conclusion**

3.96 The amended design is considered acceptable and it will provide interesting low-profile commercial building with a harmonious combination of timber and living plants on the majority of its elevations on this corner of the roundabout.

3.97 The layout accommodates adequate access, parking, servicing, circulation arrangements and landscaping.

3.98 **Impact On Residential Amenity**

3.99 Members will have seen from the nature of public objections that the application is seen in some quarters as likely to harm residential amenity. This report now considers the likely impacts of the proposed development on such amenity.

3.100 The plan below identifies what are considered by officers to be the closest residential properties likely to be directly affected by the proposed development and as such those that are most likely to be exposed to potential impacts upon residential amenity. In the first instance this part of the report will focus on the cluster of properties on this map

3.101 The extent to which such impacts may be sufficiently harmful to warrant a refusal of permission on the grounds of unacceptable harm to residential amenity are now explored.



figure 38: **Location of nearest dwellings**

3.102 Loss of outlook

3.103 Loss of outlook is not the same as a loss of a private view and where objection is raised it refers to outlook and not view. There is an important distinction between the two in planning in the planning system in England does not protect private rights to a view. The planning system can however have regard to harm on outlook. Outlook is predominantly what you experience from inside a habitable room in the immediacy of the area outside of a window serving that room. Development that encroaches too close to such a window creates an environment for the occupier of the room that may be dark, claustrophobic, lacking a sense of airiness, blocking a sense of the outside world. Such an environment is depressing and likely to harm wellbeing.

3.104 Looking at the plan below it can be seen that the proposed single storey building and associated site is well away from any of the houses identified. Those distances are so great that a refusal on the grounds that the proposed development will adversely and unacceptable harm outlook from any dwelling in the vicinity cannot reasonably be justified or supported.

3.105 In essence what may be impacted is an existing view of the application site across the road from existing dwellings. As previously outlined, this is not a material planning consideration that can be taken into account by the Committee.

3.106 Members will note on the same plan that many of the existing dwellings within Phase 1 of the Weavers Meadow development (opposite the application site) look onto parts of adjoining houses and the shorter distances involved were not sufficiently close to pose sufficient harm to outlook to warrant a refusal of the layout on such grounds.

3.107 It is urban design layout orthodoxy and something found everywhere for buildings to look at each other across a road. This is an expected outlook.

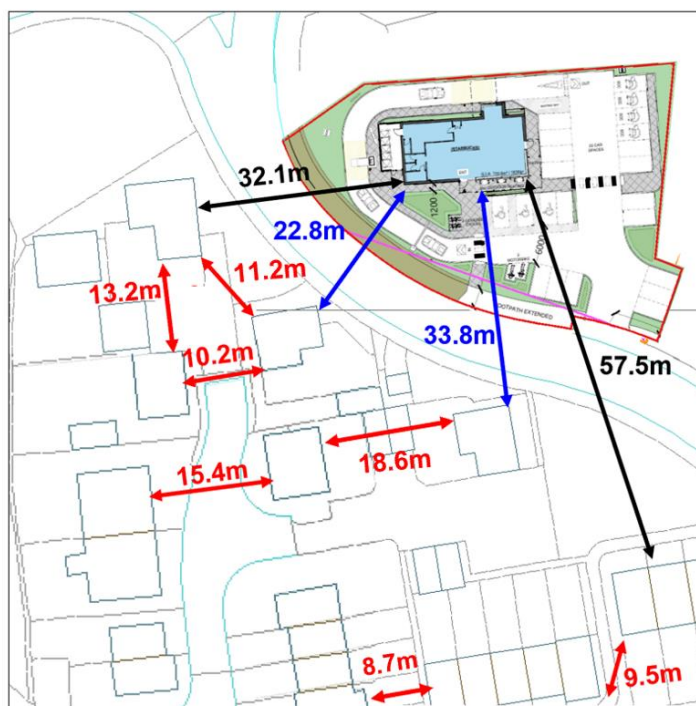


figure 39:
Distance comparisons

3.108 **Loss of Privacy/Overlooking**

3.109 Harm to amenity of this type tends to arise when a property provides an elevated vantage point towards another and thereby enables a viewer (accidental or deliberate) to look down/towards another. This is a particularly intrusive where that elevated view allows the inside of other people's rooms to be seen by others. A loss of privacy/overlooking can also occur where there is a lack of boundary treatment and a wall, fence or hedge cannot be constructed/planted to prevent such intrusion.

3.110 In the case of the application site and the proposed single storey building there is no physical prospect of somebody gaining an elevated vantage point towards the existing two storey properties in the cluster identified (or any other). As is the case with outlook the distances involved are so great that there is also no prospect of unacceptable affording a risk of unacceptable overlooking.

3.111 **Overshadowing, Loss of daylight, Loss of sunlight**

3.112 The proposed site/building is sufficiently physically distanced from residential properties in the vicinity and the proposed building so low such as not to pose any risk of overshadowing and/or unacceptable daylight infringements to existing dwellings

3.113 The proposed building lies to the north of existing nearby dwellings and so cannot physically block sunlight to the existing dwellings. Even if this were not the case and the building was located further south on the plot the height and distance of the proposed building from existing dwellings are such as not to pose a threat to the levels of sunlight reaching existing dwelling. The sun moving as it does in an arc rising from the east travelling through south and setting in the west.

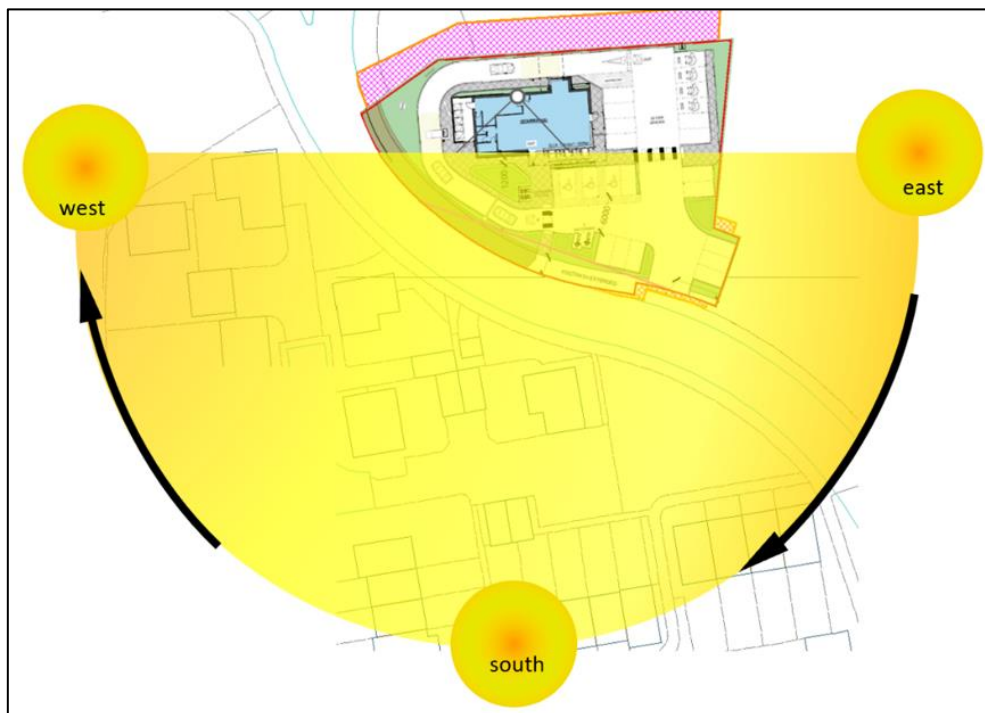


figure 40: **The site and adjoining properties in the context of the movement of the Sun**

3.114 Noise

3.115 Looking at the proposal the most likely potential sources of noise (noise per se rather than noise nuisance necessarily) may include:

1. Noise leaking from the building through open doors
2. People using the external seating areas and chatting
3. Operation of external plant/equipment such as extract ducting, chillers, air con
4. Customer Vehicles (engines, car infotainment, and people chatting in the car park
5. Delivery activity

3.116 Let us consider these in turn:

1. Noise from inside the building

Members will have seen the substantial distances involved between the proposed building and residential premises within the vicinity having previously noted figures 34 and 35. A coffee shop is not an inherently noisy use.

Often some background music is played but the aim is to create an atmosphere and ambiance where customers can chat, socialise or even work on their laptops/notebooks. They are not known for being 'rowdy' venues.

The view of the Environmental Health noise officer is however noted and whilst this may seem something of a hammer to crack a nut when they suggest a relocation of the building exit door may offer added noise protection, it is their professional opinion. The layout of the building has been carefully considered to provide good circulation and relocating the exit door is not easy. The answer is however to create a lobby area at that point on entry which requires customers to leave via two sets of doors. This effectively creates an 'air lock' that will limit the escape of noise from within the building and it will also prevent uncomfortable drafts in winter that can be a nuisance for customers sitting nearby. It is recommended that a condition be added (*if Members are minded to grant permission*) requiring details of such a lobby to be submitted and approved prior to commencement and such detail as shall have been approved being installed and operated as approved.

A further condition requiring that music played within the building shall not be played so as to be audible outside the building and that no music shall be played or otherwise transmitted outside the building.

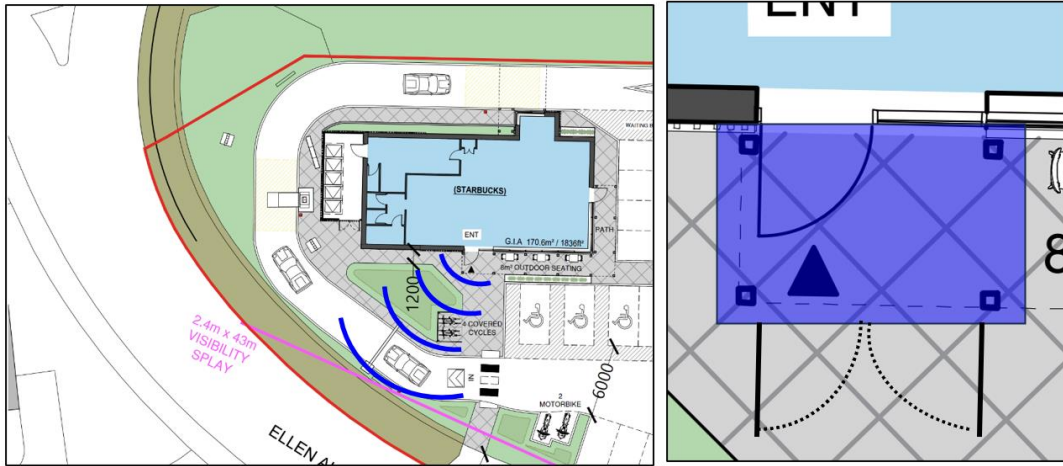


figure 41: **Suggested position for a lobby addition to prevent escape of internal noise and to prevent draughts**

2. Use of the external seating areas

The external seating area has been reduced to 8sq.m as required by the DM Service in order to ensure that parking provision meets the appropriate overall on-site parking standard based on public area available to seated customers. It is recommended that the size and location of the external seating area is to be controlled by condition not to exceed those shown on the amended drawing. (please see extract below).

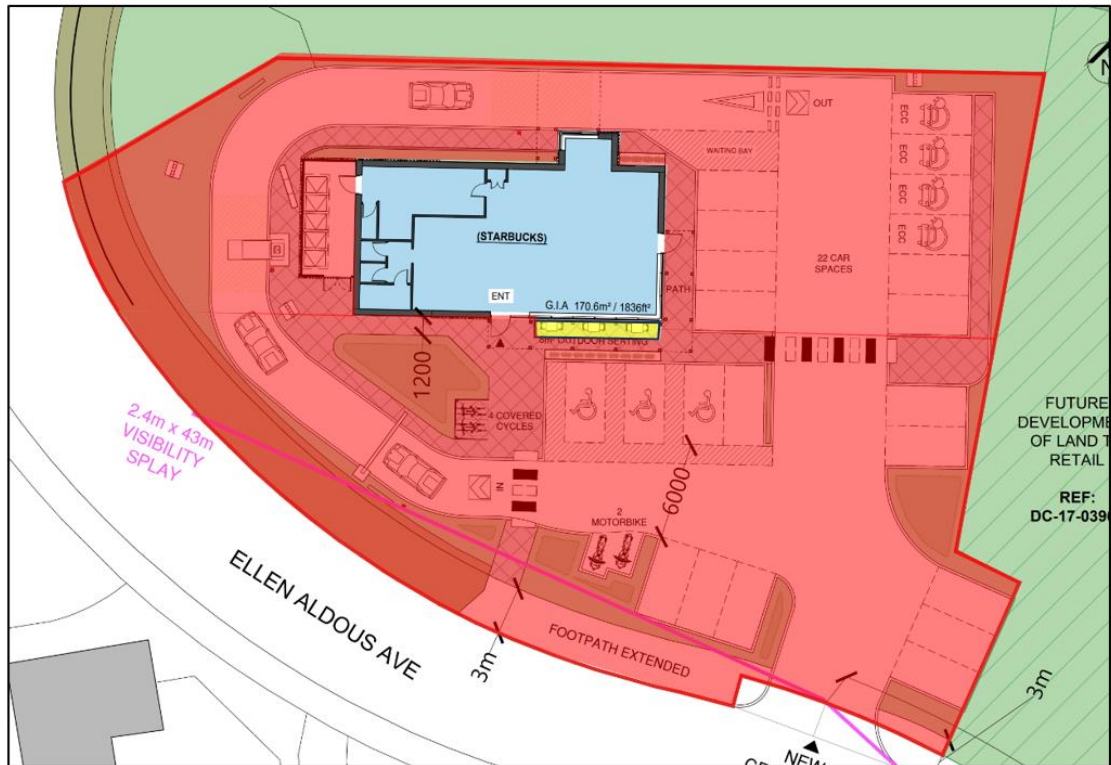


figure 42: **Suggested restriction on outdoor seating.** (yellow = permitted area; red = area where outdoor seating is not permitted, blue = building interior)

With such controls in place the noise from just approx. 3 tables and 6 people is not expected to cause any nuisance to residents in the area. Indeed it would be surprising if such voices could be heard outside the site boundary, let alone on the other side of Ellen Aldous Avenue. Certainly the residential dwellings within the vicinity will already experience greater noise intrusion from the use of neighbouring gardens and dwellings as this is an accepted part of urban/suburban living.

3. External plant and equipment

The submission of full plant (equipment) details is recommended as a condition in the event that Members are minded to grant planning permission. It is worth noting that the Tower feature is intended to enclose external plant and for it therefore to be screened and baffled.

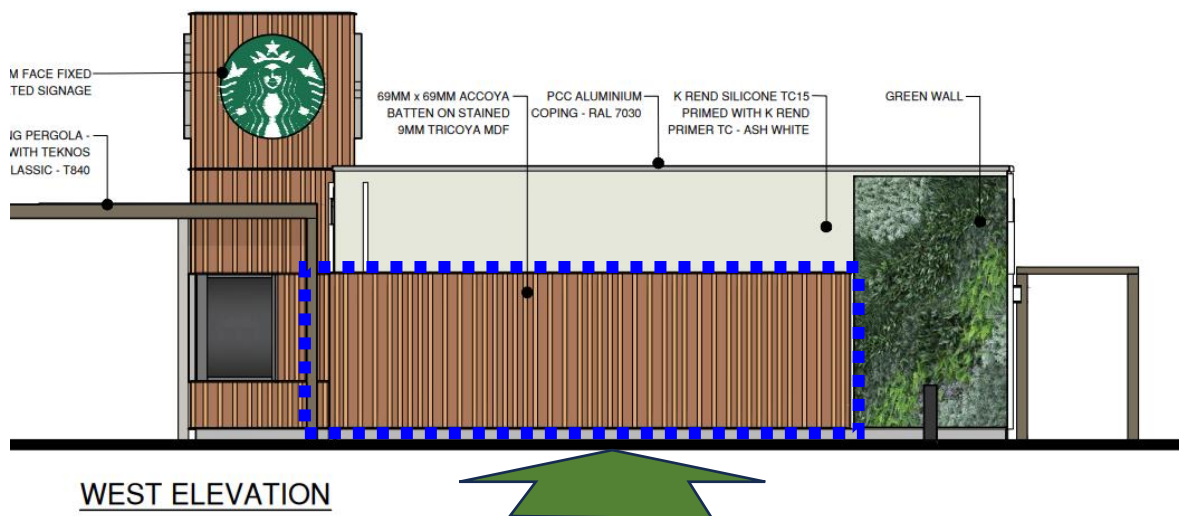
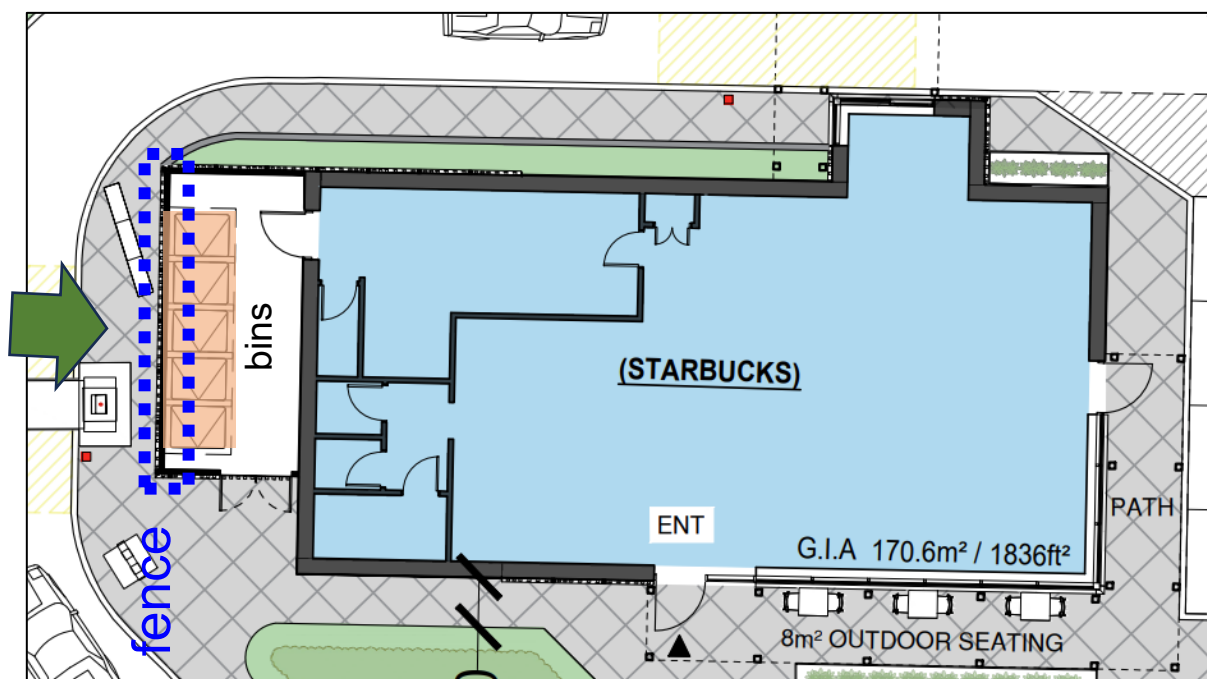


figure 43: **Tower location over the kitchen area**

Suggested condition

Full plant details prior to commencement and restriction on use of building.

The external waste storage area is at the western end of the building and therefore at the Ellen Aldous end of the site. In representations some concern has been expressed that the use of this area may give rise to noise nuisance particularly to the occupiers of the three dwellings opposite the site the other side of Ellen Aldous Avenue.



figures 44: **Bin store area behind a 1.8 m high fence**

Suggested condition

Erection and retention of fence around bin store area and control on hours of use

4 Customer vehicles

The application site is located adjacent to the busy Ipswich Road/Ellen Aldous Avenue roundabout which circulates traffic approaching/leaving Hadleigh via its eastern gateway – The B1071.

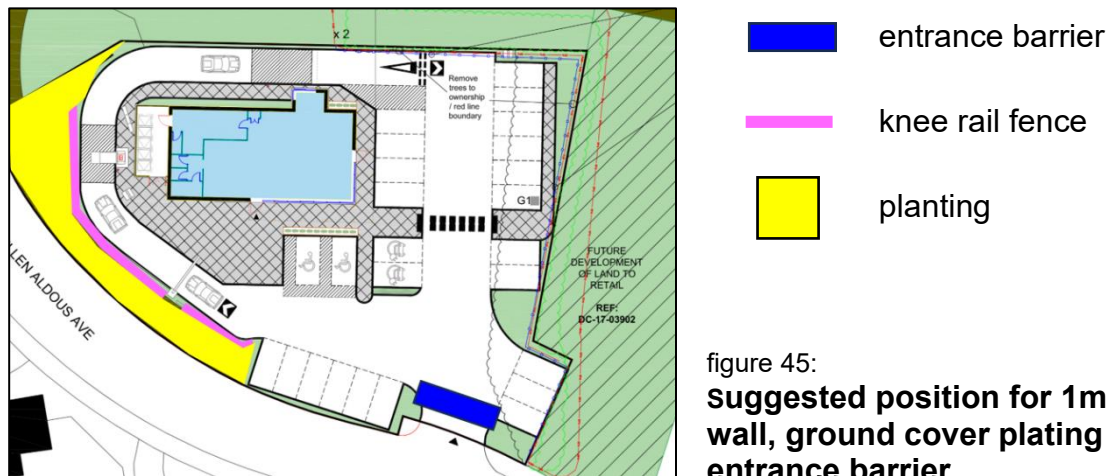
Traffic noise is already part of the noise profile of this part of the Town.

Those existing dwellings that sit opposite the application site will already experience traffic noise from Ellen Aldous Avenue and this road is due to see increased traffic flow from extensive planned residential and employment development beyond the existing extent of that road. Vehicles using the site will be moving at very low speed within the site as they manoeuvre into and out of parking spaces or gradually traverse around the drive through lane. There will undoubtedly be peak periods where vehicular activity is more concentrated than at other times but the site enjoys the benefit of planning permission for a range of traffic generating uses. (retail, restaurant./cafe and business).

To provide additional attenuation it is suggested that a condition requiring additional planting in the approximate areas shown below.

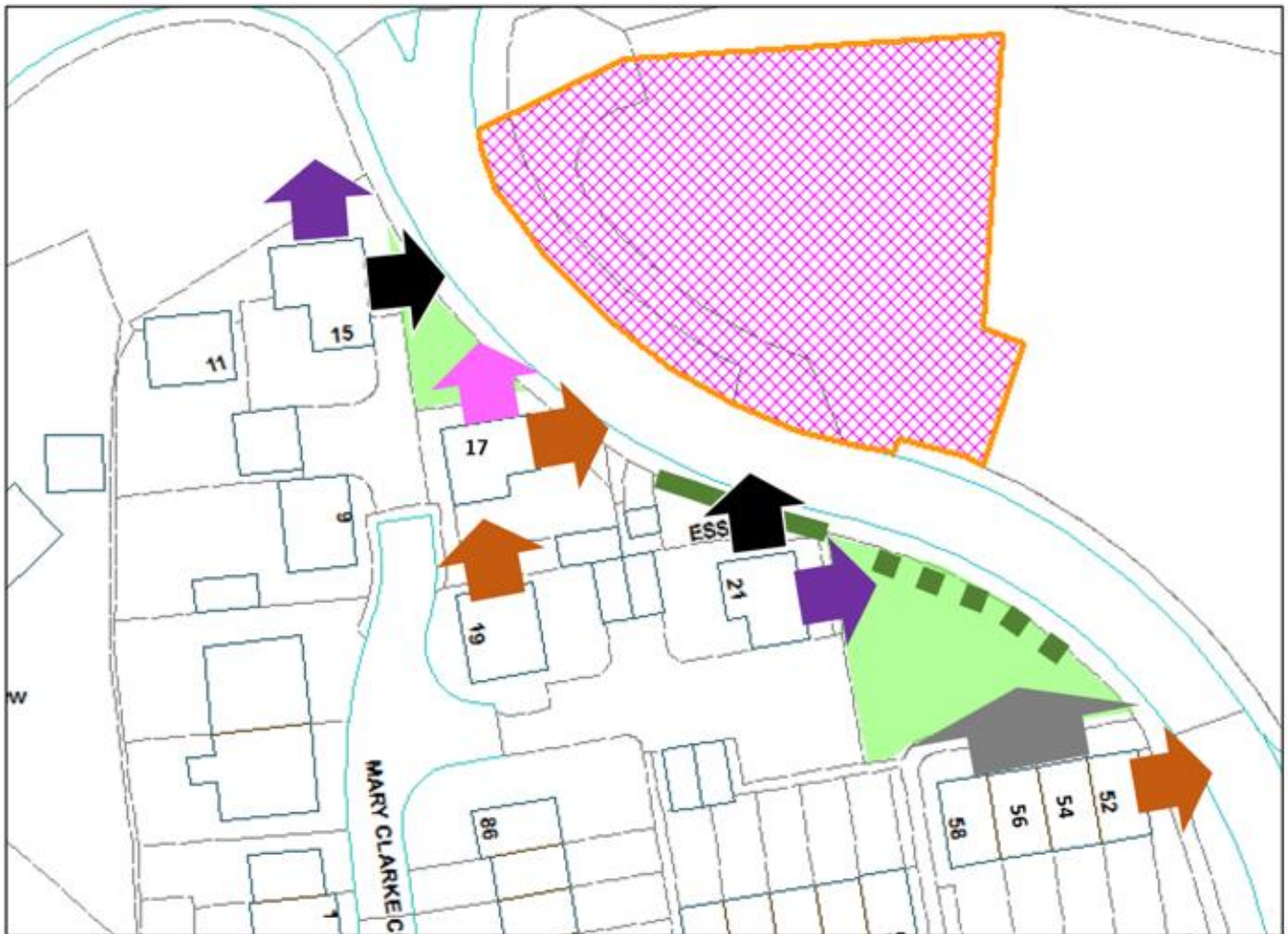
It is also suggested that a knee rail in the position shown below.

Furthermore a barrier should be located at the entrance and that barrier be down when the in the position shown below building is closed. (this will prevent unauthorised access to the car park at night and when the building is closed thereby reducing the risk of any anti-social behaviour arising within what would otherwise be unsupervised space.



The impact of vehicles using the site is not expected to cause unacceptable noise nuisance due to the nature of the area described previously and the fact that the hours of business are to be restricted.

To further assist members the plan below identifies the orientation of principal elevations of the properties closest to the application , secondary elevations with windows, blank flank walls and intervening landscaped areas.








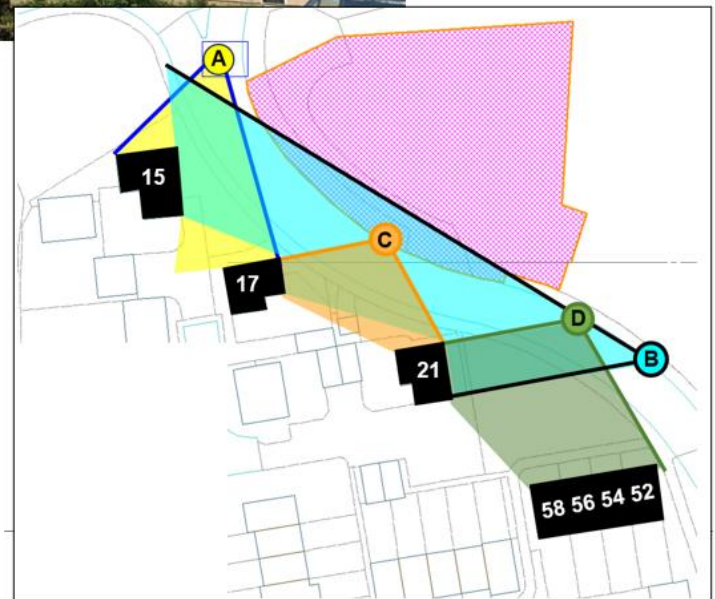
-  principal elevation with windows not towards site
-  principal elevation with windows towards site but at a distance
-  principal elevation with windows obliquely towards site
-  secondary elevation (side) with windows towards site
-  blank flank wall with no windows

figure 46:
Orientation of neighbouring elevations



figures 47:
Images of the elevations referred to in figure 46
 (and direction of view towards the image)

3.117 Odour

- 3.118 Odour from food cooking is expected to be minimal as the proposed business relates primarily to the preparation of hot and iced beverages and bottled/canned drinks and sale of cold, toasted or otherwise warmed/heated snacks and pastry items.
- 3.119 This is not a business that serves predominantly hot food/meals such as those that are burger, pizza, chicken based or other ranges and styles of hot food. Such outlets may without adequate odour extraction equipment result in cooking food smells from escaping into the atmosphere to cause nuisance.
- 3.120 That said it is still essential that the proposed building is provided with adequate extraction and odour control equipment and that it is operated and maintained effectively and that all such plant odd adequately attenuated.
- 3.121 Two particular conditions are therefore recommended (summarised below).

Suggested condition: Extraction plant details

Details of external (including roof mounted) and externally venting air handling, ducting, kitchen extract, odour control plant and other such plant the design of which is to prevent the escape of cooking and food and/or beverage preparation related odours into the air beyond the building envelope to be submitted to and approved by the lpa prior to the fitting out of the building. Such detail as shall have subsequently been approved shall be properly installed and operational prior to the business coming into beneficial use and thereafter maintained in good working order and correctly serviced in accordance with the manufacturers specification and recommendation.

Suggested condition: Limit on Permitted Use

The use permitted shall restricted to the preparation and sale of prominently beverages and the ancillary sale of predominantly cold or toasted snacks to include such items as sandwiches, wraps, pastries, fruit and confectionary items. The use herby permitted does permit the sale predominantly of hot food takeaway, hot food drive through and/or hot food, eat in items and/or hot fast food of any type or style.

3.122 Hours of business/operation

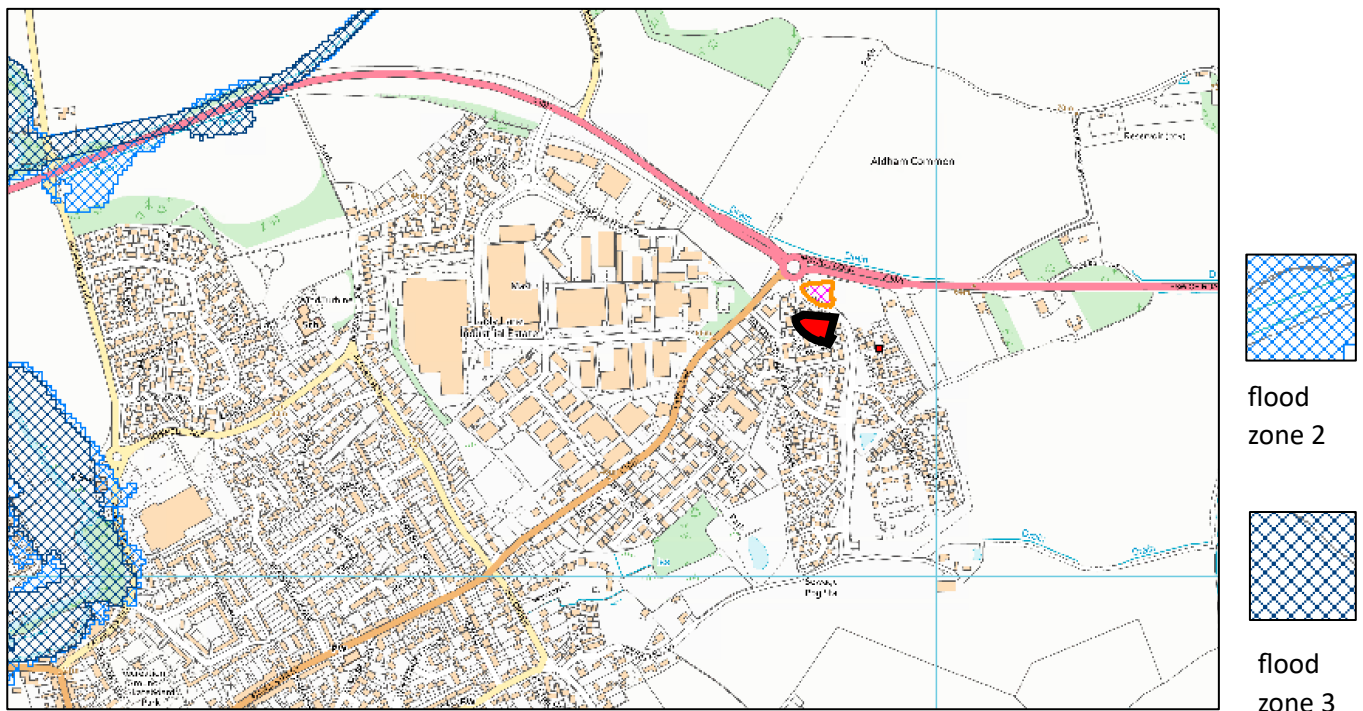
- 3.123 It is recommended that opening hours of be restricted to 06.00hrs to 22.00hrs ONLY. Deliveries/waste collections shall be restricted to the hours of 07.00 – 07.00 ONLY.

Suggested Condition

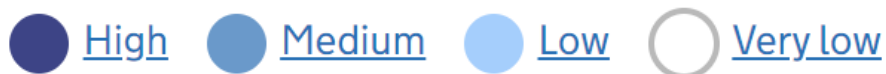
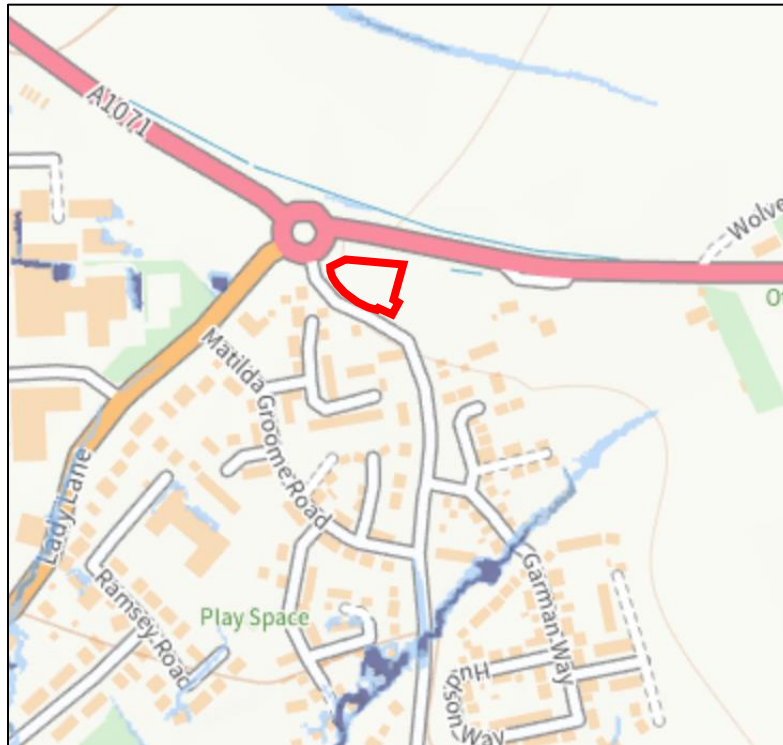
As above

3.124 **Flood risk**

- 3.125 Whilst the concern of Hadleigh Town Council to this application on the basis of what it describes as known waste water issues within the Weavers Meadow estate was noted and commented upon earlier evidence is provided here that the site is shown as being in Flood Zone 1 on and in a very low surface water flood risk area on the Government's relevant flood risk maps. <https://flood-map-for-planning.service.gov.uk/location>.
- 3.126 On 28 April 2023 Anglian Water formally advised the Council that the size of this development was below their threshold for comment and as such they would not be providing a response .
- 3.127 As the site is in flood zone 1 and a very low surface water flood risk area, there is no requirement for a Sequential Test to be undertaken as the presumption is that development is acceptable in such areas. (subject to compliance with other planning policies)
- 3.128 Consequently officers are of the opinion that the proposed development is unlikely to experience any flooding and as a result it would not be appropriate to refuse the application on the grounds of adverse flood risk.



figures 48: **Flood Zone Maps River flooding (fluvial)**
(note site in flood zone 1 where the risk is lowest)



figures 49: **Flood Zone Maps Surface water (pluvial)**
 (note site in very low risk (the lowest end of the scale))

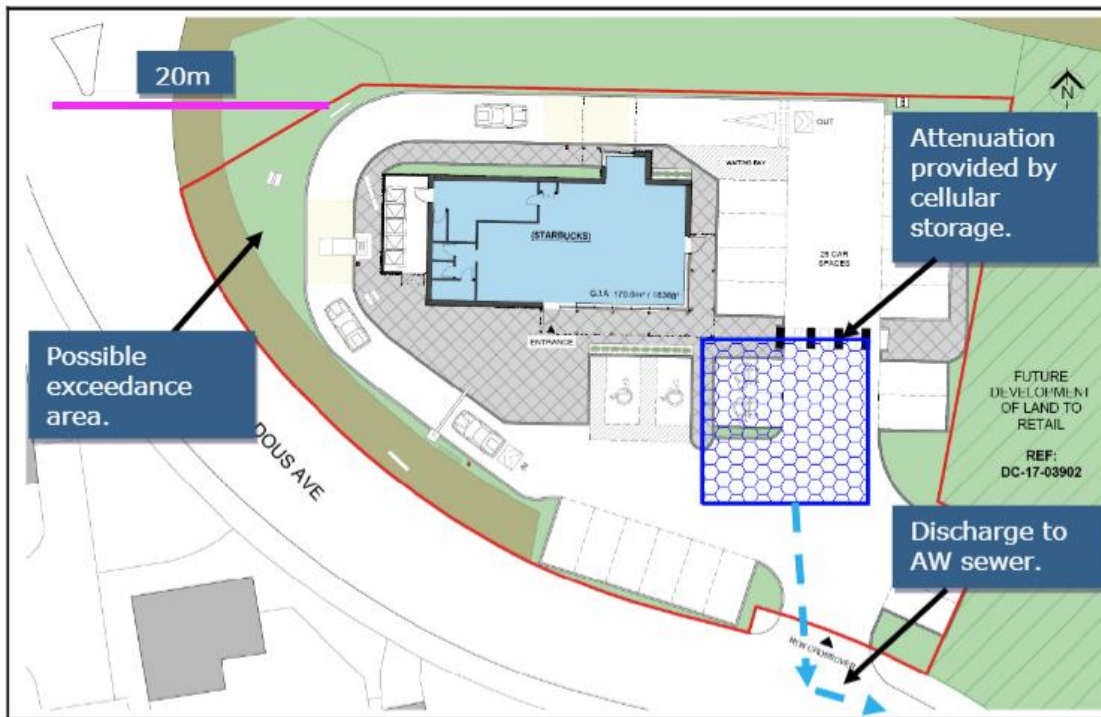
3.129 The site is not within a reservoir flood risk area and clearly be an inland site and not having access to tidal estuary is not at risk of coastal flooding.

3.130 Drainage

3.131 The site will be drained (surface water) using an underground crate system to attenuate and store flow as officer's accept the site is physically constrained and it is not possible to provide an above ground solution. Full details will be the subject of submission by condition in the event that Members are minded to grant permission.

3.132 Appropriate pollution interception will be required.

3.133 It is hoped to utilise the stored water to feed the living green wall irrigation system.



figures 50: **SuDS Strategy Plan**

Suggested condition: Full Drainage details and Construction Surface Water Management Plan details + post completion drainage as constructed plans

3.134 Built Heritage and archaeology

3.135 As explored earlier, the proposed development is expected to cause no heritage harm and therefore have no adverse impact on heritage assets for the reasons previously discussed.

3.136 This opinion has been reached after proper regard has been given to Section 15 - Conserving and enhancing the natural environment of the NPPF 2023 and the Council’s duties under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

“General duty as respects listed buildings in exercise of planning functions.

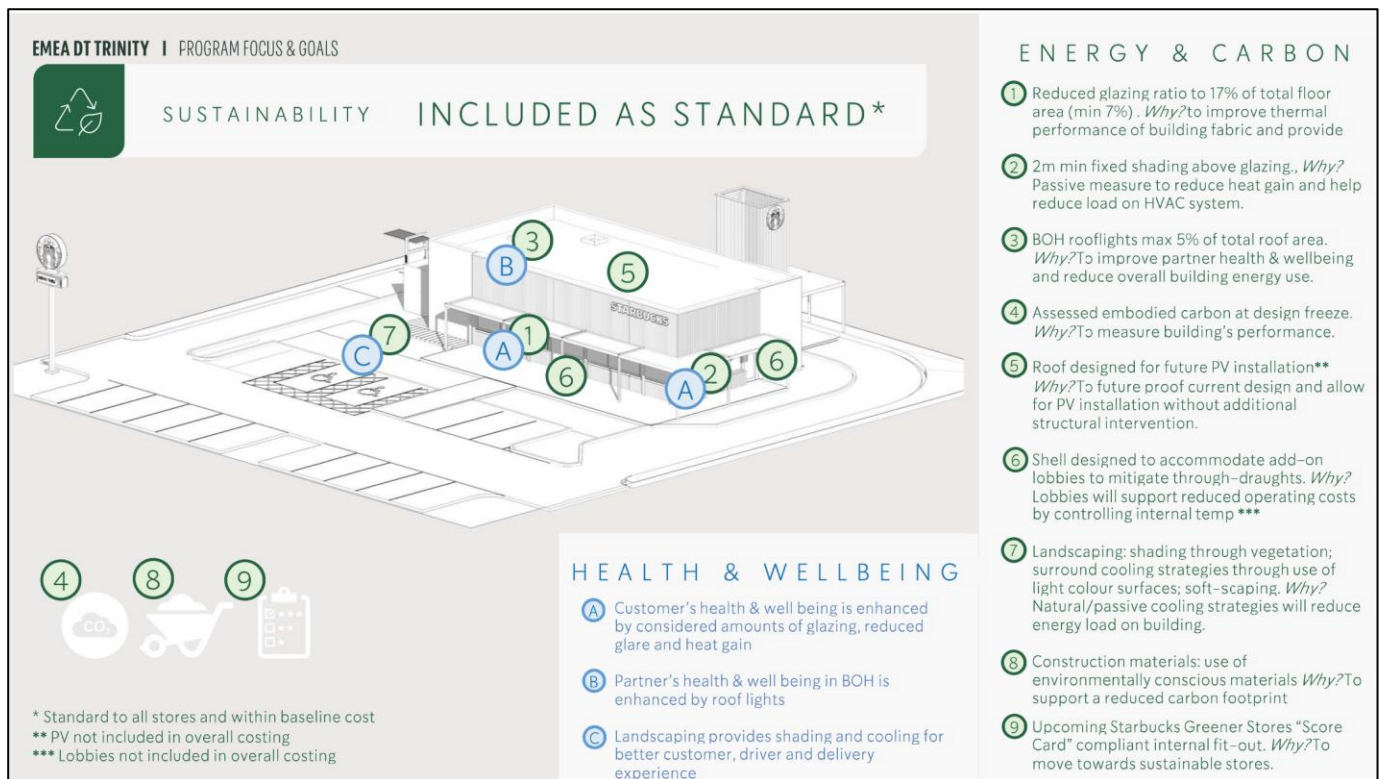
(1)In considering whether to grant planning permission ...for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

3.137 Archaeological investigation has been resolved.

3.138 Sustainability

3.139 The proposed unit here will be from Starbucks's 'Greener Store' range.

3.140 The design incorporates the features illustrated below.



figures 51: **Starbucks Sustainability diagram for their 'Greener Stores model such as the one proposed)**

3.141 The car park will include four spaces served by ev charging points. This is an acceptable ratio of chargers to spaces

3.142 The building is to be powered by electricity rather than gas.

3.143 The elevations are in part clad in sustainably sourced Accoya® timber battens and Acoya® MDF cladding and a living green wall. Accoya® is made from Radiata Pine

3.144 Accoya® is described as having the longest durability of any treated timber when used for external applications. Is also described as carbon negative over the entire lifetime of the material.

3.145 Trees, Ecology, Biodiversity and Landscape

3.146 The proposed development will result in the loss of some areas of scrub/trees.

3.147 The submitted arboricultural assessment describes these as:

“Mostly Elm with dense Cherry suckers and occasional Apple and other fruit species. occasional Elm has died likely due to Dutch Elm Disease”

3.148 The scrub/trees are described as forming a group with a value category of ‘C’. It is estimated that they have 15 years of contribution remaining.

3.149 The applicant’s arboriculturalist describes Category ‘C’ trees as being:

“..desirable for retention in the short-term. Generally, category C trees have a life expectancy of less than 20 years and would be acceptable to remove once new planting is established. Category C trees contain many defects that are likely to reduce the long-term life expectancy of the tree. Category C trees do not add to the character or visual amenity of the area. Category C trees are recent plantings with a stem diameter less than 150mm.”

3.150 The submitted assessment concludes that:

“The tree features provide reasonable screening landscape value, the trees help screen the site and reduce the perceptual load of the built form and hard roof line at and beyond the site boundaries. The trees do not however form part of the historical landscape (hedgerow, pollards, coppice) or landform (ditches, ponds, woodland edge remnant etc), the trees are recent landscape additions, likely to have grown through secondary succession / neglect of the boundary. The wildlife value is reasonable, the structural diversity and connectivity is reasonable, with reasonable, ground, sub and higher canopy layers which provides reasonable foraging, breeding, migratory and navigational opportunity for less mobile fauna. The trees are mostly native specimens, non -native trees tend to have limited numbers of associated native insects. The trees are young specimens with a limited number of microhabitats, these tend to favour older / veteran specimens. The urbanised area limits green connectivity / corridors with the wider rural countryside and therefore limits the overall wildlife value of the site. No significant defects were noted during the site survey.”

“A section of G1 will require removal to facilitate construction of the proposed retail facility access and parking. The group will be removed up to the site ownership boundary. There will be no significant loss to local landscape character or visual amenity value, the trees are young, small specimens likely secondary successional growth (mostly elm and cherry sucker growth) that has grown through neglect of the boundary. No further tree works are required to facilitate construction of the proposal or access to the site. No special construction techniques are required to protect the trees. The trees can be adequately protected using temporary barriers in accordance with BS 5837. Following development, the trees will not be further obscured, the development is therefore considered to have a low impact upon visual amenity value.

“Tree protection and method statements have been provided within this report to reduce the risk of direct and indirect development related damage that may otherwise occur to the retained trees. In conclusion, assuming the method statements and tree protection

are implemented as part of the development, the proposal can be constructed with reduced disturbance to the trees.”

3.145 Figure 47 below shows the extent of the existing scrub/trees that needs to be removed to accommodate the development. Even with the removal shown the site will be screened from Ipswich Road (B1071) by trees outside the application site. (figure 48)

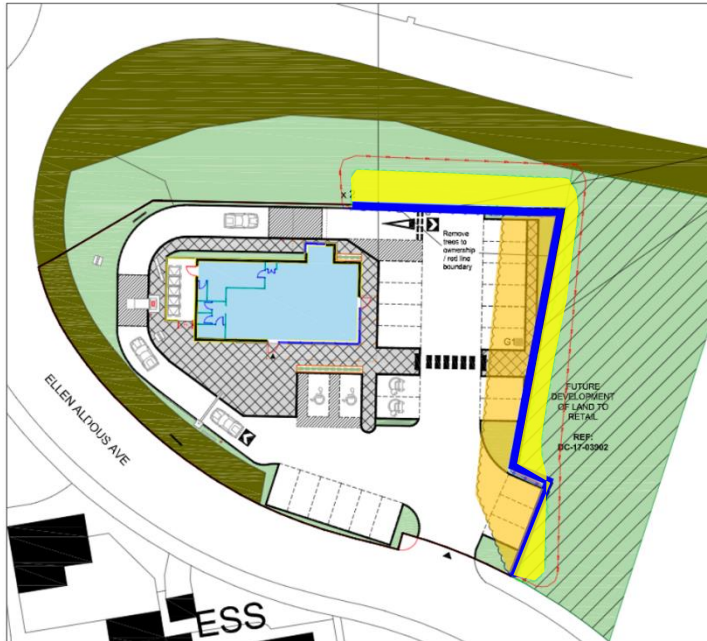


figure 52 **Trees retained and trees removed**



figures 53 **Retained trees on Ipswich Road (B1071) frontage**

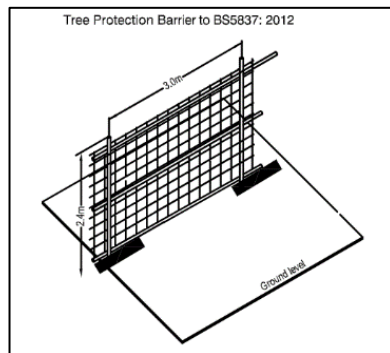


figure 54: **Proposed tree protection**



figures 55: **Trees/scrub to be removed within the site based on aerial image**

3.146 The character of much of the existing Ellen Aldous Avenue road frontage to the site is characterised by a grasscrete track to serve the AW pumping station that sits to the north of the application site. It appears that this route has never been approved and the situation is explored elsewhere in this report under the heading of the AW pumping station issue.

3.147 Existing planting on the site's Ellen Aldous Avenue frontage is generally scrappy and of poor quality.

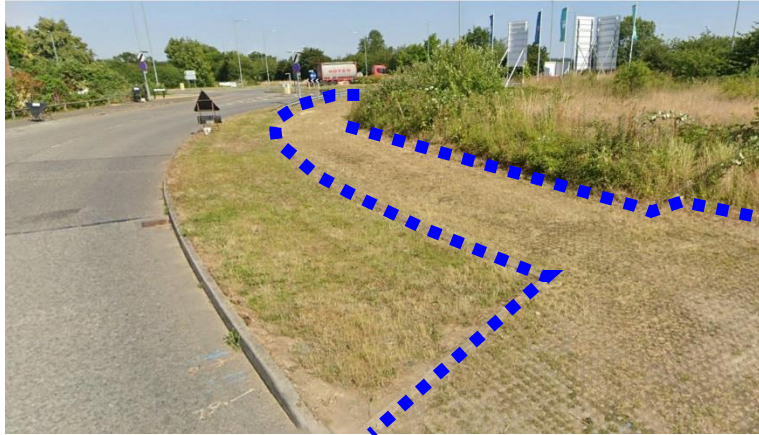


figure 56: **Extent of existing grasscrete surface (Ellen Aldous Avenue frontage towards roundabout)**

3.148 Concerns expressed by the Hadleigh Society about the location of proposed trees on the site's eastern boundary (figure 57) are shared and the applicant has been asked to amend the landscaping along the lines shown in figure 58.

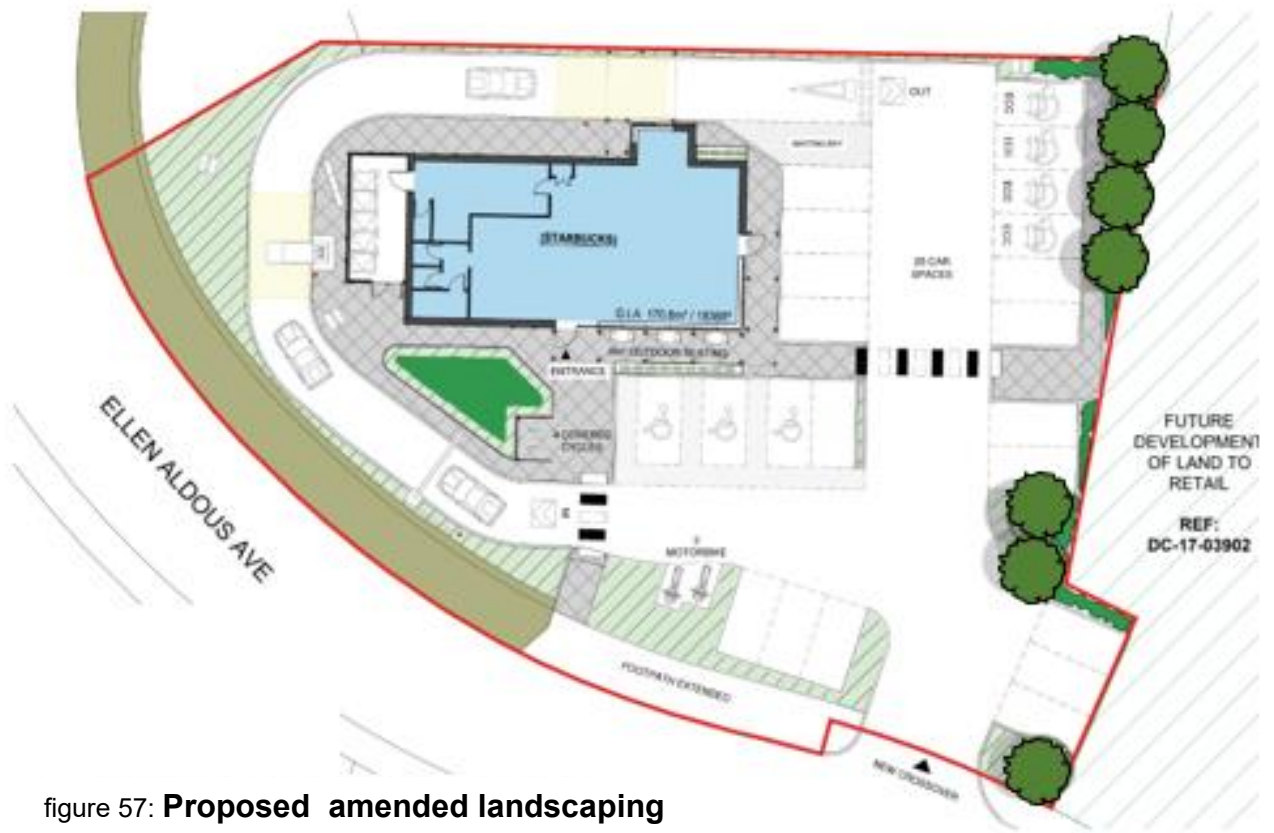


figure 57: **Proposed amended landscaping**

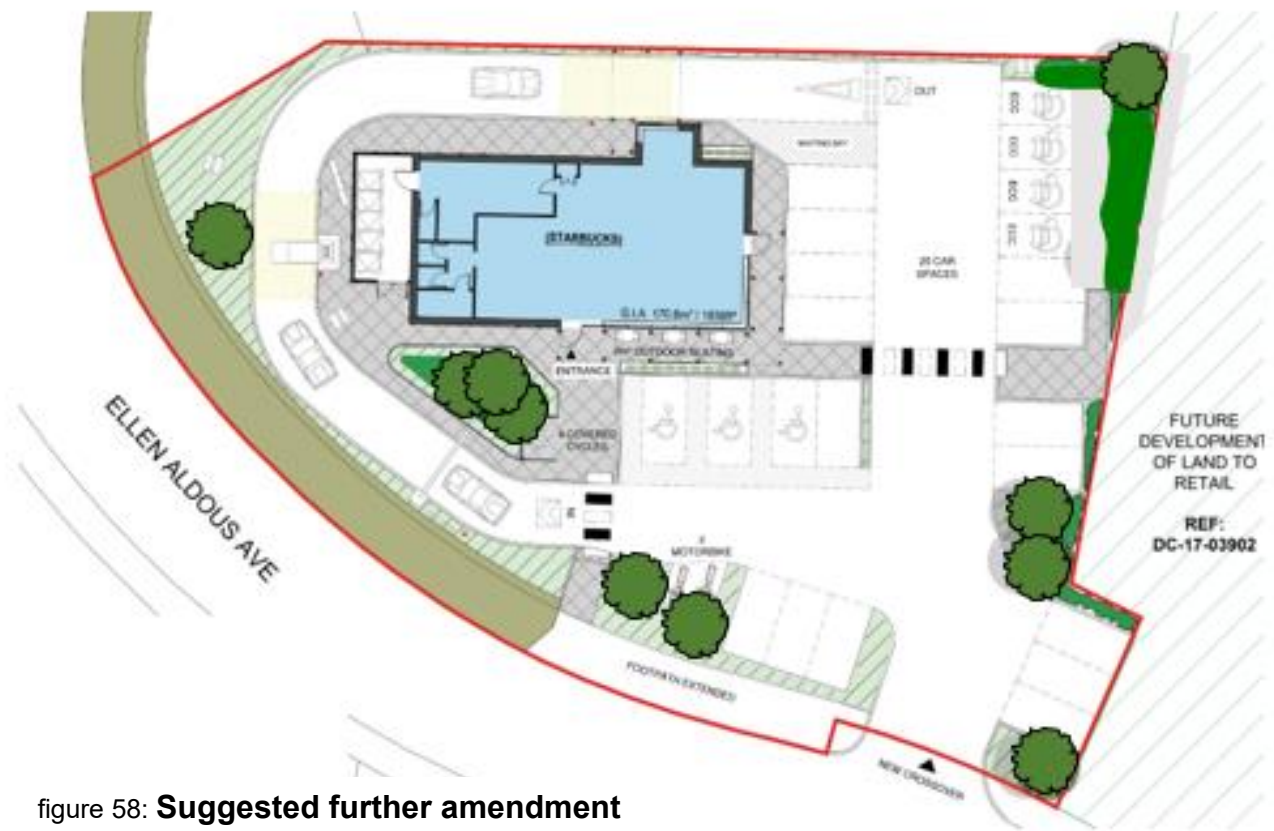


figure 58: **Suggested further amendment**

3.149 Planning Obligations

3.150 It is recommended that if Members are minded to grant permission, then delegated authority be given to the Chief Planning Officer to determine the application accordingly, subject to him first being satisfied that a permanent right of access across the site for vehicles servicing, maintaining or otherwise undertaking essential repair to the pumping station to the north of the site have been secured via an appropriate legally binding mechanism.

3.151 Additional material

3.152 The applicant's updated biodiversity statement has confirmed a 16.43% biodiversity gain is expected from the development.

"1.0 Executive summary

- 1.1 *Biodiversity Net Gain is a specific, measurable outcome of project activities that deliver demonstrable and quantifiable benefits to biodiversity compared to the baseline situation. In order to achieve a genuine Biodiversity Net Gain, the project must demonstrate that it has followed all ten Principles of Biodiversity Net Gain.*
- 1.2 *The project's biodiversity net gain target was to deliver a +10% increase in biodiversity units above the baseline measured by Defra's Biodiversity Metric 3.1.*
- 1.3 *The proposed post-intervention biodiversity score will deliver a predictive uplift and genuine additional net biodiversity gain of +16.43% in Habitat Units (Table 1).*
- 1.4 *The proposed development site contains local habitats with no irreplaceable, notable, statutory or non-statutory, or priority habitats"*

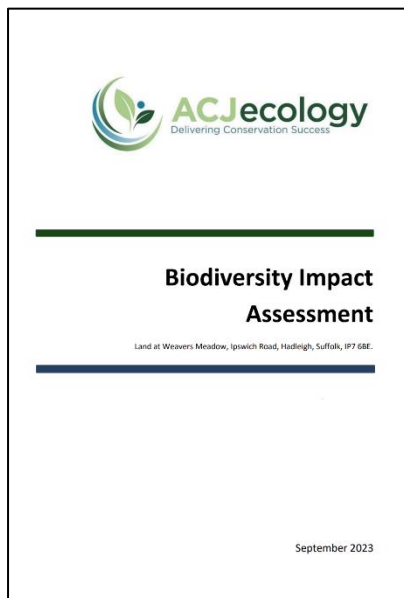


figure 59: **Biodiversity Impact Assessment
September 2023**

3.153 The applicant has now further amended proposed tree planting in line with officer recommendations contained in paragraph 3.148 and figure 158 of this report and in response to comments from the Hadleigh Society. (please see figure 60 below)



figure 60:
Amended tree planting

3.154 Similarly further amendments have now been received showing an entrance barrier, access gates (for pumping station) and knee railing detailing on the sites Ellen Aldous and Ipswich Road frontages as required. (figure

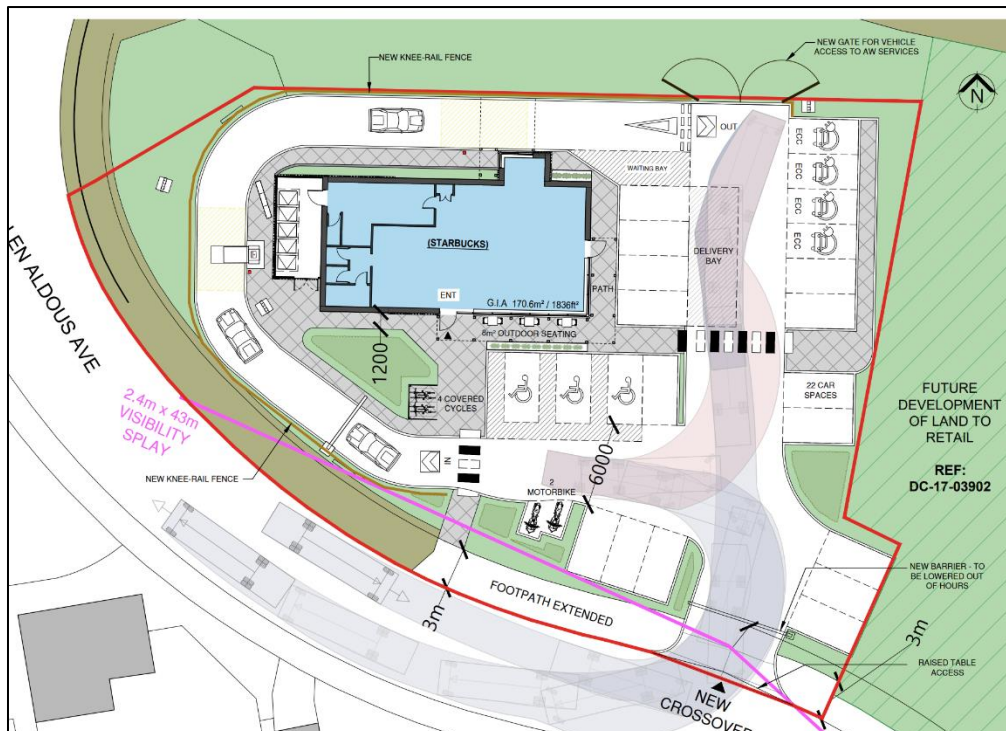


figure 61:
Amended plan showing barrier, gates and knee rail fence

PART FOUR – CONCLUSION

4.0 Planning Balance and Conclusion

4.1 Town Centre

4.2 This report makes it clear that the proposed development does not sit within the defined Town Centre for Hadleigh and as restaurants are included within what are considered to be Town Centre uses* (**described in the Glossary to the NPPF 2023*) the policy presumption is to resist the migration of such uses to edge of centre/out of centre locations.

4.3 The reason for this is to ensure the focus for Town Centre Uses remains within town centres as these are most likely to be the most sustainable venues for retail and retail related activity. It is the concentration of such uses in a town centre cluster that has traditionally made them an attractive proposition for businesses in those sectors and therefore customers as linked trips had allowed such locations to be ‘one-stop’ hubs combining shopping leisure and service (eg: dropping into council offices, the library, leisure centres, cinema and more during the same visit) - often with reasonably priced and centrally located public car parks or easy access to public transport nodes.

4.4 Protecting town centres remains a laudable objective for these reasons and as they represent important contributors to the local economy, are a source of many service sector jobs, reflect the fact that Towns are at the apex of the settlement hierarchy being as they are the most sustainable and accessible locations within the District. Protecting the vitality and viability of town centres attracts significant weight.

4.5 Unquestionably, shopping habits and customer expectations over the last decade or so have changed and continue change for reasons discussed within this report. One of the more recent trends has been the rise of drive-through facilities beyond the earliest fast-food arrivals. Recent additions have included numerous drive-through coffee shops and far fewer pharmacies/chemists. This trend appears to have gathered momentum during the covid-19 pandemic when social distancing was being enforced. In those circumstances it was still possible to get food and drink without having to leave your car meaning that social interaction and the ability to transmit covid was constrained whilst allowing some of the pre-covid pleasures to be enjoyed. (albeit on a much-reduced scale). Setting aside the impact of covid it is clear that drive through coffee shops have become a legitimate roadside facility catering for travellers who require quick service, no need to deviate from their journey route and do not want to park up and go inside to order or drink their purchase. It is very common to see tradespeople and delivery drivers using such services where they do not have the time to take a leisurely break between jobs/deliveries but it does provide the chance of some refreshment and sustenance.

- 4.6 The ability to create drive-through services within traditional town centres, physically constrained as they are and often congested, requiring parking up somewhere is very difficult and it almost always requires the customer to drive away from the strategic road network.
- 4.7 It is for this reason that existing and emerging policies (as well as the NPPF which is an important consideration), make provision for the undertaking of a Sequential Test where a prospective business is unable to identify an immediately available site on a designated town centre. That is the case here.
- 4.8 Having undertaken such a Sequential Test the applicant has concluded that there is no suitable Town Centre site available. Officers are inclined to agree and the application accords with existing and emerging planning policy to that extent.
- 4.9 Their specific locational requirements for the drive through-component necessitate easy access to a busy road and that is what has meant this immediately available site beside the B1071 is ideal for their particular type of operation.
- 4.10 Whilst the proposed development triggers the Sequential Test, it does not trigger the need for an Impact Assessment required by JLP2023 (at 400sq.m. PL11(3) and so it does not trigger the higher threshold of 2500sqm. set in the NPPF2023 (at paragraph 90).
- 4.11 It is reasonable to deduce from this that with its floor area of circa 190sq.m the proposed building/use is unlikely to have a significant adverse impact on Town Centre vitality and viability. The proposal is therefore considered to be synchronous with planning policies including CS1, CS2, CS3, and CS16 of the Core Strategy.
- 4.12 It is also true that a significant component of the proposed use is one that already benefits from an extant planning permission for what was 'A3' sale of hot food on the premises and that was granted by Committee having considered the impact of such a use on the Town Centre First approach.
- 4.13 That said the proposed use represents a mixed-use outside of the scope of part of the extant planning permission in that it combines what were A3 and A5 uses. A5 uses were not included in the scope of the extant permission. An A5 uses is now considered to be sui generis (a use in its own category) but it is self-evident that it is strongly related to the restaurant use that would conform to the extant permission because customers can purchase exactly the same food and drink as prepared in the same way as those sitting down inside the restaurant.
- 4.14 It is therefore incumbent on the Committee to determine the application on its own planning merits.
- 4.15 The planning history is however a material planning consideration.
- 4.16 It is the judgement of officers, having considered the above points in relation to Town Centre policies that the proposed use will not have a significant adverse impact on the vitality and viability of the town centre and that the proposal can be reasonably sited in

this out of centre location without undermining the continued attraction of Hadleigh Town Centre to shoppers.

- 4.17 In doing so significant weight has been given to the result of the Sequential Test, the locational requirements of the business and to the fact that the size of the proposed unit well below the need for an Impact Assessment.
- 4.18 It is for these reasons that officers conclude that the proposed use can be said to comply with policy. Even if Members disagree with officer's judgement the level of floorspace involved is so small as not to pose a realistic risk to the town centres supremacy as a District/Local attractor and hub for shopping activity and therefore critically harmful trade diversion is not expected.
- 4.19 Highways, Traffic and Parking
- 4.20 The local highway authority is satisfied that the amended proposal can be safely accommodated and operated on the site giving rise to severe impacts and as such cannot be reasonably refused in the context of NPPF2023 paragraph 111.
- 4.21 Whilst those local residents who have responded and/or signed the petition of objection, The Town Council and the Hadleigh Society object to the proposal on highway grounds the amended layout has satisfactorily provided adequate visibility splays at the proposed access, delivered appropriate levels of on-site parking, added a 3m wide footway/cycleway from Ellen Aldous Avenue and the applicant has demonstrated that the use will not generate unacceptable levels of traffic, Ellen Aldous Avenue having been designed to accommodate largescale growth allocated in the Local Plan 2014.
- 4.22 The proposal is considered to conform with local and national planning policies. and the Adopted Suffolk Parking Guidance 2019 (3rd edition).
- 4.23 Residential Amenity
- 4.24 Undoubtedly the proposal has generated concern in a number of quarters locally that the business and its operation will cause a range of nuisance that will harm residential amenity and therefore adversely impact quality of life and the peaceful enjoyment of nearby homes.
- 4.25 This report has explored those concerns in considerable detail and amendments have been and are being sought to provide additional mitigation. It is however officer's opinion that the business being proposed is not one that is normally associated with anti-social behaviour.
- 4.26 No matter that opinion the hours of use are to be controlled by condition and the site is being required to be closed to vehicles after close of business to prevent unauthorised 'out of hours' access by young drivers who may be looking to meet up late at night in an accessible car park.

- 4.27 By restricting the proposed use to coffee shop type products and by not permitting fast hot food style business from being operated from the premises the issues of odour and litter such uses sometimes generate will be avoided.
- 4.28 The site and the wider parcel within which it sits enjoys the benefit of an extant planning permission for A1 (retail), A3 (hot food for consumption on the premises) and B1 business uses an allocation in the LP2014 for employment uses (Policy CS6).
- 4.29 It is therefore inevitable the whole site will be developed for non-residential purposes and those uses will have a different character and activity profile to the predominantly residential uses on the west side Ellen Aldous Avenue and the phases of Weavers Meadow to the south-west.
- 4.30 The proposed development is considered to be consistent with LP24 (JLP2023) and NPPF2023 paragraph 174.
- 4.31 Economic Strategy
- 4.32 Residents who have moved onto the post 2000 (and currently expanding) Weavers Meadow estate may have become accustomed to this site being vacant with little or no local impact but that was never destined to remain the case. The site has long been allocated for development through the Adopted Development Plan (*LP2014 Policy CS6*) and indeed has an extant planning permission for employment use. (DC/17/03902 granted 12. 06. 2020).
- 4.32 Until recently part of the wider site was used by Persimmon Homes to accommodate the site compound as they built out Phase 1b of the Weavers Meadow development with all that entailed in terms of hgv movements and disturbance. (albeit temporary and an integral part of the development process).
- 4.33 Indeed the Council as land-owner is working up plans for a traditional office development on the larger remaining site. When granting planning permission in 2020 the Committee did so on the basis that an element of A1 (retail) and A3 (consumption of food on the premises) (restaurant/café) would not undermine the Council's strategic employment objectives as there remained a large tract of land allocated for employment use on the east side of Hadleigh just to the south also accessed via Ellen Aldous Avenue.
- 4.34 That 7.6ha site received the benefit of outline planning permission (DC/19/05419) for employment use (5.5ha) on 16.11.2022.
- 4.35 The proposed use is expected to generate 20 new jobs permanent jobs and an unknown number of short-term construction jobs. This is given significant weight particularly as the 2021 census revealed that Babergh has seen largest percentage-point fall in the proportion of people aged 16 years and over (excluding full-time students) who were employed (from 57.7% in 2011 to 54.3% in 2021).
- 4.36 Environment, Ecology and Sustainability

- 4.37 The development is set to deliver biodiversity net gain and the new unit is based on Starbuck's 'greener store' model. The unit will be powered by electricity.
- 4.38 Four ev charging points will be provided upon opening which is consistent with Part S4 of the Building Regulations 2020 which requires 1 charging point per 5 spaces. ($22 \div 5 = 4.4$ rounded down to 4).
- 4.39 The inclusion of the living green walls introduces an innovative element to the overall design of the building that offers biodiversity benefits as well as introducing added visual interest.
- 4.40 The site is to be suitably landscaped (with amendment) and drainage matters related to detailed design of the system are conditioned. It is however clear that the site is not at risk from flooding and that the drainage solution proposed that utilises a crated attenuation system is appropriate due to the site constraints that prevent above ground solutions. The run-off rates will be controlled to ensure that the site does not produce flows in excess of the green field run off rate. (or achieves better). The concerns of residents about issues being experienced on the Weavers Meadow estate around drainage are noted but the site here will deliver its own self-contained drainage solution. The proposal also provides a long-term solution to the AW access issue to the existing pumping station that serves Weavers Meadow and will service this development.
- 4.41 The site is within easy walking and cycling distance of a large residential hinterland comprising the ever-expanding Weavers Meadow estate. The amended details now include an improved 3m wide footway /cycleway across part of the sites frontage to enable better connectivity.
- 4.42 It is sufficiently remote from the historic core of Hadleigh and listed building not to pose any heritage harm.
- 4.43 The development is therefore considered acceptable within the context of existing and emerging planning policy.
- 4.44 In conclusion the proposed development is considered acceptable on the basis that it will create jobs and offer consumers wider choice without harming the vitality and viability of Hadleigh Town Centre. The proposed development is also compatible with parts of the extant planning permission that relates to the site and will not undermine the Council's Economic Strategy. It is a sustainable development that is unlikely to cause severe highway impacts and with the mitigation described unlikely to cause unacceptable harm to residential amenity. It will deliver biodiversity net gain.
- 4.45 Overall and in the round, the application accords with the development plan when read as a whole. Application of policies from the JLP, which is at an advanced stage of preparation, as well as the NPPF reinforce the direction of the development plan to grant planning permission.

5.0 RECOMMENDATION

The authority be given to the Chief Planning Officer to GRANT conditional full planning permission, subject to him first being satisfied that a permanent right of access across the site for vehicles servicing, maintaining or otherwise undertaking essential repair to the pumping station to the north of the site have been secured via an appropriate legally binding mechanism.

Conditions to include;

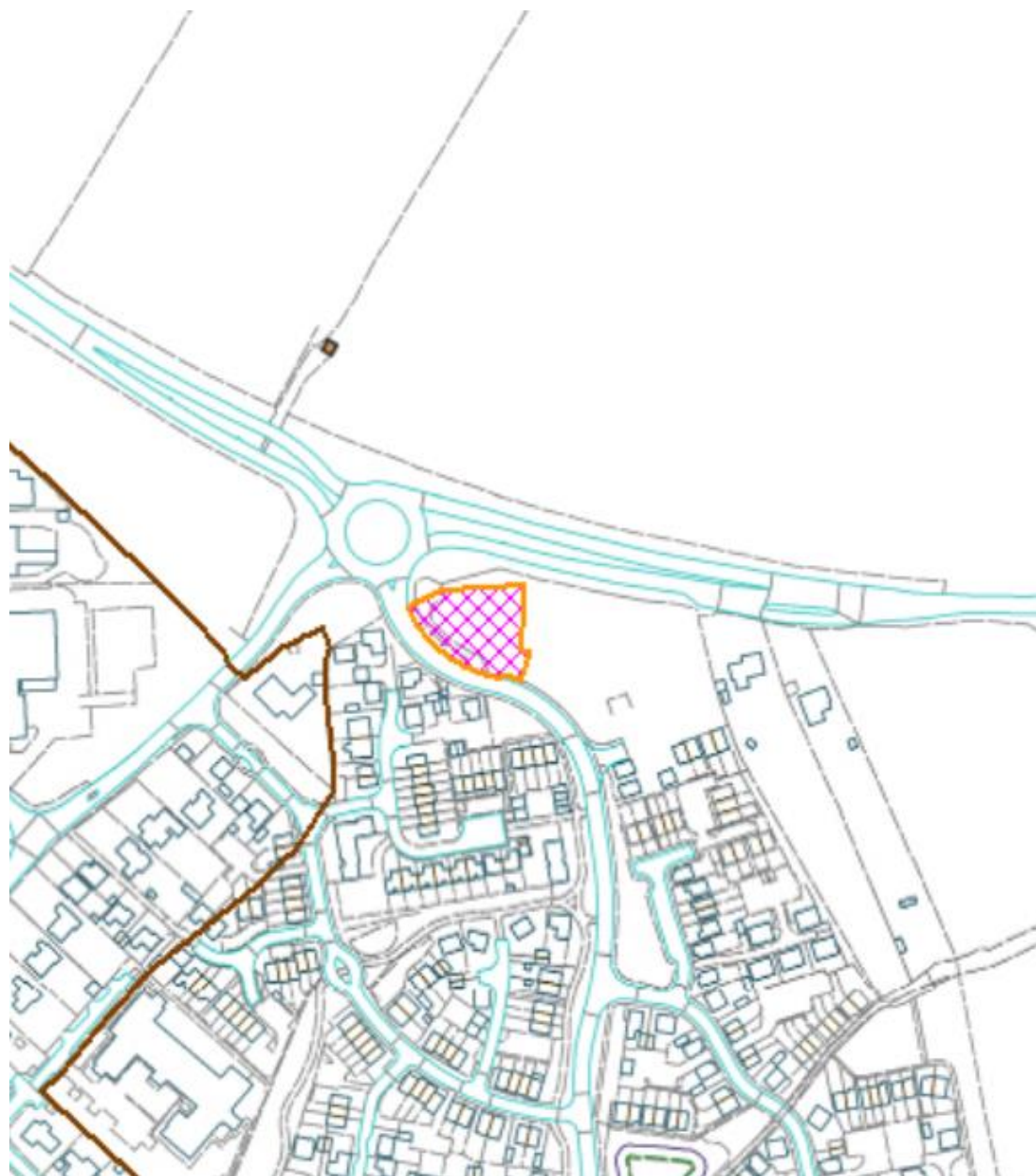
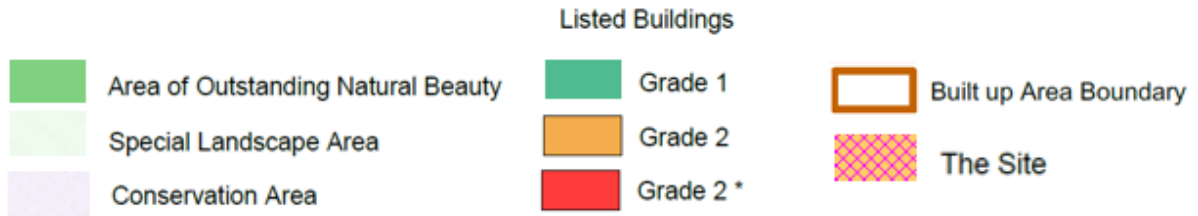
1. Commencement time limit of 2 years
2. Approved drawings except where detail subject to further condition/s
3. Use restricted to use for coffee shop with associated drive-through coffee shop purposes ONLY and no other use including any use within Class E or any other Class (and/or any other sui generis use) For the avoidance of doubt the sale of predominantly hot fast food will require a further planning permission or S73 consent
4. Entrance lobby details
5. Access barrier details
6. Full details kitchen extract, air handling, and any other external plant or internal plant that vents externally to be submitted and approved prior to installation of such equipment and all such approved plant to be in place and fully functional prior beneficial use of the development hereby permitted, commencing.
7. Restricted opening hours 06.00 – 22.00hrs only
8. Restricted delivery times 07.00-21.00 hrs only
9. Outside seating area restricted to the 8sq.m as shown on approved drawing only and no other external location/s
10. Further full details of living green wall (planting specification) supporting framework irrigation and management statement + landscaping nw corner
11. Signage detail excluded from permission
12. Boundary detail (eastern edge of site)
13. Parking laid out and marked up as approved
14. Ev charging to be provided as shown
15. Binstore fencing to be provided as approved and permanently retained
16. External lighting details
17. No music to be played outside
18. As required by local highway authority
19. As required by Env Health as considered appropriate by the Chief Planning Officer
20. Such other conditions as may be considered reasonable by the Chief Planning Officer

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Application No: DC/23/01962

Parish: Hadleigh

Location: Land At Weavers Meadow, Ipswich Road



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