

# Public Document Pack



<b>COMMITTEE:</b>	<b>MSDC PLANNING</b>
<b>DATE:</b>	<b>WEDNESDAY, 6 DECEMBER 2023 9.30 AM</b>
<b>VENUE:</b>	<b>FRINK ROOM (ELISABETH) - ENDEAVOUR HOUSE</b>

<b>Councillors</b>	
<u>Conservative Group</u> Lavinia Hadingham (Vice-Chair)	<u>Green Group</u> Austin Davies Lucy Elkin
<u>Liberal Democrat Group</u> Terry Lawrence	Nicholas Hardingham Sarah Mansel (Chair) John Matthissen Rowland Warboys

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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 REGISTRABLE OR NON  
REGISTRABLE INTERESTS BY MEMBERS**
  - 3 **DECLARATIONS OF LOBBYING**
  - 4 **DECLARATIONS OF PERSONAL SITE VISITS**
  - 5 **MPL/23/18 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2023** 5 - 10
  - 6 **TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE  
WITH THE COUNCIL'S PETITION SCHEME**
  - 7 **MPL/23/19 SCHEDULE OF PLANNING APPLICATIONS** 11 - 12
- Note: The Chairman may change the listed order of items to accommodate visiting Ward Members and members of the public.*
- a **DC/20/05126 LAND SOUTH OF, MILL LANE, STRADBROKE, SUFFOLK** 13 - 50

b DC/22/012971 ROGER SKINNER LTD, QUEEN STREET, 51 - 70  
STRADBROKE, IP21 5HL

c DC/22/01530 LAND AT WOODLANDS FARM, STOWMARKET 71 - 99  
ROAD, BADLEY, SUFFOLK

8 SITE INSPECTION

#### NOTES:

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

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

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

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

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

2. Ward Members attending meetings of Planning Committee may take the opportunity to exercise their speaking rights but are not entitled to vote on any matter which relates to their ward.

#### **Date and Time of next meeting**

Please note that the next meeting is scheduled for Wednesday, 20 December 2023 at 5.30 pm.

#### **Webcasting/ Live Streaming**

This meeting will not be Live Streamed or recorded.

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](mailto: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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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.
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5. Do not re-enter the building until told it is safe to do so.

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# Agenda Item 5

## MID SUFFOLK DISTRICT COUNCIL

Minutes of the meeting of the **MSDC PLANNING** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Wednesday, 8 November 2023 at 09:30am.

### **PRESENT:**

Councillor: Sarah Mansel (Chair)  
Lavinia Hadingham (Vice-Chair)

Councillors: Austin Davies  
Nicholas Hardingham  
John Matthissen  
Lucy Elkin  
Terry Lawrence  
Rowland Warboys

### **Ward Member(s):**

Councillors: John Whitehead

### **In attendance:**

Officers: Chief Planning Officer (PI)  
Area Planning Manager (GW)  
Planning Lawyer (IDP)  
Case Officer (AS/NM)  
Governance Officer (CP)

## **70 APOLOGIES FOR ABSENCE/SUBSTITUTIONS**

70.1 There were no apologies for absence.

## **71 TO RECEIVE ANY DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER REGISTRABLE OR NON REGISTRABLE INTERESTS BY MEMBERS**

71.1 Councillor David Penny attended the meeting to speak as an Objector in his personal capacity in respect of application number DC/23/03872. The Planning Lawyer confirmed that if attending as a member of the committee, or speaking as a ward member, Councillor Penny would have a disclosable pecuniary interest as a neighbouring landowner but it had been agreed with the Interim Monitoring Officer that it was acceptable for Councillor Penny to speak as an Objector and leave the room before the start of the debate for the application.

## **72 DECLARATIONS OF LOBBYING**

72.1 There were no declarations of lobbying.

## **73 DECLARATIONS OF PERSONAL SITE VISITS**

73.1 There were no declarations of personal site visits.

**74 MPL/23/16 CONFIRMATION OF THE MINUTES OF THE MEETING HELD ON 11 OCTOBER 2023**

It was **RESOLVED**:

That the minutes of the meeting held on 11 October 2023 were confirmed and signed as a correct record.

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

75.1 None received.

**76 MPL/23/17 SCHEDULE OF PLANNING APPLICATIONS**

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

Application Number	Representations From
DC/23/00305	Paul Allen (Mendlesham Parish Council) Ben Elvin (Agent) Councillor Andrew Stringer (Ward Member)
DC/23/03872	Tina Newell (Hemingstone Parish Council) David Penny (Objector) Nick Barber (Agent) Councillor John Whitehead (Ward Member)

**77 DC/23/00305 LAND ADJACENT TO, 17 BROCKFORD ROAD, MENDLESHAM, IP14 5SG**

77.1 7A

Application DC/23/00305  
Proposal Full Planning Application – Change of use of land for grazing of horses, and erection of stables with new vehicular access  
Site Location Land Adjacent to, 17 Brockford Road, Mendlesham, IP14 5SG  
Applicant Moss and Humphreys

77.2 The Case Officer provided details to Members of the content of the Tabled Papers. An additional email received from the Heritage Team was circulated to Members to read. The Case Officer explained to Members how the comments from Heritage impacted the application.

- 77.3 The Case Officer introduced the application to the Committee outlining the proposal before Members including: the location of the site, the site constraints, the Mendlesham Neighbourhood Plan (NP), the layout and proposed block plan of the site, the boundary treatments, the proposed landscaping scheme, existing access to the site, the location of adjacent dwellings and the view of the site, and the recommendation of approval subject to conditions as details in the Officer report.
- 77.4 The Case Officer responded to questions from Members on issues including: access to the site by larger vehicles, the previous planning applications at the site, the weight which should be given the Neighbourhood Plan, and the allocation of the site as visually important.
- 77.5 The Chief Planning Officer provided clarification to Members regarding the Development Plan and the National Planning Policy Framework and how this should be considered.
- 77.6 The Case Officer responded to further questions from Members on issues including: the location of the heritage assets, the size of the site, the boundary between the site and the adjacent cemetery, the Heritage comments regarding the orientation of the stable block, the existing pedestrian access to the site, and the changes made to this area in the revised 2022 Neighbourhood Plan.
- 77.7 Members considered the representation from Paul Allen who spoke on behalf of Mendlesham Parish Council.
- 77.8 The Parish Council representative responded to questions from Members on issues regarding the effects of the recent flooding in the village.
- 77.9 The Area Planning Manager responded to questions from Members and advised that the age or condition of the horses was not a material planning consideration.
- 77.10 The Area Planning Manager provided clarification to Members regarding the different types of outbuildings and applicable permitted developments rights.
- 77.11 Members considered the representation from Ben Elvin who spoke as the Agent.
- 77.12 The Agent responded to questions from Members on issues including: the permeability of the hardstanding for the parking area, the proposed lighting plans, the potential for the stable to be relocated as suggested by the Heritage team, and the potential for future development at the site.
- 77.13 The Chief Planning Officer and the Area Planning Manager responded to questions from Members regarding the conditions which could be applied to the application to restrict use to non-commercial only.
- 77.14 Members considered the representation from Councillor Andrew Stringer who

spoke as the Ward Member.

- 77.15 The Ward Member responded to questions from Members on issues including: the number of objections, and the inclusion of the view in the revised Neighbourhood Plan.
- 77.16 The Case Officer and the Area Planning Manager responded to questions from Members on issues including: the recent appeal decision in respect of the adjacent site, and the level of heritage harm and if a level of public benefit was required.
- 77.17 The Agent responded to a question regarding the heritage harm and commented on the late response from the Heritage team.
- 77.18 Members debated the application on issues including the importance of neighbourhood plans, the preservation of heritage assets, the lack of accessible bridleways near the site, the lateness of the response from the Heritage team, and the benefits of deferring the application to enable further consideration of the details contained in the response.
- 77.19 Members debated the benefits of a site inspection to enable a better understanding of the impact of the development on the heritage views.
- 77.20 Councillor Hadingham proposed that the application be deferred to enable a site inspection to be undertaken. Councillor Davies seconded the proposal.
- 77.21 Members continued to debate the application on issues including the neighbourhood plan, the heritage view, the advice received from the Heritage team, potential biodiversity net gain, the layout of the site, and the reasons for the site visit.

By a vote of 7 votes for and 1 against

**It was RESOLVED:**

**That the application be deferred to enable a site inspection to be carried out to review the size and siting of the stable building, with regards to the heritage harm and view 10, and the application to return to Committee.**

**78 DC/23/03872 HEMINGSTONE FRUIT FARM, MAIN ROAD, HEMINGSTONE, IP6 9RG**

78.1 Item 7B

Application Proposal	DC/23/03872 Planning Application – Erection of additional E(g) business unit building, and associated works
Site Location	Hemingstone Fruit Farm, Main Road, Hemingstone, IP6 6RG
Applicant	J Gorham



- 78.1 A break was taken from 11:13am until 11:25am, after application number DC/23/00305 and before the commencement of application number DC/23/03872.
- 78.2 The Case Officer introduced the application to the committee outlining the proposal before Members including: the planning history at the site, the location and constraints of the site, the proposed site layout, the proposed elevations, the existing access and car parking plans, the boundary between the existing and proposed car parking areas, and the recommendation of refusal as detailed in the Officer report.
- 78.3 The Case Officer and the Area Planning Manager responded to questions from Officers on issues including: the amount of undeveloped employment land in the district, and the comments received from the Heritage team.
- 78.4 Members considered the representation from Tina Newell who spoke on behalf of Hemingstone Parish Council.
- 78.5 Members considered the representation from David Penny who spoke as an Objector.
- 78.6 The Objector responded to questions from Members regarding potential noise and light pollution.
- 78.7 Members considered the representation from Nick Barber who spoke as the Agent.
- 78.8 The Agent responded to questions from Members on issues including: the use class of the existing units on site and whether any consideration had been given to a masterplan for the future of the site.
- 78.9 Members considered the representation from Councillor John Whitehead who spoke as the Ward Member.
- 78.10 David Penny left the meeting at 11:52, after the public speaking and before the debate.
- 78.11 Councillor Hadingham proposed that the application be refused as detailed in the Officer recommendation.
- 78.12 Councillor Lawrence seconded the proposal.
- 78.13 Following a question from Members, the Area Planning Manager provided clarification on the various business use classes.
- 78.14 Members debated the application on issues including: the ecological features of the building, and the location of the site.

By a unanimous vote

**It was RESOLVED:**

**That authority be delegated to the Chief Planning Officer to refuse planning permission for the following reason(s): -**

**The proposal represents new build commercial development in the countryside, where new build employment development is subject to a strategic, environmental, or operational justification. The applicant has failed to evidence a commercial need for the proposed development, nor have they provided strategic, environmental, or operational justification in regard to this location and therefore, the proposal is considered unacceptable in principle. The significant extension of the small-scale industrial site in the countryside would materially compromise the spatial strategy of the Council and undermines the aims and objectives of those policies. The proposal is contrary to: policies CS2, E9 and E10 of the Development Plan; emerging JLP policies SP03 and SP05; and is not considered to represent sustainable development when assessed against the provisions of the NPPF, taken as a whole.**

**79 SITE INSPECTION**

78.1 There were no requests for site inspections.

The business of the meeting was concluded at 12.00 pm.

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Chair

# Agenda Item 7

## MID SUFFOLK DISTRICT COUNCIL

### PLANNING COMMITTEE

**06 DECEMBER 2023**

#### INDEX TO SCHEDULED ITEMS

<b><u>ITEM</u></b>	<b><u>REF. NO (and link to consultee comments)</u></b>	<b><u>SITE LOCATION</u></b>	<b><u>MEMBER/WARD</u></b>	<b><u>PRESENTING OFFICER</u></b>	<b><u>PAGE NO</u></b>
7A	<a href="#">DC/20/05126</a>	Land South of, Mill Lane, Stradbroke, Suffolk	Councillor Anders Linder / Stradbroke and Laxfield	Bradly Heffer	13-50
7B	<a href="#">DC/22/02971</a>	Roger Skinner Ltd, Queen Street, Stradbroke, IP21 5HL	Councillor Anders Linder / Stradbroke and Laxfield	Bradly Heffer	51-70
7C	<a href="#">DC/22/01530</a>	Land at Woodlands Farm, Stowmarket Road, Badley, Suffolk	Councillor Terry Lawrence and Councillor Ross Piper / Needham Market	Isaac Stringer	71-99

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# Agenda Item 7a

## Committee Report

**Item No:** 7A

**Reference:** DC/20/05126

**Case Officer:** Bradly Heffer

**Ward:** Stradbroke & Laxfield.

**Ward Member/s:** Cllr Anders Linder.

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## RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION

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### Description of Development

Outline planning application (all matters reserved, access to be considered ) Residential development of up to 80No dwellings (including affordable dwellings), provision of a new school car park and bus drop off area, land for a new pre-school facility, public open space, upgrades to Mill Lane and associated works.

### Location

Land South Of, Mill Lane, Stradbroke, Suffolk

**Expiry Date:** 31/03/2023

**Application Type:** OUT - Outline Planning Application

**Development Type:** Major Small Scale - Dwellings

**Applicant:** Earlswood Homes

**Agent:** Mr Billy Clements

**Parish:** Stradbroke

**Site Area:** 4.1 hectares

**Density of Development:**

Gross Density (Total Site): 19.2 dwellings per hectare approx

Net Density (Developed Site, excluding open space and SuDs): 28 dwellings per hectare approx

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

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

**Has the application been subject to Pre-Application Advice:** Yes - DC/19/04225

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

It is a major development proposal for more than 15 dwellings and has to be determined by Planning Committee under the Council's adopted scheme of delegation.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

#### **NPPF - National Planning Policy Framework**

#### **Babergh and Mid Suffolk Joint Local Plan (November 2023)**

SP01 – Housing Needs  
SP02 – Affordable Housing  
SP03 – The sustainable location of new development  
SP09 – Enhancement and Management of the Environment  
SP10 – Climate Change  
LP15 – Environmental Protection and Conservation  
LP16 – Biodiversity and Geodiversity  
LP17 – Landscape  
LP19 – The Historic Environment  
LP23 – Sustainable Construction and Design  
LP24 – Design and Residential Amenity  
LP26 – Water resources and infrastructure  
LP27 – Flood risk and vulnerability  
LP28 – Services and Facilities Within the Community  
LP29 – Safe, Sustainable and Active Transport  
LP30 – Managing Infrastructure Provision  
LP32 – Developer Contributions and Planning Obligations

#### **Stradbroke Neighbourhood Plan (March 2019)**

STRAD1 – Development Strategy and Principles  
STRAD2 – Design Principles  
STRAD3 – Housing Mix  
STRAD4 – Utilities Provision  
STRAD5 – Flood Mitigation  
STRAD6 – Education and Health Infrastructure  
STRAD8 - Highway Access and Pedestrian Movement  
STRAD9 – Parking Provision  
STRAD11 – Historic Environment and Design  
STRAD18 – Land South of Mill Lane

### **Neighbourhood Plan Status**

This application site is within a Neighbourhood Plan Area. The Stradbroke Neighbourhood Plan has been adopted and forms part of the development plan. It has full weight in the consideration of this planning application.

## Consultations and Representations

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

[Link to Consultee Comments Online](#)

### A: Summary of Consultation

#### Parish Council

The comments of **Stradbroke Parish Council** on the initial submission were as follows:

1. *Councillors strongly recommend that Mid Suffolk consider this site as a scheme for 80 homes and not 89.*
2. *The Stradbroke Neighbourhood Plan tested the site viability and the Plan Examination found it was marginally viable because it gives back land for the primary school car park and to replace the current nursery building. The site policy reflects this risk in permitting a reduced number of homes.*
3. *Stradbroke Parish Council wish to prioritise the land for both the school car park and replacement of existing nursery building. Stradbroke Parish Council would request this requirement be carefully considered in the MSDC sponsored viability appraisal. This appraisal should also include the cost of bunding and landscaping to offset the impact of the development - see point 4 below.*
4. *The site is overcrowded with 89 houses and this overcrowding impacts adversely on drainage and amenity. Swales must be larger than for fewer homes. Reducing the scale allows for other land use; eg acoustic bunding. The northern edge of the site needs an acoustic buffer from the adjoining factory and 89 homes restricts available space to construct the bund.*

Following on from the submission of a revised scheme for 80no. units the following comments were received:

*'Note: It has been brought to the attention of the Parish Council that Mill Lane has been misidentified in the made Neighbourhood Plan and therefore also in this application, the road adjacent to the site is in fact **Mill Road**.*

*The made Stradbroke Neighbourhood Plan contains the site as an allocated site in Policy STRAD18.*

*The Parish Council notes:*

- *that this is an outline planning application with all matters reserved, access to be considered.*

- *the application is in accordance with Policy STRAD18 which states any proposal should provide approximately 75 dwellings, with a car park and bus drop-off facility for Stradbroke Primary School and land for a new pre-school facility.*
- *Suffolk County Council highways officers raise no objections on the proposed access and propose conditions to be included in a grant of planning.*

*The Parish Council SUPPORTS the application and recommends that Mid Suffolk District Council GRANTS permission.*

*The Parish Council submits the following comments:*

*During July 2022, the nursery facility closed and as a consequence there is no longer a pre-school facility available in the village. The Parish Council notes that the land which will be made available with this development is now crucial to a new facility being built to ensure adequate provision is available.*

*The Parish Council has reviewed the various reports submitted since its last response dated 8th November 2021.*

*With regards to the outcomes of the noise and various odour reports, the Parish Council has recently submitted full comments regarding noise and odour from the neighbouring factory in response to a consultation on planning reference DC/22/02971 where Councillors noted comments received from residents of a neighbouring housing estate that there has been a significant increase in smell from the factory. The Parish Council feels the issue of odour is best dealt with at source which will assist the amenity of not only the residents of this development but all nearby residents*

*who are more directly affected by the odour from the factory, given the evidence of the prevailing winds in the odour report.*

*The Parish Council is surprised that the matters raised by consultees were not raised during the consultation stages of both the now made Stradbroke Neighbourhood Plan and the draft Joint Local Plan, both of which contain this site for development.*

*As an additional note, the Parish Council was pleased to note the rigour with which the Environmental Health department have reviewed the odour reports and methodology used, and hope that the same rigour will be applied when reviewing the odour reports submitted to support planning reference DC/21/06824 as recently requested by the Parish Council.'*

### **National Consultee**

**Historic England** has advised it does not wish to offer any comment on the proposals. It is suggested that the views of the Council's own specialist advisers are sought in this regard.

The **NHS Clinical Commissioning Group** has inter alia advised as follows:

*'...This development is not of a size and nature that would attract a specific Section 106 planning obligation. Therefore, a proportion of the required funding for the provision of increased capacity by way of extension, refurbishment or reconfiguration at Stradbroke Medical Centre and/or Fressingfield Medical Centre, servicing the residents of this development, would be sought from the CIL contributions collected by the District Council. Although, due to the unknown quantities associated with CIL, it is difficult to identify an exact allocation of funding, it is anticipated that any funds received as a result of this development will be utilised to extend the above mentioned surgery. Should the level of*



*growth in this area prove this to be unviable, the relocation of services would be considered and funds would contribute towards the cost of new premises, thereby increasing the capacity and service provisions for the local community...'*

**Natural England** has no comment on the application and draws the Council's attention to its standing advice in relation to assessment of impacts on protected species and ancient woodland.

**Anglian Water** advises that there are no assets within the development site boundary. It is also advised that foul drainage from the development is in the catchment of Eye-Hoxne Road Water Recycling Centre which has available capacity. It is identified that the preferred means of surface water drainage would be via SuDS. Lastly, it is requested that various informatives are added to the decision notice in the event that outline planning permission is granted.

### **County Council Responses**

**SCC Highway Authority** has advised it has no objection to the proposals, subject to the imposition of conditions on a grant of planning permission.

**SCC Public Rights of Way** team advises that it accepts this proposal, and is pleased to see that the Applicant has acknowledged the PROW in the immediate vicinity of the proposed site. A link from the site on to FP2 is also identified as desirable. Various notes relating to statutory requirements are also included.

**SCC Travel Plan** officer has no comments to make.

**SCC Development Contributions** has identified necessary mitigation of the impacts of the development, to be secured through s106 agreement and CIL.

**SCC Lead Local Flood Authority** recommend approval of the application, subject to the imposition of conditions.

**SCC Archaeological Service** identifies that the site lies in an area of archaeological potential, and the inclusion of conditions on a grant of planning permission is recommended.

**SCC Fire and Rescue Service** has requested a condition for the provision of fire hydrants. The installation of sprinklers within buildings is also recommended.

### **Internal Consultee Responses**

The **Planning Policy** team has provided the following comment as part of its overall consultation response:

*' The site proposed (DC/20/05126, Land south of Mill Lane, Stradbroke) is in outline with all matters reserved with access for consideration for up to 80 dwellings. The site in question is situated to the north west of Stradbroke.*

*The site is allocated for residential development and a car park and bus drop-off to serve Stradbroke Primary School in Policy STRAD18: Land South of Mill Lane in the made Stradbroke Neighbourhood Plan (March 2019). The Neighbourhood Plan covers the period 2016 – 2036. It is noted that this application refers to a site area of 4.16ha, with STRAD18*

*referring to an area of approximately 2.9ha. This difference is deemed to be acceptable in this instance.*

*Overall, there does not appear to be any significant policy conflicts between the proposal, and the made Stradbroke Neighbourhood Plan.*

*The Stradbroke Neighbourhood Plan is the adopted development plan document and the proposal is supported in principle...'*

The **Arboricultural Officer** has advised no objection to the proposal. It is also advised that an Arboricultural Impact Assessment would be required as part of a detailed submission.

The **Public Realm** team has no objection to the proposals and states that the inclusion of play areas and open space is appropriate. The opportunity to comment on the detailed design of these features would be welcomed.

**Environmental Health – Noise/Odour/Light/Smoke** has provided a series of comments in its latest consultation response which are included below for Members' information:

- Environmental Protection have provided previous consultation responses in respect of ongoing concerns regarding the potential impact on future occupants from operations undertaken at the adjacent B2 pet food manufacturer.
- On site discussions have taken place with the developer and the factory to discuss this further.
- A meeting was held with Environmental Health, Planning, Earlswood and NoiseAir (consultants for the applicant) on 16th January 2023 and further odour report provided.
- Odour is not anticipated to have a significant or adverse impact on the quality of life and wellbeing of future occupants, however following the concerns raised by this service, the concept of mitigation funding was discussed at the meeting on the 16th January.
- Earlswood Homes have proposed a contribution to a mitigation fund for the development, having regard to an assessment of viable mitigation options available in respect of operations currently undertaken at the adjacent factory.
- The fund would be held by the Council and become available for use should odour complaints are received from future occupants of the proposed development, and those complaints are substantiated as having a significant adverse effect on residential amenity for this development.
- This would be formalised as part of a Section 106 Agreement.
- Noise has been assessed by planning under separate cover in consultation with Sharps Acoustics.

On the basis of the above, it is confirmed that there is no objection to the proposals and two conditions are recommended to be added to a grant of planning permission.

The **Strategic Housing** team advises that the findings of the viability assessment are accepted; resulting in the provision of 20% units on the site – which equates to 16 units if the full 80 homes are to be delivered.

**Environmental Health – Air Quality** has confirmed that a development of this scale is unlikely to cause a significant adverse impact on local air quality, and no objection is raised. It is also noted that electric vehicle charging points should also be provided.

**Environmental Health – Land Contamination** has no objection to the proposed development, subject to a condition requiring development to be carried out in accordance with the recommendations in the submitted Environmental Phase I report.

**Environmental Health – Sustainability** identifies that the submission does not include energy efficiency measures and a condition is requested to be imposed on a grant of planning permission.

The **Heritage Team**, when consulted on the initially submitted scheme for up to 89no. units, advised an anticipated low level of harm bearing in mind the outline nature of the submission. Following a reduction in the number of proposed units to up to 80no. the Team confirms that the same comments apply.

**Place Services – Heritage** has advised that it considers the proposal would result in less than substantial harm to identified heritage assets due to the layout and density, and is unable to support the application.

**Place Services – Ecology** has no objection to the proposals, subject to the imposition of conditions on a grant of planning permission.

**Place Services - Landscape** has provided a number of comments and advises that there is no objection to the proposals, subject to the imposition of conditions.

The **Waste Services** team has no objection to the proposals subject to conditions. It should be ensured that the development is suitable for a 32 tonne refuse collection vehicle.

**East Suffolk Internal Drainage Board** has identified that the site is within the Board's Watershed Catchment. It is recommended that surface water discharge from the site is attenuated to the Greenfield Runoff Rates wherever possible.

**Mid Suffolk Disability Forum** would like to see a commitment that all dwellings will meet Part M4 of the Building Regulations. It is also the Forum's view that 3% of the dwellings in housing developments of over 10 dwellings should be bungalows to assist people with mobility problems/those wishing to downsize. All footpaths should be wide enough for wheelchair users and dropped kerbs level with the road. Durable surfacing should also be required.

**Suffolk Wildlife Trust** advises it has no objection to the proposals and recommends the imposition of a condition requiring that recommendations made in the submitted ecological reports are secured.

## **B: Representations**

At the time of writing this report at least 24 letters/emails/online comments have been received. It is the officer opinion that this represents 16 objections, 3 support and 5 general comment. A verbal update shall be provided as necessary.

Views are summarised below:

- The proposal constitutes an overdevelopment of the land.
- The use of the land for residential development is incompatible with the established factory use directly to the north of the site. Complaints could arise that could hinder the operation of the factory.
- An adequate supply of land for housing already exists in Stradbroke and other Key Service Centres to meet requirements.
- The proposal does not accord with the adopted Stradbroke Neighbourhood Plan or the adopted development plan.
- The submission will cause harm to heritage assets and will have a detrimental impact on the landscape.
- Inadequate affordable housing provision is made on the site.
- Visibility at the Mill Lane/Queen Street junction is inadequate as is the bus drop off point and the size of the proposed car park.
- The proposal will give rise to traffic problems in Queen Street, and will give rise to noise and light pollution issues. Development proposals planned elsewhere will further exacerbate the situation.
- The proposal would obscure views of open countryside that are currently enjoyed.
- Local service provision, including schools and healthcare provision, is inadequate and will not be able to accommodate the increase in demand. There is no indication that the primary school will be improved.
- The proposal will give rise to drainage issues locally due to inadequate provision.
- The factory nearby could give rise to complaints from the residents of the development. The established use of the factory will give rise to noise nuisance. The residents of the development would not have a good standard of amenity.
- The proposals could create loss of privacy and security issues.
- The proposed location of social housing is not acceptable.
- There are existing problems with odour from the factory premises.
- The site does not need affordable housing on it, and would be better located elsewhere in the village.

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

## **PLANNING HISTORY**

### **DC/22/02971**

Erection of extension to existing factory facility to provide additional packing and storage space.

Roger Skinner Ltd Queen Street Stradbroke.

**This application will be presented for consideration at the same Planning Committee meeting. A recommendation of approval is however noted.**

[DC/22/02971 | Planning Application - Erection of extension to existing factory facility to provide additional packing and storage space | Roger Skinner Ltd Queen Street Stradbroke IP21 5HL \(baberghmidsuffolk.gov.uk\)](https://www.baberghmidsuffolk.gov.uk/DC/22/02971)

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The site for this proposal is an irregularly-shaped area of relatively level land, having a given area of 4.1 hectares, located to the south of Mill Lane in Stradbroke. The site abuts part of the established settlement boundary for the village, on its western side, as designated in the adopted development plan. This part of the village is also identified as within a conservation area; the application site is outside of and abuts the conservation area.
- 1.2. The eastern boundary, and part of the northern boundary of the site, adjoins the boundaries of existing properties that are located along Queen Street and Mill Lane. The site also adjoins the boundary of the playing field serving Stradbroke Primary School. The south-western portion of the boundary adjoins an established tree/hedging boundary, together with a small, wooded area immediately to the south. The western boundary of the site is currently undefined, forming part of a previously cultivated field. The northern boundary fronts on to Mill Lane, which provides vehicular access to the Skinners factory site immediately to the north, as well as a small ribbon of residential development that fronts on to the Lane near to its junction with Queen Street. The remainder of the northern boundary fronts on to part of the route of Public footpath no.2 Stradbroke.

### **2. The Proposal**

- 2.1. This submission seeks outline planning permission for the erection of up to 80no. dwellings on the identified site, including the provision of affordable units. The proposal would also include the provision of a new car park to serve the primary school and a drop off area accessible by bus. Another aspect of the development proposal would be the provision of land to provide space for a new pre-school facility. The submission would also include upgrade works to Mill Lane. In this regard, Members should note that the submission, although made in outline, does seek approval for the detailed means of vehicle access to the site.
- 2.2. As part of the application submission, the proposals include an illustrative site layout plan, showing a possible organisation of development across the identified site. The plan shows vehicular access to the site being provided off Mill Lane; this leading to a looped road system and a series of culs de sac to serve individual groups of dwellings. As well as the

proposed areas for residential development, the plan shows a central area of open space (that would include a play area) and the location of the proposed car park, with a site for a new nursery building (shown indicatively) immediately adjacent. The proposed location of the bus drop off point is shown located immediately north of the location of the car park/nursery. Lastly the plan shows areas of open space, including a noise attenuation and landscape buffer located to the north of the site nearest the factory building, and areas shown as being used for SuDS purposes.

- 2.3 As Members are aware, the Council declared a climate emergency in 2019 and has an aspiration to be carbon neutral by 2030. The application submission does not include details of how sustainability issues are to be addressed in the construction and ongoing operation of the buildings – this reflecting the outline nature of the proposals. That said, a conditional requirement of a Reserved Matters submission to the Council can secure these details in order that they can be properly considered. This approach is recommended by the Sustainability officer and is supported.
- 2.4 Members are advised that when this application was originally submitted, outline planning permission was sought for the erection of up to **89no.** units on the site. This overall number has been revised to the current proposal for up to **80no.** units. For further context, remarks made in the concluding section of the submitted Design and Access Statement are included for Members' information, written in support of an 89no. unit scheme:

*'...The illustrative Masterplan has been underpinned by a thorough analysis of design policy requirements, site specific constraints and local character to ensure that the development would add to the character of Stradbroke. The illustrative Masterplan robustly demonstrates that the site can accommodate up to 89no. dwellings and the important new facilities for Stradbroke Primary School, along with associated infrastructure, SuDS and public open space. This can be achieved within a density range which fits comfortably with the village context...Furthermore, the illustrative Masterplan confirms that the proposed site area is necessary to achieve a high-quality landscape given the constraints of the site. The DAS and illustrative Masterplan promote a landscape led approach to the site, seeking to harness and supplement existing landscape features and green infrastructure. A key feature is the creation of a new green 'soft edge' to the village, combining new native planting, natural open space and dwellings oriented to out towards the countryside in order to assimilate the development into the surrounding landscape. The design principles within the DAS will ensure a development which promotes local vernacular and a cohesive but interesting character. The design principles encourage well-considered variety to add richness to the development, promote sense of place and avoid homogeneity. These principles can guide future detailed reserved matters applications on the site. The scheme will deliver the aspirations of the Neighbourhood Plan and achieve a high-quality residential-led development which contributed positively to the housing needs of the village and beyond. The proposals offer a range of benefits including:*

- High quality new homes, including affordable properties, with a focus on smaller properties and family homes to meet local need and support the vitality of the village*

- Land for a new pre-school to replace the ageing facility at Stradbroke Primary, and new car park/drop off facilities for the school to alleviate pressure on Queens Street and facilitate future growth of the school

- A landscape led approach with significant areas of new public open space

- Improvements to Mill Lane, including a new pedestrian footway, and linkages to the wider PRow network.'

- 2.5 The application submission is supported by a suite of documents including inter alia a Planning Statement, Heritage Impact Assessment, Landscape and Visual Impact Assessment, Ecology report and Flood Risk Assessment. The submission documents may be viewed on the Planning website.

### **3. The Principle Of Development**

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that '*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*' In this regard, the relevant development plan documents consist of the Joint Local Plan (2023) and the Stradbroke Neighbourhood Plan (2019). A key material consideration is the National Planning Policy Framework (NPPF) 2021. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9).
- 3.2 As Members will be aware, paragraph 11 of the NPPF describes the application of the presumption in favour of sustainable development. In summary, in the case of decision making this means approving applications in accordance with an up-to-date development plan without delay. In this regard, the application site is located outside of the settlement boundary for Stradbroke. However, the adopted Stradbroke Neighbourhood Plan (SNP – 2019) does identify a site for residential development in the same location as that proposed under this application but for reasons explained the application site is of a larger size than the land allocated in the SNP. The SNP, being an adopted document, does form part of the relevant development plan for determination of the application and, on this basis, it is considered that the principle at least of residential development taking place in this location is acceptable in planning terms.
- 3.3 Turning first to policy STRAD1, this policy identifies that a minimum of 219 new dwellings have been planned for in the Plan period (2016 – 2036) and allocated sites for development are identified; land south of Mill Lane is included in the list, with an allocation of approximately 75no. dwellings. The policy also includes criteria that development on the identified sites will be expected to address, including housing that addresses evidence-based need, provision of key infrastructure and high quality buildings and landscaping.

- 3.4 Policy STRAD18 of the SNP relates specifically to the site and the text of the policy is included below for Members' information:

*POLICY STRAD18: LAND SOUTH OF MILL LANE*

*Land to the south of Mill Lane (approximately 2.9 hectares as identified on the Proposals Map) is allocated for residential development and a car park and bus drop-off to serve Stradbroke Primary School. Proposals will be supported subject to the following criteria:*

- it provides approximately 75 dwellings; and*
- it provides a car park and bus drop-off facility to serve Stradbroke Primary School, adjacent to the existing school grounds; and*
- it enables the relocation of the existing pre-school facility and any subsequent expansion of Stradbroke Primary School; and*
- it provides a mix of dwellings in accordance with Policy STRAD3; and*
- the design of dwellings is in accordance with the requirements of Policy STRAD2; and*
- a direct footway link is provided on the south side of Mill Lane to link up with the footway on the west side of Queen Street; and*
- an appropriate drainage solution and management strategy is provided to serve the needs of the development in accordance with Policies STRAD4 and STRAD5; and*
- it is served by a sustainable long term solution in respect of electricity provision in accordance with Policy STRAD4; and*
- in order to protect the amenity of neighbouring properties and to provide an appropriate buffer with the open countryside, landscape buffers are provided on all boundaries of the site and, where relevant, meet the requirements of Policy STRAD2; and*
- the settings of the Conservation Area and the Grade II listed buildings adjacent to the site are preserved and, where possible, enhanced.*
- As the site is on the edge of the medieval settlement and has not been systematically assessed for archaeological remains, any planning application should be supported by the results of an archaeological evaluation which enables impacts on archaeological remains to be considered and to allow for preservation if appropriated, or proposals for other mitigation.*

- 3.5 The policy contains eleven criteria that identify various points that development on the land is expected to comply with. In this regard, the following comments are made:

1. The policy advises of an approximate number of units being suitable for the site, and in this regard officers consider that an 80no. unit scheme would be a reasonable proposal. The proposed quantum of development, having been reduced from 89no. initially, is nearer to the estimated amount in the policy and is within reasonable tolerance.
2. A car park and drop off facility to serve the school would be provided as part of the development proposals. Although not explicitly identified in the policy,



this requirement also links to policy STRAD6, which is concerned with education and health infrastructure.

3. The plan includes the provision of land for a new pre-school facility on the site and an attendant s106 agreement would secure a contribution towards construction costs.
4. The Planning Statement advises of the mix of market and affordable units and advises that '*...this indicative mix has been designed to strike a balance between the wider district needs, as well as the village level aspirations for a greater proportion of smaller units to suit first-time buyers and downsizers...In this regard the proposed housing mix directly supports the ambition in the Neighbourhood Plan to bring more families to the village...*'
5. Design of buildings would be part of the consideration of reserved matters, but it is anticipated that an architecturally-appropriate response can be secured on the site.
6. The identified footway link would be provided as part of the new access proposals, for which full planning permission is being sought at this stage.
7. The means of drainage of the site has been considered and agreed with the County Council as Lead Local Flood Authority.
8. In this regard, the SNP identifies that Stradbroke experiences partial blackouts due to the way in which electricity is supplied to the village. The SNP identifies that developers engage with the electricity provider in order to avoid the likelihood of power outages being increased. This matter is captured by policy STRAD4. As a planning judgement it is considered that the developer's responsibilities would include the provision of a suitable electricity supply to the development.
9. The layout proposals would be a reserved matter and the landscaping of the site (including the treatment of boundaries) would be considered at that point. That said, the illustrative plan does show the provision of landscaped areas to the boundaries in anticipation of this requirement.
10. As explained elsewhere in this report, the likely impacts of the proposed development on heritage assets has been considered, and determined to be at a low level of less than substantial harm. The policy criterion identifies that the settings of heritage assets should be *preserved*. Therefore the proposal conflicts with this limb of the policy in that preservation is interpreted to do no harm.
11. The recommended conditions to be attached to a grant of outline planning permission would include archaeology conditions as recommended by the County Council's Archaeology adviser.

- 3.6 Within the SNP the site identified for development has an estimated area of 2.9 hectares, and is identified as being suitable for a residential development of approximately 75no. homes. In this regard the outline proposal exceeds both the estimated site area and number of units and is, in both respects, a departure from the development plan. The given area of the application site, being 4.1 hectares, is 1.2 hectares larger. The number of dwellings proposed is 80no. which is 5no. more than the estimated capacity. While these increases are noted, it is also pertinent to note that the figures in the SNP are estimated, and the proposal is not considered by officers to represent an unacceptable increase in either site area or dwelling numbers – being in each case modest. Incidentally, it is also noted that the Parish Council does not object to the proposals on grounds of either site area or dwelling numbers. Following the initial submission of the application, which sought outline planning permission for 89no. units, the Parish Council requested that the number of units proposed should be reduced to 80no. The current proposal accords with the Parish Council's request. The proposed site area and the number of proposed units is also not identified as a concern by the Council's Spatial Policy Team. On that basis subject to the consideration of other planning issues within this report it is considered that the departure from the development plan may be balanced by the material considerations in the round.
- 3.7 In relation to the issues of site area and proposed numbers of dwellings, these were addressed in the Planning Statement that accompanied the initial submission (which proposed 89no. units on the site). By way of further context, the following extracts from the Statement are included for Members' information:

*Whilst it is acknowledged that the number of units proposed through the application is greater than identified in the Neighbourhood Plan, the housing requirements in the Plan are expressed as a "minimum" and the unit numbers for each site allocation – including STRAD18 – are expressed as "approximately" thus allowing for a degree of latitude for planning applications to be advanced in a way which makes best use of the land available (in line with national and local policy) and in a way which ensures the deliverability of individual allocations. This was reflected in the conclusions of the Stradbroke Neighbourhood Plan Examiner who concluded in her report that "to restrict the total number of dwellings on each allocated site would not constitute sustainable development"... It is also acknowledged that the application site area is larger than that proposed in the Neighbourhood Plan. This increase in site area is driven not by the increase in the number of units, but by the constraints and policy requirements imposed on the site, and on the need to achieve a high-quality landscape-led layout at a density which is appropriate to the edge of village location. There are several factors which contribute to the need to increase the site area, the most significant being the need to deliver an effective and sustainable solution to the management of surface water. As demonstrated within the Flood Risk Assessment & Drainage Strategy, to maintain run-off and discharge to the surrounding ditch network at existing greenfield rates (and taking account of climate change), large attenuation basins are required within the site. In line with best practice and Suffolk County Council SuDS guidance, these are designed to be natural features (rather than urban, hard-engineered basins) to maximise multi-functional benefits, improve long-term inspection/maintenance and enhance aesthetics. The result however is that, based on the volumes required and margins required around the basins, the total required land take is approximately 0.4ha, representing a significant proportion of the land available. Furthermore, the location*

*of such basins is, to some degree, fixed in order that they work successfully with the topography of the site and maximise efficiency of a gravity system.*

*In addition, delivering the important new facilities for Stradbroke Primary School involves further land take which cannot therefore be developed for housing. Land for the new 28-space car park, bus turning area and new pre-school (enabling space for buildings and outdoor play), represents a further 0.2ha of land take.*

*Additional requirements arising from the constraints of the site including: retention of – and greater space around – existing field boundary vegetation (particularly along the southern boundary where significantly larger gardens are indicated on the illustrative Masterplan to enable long-term retention; provision of a landscaped gateway at the site entrance and buffer to the commercial premises; and wider ecological mitigation, create additional pressures on the land budget for the site.*

*With these constraints and land deductions, the ‘usable’ site area based on the allocation in the Neighbourhood Plan would be reduced to approximately 2.2-2.3ha. Even based on the minimum 75 units, this would represent a relatively high density of 32dph, even before allowance is made for public open space. At this density, there would be compromises and insurmountable challenges to achieving a high-quality, landscape led development which fits comfortably in this edge of village location and which is capable of mitigating potential impacts on – for example – neighbouring heritage assets. This density, being comparable to Ash Plough, could result in some of the shortcomings which are frequently identified locally with that development.*

*As demonstrated in the Design & Access Statement, the increased site area is the minimum necessary to achieve a high-quality development at an appropriate density and deliver the right number of homes to make the development viable. The extent of the site has been carefully considered and, as demonstrated on the illustrative Masterplan, has been designed to ensure that built development on the site does not project any further into the countryside than the existing Skinner’s factory...’*

- 3.8 The site’s inclusion (save to the extent of the departure noted above) in the Stradbroke Neighbourhood Plan as being suitable for residential development, was previously reflected in a previous iteration of the draft JLP. However, the JLP has now been split into two documents with the agreement of the appointed Inspectors. Proposed housing land allocations would now be included in Part 2 of the Plan, following formal adoption of the Part 1 document. By way of further explanation the following extract from the Explanatory Note from the JLP Inspectors is included below for Members’ information:

*‘...we noted that the vast majority of the plan area’s housing requirement figure, detailed in policy SP01, is already provided for by existing dwelling completions, sites under construction, sites with full or outline planning permission, sites with a resolution to grant planning permission subject to s106 agreement, allocations in made Neighbourhood Plans and a, reasonable, allowance for windfall dwellings. Consequently, the Councils are in the unusual situation in which demonstrating a supply of developable housing land for the vast majority of the plan’s overall housing requirement figure is, for some years to come, unlikely to be dependent on the allocation of the housing sites included in the submitted plan. **Therefore, to enable the plan to be found sound, we proposed deleting the housing site allocations from the plan and retaining the settlement boundaries shown on the current policies map** [officer emphasis] (ie not those shown on the submission policies map*

*submitted with the plan for examination). Whilst the settlement boundaries are likely to require review and updating in due course we are satisfied that for the short-medium term they will enable the districts' development needs to be met whilst recognising the intrinsic character of the countryside in accordance with the National Planning Policy Framework...'*

- 3.9 Therefore it is the case that the previous JLP draft allocation of land in this location for housing, does not have relevance as part of the determination of this planning application. The Inspectors go on to clarify the status of site allocations in adopted Neighbourhood Plans as part of the current policies maps and advise that '*...The settlement boundaries have been altered to reflect those on the extant Policies Map (including those defined in made Neighbourhood Plans as of 15 December 2022)* [officer emphasis]. The Stradbroke Neighbourhood Plan was adopted on 18<sup>th</sup> March 2019. Therefore site allocations within the SNP are deemed to comprise part of the current policies maps referred to by the Inspectors.
- 3.10 In regard to the determination of the application ref. DC/20/05126, notwithstanding that all previously proposed housing allocation sites have been deleted, it is considered this would not adversely affect the assessment of the merits of the proposal in this regard. This is due to the fact that the allocation of land in this location for residential development is established through the formal adoption of the SNP, and Neighbourhood Plan allocations are a recognised part of the adopted Policies Maps, as identified by the Inspectors charged with overseeing the JLP consideration process. The Policies Maps form part of the extant development plan for the purposes of Section 38 (6) and currently are a material consideration in the determination of this planning application.
- 3.11 Turning to the JLP, this Plan was adopted by Mid Suffolk Council at the Full Council meeting held on 20<sup>th</sup> November, and the policies therein now have full weight in the determination of planning applications.
- 3.12 Strategic policy SP01 – Housing Needs, identifies that the Plan will seek to deliver a minimum of 10165 net additional dwellings within Mid Suffolk District. The policy also identifies that the mix, type and size of new housing should be informed by the relevant District needs assessment, or any local housing needs surveys where relevant. Leading on from this policy SP02 – Affordable Housing identifies that the JLP will assist in the delivery of 2428 affordable homes in Mid Suffolk within the Plan period i.e. up to 2037.
- 3.13 An on-site provision of 35% will be required on greenfield sites. In this regard, the requirements of policy SP02 establish the thresholds in unit numbers and site area that, if met or exceeded, require the provision of affordable housing units – this being 10no. units or 0.5ha.
- 3.14 It is considered that the proposal does not create a conflict with the requirements of policies SP01 or SP02, bearing in mind that the development of the site would contribute up to 80no. new dwellings to the District's overall identified requirement. In addition, policy SP02 inter alia specifically identifies (at criterion 4) that:

*'.... In exceptional circumstances, where it is convincingly demonstrated that the required provision of affordable housing is not viable, the relevant Council may agree to vary the*

*requirement. An agreed viability assessment format will be required to demonstrate this...'*

- 3.15 It is the case that the consideration of the application did include the issue of viability, and the resultant, agreed, level of affordable housing provision on the site is 20% (16no. units), as opposed to the usual policy requirement of 35%. Policy SP02 recognises this situation, and therefore it is considered that no tension exists with regard to the aims of the identified policy.
- 3.16 In conclusion, it is your officers' opinion that the principle of residential development taking place in this location is largely established through the adopted SNP, which forms part of the development plan. The fact that the site area and number of units for the proposed development exceeds the estimates in that Plan is fully acknowledged as a technical departure from the Plan. However, for the reasons identified above it is considered that the overall site area and the proposed number of units are not excessive, given the development expectations that are identified in the site specific policy STRAD18. The application is made pursuant to the policy and would secure its planning objectives, save for the tension identified in relation to the limb regarding preservation of significance of heritage assets. This is a matter of great weight and is dealt with later in this report.

### **Environmental Considerations**

- 3.17 Turning to JLP policy SP09 – Enhancement and Management of the Environment, this inter alia identifies the Councils' requirement for development to '*...support and contribute to the conservation, enhancement and management of the natural and local environment and networks of green infrastructure, including: landscape, biodiversity, geodiversity and the historic environment and historic landscapes...*' The policy also identifies the Councils' intentions with regard to the impacts of development on Protected Habitats sites. The protection and enhancement of biodiversity is another specific strand of the policy's range of requirements. In regard to the above policy, the ecological value of the site has been quantified through on-site assessment and the findings have been considered by retained consultees, whose conditional recommendations would be incorporated into a grant of outline planning permission.
- 3.18 In relation to Protected Habitats Sites, the JLP identifies these as the following:
- Sites of Special Scientific Interest (SSSIs),
  - Special Areas of Conservation (SACs),
  - Special Protection Areas (SPA),
  - Ramsar Sites,
  - National Nature Reserves (NNRs),
  - Local Nature Reserves (LNRs)
  - County Wildlife Sites (CWS).
- 3.19 The planning application site is not within any of the identified allocations. In addition the site, is not within a defined Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) area, and a contribution to mitigate impacts on the RAMS area is not required.
- 3.20 Leading on from this JLP policy SP10 – Climate Change requires all development to mitigate and adapt to climate change, by adopting a sequential, risk-based approach to

flooding impacts, conforming to the principle of Holistic Water Management, incorporating sustainable design and construction and, where appropriate, delivering decentralised energy systems. In addition policy LP23 – Sustainable Construction and Design identifies that all new residential development is required to minimise its dependence on fossil fuels. Specific reference is made to achieving reductions in CO2 emissions as set out in the 2021 edition of the 2010 Building Regulations (Part L) – or any subsequent legislation that would require a greater reduction, where practicable. Inter alia other requirements of the policy relate to water efficiency standards, climate change adaptation and mitigation, minimising energy demand of built form, energy efficient measures, feasible and viable on-site renewable and other low-carbon energy generation, use of sustainable building materials and planning for the risks associated with future climate change.

- 3.21 In consideration of the above, it is borne in mind that the submission seeks outline planning permission for the development proposal. Therefore detailed proposals in relation to the above issues are not available at this stage. That said, the outline planning permission would include a conditional requirement that measures are carried out in accordance with a scheme submitted to, and agreed by the Council, prior to the commencement of development. Also, in relation to flooding, the site proposed for residential development is wholly within flood zone 1 – thereby having the lowest risk of fluvial flooding. The disposal of surface water would be through a SuDS. Given the requirement for the submission of reserved matters following a grant of outline planning permission, the requirements of adopted policy can be effectively addressed at that time.

#### **4. Nearby Services and Connections Assessment Of Proposal**

- 4.1 As Members will be aware, the adopted JLP will utilise the current adopted development plan allocations until such time as Part 2 of the JLP is adopted by the Councils. Within the former plan Stradbroke is identified as a Key Service Centre. These are defined as *‘Villages capable of providing local services and facilities to a dispersed rural population as described in the Regional Spatial Strategy. The type and scale of development proposed must target the identified needs of the village in question and its surrounding communities.’* In this regard, it is noted that Stradbroke benefits from local service provision including shops, schools, community centre, swimming pool and fitness centre etc. which could be utilised by the occupiers of the proposed development.
- 4.2 In terms of access to public transport, the nearest bus stops to the application site are located in Queen Street and the application submission advises that these are approximately 300 metres distant from the centre of the site. That said, the bus services locally are limited. The nearest railway station is at Diss, which is approximately 10 miles distant from the village. In regard to the above, it is a fair assessment that the residents of Stradbroke are more reliant on private motor vehicles to access services in the wider area.

#### **5. Site Access, Parking And Highway Safety Considerations**

- 5.1. The NPPF identifies at paragraph 110 that in assessing specific applications for development it should be ensured that, inter alia, significant impacts on the transport network and highway safety can be cost effectively mitigated to an acceptable degree.

Paragraph 111 recognises that development *'...should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe...'*

- 5.2 Leading on from this, SNP policy STRAD8, which is concerned with highway access and pedestrian movement identifies that, amongst other things, the improvement of the flow of traffic and pedestrian safety on highways will be encouraged. The policy also identifies a network of 'Walkway Routes' within the village, one of which runs north/south along Queen Street and travels along Mill Lane, connecting with the public footpath network at this point. The policy makes clear that the enhancement of the identified routes will be strongly encouraged and development is *'...encouraged to link in to the public rights of way network where possible.'*
- 5.3 Within the adopted JLP, policy LP29 is concerned with all ensuring that all developments demonstrate safe and suitable access.
- 5.4 As advised elsewhere, this application submission is an outline application proposal with all matters reserved, except for the means of vehicular access to the site, for which full planning permission is being sought at this stage. To this end, the application submission includes a Transport Assessment that inter alia describes the access proposal as follows:
- '...Mill Lane will be improved from the Application Site access roads to its junction with the B1118 Queen Street to provide a minimum 5.5m wide carriageway and 1.8m wide footway. Minimum visibility splays of 2.4m x 43m will be maintained at the Mill Lane/B118 Queen Street junction...'*
- 5.5 A plan included in the Transport Assessment shows the provision of the new access (served by the identified vision splays), together with the widening of Mill Lane to create a 5.5 metre wide carriageway, and 1.8 metre footway on the southern side of the Lane, extending from the junction of Mill Lane with Queen Street, to the proposed new vehicular access to the site. Other elements shown on the plan include the provision of 3no. parking spaces on the periphery of the application site, that would replace those on-street spaces that would be displaced by the widening/footway works, and the reconstruction of a headwall to enable the provision of the footway connection on to Queen Street.
- 5.6 In regard to the proposed road layout within the site, the illustrative plan submitted with the application shows a main spine arrangement (that would help to define a central open space within the site); this spine leading to a series of private drives and culs de sac. In addition, to reflect the requirements of policy STRAD18, the plan shows the provision of a car park area, located in the vicinity of the indicative location of a new nursery building, and a drop-off location for buses serving the adjacent Stradbroke Primary School site.
- 5.7 Acknowledging that the proposals as shown on the submitted plans are indicative at this outline application stage, it is considered that the arrangement of development and the associated means of access would be an appropriate response.
- 5.8 Members are advised that a specific objection was raised to the efficacy of the proposed junction, as part of a statement submitted on behalf of an objector to the proposals. In summary, the visibility splay dimensions were deemed to be inadequate. In addition, the

provision of the bus drop off point and the size of the proposed car park were also objected to. The statement is available to view in full on the Planning website. Notwithstanding, Members will note that the Highway Authority has confirmed it has no objection to the proposals and makes the following comment as part of its consultation response:

*'...We consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking. This development can provide safe and suitable access to the site for all users (NPPF Para 108) and would not have a severe impact on the road network (NPPF para 109) therefore we do not object to the proposal...'*

- 5.9 In regard to parking provision development, development proposals should accord with the requirements of policies LP29 of the JLP and STRAD9 of the SNP. Both policies require that parking provision is in accordance with the Suffolk Guidance for Parking Technical Guidance document. Although policy STRAD9 refers to the 2015 version of the document, it was subsequently updated in 2019 and this version of the document is applicable.
- 5.10 Again, due to the outline nature of the proposal, it is not possible to consider the detailed provision of parking space in order to assess its acceptability. However, it is noted in the DAS accompanying the application submission that *'...Parking provision will be defined at Reserved Matters stage when the layout and housing mix has been fixed. However, as a matter of principle, parking provision on the site will be designed to meet, as a minimum, the Suffolk County Council standards in respect of residential and visitor parking...'* In relation to the proposed new car park to be located within the site, policy STRAD18 does not prescribe a number of spaces that should be provided. However, the application's Transport Assessment does advise that the car park would contain 28no. spaces. The Assessment also confirms that parking provision across the site would be in accordance with the Council's adopted standards. As Members are aware, the current standards also include the provision of charging facilities for electric vehicles. The suite of recommended conditions from the Highway Authority include a requirement for the details of the provision of charging facilities to be agreed.
- 5.11 Lastly, as part of the response received from the County Council's PROW team, it is recommended that development on the site includes a pedestrian link from the north-western corner of the site onto footpath no.2 adjacent. This in order to ease access to the PROW network from the development. Officers support this recommendation and condition is recommended to this effect.
- 5.12 On the basis of the above it is anticipated that a scheme that fully accords with the Council's adopted standards can be achieved on this site.

## **6. Design And Layout**

- 6.1. Good design is a key aspect of sustainable development, as made clear in the NPPF. This requirement is reflected in JLP policy LP24 which requires all new development to be of high quality design, with a clear vision as the positive contribution the development will make to its context. The policy contains twelve criteria that indicate how this is to be achieved. Leading on from this SNP policies STRAD2, 3 and 8 are also relevant.



- 6.2 Specifically, STRAD2 identifies contains a number of criteria that describe good quality design in Stradbroke. This policy would clearly assist in the formulation of reserved matters proposals on the application site. STRAD3 describes the mix that housing proposals are to achieve. In the case of developments of five or more units, these must deliver at least 40% as one or two bedroom properties. In addition, if this formula requires the provision of more than 5 units, a 30% minimum of these should be one-bed properties. The policy recognises that an alternative mix may be permitted where evidence is provided in support.
- 6.3 Policy STRAD8 is, inter alia, concerned with pedestrian movement within the Neighbourhood Plan area and identifies the need to enhance defined Walkway Routes around the village. In this regard the associated SNP shows part of a Walkway Route along Mill Lane, on the northern boundary of the site, which links to the wider public right of way network.
- 6.4 As advised elsewhere, the application is an outline proposal (except for the means of vehicular access), which seeks to establish the acceptability, in principle, of a maximum of 80no. residential units being provided on the identified site. In this regard, the submission includes an illustrative plan showing a layout containing 80no. units. The plan shows a point of access obtained off Mill Lane, serving a road layout consisting of a series of culs de sac, together with a central loop that would define a central open space area that would also incorporate a include a LAP space. The arrangement of dwellings is based on perimeter blocks across the majority of the site, with a looser form of development towards the western boundary of the site, which has a direct interface with the surrounding countryside. The plan also shows the provision of landscaped areas, located on the periphery of the site. Specifically, given the location of the factory premises immediately to the north, it is proposed that the northern/north-western corner of the site is defined by a 'green landscaped buffer'. Other areas would be landscaped open space, with SuDS features included.
- 6.5 Other key features that are included on the plan are the provision of a car park, together with a site for a new early years building, located to the north of the playing field serving Stradbroke primary school. Importantly, a link is shown on the plan that would provide pedestrian access from the car park to the school grounds. These elements are also shown as located near to the proposed central open space. It is therefore anticipated that this overall space would become a localised focal point.
- 6.6 Members are also advised that the illustrative layout plan includes reference to an indicative position for noise attenuation boundary screening, along the northern boundary of the site where it abuts Mill Lane. This detail had been included as part of the proposed on-site mitigation measures to deal with noise disturbance generated by the factory premises. Bearing in mind that, subsequently, at-source noise mitigation has taken place at the factory premises it is anticipated that this feature could be reduced or possibly removed. As a principle, officers would not want to encourage the use of noise attenuation boundary screening in this location, bearing in mind the visual sensitivity of the setting, and at-source mitigation would clearly be preferable in this regard. Again, the final details of this feature would be considered through reserved matters.

- 6.7 Given the status of the application it is not possible at this stage to describe the proposed built form in detail. Nevertheless, the plan does indicate the use of traditional architectural forms, with buildings provided in detached, semi-detached and terraced arrangements. In terms of scale and massing the submitted DAS states that the development would *'...primarily be 2 storeys, although will range from 1 storey (i.e. bungalows) to a maximum of 2.5 storeys...The depth and width of buildings will be designed to achieve forms, spans and roof pitches which are characteristics of the village and Suffolk vernacular more generally...'*

The DAS also advises as follows:

*'...Architecturally, the development should strike a balance between creating cohesion in the design of buildings and street frontage whilst avoiding bland homogeneity. Subtle and well-considered variation in materials, building forms, roofscape and design detailing should be used to create interest, with sudden or jarring changes avoided. The scheme should have an identifiable character which is sympathetic to local context and the vernacular of Stradbroke...'*

- 6.8 Officers are supportive of this considered approach and would expect it to be translated into reserved matters proposals for the site, in full recognition of the particular sensitivity of the location.
- 6.9 In summary although the layout plan is illustrative (given the outline nature of the proposals) it is considered, generally, by Officers to show a responsive and sympathetic proposal for the site. It is capable, therefore, as serving as a 'masterplan' to guide Reserved Matters submission(s). It is also borne in mind that comments that have been received from the Highway Authority, Heritage Team, LLFA etc. are based on the details shown on the plan. Therefore, were Members minded to approve the proposal in accordance with the Officer recommendation, a condition would be attached to the outline planning permission that would require reserved matters to be substantially in accordance with the details shown on the plan.

## **7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

- 7.1. Conservation and enhancement of the natural environment is a fundamental theme of the NPPF and one reflected in JLP policies LP16 and LP17, which relate to biodiversity and geodiversity (LP16) and landscape (LP17) and STRAD2 of the development plan.
- 7.2 The site identified for the proposed development has previously been used for arable purposes, and therefore the majority of land is without specific features. That said, the margins of the site with adjoining land to the east and south contain hedgerows and established tree planting. The northern boundary of the site is currently open, and the western boundary of the site is undefined on the ground as it falls within the field used for arable purposes. Further to the west, the line of a public right of way runs parallel to the site on a north-south axis and there are groups of trees and hedging along this route.
- 7.3 Members are advised that the application submission includes a suite of documents to quantify various impacts that would arise from the proposed development, including an Arboricultural Report, Ecology Report and a Landscape and Visual Impact Assessment

(LVIA). The information contained in these documents has been considered by the relevant consultees and no objection has been received in relation to the submitted development proposals.

- 7.4 In regard to the likely landscape impacts that would arise from the proposals, the LVIA inter alia concludes, in relation to the landscape effects that effect on landscape character '*...is considered slight/moderate due to the medium sensitivity of the landscape of the 'Plateau Claylands' and the low magnitude of change to the wider landscape. In regard to the setting of the adjacent Conservation Area and listed buildings, the landscape effect is considered moderate/slight due to the high sensitivity of the setting and the low magnitude of the change...The visual effect will be felt most by properties adjacent to the site to the east...Three footpaths are considered to have high sensitivity; however, the magnitude of change is low due to the existing settlement edge and distracting feature of the factory leading to a moderate/slight effect on views...*' By way of mitigation the LVIA states that '*...Careful design and visual impact consideration...*' will be a requirement at the detailed planning stage, in order to maintain the character of the existing settlement. It is also recommended that a Construction Environmental Management Plan is utilised, as is the use of landscape features such as heavy standard trees and native species hedging.
- 7.5 In this regard, the Council's retained landscape consultants identify that '*...While there will be a level of landscape harm associated with the development of this site, we are of the judgement that the scheme can be delivered sensitively, subject to further design development...therefore we have no landscape objection...*' A number of conditions are recommended for inclusion on a grant of outline planning permission and these have been included in the summarised list recommended to Members at the end of this report.
- 7.6 In relation to the likely impact of the development on trees, the Arboricultural Report submitted with the application included a constraints plan that showed the location of trees in vicinity of the site. Of these, two were classed as category A, a group of trees along the southern boundary of the site were classed as category B, and the remaining trees given a category C classification. Of the category A trees, one (an oak) is located within the development site, and the submitted illustrative layout plan shows the retention of this tree within an area of public open space. The other category A tree is located to the east of the site, adjacent to the line of the public right of way, and therefore should be unaffected by the development proposal. As a general comment, given the location of trees in relation to the proposed development, it is anticipated that the majority, if not all trees, could be retained as part of the formulation of reserved matters proposals for the site. In this regard, it is noted that the Council's Arboricultural Officer inter alia, has commented as follows:
- 'I have no objection in principle to this application as the existing land use means it should be possible to avoid conflict between development and any significant trees on site due to their boundary location. The Tree Constraints Plan provided should be used to inform the site layout design and all category A and ideally Category B trees should be retained and given sufficient space for future growth...'*
- 7.7 In relation to ecological impacts, the supporting information accompanying the initial submission included a Preliminary Ecological Appraisal which identified that the site has the potential to support foraging bats, breeding birds, reptiles, Great Crested newts (GCN) and invertebrates. In relation to GCN, survey work revealed that there are ponds and a

ditch within the vicinity of the site that are a suitable habitat for GCN, particularly near the south-eastern and southern boundaries of the site. In this regard, the Council's retained ecological consultants advised that a holding objection was lodged, on the basis that the submission provided insufficient information with regard to a finalised mitigation strategy for Great Crested Newts. A mitigation strategy was subsequently provided by the applicant, following additional survey work undertaken during an appropriate time of the year.

- 7.8 The findings of the additional survey works revealed that whilst the arable field is negligible in suitability as terrestrial habitat for great crested newts, features on the boundary of the site are '*...theoretically suitable for sheltering, foraging and dispersing great crested newts...*' In response the proposed mitigation would include the provision of wildlife fencing around the site during the construction process. In addition the proposed development itself would include the provision of SuDS basins that can potentially be utilised as a suitable habitat for GCN, as well as foraging and sheltering habitats. In addition, existing boundary hedgerows would be permanently excluded from new gardens by fencing. Members are advised that the Council's ecological consultants have considered the proposed mitigation strategy, and this has led to the previous holding objection being lifted. As with landscape, a series of conditions are recommended as part of an outline planning permission, and these would be included within a decision notice.

## **8. Land Contamination, Flood Risk, Drainage and Waste**

- 8.1. The NPPF at paragraph 183 identifies, inter alia, that planning decisions should ensure that a site is suitable for its proposed use. In addition, paragraph 184 makes clear that where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. In addition, JLP policy LP15 identifies that development proposals must demonstrate appropriate consideration of efficient and effective use of resources/land, land contamination issues, pollution and water as a resource.
- 8.2 In this regard, the application submission includes a Phase 1 Desk Study and Preliminary Risk Assessment. This undertaking identified that a potential contaminant source was located off site, namely a slurry pit located approximately 15 metres to the south. The Assessment inter alia recommends that '*...a targeted intrusive-based investigation is undertaken to determine the presence and extent of any potential contamination within the soils and, if necessary, the groundwater towards the south of the site. It is recommended that monitoring wells for ground gas / groundwater should be constructed onsite as part of the investigation to allow for subsequent monitoring...*'
- 8.3 Bearing the above in mind, the Land Contamination officer has recommended that a condition (and associated advisory note) be attached to a grant of outline planning permission, that would capture the recommendations made in the submitted assessment whereby further investigation and, if necessary, remediation is agreed. Officers support the inclusion of this condition.
- 8.4 In relation to the issue of flood risk and drainage, as identified by mapping facilities, the entire site for the application proposal is located within flood zone 1 i.e. at the lowest risk of fluvial flooding ( < 0.1% annual probability). Nevertheless the scale of development proposed means that a Flood Risk Assessment is required as part an application

submission, and in this regard the proposals include a Flood Risk Assessment and Surface Water Drainage Strategy. This document inter alia confirms the location of the application site within flood zone 1.

- 8.5 As regards surface water (pluvial) flooding, submitted information shows that nearly all of the identified site is outside of areas shown to be at risk. Two areas of the site that are affected by surface water flood events are shown as being at the south eastern corner of the site where it abuts the rear boundaries of development along Queen Street, and also at the southern end of the site.
- 8.6 When the application was originally submitted, seeking permission for the erection of up to 89no. units on the site, the County Council as Lead Local Flood Authority advised of a holding objection, on the basis that the proposal included a hybrid SuDS solution, and no information had been provided to demonstrate why a fully open SuDS system could not be provided. In addition, notwithstanding the outline nature of the application, it was determined that insufficient information had been provided in relation to the proposed SuDS features. The subsequent amendment to the overall quantum of development (from 89no. to 80no.) inter alia prompted the submission of an addendum to the Flood Risk Assessment that reconsidered the proposed method of surface water drainage, and the proposal put forward for Members' consideration includes a greater area of open SuDS. The LLFA has subsequently confirmed it has no objection to the proposals, subject to the imposition of conditions on a grant of outline planning permission.
- 8.7 In regard to the disposal of foul drainage, Anglian Water has confirmed no objection to the proposals, and advises that the site falls within the Eye – Hoxne Road Water Recycling Area and capacity for the proposed development is available. It is also noted by Anglian Water that a public sewer is shown on record plans within the land identified for the proposed development. Various informatives are requested for inclusion if permission is granted for the proposal.
- 8.8 Following on from the Council's resolution on water quality, further information has been requested from Anglian Water in relation to the anticipated impact of the proposed development on watercourses. The following response has been received:

*'We can confirm that there are two emergency overflows in the foul network the development flows would pass, and one at the receiving treatment works. Below is the latest spill data for each within pollution categories 1 – 3:*

*Stradbroke Old sewerage works had two spills in 2009 both falling into category 3  
Horham Terminal Pumping Station had two spills in 2004 both falling within category 3*

*Eye-Hoxne Road Water Recycling Centre had on spill in 2021 falling into category 3*

*All of the above spills were category 3 events meaning they had minor or minimal impact or effect on the environment, people and/or property. These events are classified by the Environment Agency.*

*The proposed development flows would not pose a pollution risk or significantly increase the risk of spills. If and when Anglian Water identify an increased risk to emergency overflows due to growth, we would manage and fund any mitigation.'*

## **9. Heritage Issues**

- 9.1. The protection of heritage assets from inappropriate forms of development is an established tenet of planning control. Section 66(1) of the Planning (LBCA) Act 1990 requires local authorities to afford special attention to the desirability of preserving listed buildings, including through development within their settings. The NPPF at paragraphs 194 – 198 describes how development proposals affecting heritage assets should be considered. In addition, paragraph 199 makes clear that *'...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...'* The NPPF also identifies at paragraph 202 that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...'*
- 9.2 JLP policy LP 19 is concerned specifically with the historic environment, and identifies the approach that will be taken to safeguard and enhance the historic environment.
- 9.3 Policy STRAD11 of the SNP relates to the historic environment and design, and identifies the need for all types of development proposals to contribute towards the local distinctiveness of the Stradbroke Neighbourhood Plan Area. A specific criterion of the policy requires that proposals should *'...Ensure that the significance of designated heritage assets and their settings is preserved and where possible, enhanced...'*
- 9.4 Within the Neighbourhood Plan, policy STRAD18 advises that land to the south of Mill Lane (with an approximate area of 2.9 hectares) is allocated for residential development and a car park and bus drop-off to serve Stradbroke Primary School. Proposals will be supported subject to eleven criteria, one of which states *'...the settings of the Conservation Area and the Grade II listed buildings adjacent to the site are preserved and, where possible, enhanced...'* In this regard, heritage assets identified as being impacted by the development would be the listed buildings, including the parish church, to the east of the site in Queen Street, and two listed buildings located to the west of the site. The setting of the defined conservation area, part of which abuts the site, would also be affected.
- 9.5 This application is submitted in outline, with all matters reserved except for the means of vehicular access. Therefore Members are asked to consider the acceptability, in principle, of the proposed development taking place on the identified site. Detailed consideration of likely impacts arising from the proposal is therefore not possible at this stage. That said, the application submission is accompanied by a Heritage Impact Assessment (HIA). The HIA has been provided to consider the likely impacts that would arise from the scheme as shown on the illustrative plan, and the document states that an in-depth assessment can also be prepared at reserved matters stage.
- 9.6 In this context, it is noted that the proposal does not give rise to an objection from the Council's Heritage Team. Notwithstanding the illustrative nature of the layout plan, the

Team notes that the proposed location of a SuDS feature would limit the impact of development on identified listed buildings. In addition, the position of rear gardens would also serve to mitigate impact. In this regard, it is the Heritage Team's opinion that harm to significance in this regard would be between low and very low. In addition the role of the church tower as prominent landmark when viewed across the application site is also noted by the Team. While acknowledging that the proposed development would alter the setting of the church it is stated that '*...as the illustrative plan shows, it is possible by handling of such matters as design, layout, and distribution of building types to maintain views of the tower through and over the proposed dwellings...*' It is concluded that the impact on views of the tower and setting of the church are expected to be no more than low. In relation to impact on the conservation area, it is identified that this would, again, depend on the definitive layout, but is expected to be low, and harm to its significance expected to be very low. The summarised comments above were based on the original submission proposal for 89no. units on the site. This current scheme is for a lesser number of units (80no.) but it has been confirmed by the Heritage Team that the same comments apply.

- 9.7 While some concerns are raised by Historic England in relation to the impacts that could arise from the proposed development, the outline status of the application is recognised, and there is no objection raised to the principle of the development taking place. This is in recognition of the allocation in the Stradbroke Neighbourhood Plan which, as explained elsewhere, forms part of the adopted development plan. Lastly, Members will note the comments received from Place Services in relation to the proposal. However, it is noted that these comments do not acknowledge the formal allocation of land in this location for residential development, through the Neighbourhood Plan adoption process.
- 9.8 Having considered the opinions expressed in relation to heritage matters officers consider that a degree of harm – albeit low, but nevertheless 'less than substantial' in NPPF terms – would result from the development taking place. In line with statutory duties, considerable importance and great weight has been applied to the harm that has been identified and the desirability for keeping heritage assets from harm. In such circumstance where 'less than substantial harm' has been identified, the NPPF requires that harm, to which great weight is attached (para.199) to be weighed against the public benefits of the proposal (para.202). Officers have undertaken that balance.
- 9.9 Policies STRAD11 and STRAD18 require inter alia that the significance and setting of heritage assets is preserved. The development of the site would inevitably affect how heritage assets are experienced, particularly when viewed from the west, and therefore preservation i.e. retaining the setting as it is now, would not occur as a result of the development taking place. Nevertheless, the benefits that would result from allowing development to proceed are of significance and principally relate to the provision of up to 80no. dwellings and infrastructure provision that would provide wider utility and meet IDP requirements. Even where considerable importance is attached to the heritage harms within the balance, the benefits of the development are considered to outweigh them also noting that the development would support the broader objectives of the SNP in meeting its identified housing requirement.
- 9.10 In relation to archaeological impacts that may arise from the development, it is noted that the County Council's Archaeology Officer identifies the application site as being located within an area of archaeological potential, and there is '*...high potential for the discovery of*

*below-ground heritage assets of archaeological importance within this area...* In this regard, two conditions are recommended for inclusion on a grant of outline planning permission; the completion of archaeological work in accordance with an agreed written scheme of investigation, and no occupation of the development until the results are analysed etc. Officers support the inclusion of these conditions.

## **10. Impact On Residential Amenity**

- 10.1. The consideration of residential amenity impacts is a key planning consideration. The issue of residential amenity impacts arising from development proposals is an integral part of policy LP24 of the JLP, stating inter alia that *'...development proposals shall... 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;...'*
- 10.2 It is clear that the current aspect viewed from properties adjacent to the site will inevitably alter as a result of the development taking place. However, as Members are aware, the protection of views across third party land is, in itself, not a valid planning consideration. In relation to other issues such as loss of privacy, light and/or overbearing impacts etc. this application is submitted in outline, with all details reserved (save for vehicular access to the site). Therefore it is not possible, at this stage, to assess the likely residential amenity impacts that could arise from the provision of new built form on the identified site. However, given the size of the site and the indicative material submitted in support of the application, it is anticipated that it would be possible to locate the proposed dwellings on the land without unacceptable impacts being experienced by existing residents by reason of overshadowing or overlooking.
- 10.3 Another important consideration is the impacts on the amenity of the future occupiers of the development that could arise from the operation of the established factory premises to the north of the application site. The NPPF identifies, as part of the environmental objective to achieving sustainable development, through conserving and enhancing the natural environment, that new development should be prevented from being at risk from *'...unacceptable levels of soil, air, water or noise pollution...'* (para. 174 e) This approach is reflected in JLP policies LP15 and LP24. In the case of policy LP15 this requires, inter alia, that *'... Significant adverse amenity impacts are avoided where a proposal is located adjacent to or close to existing uses. This would include an assessment of any identified amenity impacts that have a significant adverse effect and how the continued operation of existing use(s) would not be prejudiced...'*
- 10.4 In terms of context, it is important to bear in mind that the factory (which is used for the manufacture of pet food) is an historically established business in Stradbroke, and its location was clearly known at the time land to the south was identified as being suitable for residential development in the adopted SNP. Nevertheless, the impacts of the factory on the proposed residential development is an important consideration.
- 10.5 Following initial submission of the application, the Environmental Health Team identified that the amenity of the occupiers of the proposed dwellings could, potentially, be adversely affected by the operation of the factory, through noise and odour impacts. This contradicted



the findings of the applicant in the application submission, which determined that any adverse impacts from noise could be mitigated satisfactorily on the application site, and mitigation of odour impacts was not required.

- 10.6 Notwithstanding the applicant's clear view that the proposals put forward to mitigate noise impacts on site are acceptable, and in the case of odour impacts mitigation is not necessary, they have chosen to engage positively with Officers regarding this issue. In addition, Officers and the applicant's representatives have also engaged with the owners of the factory, including undertaking site visits.
- 10.7 Following extensive consideration of this issue (which has been a primary factor in the delay in presenting this application to Members) works to mitigate noise emissions have been undertaken within the factory premises. Noise attenuators have been installed into extraction fans, to minimise sound emissions. In addition, a noise consultant instructed by Officers has liaised with consultants instructed by the applicants for this development proposal, and those instructed by the operators of the factory.
- 10.8 In this regard, the wording of a condition has been established that would be attached to an outline planning permission. The condition would require the submission of a final noise assessment and mitigation strategy, based on the subsequent reserved matters scheme, and would establish noise levels that would be experienced within the residential development together with necessary mitigation to ensure these are met. The mitigation measures would have to be in place prior to occupation of the residential development taking place. Importantly the sound levels would be cognizant of the activities that are currently undertaken at the factory premises, bearing in mind that hours of operation are not controlled by condition.
- 10.9 Members will also note from the planning history section of this report that an application is with the Council, seeking planning permission for an extension to the factory premises to the north of the application site (ref. DC/22/02971), to be used for packing and storage space. As part of the consideration of that application, the Environmental Health officer requested that a noise assessment be submitted, pre-determination, in order to determine if specific measures are necessary to mitigate the impacts arising from the proposal. In this regard, Members are referred to the Officer's report to Committee which is also an item on this meeting agenda.
- 10.10 In addition to conditional controls in relation to noise impacts , the proposed s106 agreement that would accompany a grant of outline planning permission would include a commitment for the applicant to pay a bond, to be held by the Council, to mitigate odour generation, in the event that justifiable complaints were to be received by occupants of the development in the future. This precautionary approach has been agreed with the Environmental Health Team and is reflected in the consultation response.
- 10.11 The allocation of land to the south of Mill Lane for residential purposes in the SNP was obviously cognizant of the location of factory premises immediately to the north. Nevertheless, the impacts arising from that land use on the proposed development is an important consideration. Equally, it is important to recognise that the factory is a long established use in this location and is a key economic resource. In this regard, Officers are particularly mindful of paragraph 187 of the NPPF which states:

*Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*

10.12 In regard to the identified paragraph, it is considered that the approach to mitigation has reflected the NPPF's requirements.

## **11. Planning Obligations / CIL**

11.1. By way of context the preamble to site specific policy STRAD18 in the SNP includes the following comments:

*'...The significant policy benefits of developing this site outweigh the sizable list of requirements. However, ensuring that these policy benefits are realised may mean that other benefits such as the provision of affordable housing cannot be met in full by a viable scheme...the delivery of a sustainable development delivering positive benefits outweighs any policy matters not addressed in full and all whilst ensuring a viable scheme. It is considered that these matters should be given primacy in determining planning applications on the land allocated in Policy STRAD18...'*

11.2 Members are advised that the application submission made to the Council included an assessment of the proposed development's viability, this on the basis of the costs arising from the development of this site. As a result of the assessment the applicant proposed an affordable housing provision of 10%, on a then total of 89no. units. However, following ongoing assessment of viability (involving specialist consultants retained by officers) an increased figure of 20% has been secured, on an 80no. unit development. This equates to 16no. units.

11.3 Importantly, the Council's Strategic Housing Team has confirmed its agreement with that revised figure, which would be included within a s106 agreement. That Team's requirements in relation to specification would also be included within the agreement, as would trigger points for construction and occupation of the identified units.

11.4 In relation to mix, SNP policy STRAD3 identifies specific percentage requirements for 1 and 2-bedroom properties, as explained elsewhere in this report. Of the 80no. units proposed for the site, it is advised in the submission that 41no. (approximately 50%) would be 1 or 2 bed units. Of these 41no. units, 10no. would be 1 bed units, in the form of apartments. The overall number of 1 and 2 bed units on the site comfortably exceeds the policy requirement (approximately 50% rather than 40%). There is a slightly lesser number of 1 bed units (10no. as opposed to 12no.) but this figure is not objected to by either the Strategic Housing Team or the Parish Council.

- 11.5 In addition to references to affordable provision, other elements of the development that would be included in the agreement would include specification and management of the open space areas on the site and a commitment to provide the LAP as shown on the indicative plan. In addition, the agreement would secure the use of the proposed car park by members of the public, bearing in mind its role in providing parking spaces for visits to the school which currently have to take place in Queen Street.
- 11.6 The proposed s106 agreement would also include the agreed mitigation in relation to potential odour impacts on the development, arising from the factory development to the north. In relation to odour impacts, the agreement would secure a bond from the developer, set at £65 000, that could be utilised by the Council in the event that justifiable complaints regarding odour were received from future residents of the development. This sum is determined by the applicant's consultants to achieve an appropriate level of mitigation, if deemed necessary by the Council as the Environmental Health authority.
- 11.7 Other elements to be secured through s106 agreement, as identified by the County Council, that would be attached to a grant of outline planning permission are listed below for Members' information:
- Early Years contribution - £152 418
  - Land for Early Years – 537.7 square metres

In this regard, Suffolk County Council has advised of a £412 monitoring fee per trigger.

- 11.8 Members are advised that other elements, proposed to be secured through CIL are as listed below:
- Primary education contribution - £327 336
  - Secondary education contribution - £252 530
  - Sixth Form contribution - £77 759
  - Libraries improvements - £17 280
  - Waste - £10 880

## **12. Parish Council Comments**

- 12.1 Members will note the comments of Stradbroke Parish Council and the fact that it is supportive of the proposal following the amendment to the proposed number of dwellings. Specific comments in relation to the potential impacts on the development that may arise from the established factory premises to the north are acknowledged and, in this regard, Members will note the comments made in section 10 of this report.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The principle of residential development taking place on land to the south of Mill Lane Stradbroke is partly established through its allocation in the Stradbroke Neighbourhood Plan, which is adopted and thus a part of the development plan. As noted above part of the site land is not allocated and to that extent the application is a partial departure. Moreover the amount of dwellings applied for itself exceeds that set for the allocation and that too represents a departure. This is evaluated above and in summary it is concluded that the material considerations in the round outweigh withholding planning permission on that technical departure point alone.
- 13.2 As noted in the report, the area of the application site exceeds the estimation in the Neighbourhood Plan albeit the number of homes proposed falls within a reasonable approximation of the allocation policy. The application would also fail to preserve the significance of designated heritage assets which is a policy requirement under the allocation, notwithstanding that the harm is outweighed by the benefits of allowing development to proceed. Therefore, the application cannot be said to accord with the allocation policy in regard to these points. However, considered in the round, the application is nevertheless considered to accord with the allocation policy and its assessment criteria when viewed as a whole. In addition, the increase in the site area would enable a greater degree of open SuDs to be provided and also a wider landscaped periphery, particularly along the western boundary of the site; its interface with the countryside beyond. As a planning balance Officers consider that the clear benefits that would accrue as a result of the development taking place (reflective of the important attached to the site in the Neighbourhood Plan) outweigh any minor policy conflicts.
- 13.3 The Council embraces its statutory duties in relation to the historic environment and considerable importance has been attached to the harm, albeit limited, that has been identified in relation to heritage assets. As stated, the benefits of the development outweigh that harm and the application satisfies the policies of the development plan and the NPPF.
- 13.4 Notwithstanding the allocation in the Neighbourhood Plan, impacts arising from the location of the factory use immediately to the north of the site has been the subject of considerable assessment, subsequent to the initial submission of the application. Members will note that a conditional control is recommended in relation to the issue of noise impacts, and the s106 agreement would secure a sum that would be utilised to mitigate odour impact, if necessary.
- 13.5 It is considered that the proposal can reasonably be determined to be sustainable development bearing in mind its location, access to local service provision etc. In addition the population generated by the development would assist in helping to sustain local services. The impacts arising from the development could, it is felt, be adequately mitigated through s106 agreement and the imposition of conditions on a grant of outline planning permission. Lastly, the outline nature of the application means that the Council would be able to consider detailed development proposals through submission of Reserved Matters. The application is considered to accord with the policies of the NPPF when taken as a whole; the NPPF directs that planning permission should be granted without delay, and this reinforces the direction of the development plan.

## **RECOMMENDATION**

**(1) Subject to prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:**

- Affordable housing – note this reflects the acceptance that a 20% (16no. units) is justified in this case through viability assessment.

Other requirements for affordable housing:

- Affordable homes should be integrated within the scheme and avoid clustering in one area of the site. This provides for a more integrated cohesive community environment.
- All properties must be built to current Nationally Described Space standards as published March 2015 and meet Building Regulations Part M 4 Category 2.
- All ground floor 1 bed flats/houses to be installed with level access shower instead of a bath.
- The Council is granted 100% nomination rights to all the affordable units on all first lets and that all allocations for rented units are made through the Choice based lettings system known as Gateway to Homechoice and for shared ownership via the Help to Buy Agents process
- Adequate parking provision is made for the affordable housing units and inclusion of cycle storage/sheds.
- Standard triggers points as set out below to be included in the S106: -

(a) Not Occupy or permit Occupation of more than fifty per cent (50%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until fifty per cent (50%) of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider; and

(b) Not Occupy or permit Occupation of more than eight per cent (80%) (rounded up to the nearest whole Dwelling) Market Housing Units in each Phase until all of the Affordable Housing Units for that Phase have been constructed and are ready for Occupation and have been transferred to the Registered Provider

**Other s106 agreement requirements**

- On site open space and includes management of the space to be agreed and requirement for public access at all times.
- Provision of the LAP as shown on the submitted illustrative plan
- Use of the proposed car park by the public
- Bond to be utilised by the Council in the event of justified odour mitigation - £65 000
- Early Years contribution - £152 418 as requested by Suffolk County Council as education authority
- Land for Early Years development – 537.7 square metres area – as requested by Suffolk County Council as education authority

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

- Standard time limit (Outline/Full for means of access)
- Approved Plans (Plans submitted that form this application)
- Layout of Reserved Matters submission to be substantially in accordance with the Illustrative Masterplan submitted with the outline planning application
- Phasing Condition
- Market housing mix prior to or concurrent with reserved matters to be agreed
- Approval of a scheme for the provision and implementation of water, energy and resource efficiency measures for the lifetime of the development
- Submission of a landscaping scheme and landscape management plan
- Tree Constraints Plan used to inform the Reserved Matters and submission of Reserved Matters accompanied by detailed Arboricultural Impact Assessment/Method Statement
- Details of on-site children's play space provision
- Ecological mitigation measures carried out in accordance with submitted reports as identified
- Approval of a Biodiversity Net Gain Design Stage Report
- Approval of a Landscape and Ecological Management Plan
- Approval of a Wildlife Sensitive Lighting Design Scheme
- Approval of a Final Noise Assessment and Noise Mitigation Strategy prior to the commencement of development.
- Construction hours restriction as recommended by the Environmental Health officer.

- Access visibility condition
- Details of the access and associated works to be submitted and approved
- Details and construction of footways on Mill Lane between site access and Queen Street, and site access and PROW footpath FP2
- Reserved Matters proposal to include a pedestrian link from the north-western corner of the site on to Footpath No. 2 Stradbroke
- Prior to the occupation of the development, a footpath link from the site to the school hardstanding (as shown on the submitted indicative plan) be provided in accordance with details and a timescale previously agreed with the Local Planning Authority.
- Details and construction of improvements to footway on Queen Street to the bus stops
- Details of estate roads and footpaths
- Parking details, electric vehicle charging points and secure cycle storage in accordance with Suffolk Parking Standards
- Details of storage/presentation of refuse and recycling facilities
- Submission of a Construction Management Plan
- Provision of Fire Hydrants
- Archaeological Written Scheme of Investigation and post investigation assessment conditions
- Conditions as recommended by SCC as Lead Local Flood Authority
- Development capable of accommodating a 32 tonne Refuse Collection Vehicle
- Investigation/Assessment/Remediation of contaminated land

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

- Proactive working statement
- SCC Highways notes
- Anglian Water Informatives
- LLFA Informatives
- Land contamination advisory note

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

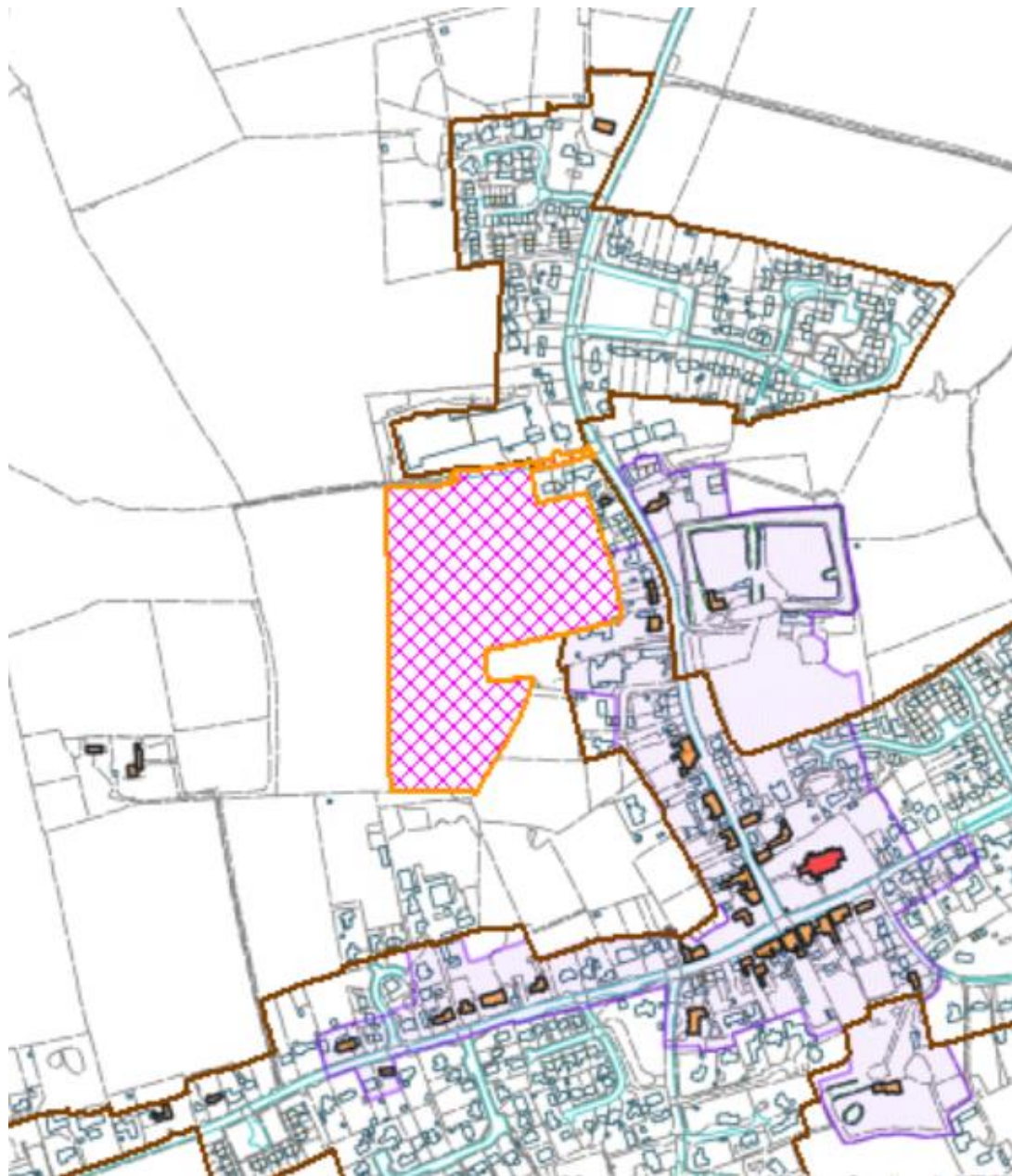
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Application No: DC/20/05126

Parish: Stradbroke

Location: Land South of Mill Lane



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# Agenda Item 7b

## Committee Report

**Item No: 7B**

**Reference: DC/22/02971**

**Case Officer: Bradly Heffer**

**Ward: Stradbroke & Laxfield.**

**Ward Member/s: Cllr Anders Linder.**

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## **RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS**

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### **Description of Development**

Planning Application - Erection of extension to existing factory facility to provide additional packing and storage space

### **Location**

Roger Skinner Ltd, Queen Street, Stradbroke, IP21 5HL

**Expiry Date: 05/04/2023**

**Application Type: FUL - Full Planning Application**

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

**Applicant: Roger Skinner Ltd**

**Agent: Hollins Architects Surveyors and Planning Consultants**

**Parish: Stradbroke**

**Site Area: 1.49 hectares**

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

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

**Has the application been subject to Pre-Application Advice: Yes – application ref. DC/22/00056.**

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

The site for this development is located adjacent to a site proposed for residential development pursuant to a plan allocation, to the south of Mill Lane, which is also to be considered at this meeting. The Chief Planning Officer has determined that both applications should be considered by Committee due to the locational proximity of both sites and also the consideration of impacts arising from the development proposals and how they might relate to one another.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

NPPF - National Planning Policy Framework

NPPG-National Planning Policy Guidance [not policy *per se* but explanation and elaboration of national planning policies].

#### **Babergh and Mid Suffolk Joint Local Plan – November 2023**

LP09 - Supporting a Prosperous Economy

LP15 - Environmental Protection and Conservation

LP16 - Biodiversity & Geodiversity

LP17 - Landscape

LP19 - The Historic Environment

LP23 - Sustainable Construction and Design

LP24 - Design and Residential Amenity

LP26 - Water resources and infrastructure

LP27 - Flood risk and vulnerability

LP29 - Safe, Sustainable and Active Transport

SP03 - The sustainable location of new development

SP05 - Employment Land

#### **Stradbroke Neighbourhood Plan – March 2019**

STRAD1 – Development Strategy and Principles

STRAD2 – Design Principles

STRAD5 – Flood Mitigation

STRAD8 – Highway Access and Pedestrian Movement

STRAD9 – Parking Provision

STRAD11 – Historic Environment and Design

STRAD12 – Light Pollution

STRAD13 – Employment Sites

### **Consultations and Representations**

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

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

## **A: Summary of Consultations**

### **Parish Council**

**Stradbroke Parish Council has commented as follows:**

*‘Should Mid Suffolk Planning Officers be minded to grant permission for this development, the Parish Council strongly supports the proposed conditions submitted in the Environmental Health Officer’s response dated 23 January 2023 and recommend they are included in full. These are as follows:*

- 1. Construction management plan*
- 2. Construction hours*
- 3. Noise - plant and equipment*
- 4. Requirement for noise assessment*
- 5. External lighting*

*The Parish Council also strongly supports the inclusion in full of the conditions submitted by Place Services on 30 January 2023, namely:*

- 1. Soft Landscaping scheme*
- 2. Hard Landscaping scheme*
- 3. Landscape management plan*
- 4. Advanced planting*

*The Parish Council notes that there is currently a holding objection from Place Services regarding insufficient ecological information and would expect any conditions resulting from a response to the requests for information contained in their consultation response dated 31 January 2023 to be included in full.’*

### **National Consultee**

**Historic England** has no comment and suggests that the advice is sought from the Council’s specialist conservation and archaeological advisers.

The **Internal Drainage Board** recommends that surface water discharge from the site is attenuated to Greenfield Runoff Rates wherever possible.

**Anglian Water** advises that there are no assets within the development site boundary. In addition the foul drainage for this development is in the catchment of Eye-Hoxne Water Recycling centre which has available capacity for flows. The preferred method of surface water disposal would be to a SuDS. It is requested that a condition and informatives are added to a notice in the event of permission being granted.

### **County Council Responses**

**SCC Highway Authority** has no objection to the proposals and recommends the inclusion of conditions on a grant of planning permission.

**SCC Public Rights of Way** identifies that there are public rights of way adjacent to the site (on the southern and western boundaries). No objection is raised but it is advised that PROW must remain open, unobstructed and safe for public use at all times, including throughout any construction period. Further advisory comments are also provided.

**SCC Travel Plan** officer endorses the comments made by the Highway Authority.

The **SCC Archaeological Service** has confirmed there are no archaeological concerns or requirements.

The **Lead Local Flood Authority** recommends approval of the application, subject to the imposition of conditions.

The **SCC Fire and Rescue** officer has advised that access to buildings for fire appliances and firefighters must meet Building Regulations requirements. In addition, it is advised that no additional water supply for firefighting purposes is required in respect of this application.

### **Internal Consultee Responses**

The **Economic Development** officer supports the application and identifies that it *'...supports the sustainability and resilience of a significant local employer who have operated as an established and successful business in their current location for a considerable period of time. Being able to offer additional employment and to support their own logistics requirements should only enhance the current operational efficiency and business productivity...'*

**Place Services – Ecology** has no objection to the proposals, subject to the imposition of conditions on a grant of planning permission.

**Place Services – Landscape** has made various comments in relation to the proposals and has advised that conditions be added, in the event that planning permission is granted.

**Environmental Health – Sustainability** officer does not wish to impose conditional controls on an approval of planning permission, and has stated that the applicant may wish to consider installing solar PV panels on the roof.

**Environmental Health – Land Contamination** officer has no objection to the proposal but requests that the Local Planning Authority is contacted in the event of unexpected ground conditions being encountered. It is also advised that responsibility for the safe development of the site rests with the developer.

**Environmental Health – Noise Odour Light Smoke** officer has not raised an objection to the proposal. Following on from the receipt of a noise assessment, the Officer has recommended the imposition of conditions on a grant of planning permission.

The **Heritage Officer** considers that the proposal would cause no harm to the settings of identified heritage assets in the locality.

The **Public Realm** officer has no comment.

## **B: Representations**

At the time of writing this report at least 5 letters/emails/online comments have been received. It is the officer opinion that this represents 4 objections, 0 support and 1 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- The proposed new bunding/planting and lagoon will not mitigate the adverse impacts of the development. The new bund would be better placed along the length of the building with a planting strip.
- The lagoon should be placed nearer the proposed extension.
- No indication of the height or width of the embankment has been given. Runoff could cause flooding problems. How will maintenance be undertaken?
- The proposed bunding will adversely affect views.
- Previously promised tree planting has not taken place.
- The extension conflicts with policy STRAD13 as it would be detrimental to the character of the countryside.
- The cladding may not be maintained properly.
- The use currently caused unacceptable smell and noise nuisance and further growth will have negative impacts locally.

Members are advised that the above is a summary of representations received. All representations can be viewed in full on the Planning website (note: all individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

## **PLANNING HISTORY**

<b>REF:</b> DC/17/04027	Planning Application - Demolition of existing ancillary building and erection of extension for storage and staff facilities.	<b>DECISION:</b> GTD 27.09.2017
<b>REF:</b> DC/19/02653	Planning Application - Change of use of land for the siting of a portable office unit.	<b>DECISION:</b> GTD 17.07.2019
<b>REF:</b> DC/19/05830	Full Planning Application - Erection of extension to rear of factory and creation of parking spaces	<b>DECISION:</b> GTD 12.02.2020
<b>REF:</b> DC/20/01660	Discharge of Conditions Application for DC/19/05830 - Condition 4 (Construction Method Statement)	<b>DECISION:</b> GTD 10.07.2020
<b>REF:</b> DC/21/03850	Notification for Prior Approval for the Installation, Alteration or Replacement of	<b>DECISION:</b> FAN 02.09.2021

other Solar Photovoltaics (PV) equipment on the roofs of Non-domestic Buildings. Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 14, Class J

<b>REF:</b> DC/22/02971	Planning Application - Erection of extension to existing factory facility to provide additional packing and storage space	<b>DECISION:</b> PDE
<b>REF:</b> 2503/16	Removal of existing 10no. LPG storage tanks and provide 12no. LPG storage tanks in new location. Erection of fenced enclosure and separating masonry wall.	<b>DECISION:</b> GTD 03.08.2016
<b>REF:</b> 4194/15	Demolition of existing boiler house and ancillary buildings. Erection of new boiler house and ancillary accommodation	<b>DECISION:</b> GTD 25.01.2016
<b>REF:</b> 2140/15	New gas fire boiler. Height of exhaust stack.	<b>DECISION:</b> REC
<b>REF:</b> 2873/14	Demolition of existing single storey storage/ancillary building and erection of new single storey office building.	<b>DECISION:</b> GTD 17.10.2014
<b>REF:</b> 2614/12	Erection of new 2.4 high security fencing.	<b>DECISION:</b> WDN 02.10.2012
<b>REF:</b> 1982/09	PREAPP ENQ REDEVELOPMENT OF SITE TO ENABLE RELOCATION OF BUSINESS. POS RES DEVT INC AFFORDABLE HOUSING ?	<b>DECISION:</b> REC
<b>REF:</b> 0329/87	Replacement of existing mill building for continued production of corn products and animal feeds.	<b>DECISION:</b> GTD 08.06.1987
<b>REF:</b> 0206/80/OL	Erection of a telephone exchange and layout of new vehicular access.	<b>DECISION:</b> GTD 07.11.1980
<b>REF:</b> 1255/99/	STATIONING OF PORTACABIN FOR USE AS OFFICE ACCOMMODATION FOR A TEMPORARY PERIOD OF 3 YEARS.	<b>DECISION:</b> GTD 21.01.2000
<b>REF:</b> 0360/98/	CONVERT AND EXTEND EXISTING HOUSE FOR USE AS OFFICES,	<b>DECISION:</b> GTD 03.06.1998



## EXTEND WAREHOUSE AND PROVIDE STRUCTURE OVER EXISTING AREA.

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### **PART THREE – ASSESSMENT OF APPLICATION**

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#### **1. The Site and Surroundings**

- 1.1. The site for this proposal currently forms part of the premises of Roger Skinner Ltd, manufacturers of pet-food products, located on Queen Street Stradbroke. It is an irregularly shaped, level site with a given area of 1.49 hectares. Currently the site comprises hardstanding area, parking and manoeuvring spaces associated with the industrial use, together with an area of field immediately adjacent to the north and west, shown as being under the ownership or control of the applicant company.
- 1.2. The factory premises themselves currently comprise a number of buildings occupying an essentially linear site, with boundaries to Queen Street (east) and Mill Lane (south). The majority of buildings are large single volume structures that appear to be steel frame construction, with metal cladding and brick exteriors. However, towards the eastern end of the site, adjacent to the Queen Street/Mill Lane junction, are buildings of domestic scale and appearance, albeit being utilised for commercial purposes. The surrounding land uses comprise mainly residential to the north-east, east and south-east of the site, whereas the land to the north, west and south is predominantly in agricultural use.
- 1.3. The factory premises are a long established land use within the village, located to the north of the centre of Stradbroke – which is defined as a Key Service Centre within the current development plan.

#### **2. The Proposal**

- 2.1. The proposal for consideration by Members is a full planning application for the erection of an extension to the existing factory building on the site, in order to provide additional space for packing and storage.
- 2.2. The submitted plans show an extension having an overall external area (footprint) of 2858 square metres. A loading bay with canopy over would also be provided. The extension has a ridge height of approximately 10.5 metres (scaled from the submitted drawings), a length of 84 metres and a width of 34 metres. The building would be constructed using metal sheeting to match the majority of the existing buildings on the site.
- 2.3. In addition to the proposed extension, the submitted drawings show the provision of a new concrete paving area to the front (south) of the building, and a new gravelled area to the rear. New 2.3m high fencing would enclose the extended site, linking with existing boundary provision. Lastly the plan shows the provision of a 1.0m deep attenuation basin being provided, located to the north east of the proposed extension.

- 2.4 The following extracts, taken from the applicant's Design and Access Statement, are included below for Members' information:

*'...At present, Skinner's outsource the collection and distribution of all dog food products via a third-party distribution company, DHL, from the Stradbroke facility. In order to maintain and improve the quality of the key logistics and deliveries profile, Skinner's have the opportunity to bring the distribution operation in house to Stradbroke when the existing third-party contract finishes in the coming months. Therefore, the proposal seeks to build and operate an additional and dedicated modern warehouse facility as an extension to and on wholly owned land at the main mill complex. The new warehouse will enable Skinner's to store and distribute 100% of their dry food products within a purpose-built dedicated storage facility...The new facility will enhance the number of staff job numbers through the creation of approximately 10-15 new positions at Stradbroke...The extension will provide a warehousing facility only and will not house any plant or machinery associated with the production process...The building is not required to be heated internally and an appropriate lighting scheme will be installed to maximise energy efficiency. Full staff facilities are provided within the existing factory building which are considered of sufficient capacity to cater for new employees anticipated as a result of the business expansion...'*

### **3. The Principle Of Development**

- 3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that *'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* In this regard, the relevant development plan documents consist of the Babergh and Mid Suffolk Joint Local Plan Part 1 (2023) and the Stradbroke Neighbourhood Plan (2019).
- 3.2 A key material consideration is the National Planning Policy Framework (NPPF) 2021. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8, this is defined as meaning that there are three overarching objectives which are interdependent and need to be pursued in mutually supportive ways: economic, social, and environmental. The NPPF goes on to state, however, that they are not criteria against which every decision can or should be judged (para. 9). The NPPF also identifies, at paragraphs 81 – 85, the role that planning plays in helping to build a strong competitive economy. Specifically it is noted that support be given to securing a prosperous rural economy and that *'...Planning...decisions should recognise that sites to meet local business and community needs in rural areas may need to be found adjacent to or beyond existing settlements...'*
- 3.3 In regard to the Stradbroke Neighbourhood Plan, policies that are considered to be of particular reference in relation to this development proposal are STRAD1, STRAD2, and STRAD13.
- 3.4 Firstly, in consideration of the requirements of policy STRAD1, which is concerned with development strategy and principles, these *inter alia* identify that *'...Development will be*

*permitted in the countryside for the retention of existing and appropriate provision of new commercial premises, where it meets the requirements of Policy STRAD13...*' The application site for the proposal is located outside of the settlement boundary, albeit that the majority of the factory premises sits inside. It is evident that STRAD1 may be permissive of the development proposed (and would also therefore comply with policy SP03 of the JLP in that regard) subject to assessment against STRAD13.

- 3.5 STRAD2 requires new development to achieve good quality design. This includes *'...responding to and integrating with...the existing built environment...'* The policy also requires that *'...Development which abuts open countryside must not create a hard edge...'* Clearly in the case of an extension to an existing factory, the functionality of the building and its relationship to the remainder of the site would be a key consideration for the applicant. The character of the site is clearly commercial in nature, and the proposal reflects this. That said, in the context of its immediate surroundings, it is considered that the proposed extension would not appear visually incongruous. In addition, the development proposed would extend the curtilage of the factory westwards from its current position, into land that is currently owned by the applicant but is undeveloped. In order to address the interface between the extended curtilage and the surrounding land, it is noted that the scheme does show the provision of a landscaped bund feature which, it is felt, would assist in softening the appearance of the site, particularly when viewed from the PROW network to the west. In this regard, it is considered that the identified requirements of STRAD2 have been satisfactorily addressed.
- 3.6 In regard to policy STRAD13, this relates to employment provision. The policy requires that proposals to expand existing commercial premises will be permitted subject to four criteria. These may be summarised as impacts on the wider countryside, impact on the amenity of neighbours, sufficient off street parking and resultant HGV traffic. In the round, it is considered that the development proposal performs acceptably in this regard. Firstly, the impacts in the wider countryside, while evident, can be made acceptable in the view of officers, by way of the design of the proposed extension, the arrangement of external treatments for materials and the provision of landscaping. Secondly the site is an established commercial development with neighbouring, predominantly residential development in the vicinity. In consideration of impacts arising, the proposed building is to be utilised for storage and packing purposes which in themselves are not considered to be overly disruptive activities. In relation to parking provision this is not identified as an issue, bearing in mind that on-site parking is currently provided for employees and the submission presented to Committee includes a plan showing additional provision in accordance with adopted standards. Lastly, information contained in the application submission advises that HGV visits to the site would enable distribution activities to be better managed and an increase in vehicle movements is not anticipated.
- 3.7 In the consideration of this planning application, key policies in the JLP relevant to the principle of development are identified as SP03, SP05 and LP09. Policy SP05, which is primarily concerned with designated employment sites and delivery of new sites, amongst other issues states that *'...other land used for employment purposes shall be protected for ongoing employment use, unless such use is convincingly demonstrated to be unviable...'* In the case of this application, the use is a long established and locally-important employer. SP05 is not of itself permissive of new development outside of the catchment of strategic

transport corridors but that policy must be viewed in the context of policy SP03 which restricts new development in the countryside – an exception to that restriction is where development would otherwise comply with the policies of the neighbourhood plan in force. As above, the application accords with the Stradbroke NP; thus, development is acceptable in this case having regard to the recently adopted JLP.

- 3.12 In consideration of policy LP09 this is aimed at supporting a prosperous economy and is a criteria-based policy which identifies various points that proposals for employment use would be expected to comply with, including landscape sensitivity, amenity impact, effect on heritage assets, highway impacts etc. Again, in the view of officers this proposal to extend existing factory premises performs well against the policy's requirements.
- 3.13 In summary, the proposal seeks to develop an established business in Stradbroke. The adopted development plan policies identified above are of direct relevance in terms of principle, and officers consider that there is no conflict with those policies. The policies of the development plan support the principle of development, as do the policies of the NPPF (paragraphs 7, 8, 81 – 85) when considered as a whole.

#### **4. Nearby Services and Connections Assessment Of Proposal**

- 4.1. As Members will be aware, the JLP (Part 1) will utilise the previous development plan allocations. Therefore, Stradbroke's Key Service Centre definition remains extant until such time as Part 2 of the JLP is adopted.
- 4.2 Key Service Centres are defined as *'Villages capable of providing local services and facilities to a dispersed rural population as described in the Regional Spatial Strategy. The type and scale of development proposed must target the identified needs of the village in question and its surrounding communities.'* In this regard, it is noted that Stradbroke benefits from local service provision including shops, schools, community centre, swimming pool and fitness centre etc.
- 4.2 In terms of access to public transport, the nearest bus stops to the application site are located in Queen Street. That said, the bus services locally are limited. The nearest railway station is at Diss, which is approximately 10 miles distant from the village. In regard to the above, it is a fair assessment that the residents of Stradbroke are more reliant on private motor vehicles to access services in the wider area.

#### **5. Site Access, Parking And Highway Safety Considerations**

- 5.1. The NPPF identifies at paragraph 110 that in assessing specific applications for development it should be ensured that, inter alia, significant impacts on the transport network and highway safety can be cost effectively mitigated to an acceptable degree. Paragraph 111 recognises that development *'...should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe...'*
- 5.2 Leading on from this, policy STRAD8 of the adopted Neighbourhood Plan is concerned with highway access and pedestrian movement. A key aim of the policy is to improve the flow of traffic and pedestrian safety. The policy also identifies Walkway Routes in the

village, and criteria in the policy advise on how development will be expected to address this issue. In regard to the consideration of this application, a key requirement is that *'...Where practical, development in the vicinity of identified Walkway Routes will be expected to...not have an unacceptable impact on the Walkway Routes, in particular through the creation of significant additional traffic movements where this would have a detrimental impact on the safety of flow of pedestrian access...'* In regard to this point, the Design and Access Statement advises as follows:

*'...As discussed earlier, the new warehouse provision will allow the business to operate a more efficient storage and distribution regime 'on-site'. Currently the collection and distribution of all dog food products is undertaken by a third party off site, which can result in some partial loads leaving site in an inefficient program of vehicle movements.*

*Therefore, even with an increase in productivity, the new warehouse facility would provide an opportunity to carefully manage the distribution operation and would not cause an increase in vehicle movements...'*

- 5.3 This is an important consideration bearing in mind the requirements of policy STRAD8 and the fact that a Neighbourhood Plan Proposals Map shows a Walkway Route along part of Mill Lane, which also currently serves as an access route to the factory premises. The proposal would not increase vehicle movement, and therefore there would not be a worsening of the existing situation.
- 5.4 Adopted JLP policy LP29 inter alia requires safe access to development sites. In this regard, the proposed development will utilise the existing access arrangements to the site, and as noted, there is not intended to be an increase in vehicle movements. It is noted that the Highway Authority does not raise an objection to the principle of the development – subject to conditions.
- 5.5 In relation to parking provision, it is considered that the requirements of the Council's adopted standards would be met in full on the site. The development would be required to provide 18no. car parking spaces; this increase is noted by the Highway Authority (to be secured as part of a recommended condition) and the agent has provided a plan showing this provision, together with the identified EV charging points and cycle parking provision also identified within the Highway Authority's consultation response.

## **6. Layout and Design**

- 6.1 Relevant policies of the adopted Neighbourhood Plan (STRAD13) and the JLP (LP09) identify the sensitivity of setting as consideration for new commercial development proposals. In the case of this proposal, the elements of development consist of the proposed extension to the existing building group, associated hardstanding areas and a proposed attenuation basin to serve the proposed SuDS system for the development.
- 6.2 In terms of the proposed extension, the form and general appearance follows that of the existing larger buildings, which is considered to be a sensible response; respecting the existing context of the immediate surroundings. Although significant, the overall size of the proposed extension is not considered to be excessive in its surroundings. The extension's ridge height is lower than the adjacent building to which it would be joined.

- 6.3 In addition, the overall visual bulk of the building would, it is felt, be lessened by the introduction of differing coloured bands of metal sheeting material; this change being agreed with the applicant as an amendment following the initial submission of the application. In addition, revision to the design of the canopy feature to the southern elevation was also secured – the current proposal showing a pitched roof as opposed to the monopitched roof originally proposed.
- 6.4 As regards the proposed hardstanding areas these are clearly a functional requirement, given the nature of the development. However, they are large and would have a visual impact. It is the view of officers that, in the overall context of the site's appearance, the hardstandings would not appear visually incongruous. In addition, the fact that these features would be at ground level, their overall impact on wider visual amenity would be sufficiently limited; lessened by the use of landscaping etc.
- 6.5 In considering the proposed SuDS feature, this is acknowledged to be a key element of the system but it will have a visual impact, particularly for the occupiers of the nearest dwellings located to the east of this proposed feature. Bearing this in mind, it is considered that the creation of a landscaped feature incorporating the attenuation basin would be an appropriate solution. It is acknowledged that the proposed landscaping would take time to establish, but as a new feature in the landscape, in this location, it is not considered to be harmful. Indeed, it is noted that the proposed attenuation basin would be located adjacent to an existing feature serving the site.
- 6.6 Following on from the policies identified above, general principles for the design of development proposals is contained within policy LP24. This policy identifies that 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. In this regard, the policy amongst other matters identifies that proposals must respond to and safeguard the existing character/context, create character and interest, and be for designed health, amenity, well-being and safety.
- 6.7 Bearing in mind the identified requirements of the policy, it is considered that the design of the proposed extension would be in keeping with the development existing on site, in terms of design and layout. The primary aim of the building is to improve the functionality of the business on the site. Nevertheless it is considered that it would not be visually harmful in the context of its surroundings. In addition its overall impact in the wider area would be reduced by the use of banded material finishes and the introduction of additional landscaping. The proposed development would, it is acknowledged, have limited visual interest in itself but this reflects the established commercial use of the site which sets the character of its immediate surroundings. In terms of health, amenity, well-being and safety, it is not considered that the proposal gives rise to concerns in this regard. Members will note the proposal does not give rise to an objection from the Environmental Health Team.
- 6.8 Overall, it is the view of officers that the proposed layout and design of the extension, and proposed associated works, would be appropriate to the site's context and would not result in unacceptable harm to visual amenity.

## **7. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species**

- 7.1. Conservation and enhancement of the natural environment is a fundamental theme of the NPPF and one reflected in JLP policy LP16, which is concerned with biodiversity and geodiversity and policy LP17 that relates to landscape.
- 7.2 In the case of landscape impact the identified policy base requires that development proposals should integrate and have sensitivity with the existing landscape. In this regard, the application submission is accompanied by a Landscape and Visual Impact Assessment. In summary, the Assessment identifies that the greatest degree of visual impact arising from the proposal would be experienced from the adjacent public right of way that follows Mill Lane, to the south of the site. However, in the context of the character of the site as it is, this impact would not be excessively discordant. The impact of the proposal in the wider landscape would be limited, and this impact can be lessened by existing and proposed vegetation.
- 7.3 The retained landscape consultants have commented on the proposals and while elements of the Assessment are queried, overall there is no objection raised to the proposals subject to the imposition of conditions requiring the submission of soft and hard landscaping schemes, a landscape management plan and provision of advanced planting. In regard to this, although some proposed landscape features are shown outside of the red-line application plan, it is possible to add conditions to secure their provision, on the basis that the land on which they would be located is owned by the applicant company.
- 7.4 In relation to ecological impacts, the submission includes a Preliminary Ecological Appraisal which concludes that the proposal is not predicted to give rise to adverse impacts. With the exception of a hedgerow located on the southern boundary, there are no Priority Habitats present on the site. The Appraisal recommends that the western boundary of the site be planted with a species-rich native hedge. In addition a 6 metre wide tree and shrub belt should be provided in the north eastern corner of the site.
- 7.5 The retained ecology consultants have confirmed that no objection is raised to the proposal, subject to conditions requiring the recommendations in the Appraisal being carried out, the approval of a Biodiversity Enhancement Strategy and also the approval of a Wildlife Sensitive Lighting Design Scheme.

## **8. Land Contamination, Flood Risk, Drainage and Waste**

- 8.1 The NPPF at paragraph 183 identifies, inter alia, that planning decisions should ensure that a site is suitable for its proposed use. In addition, paragraph 184 makes clear that where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. In addition, JLP policy LP15 amongst other things requires that '*... Where necessary, development will include measures to remediate land affected by contamination...*'
- 8.2 In regards to land contamination issues, available mapping does not show the site as being potentially contaminated land. Obviously the site is currently utilised for industrial purposes and therefore would be liable to relevant controls in this regard, under separate Environmental Health legislation. In this regard, it is noted that the Land Contamination

officer has no objection to the proposal, requiring that the local planning authority is contacted in the event that unexpected ground conditions being encountered during construction. It is also noted that the responsibility for the safe development of the site lies with the developer.

- 8.3 Following on from this, criteria-based policy STRAD5 of the Neighbourhood Plan identifies that flood risk from surface water flows should be managed using SuDS.
- 8.4 As part of the JLP, policy LP27, reflective of the NPPF, is an extensive policy describing the criteria that proposals for new development shall meet in regard to flood risk and vulnerability. In addition, policy LP26 is concerned with the issue of water resources and infrastructure.
- 8.5 In regard to flood risk, the site for the proposed development, and the remainder of the factory site, lies in flood zone 1 and is therefore not subject to unusual flood events from pluvial (river) sources. In addition, available mapping shows that the site is outside of an area that is identified as affected by surface water flooding.
- 8.6 In consideration of policy LP26, it is pertinent to note that Stradbroke is located within the Hartismere Water Resource Zone, as defined by Essex and Suffolk Water (ESW), where it has been confirmed ESW is currently unable to agree to new requests for water where it would be used for non-domestic purposes. In this regard, the proposal would not introduce a new demand for water on site.
- 8.7 In consideration of drainage, the provision of SuDS to manage surface water flows is a requirement of adopted Neighbourhood Plan STRAD5. JLP policy LP27 reiterates the Council's approach in this regard, and similarly requires SuDS to be incorporated into new development.
- 8.8 Bearing this in mind, the application submission includes a Surface Water Drainage Strategy. The system proposed for the site includes the provision of a new attenuation feature, served by a filter drain that would run along the western extent of the yard, to intercept the water from the yard and convey it to the basin. The attenuated water would then drain, at a controlled rate, to the existing ditch system. Members will note that the Lead Local Flood Authority has considered the surface water drainage proposals, and has no objection to the development subject to the imposition of conditions requiring the submitted strategy to be implemented, followed by the submission of a post-completion verification report.
- 8.9 In terms of foul water disposal, it is noted that Anglian Water has no objection, advising that the Eye-Hoxne Recycling Centre has available capacity for the proposed development. A condition and informatives are recommended for inclusion on a grant of planning permission.

## **9. Heritage Issues**

- 9.1. The protection of heritage assets from inappropriate forms of development is an established tenet of planning control. Section 66(1) of the Planning (LBCA) Act 1990



requires local authorities to afford special attention to the desirability of preserving listed buildings, including through development within their settings. The NPPF at paragraphs 194 – 198 describes how development proposals affecting heritage assets should be considered. In addition, paragraph 199 makes clear that *‘...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation...’* The NPPF also identifies at paragraph 202 that *‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...’*

- 9.2 Policy STRAD11 of the SNP relates to the historic environment and design, and identifies the need for all types of development proposals to contribute towards the local distinctiveness of the Stradbroke Neighbourhood Plan Area. A specific criterion of the policy requires that proposals should *‘...Ensure that the significance of designated heritage assets and their settings is preserved and where possible, enhanced...’*
- 9.3 JLP policy LP19 relates to the historic environment and requires that proposals that potentially affect heritage assets will have to be supported by a heritage statement. While not immediately adjacent, there are heritage assets in the wider vicinity of the application site, including listed buildings and Stradbroke conservation area.
- 9.4 The application submission includes a Heritage Impact Statement and the conclusion of this document is that given the location of the site in relation to the conservation area and closest listed buildings, the proposed development would not have a direct impact, and in accordance with the requirements of the NPPF a balanced judgement will be required. It is considered that the impacts would be *‘...broadly neutral...’* Having considered the submitted statement, and in the light of amended plans that altered the design of the proposed extension, the Heritage Team has concluded as follows:

*‘...In conclusion, the revised extension is considered to cause no harm to the settings of the surrounding heritage assets. Therefore the works now meet the requirements of the NPPF and Local Plan Policy HB01.’*

*Officer comment: this response was received before the formal adoption of the JLP, noting the policy reference.*

## **10. Impact On Residential Amenity**

- 10.1. The consideration of residential amenity impacts is a key planning consideration. JLP policy LP24 – relating to residential amenity – requires that, amongst other things, development proposals shall *‘...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...’*
- 10.2 Members will note that the current use of the site is long-established. In addition, it is noted that there are no conditional controls that affect hours of operation. Therefore, the use could be carried out on a 24 hour basis, throughout the year. Clearly the existing use will give

rise to various impacts, arising from the activities that take place on the site as part of the authorised, established use.

- 10.3 Following receipt of the application, and in consideration of another current application near this site, for the erection of new residential development to the south of Mill Lane, the issue of noise impacts has been considered further. The applicant has submitted a noise assessment, and this has been considered by the Council's Environmental Health Officer, and also the retained noise consultant advising officers in relation to the proposed residential development proposal to the south of Mill Lane.
- 10.4 In this regard, the Environmental Health Officer has confirmed that the proposed development would be acceptable in terms of impacts on local amenity. Conditions are recommended for inclusion on a grant of planning permission, that would include the agreement of a Construction Management Plan, limits on hours of construction and also operation, control over noise emitted from any fixed plant and equipment, noise attenuated reversing alarms and the luminance of external lighting.
- 10.5 It is important to note that the historically-established use of the site at present is not subject to hours of operation restrictions. That said, the current submission does include proposed hours of operation. It is considered justifiable to impose a conditional control in the case of this application; such a condition would meet the tests in the NPPG, in the view of your officers. The restriction would reflect those hours advised in the submitted application form.

## **11. Parish Council Comments**

- 11.1 The matters raised by Stradbroke Parish Council have been addressed in the above report. The conditions that are recommended by identified consultees would be attached to a grant of planning permission. Specifically, following further of the proposals by Place Services Ecology, the holding refusal was lifted and no objection raised to the proposals.

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## **PART FOUR – CONCLUSION**

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## **12. Planning Balance and Conclusion**

- 12.1. Relevant policies in the adopted policy base identify the Council's support, in principle, for the growth of businesses in the district. In consideration of this proposal, it is pertinent to note that the use of the site for industrial purposes is a long established one. This proposal seeks to add storage and packing facilities on the site in order, it is understood, to enable the applicant to run the storage and distribution elements of the business more efficiently.
- 12.2 The proposed extension is of significant size, and would require the expansion of the factory premises to the west of its current position, on land under the ownership of the applicant. That said, the layout and design of the proposed development would, it is felt, read as a

logical enlargement, away from the nearest dwellings. The development would undoubtedly impact visual amenity. However, it is felt that this impact maybe successfully managed, thorough a combination of the proposed design of the extension, its visual conformity with existing large commercial buildings on the site, and the introduction of landscape features (and the retention of those existing) to mitigate visual impact.

- 12.3 Notwithstanding the long established nature of the use on the site, it is important to ensure that the amenity of the area is not adversely impacted by the new proposal. In this regard, the applicant has advised that the proposals will not create additional traffic movements above those currently generated by the use. It is noted that the Highway Authority does not object to the proposals. In addition, the potential for unacceptable noise disturbance has been considered in detail and the Environmental Health officer does not consider the proposal to be unacceptable in this regard. The use of conditions as recommended by the relevant consultees would enable appropriate controls were in place.
- 12.4 Overall and in the round, the application is considered to accord with the development plan as a whole, and the policies of the NPPF. The recommendation of Officers is that a conditional planning permission be granted for the development.

## **RECOMMENDATION**

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

- Standard time limit.
- Approved Plans (Plans submitted that form this application).
- Use of the approved extension for storage and packing purposes only.
- Development to be undertaken in accordance with the ecological appraisal.
- Approval of a Biodiversity Enhancement Strategy.
- Approval of a Wildlife Sensitive Lighting Design Scheme.
- Approval of soft and hard landscaping schemes.
- Approval of a Landscape Management Plan.
- Development implemented in accordance with the Flood Risk Assessment
- Submission of Drainage Verification Report
- Approval of Construction Surface Water Management Plan
- Approval for on-site foul water drainage works
- Agreement of a Construction Management Plan
- Control over the hours of construction of the development
- No plant and equipment installed on the application site without acoustic specification being previously approved by the LPA.
- Control over hours of activities and operations within the application site.
- Mobile plant to be fitted with noise attenuated reversing alarms.
- Level of illumination of external lighting to be controlled.

- Conditions as may be recommended by Environmental Health Noise/Odour/Light Smoke.
- Loading/Unloading/Manoeuvring/Parking areas and infrastructure to be provided before development brought into use.
- Construction Management Plan to be agreed.
- Provision of EV charging points and cycle parking to be agreed

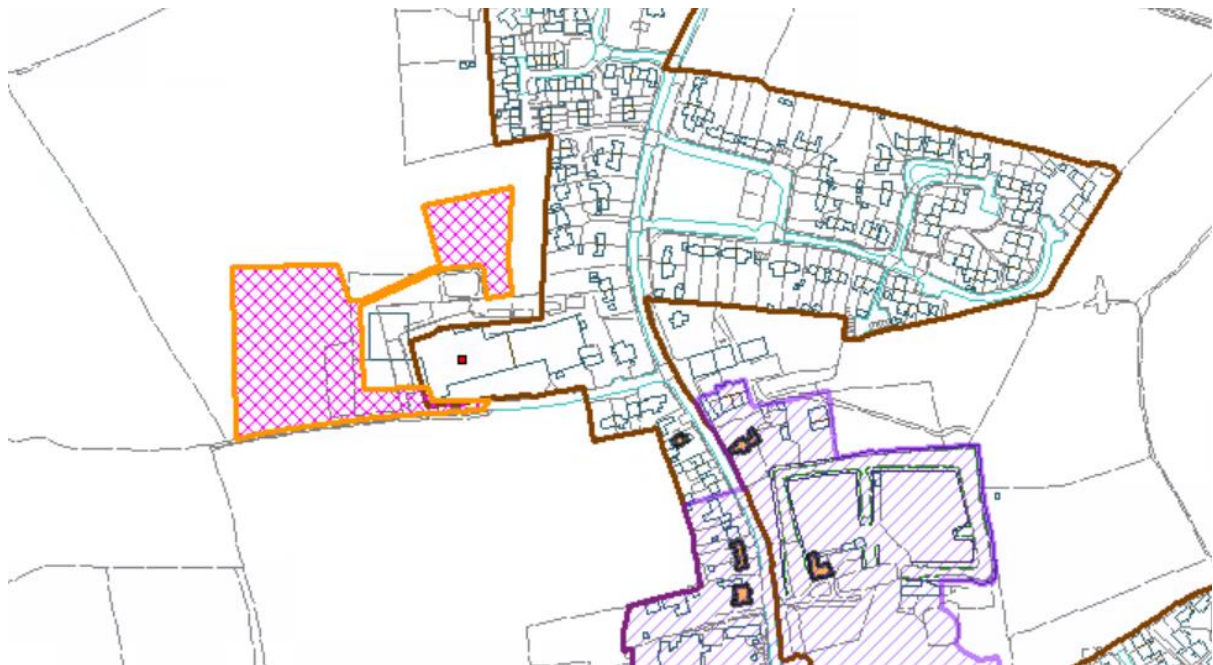
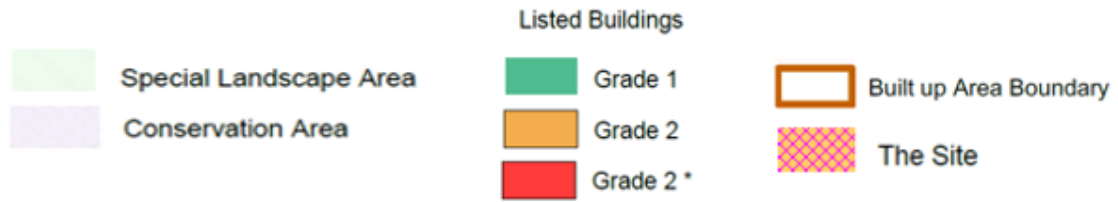
**(3) And the following informative notes as summarised and those as may be deemed necessary:**

- Proactive working statement
- SCC Highways notes
- Environmental Health Land Contamination
- Rights of way informatives
- Lead Local Flood Authority informatives
- Anglian Water Authority informatives

Application No: DC/22/02971

Parish: Stradbroke

Location: Roger Skinner Ltd, Queen Street



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# Agenda Item 7c

## Committee Report

**Item No: 7C**

**Reference:** DC/22/01530

**Case Officer:** Isaac Stringer

**Ward:** Needham Market.

**Ward Member/s:** Cllr Terry Lawrence. Cllr Ross Piper.

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## RECOMMENDATION – REFUSE PLANNING PERMISSION

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### GLOSSARY OF TERMS:

BDC	Babergh District Council
BESS	Battery Energy Storage Systems
BMSDC	Babergh and Mid Suffolk District Councils (referred to jointly to identify joint working, shared officer resource, etc.)
BMV	Best and Most Versatile (agricultural land classified by DEFRA as grades 1, 2 and 3a)
CCTV	Closed Circuit Television
CIL Regs	The Community Infrastructure Levy Regulations 2010 (as amended)
CS	The Core Strategy Development Plan Document (2008) of Mid Suffolk District Council's adopted Local Development Framework.
CWS	County Wildlife Site
DEFRA	Department for Environment Food & Rural Affairs
EIA	Environmental Impact Assessment
EIA Regs	The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017
ES	The Environmental Statement forming part of the submitted application documents in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999
FRA	Flood Risk Assessment
FZ	Flood Zone (i.e. FZ1, FZ2, FZ3a, FZ3b)
HDD	Horizontal Directional Drilling
JLP	The Babergh and Mid Suffolk Joint Local Plan
LEMP	Landscape Ecological Management Plan

LP	Mid Suffolk Local Plan 1998
LPA	Local Planning Authority
LVIA	Landscape Visual Impact Assessment
MSDC	Mid Suffolk District Council
MW	Megawatts
NPPF	National Planning Policy Framework
NPPG	National Planning Policy Guidance
NSIP	Nationally Significant Infrastructure Project
PPG	Planning Practice Guidance
PROW	Public Rights of Way (e.g. footpaths and bridleways)
SCC	Suffolk County Council
SFRA	The Mid Suffolk Strategic Flood Risk Assessment 2020
SLA	Special Landscape Area (as designated by the Mid Suffolk Local Plan policy CL2 & Babergh Local Plan policy CR04).
SO	The published Scoping Opinion reference DC/20/04125 issued by MSDC in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017
SSSI	Site of Special Scientific Interest

### **Description of Development**

Full Planning Application - Installation of a solar array, associated infrastructure and construction of new vehicular access.

### **Location**

Land At Woodlands Farm, Stowmarket Road, Badley, Suffolk

**Expiry Date:** 07/08/2023

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Large Scale - All Other

**Applicant:** Elgin Energy EsCo Ltd

**Agent:** Arcus Consultancy Services Ltd

**Parish:** Badley

**Site Area:** 56.22

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



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

**Has the application been subject to Pre-Application Advice: No**

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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

This application is presented before committee as the Chief Planning Officer considers it to be of a controversial nature, in accordance with the Council's scheme of delegation.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

#### National Policy/Guidance

NPPF - National Planning Policy Framework

PPG - Planning Practice Guidance

#### Joint Local Plan (2023)

SP03 - The sustainable location of new development

SP09 - Enhancement and Management of the Environment

SP10 - Climate Change

LP15 - Environmental Protection and Conservation

LP16 - Biodiversity & Geodiversity

LP17 - Landscape

LP19 - The Historic Environment

LP24 - Design and Residential Amenity

LP25 - Energy Sources, Storage and Distribution

LP27 - Flood risk and vulnerability

LP29 - Safe, Sustainable and Active Transport

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area.

### **Other relevant documents:**

- NPPF - National Planning Policy Framework
  - PPG - Planning Practice Guidance
-

- Joint Babergh and Mid Suffolk District Council Landscape Guidance August 2015
- Suffolk Landscape Character Assessment
- Planning guidance for the development of large-scale ground mounted solar PV systems (BRE, 2014). This national guidance sets out best practice for large ground mounted arrays in respect of planning considerations and requirements.
- This development is below the threshold for consideration as an NSIP but EN-1 and EN-3 provide helpful context as the latest statement of Government planning policy on renewable energy development. EN-1 Paras 3.3.20–3.3.24 – state that a ‘secure, reliable, affordable net zero system in 2050 is likely to be predominantly of wind and solar’. Paras 3.3.25-3.3.31 refer to storage stating that ‘storage has a key role to play in achieving net zero and providing flexibility to the energy system’. EN-3 includes a specific section on ‘solar photovoltaic generation’ and highlights that solar is a key part of the government’s decarbonisation strategy, restating the five-fold increase in solar deployment before 2035, and that the Government is supportive of solar that is co-located with other functions, which specifically identifies storage.
- Draft revised National Policy Statements: The policy context for the determination of NSIP scale proposals.
- Powering Up Britain including the Energy Security Plan: Government published this latest plan to ensure energy security and meet net zero commitments on 30<sup>th</sup> March 2023. The document reaffirms the Government’s commitment to aim for 70GW of ground and roof mounted solar by 2035, stating that this is a fivefold increase on current installed solar capacity. To achieve this Government is seeking large scale solar deployment across the UK, and encourages solar development that delivers environmental benefits, with consideration for ongoing food production or environmental management.
- Energy Security Strategy 2022: Reinforces the net zero agenda and sets out a package of priorities, funding and policy objectives to move the country back to energy independence This includes provision for onshore wind, solar and other technology including recognition of the need for network capacity and flexibility such as battery storage.
- Net Zero strategy 2021: A decarbonisation plan setting out the UK objective of achieving net-zero emissions by 2050. Part of the plan for “Building Back Better” after the covid pandemic.
- Energy white paper 2020: Builds on the Ten-point plan for a green industrial revolution, addressing the transformation of our energy system, promoting high-skilled jobs and clean, resilient economic growth as we deliver net-zero emissions by 2050.
- United Kingdom Food Security Report 2021: Sets out an analysis of statistical data relating to food security.

## **Consultations and Representations**

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

[Link to Consultee Comments online](#)

### **A: Summary of Consultations**

#### **Town/Parish Council (Appendix 3)**

Combs PC: Neutral

- Solar panels should be on buildings not fields
- There is a need for renewables but this is a sensitive landscape location
- Wildlife and visual impact on Combs Wood
- Loss of agricultural land
- No impact on local housing
- Construction may constitute over development

Stowmarket Town Council: Objects

- Loss of agricultural land
- Food security vs renewable energy

Needham Market Town Council: No objection, subject to conditions

- Hedgerow moved closer to fencing
- Zone A removed to protect experience of the Church
- Panels set further back along the southern edge of the site

Badley PC: Neutral

- No comments have been received by the Parish

#### **National Consultee (Appendix 4)**

Natural England: No objection, subject to conditions

- Conditions:
  - Construction Environmental Management Plan
  - Mitigation measures as set out in ecology assessment

Historic England: Objects

- The land which forms this application contributes to the significance of the Badley Hall complex. Whilst the hedgerow has overgrown and may obscure the visibility, the open rural agrarian landscape is readily appreciable and its relative isolation adds to the significance
- If setting has been affected by alterations to designed features or changes in agricultural practice the fact that the setting has not been developed, but remains as green space, contributes to the significance of the heritage assets
- There would be harm to the heritage assets resulting from the development as it would detract from this rural character

Suffolk Preservation Society: Comments

- Zone A should be completely removed
- Panels should be set back from the southern edge of the site
- Industrial land use is unlikely to be sufficiently screened by screening methods

Suffolk Wildlife Trust: Comments:

- Creation of habitats beneath and between panels would not be sufficient to mitigate adverse impacts on skylarks
- Should be a 15m buffer between ancient woodland and development

East Suffolk Internal Drainage Board: No objection

- Amendments to the scheme have overcome previous concerns raised, defers comments to the LLFA

**County Council Responses (Appendix 5)**

Travel Plan Officer: No comments

Archaeology: No objection, subject to conditions.

- First phase trial trenching has been carried out.
- A number of areas of archaeology have been identified
- The scheme will damage or destroy archaeological assets but there is no grounds to refuse the application.
- Conditions:
  - Programme of archaeology works
  - Site investigation and post investigation assessment
  - Management plan for archaeological areas to be preserved

Developer Contributions: Comments

- Reference to SCC policy context and other SCC officer advice
- Recommend contributions to mitigate impacts via Local Economic Development Strategy

Fire and Rescue: Comments

- There is no battery storage at this site so fire risk is reduced
- Turning circles should be available for fire appliances
- There are water sources for fire fighting available nearby

Flood and Water Management: No objection, subject to conditions

- Condition confirming strategy for disposal of surface water

Rights of Way: Comments:

- Accepts that PROW are retained along the existing network
- PROW being placed in green corridors with hedging to screen array is positive
- Proposed widths of corridors is acceptable, hedging should be placed closer to fencing

Highways: No objection, subject to conditions

- Access point completed in accordance with plans
- Surface water discharge
- Visibility splays provided
- Construction management plan
- Delivery management plan

### **Internal Consultee Responses (Appendix 6)**

Economic Development: No comments

Land Contamination: No comments

Sustainability/Climate Change: No objection

Noise/Odour/Light/Smoke: Objection

- A noise assessment is required to fully assess this application

Councillor Mike Norris: No objection

- Supports the comments made by Needham Market Town Council

Heritage: Objects

- Reduction to panels in areas A and F has not successfully reduced in reducing the harm of the scheme on the Conservation Area's setting Gaps in foliage throughout the Conservation Area would allow intrusive views of the solar panels PROW network allows for the appreciation of the heritage assets around the site, specifically No. 1, 10, and 12
- The scheme will result in a medium to high level of less than substantial harm to the nearby designated heritage assets. The assets are enjoyed as a group and not individually, they all gain significance from their relationship with each other and their survival together. the landscape contributes to their significance equally and so the level of harm is considered equal to each asset.

Landscape: Comments

- The proposed scheme will have an adverse impact on both landscape character and visual amenity and would advise that impacts on visual amenity are revised to take into consideration impacts on winter views
- Fencing details shall be submitted
- Access tracks should be limited as much as possible
- Details of the value of other landscape features on site should be submitted
- 
- Conditions if minded to approved:
  - Details of hard and soft landscaping to be submitted
  - Landscape and Ecological Management Plan to be submitted

Ecology: No objection, subject to conditions

- Enhancement recommendations shall be implemented
- Construction Environmental Management Plan for Diversity to be submitted

- Biodiversity Enhancement layout to be submitted
- Ecological Management Plan to be submitted

## **B: Representations**

At the time of writing this report at least 29 letters/emails/online comments have been received. It is the officer opinion that this represents 28 objections, 1 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

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

<b><i>Objections</i></b>	<b><i>Support / neutral</i></b>
<ul style="list-style-type: none"> <li>• Loss of productive agricultural land / BMV / food security</li> <li>• Affects local ecology/wildlife</li> <li>• Application is lacking information</li> <li>• Boundary issues</li> <li>• Carbon generation of solar panels</li> <li>• Conflict with NPPF</li> <li>• Design</li> <li>• Dominating/overbearing</li> <li>• Drainage</li> <li>• Food security</li> <li>• Health and safety</li> <li>• Heritage harm</li> <li>• Impact on SSSI</li> <li>• Impact to enjoyment of PROW network</li> <li>• Inadequate access</li> <li>• Inappropriate area</li> <li>• Inappropriate in a conservation area</li> <li>• Increase danger of flooding</li> <li>• Landscape impact</li> <li>• Light pollution</li> <li>• Loss of light</li> <li>• Loss of open space</li> <li>• Loss of outlook</li> <li>• Out of character with the area</li> <li>• Over development of the site</li> <li>• Panels should go on buildings</li> <li>• Residential amenity</li> <li>• Scale</li> <li>• Sustainability</li> <li>• Trees</li> </ul>	<ul style="list-style-type: none"> <li>• Support principle of renewable energy</li> <li>• There is a place for solar development in the energy mix.</li> <li>• Britain has not been food independent since the 19<sup>th</sup> century</li> <li>• Mono-culture fields do not contribute significantly to biodiversity</li> <li>• Soil health often improves after a solar farm has been on site</li> </ul>

## **PLANNING HISTORY**

No planning history on site

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1. The application site covers an area of approximately 57.71 hectares, comprising approximately 5Ha (8.6%) of Grade 3a and 53Ha (91.4%) Grade 3b agricultural land. The site is currently used for arable production, located in the countryside close to the village of Badley and lies wholly in flood zone 1 with some areas that are vulnerable to surface water flooding. The site is adjacent to two ancient woodlands and approximately 120m from a Site of Special Scientific Interest (SSSI).
- 1.2. The site is surrounded by agricultural land to the east, south and west with Stowmarket Business Park to the north. There is a cluster of dwellings to the east and a single dwelling to the south of the site. The site benefits from some existing agricultural access tracks through the Stowmarket Business Park.
- 1.3. The site is adjacent to both a Special Landscape Area (SLA) and a Conservation Area. The site is adjacent to the B113, with a new proposed access off this highway. There are several listed buildings immediately adjacent to the site including: the Grade II listed Woodland Farmhouse, the Grade II\* listed Badley Hall, and the Grade I listed St Mary's Church. The site is adjacent to a Special Landscape Area and a Conservation Area.
- 1.4. There is an extensive Public Right of Way (PROW) network surrounding the site. Footpaths 1, 3 and 5 run along the northwest boundary of the site, connecting to footpaths 6 and 12 that run south through the middle of the site, connecting to footpath 11 (known as Badley Walk) that runs west to east along the southern boundary.

### **2. The Proposal**

- 2.1. The application seeks a temporary (40-year) permission, to reflect the expected lifetime of the equipment to be installed, for the proposed development of a solar array, after which the site would be reinstated and returned to the existing agricultural use. The development comprises of the following elements:
  - Rows of solar panels to a maximum of 3.2m at an incline of 25 degrees with a generating capacity of 49.9MW.
  - Substation compound surrounded by 2.4m high security fencing measuring a total of 64.5m by 43.5m
  - Transformers (9.6m x 6.1m x 5.2m)
  - Firewalls (1x 8.1m x 0.4m x 6.1m – 4x 5m x 0.4m x 3.9m)

- Switch house (10m x 17.3m x 5.6m);
- Connection equipment (19m x 6m x 4.9m)
- 18 inverters (7m x 2.5m x 3.5m)
- 96 CCTV cameras on 4m high poles
- Security gate (2.35m high and 5m wide)
- 2.4m high deer fence around the perimeter of the site
- Underground cabling
- Access tracks

2.2. The applicant calculates that, when operational, the solar array would be expected to generate the equivalent of 49,900MWh each year, the approximate electricity needs of 14,000 average households.

### **3.0 Environmental Impact Assessment (EIA) Matters**

3.1 The councils have screened the proposal and determined, as set out in the published EIA Screening Opinion that the proposal is not EIA development. The proposal is not considered to be EIA development considering its location, nature and scale, and the cumulative impact with other development in the site's locality.

3.2 Having regard to the scale and the location of the site, it is likely that the visual impacts are substantial, together with other identified impacts as set out below. However, it is not likely that the results of the proposal would have significant effects in accordance with the EIA regulations and that all relevant consideration can be adequately assessed through the planning process without an Environmental Statement.

3.3 In late August a solar farm appeal (ENSO) was allowed in Mid Suffolk (APP/W3520/W/23/3319970) following a planning inquiry. This appeal is of significance to the approach adopted in the determination of this application. The application was for a smaller scale solar farm than this application covering 35 hectares in total. The appeal dealt with issues around landscape, PROW, 80% BMV land, heritage assets and whether the benefits of the scheme outweigh any harms identified. A copy of the full appeal decision is appended to this report.

3.4 Specific conclusions drawn by the Inspector will be referenced where relevant within the body of this report.

### **4.0 The Principle Of Development**

4.1 This application is for a renewable energy development. As such, this section sets out the planning policies and other material considerations relevant in considering whether the principle of renewable energy development is generally acceptable. Other policies and considerations relevant to the location of the proposal are set out in the topic specific sections of the assessment below.

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the



development plan unless material considerations indicate otherwise. In this case, the development plan consists of the recently adopted Joint Local Plan (2023).

4.5 Policy LP25 of the JLP states: ‘Energy sources, storage and distribution’ which seeks to encourage the development of renewable energy in line with national policy. As policy LP25 is permissive of solar farms in broad principle terms, the proposal would be in accordance with policy SP03 as a form of development permissible in the countryside. Policy LP25 supports the principle of renewable and low carbon energy generating proposals subject to impacts on the landscape, highway network, ecology, heritage, residential amenity, drainage, airfield safeguarding and local community have being appropriately mitigated. This is in addition to demonstrating connection rights and grid capacity.

4.6 Policy SP10 sets out a wider strategic aim for the district to address climate change.

4.7 The NPPF must also be taken into account as a material consideration in planning decisions. Paragraph 152 states:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

And goes on, at paragraph 158, to set out how plans and decisions should provide for renewable energy development including stating that in determining applications for renewable energy developments:

“local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

4.8 Whilst there is no requirement for applicants to demonstrate the overall need as per paragraph 152 of the NPPF, the applicants have nonetheless provided a report explaining how the site has been chosen. The appropriateness of the site has subsequently been informed by deliverability and developability which is determined through landowners willing to provide land immediately, large enough to accommodate a viable scheme and avoid designated sites and other environmental, policy and amenity constraints.

4.9 It is also necessary to note a number of relevant documents that set out the Government's wider objectives for delivering renewable energy developments as part of the ongoing decarbonisation and net zero agenda, including:

- Powering Up Britain including the Energy Security Plan: Government published this latest plan to ensure energy security and meet net zero commitments on 30th March 2023. The document reaffirms the Government's commitment to aim for 70GW of ground and roof mounted solar by 2035, stating that this is a fivefold increase on current installed solar capacity. To achieve this Government is seeking large scale solar deployment across the UK, and encourages solar development that delivers environmental benefits, with consideration for ongoing food production or environmental management.
- National Policy Statements: Provide the policy context for the determination of NSIP scale proposals. This development is below the threshold for consideration as an NSIP but EN-1 and the revised draft EN-3 provide helpful context and an indication of the government's direction of travel in respect of renewable energy development, now specifically identifying the role of solar development as a key part of the government's strategy for low cost decarbonisation of the energy sector.
- British Energy Security Strategy (2022): Reinforces the net zero agenda and sets out a package of priorities, funding and policy objectives to move the country back to energy independence. This includes provision for onshore wind, solar and other technology including recognition of the need for network capacity and flexibility such as battery storage.
- Net Zero Strategy – Build Back Greener (2021): A decarbonisation plan setting out the UK objective of achieving net-zero emissions by 2050. Part of the plan for “Building Back Better” after the covid pandemic.
- Energy white paper (2020): Builds on the ten-point plan for a green industrial revolution, addressing the transformation of the energy system, promoting high-skilled jobs and clean, resilient economic growth as we deliver net-zero emissions by 2050.
- United Kingdom Food Security Report (2021): Sets out an analysis of statistical data relating to food security. It is relevant here as the development would take an area of agricultural land, in arable production, out of active use for the period of the development proposed.

4.10 Whilst the principle of the proposed development is supported by the NPPF (and other existing and emerging Government policy), a medium to high level of less than substantial level of harm to several heritage assets has been identified, therefore engaging paragraph 202 of the NPPF. Paragraph 202 states that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

- 4.11 Policy LP19 (5) states that: *When considering applications where a level of harm is identified to heritage assets (including historic landscapes) the Councils will consider the extent of harm and significance of the asset in accordance with the relevant national policies. Harm to designated heritage assets (regardless of the level of harm) will require clear and convincing justification in line with the tests in the National Planning Policy Framework.*
- 4.12 The discussion of harm and public benefit will be discussed in the relevant section below. The Councils however, do not consider the proposal to create sufficient public benefit to outweigh the identified harm and is therefore not acceptable.

## **5. Best and Most Versatile Agricultural Land (BMVAL)**

- 5.1. The PPG on renewable and low carbon energy notes that large scale solar farms “can have a negative impact on the rural environment, particularly in undulating landscapes”, but “the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”. The PPG sets out the factors to be considered when deciding a planning application and says that large scale solar farms should be focussed on previously developed and non-agricultural land, provided that it is not of high environmental value. Whilst this outlines a clear preference, this does not however preclude the use of active agricultural land or BMV land.
- 5.2 Policy LP15 states that: ‘Where development needs to take place on greenfield land, avoidance of the best and most versatile agricultural land should be prioritised’.
- 5.3 The application site is greenfield agricultural land comprised of Grades 3a (8.6%) and 3b (91.4%) classified land. As such, for the purposes of planning policy, 5ha of land approximately 8.6% of the site is BMV land. Paragraph 174 of the NPPF states that:

*“...decisions should contribute to and enhance the natural and local environment by:*

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland...”*

- 5.4 The PPG states that planning authorities should encourage the siting of large-scale solar farms on previously developed and non-agricultural land in preference to greenfield agricultural land. Where a proposal is sited on greenfield land, as in this case, consideration should be given to whether:

*“(i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows*

*for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.”*

- 5.5 There are therefore a number of factors specific to this application to consider in the assessment of impact on BMV land. The applicant has not demonstrated alternative sites for this development however has discussed the criteria required for adequate sites, and the reasons that this site complies. The biggest driving factor is the presence of the grid connection with capacity for the energy developed by the proposal.
- 5.6 In paragraph 26 of the ENSO appeal decision the Inspector states, “*Whilst appreciating that this is imperfect, it nonetheless is evident that around 97.2% of the land in the district falls within Grades 2 and 3 of the Agricultural Land Classification*”. The loss of 20 hectares of BMV land in the context of this scheme would therefore not be significant.
- 5.7 There would not be a loss of more than 20Ha of BMV land and so Natural England have no provided detailed comments in relation to this. The solar panels would be secured by either steel posts planted in the ground or, depending on ground conditions, will be on a concrete base. Some small areas, for example where the substation is sited, may have a permanent effect, this would be a very limited and marginal loss in context of the wider development.
- 5.8 The Design and Access Statement (DAS) states that there will be sheep grazing alongside the use of the land for the solar array. This continued agricultural use of the site alongside the siting of solar panels has been accepted in the ENSO appeal decision as being of benefit, “*the evidence before the Inquiry here is persuasive in that the conversion of arable farmland to grassland for a period of 40 years, with sheep grazing (or other ruminant mammals such as goats) taking place on the land is ‘good for soil carbon, results in increased organic matter compared to arable land, reduces the risk of erosion, and soil biodiversity (including earthworms) will improve’*. Considered in that way, the evidence here indicates that the proposal would encourage the conservation of the agricultural land through these nature-funded improvements and improve the overall quality of the land for future generations. These are improvements in soil quality – which is different from BMVAL classification – that can be secured by planning condition.”
- 5.9 It is also important to note that the application seeks permission for a limited period of 40 years after which the site will be reinstated and returned to agricultural use, this reinstatement can be secured by condition. Whilst this is standard on solar farm applications, this is also in line with policy LP25.
- 5.10 The development would lead to a temporary loss of an area of BMV land. However, the loss would be time limited, reversible and would affect a relatively small area of BMV land as a proportion of operational agricultural land across the district, without unduly hindering the ongoing agricultural use and operation of the surrounding land and rest of the holding.
- 5.11 Numerous concerns were raised through representations regarding the loss of food producing land as a result of this scheme. As set out above, 5Ha of the site is considered BMV, this is a very low level of BMV land when put into context nationally and protection of such land does not automatically equate to increased/ decreased food security. Within the

planning system all land (regardless of use) is designated as agricultural land in the first instance, unless subject to a change of use. As such the agricultural use of land is rarely influenced by planning. Therefore, in a wider context, irrespective of this application, existing farming operations on this land and any other BMV land could cease at any point. Issues around food security and the pressures on farming in the UK are part of a wider national issue that goes beyond the remit of planning and is not currently reflected in national planning policy relating to the delivery of renewable energy.

- 5.12 A recent appeal decision (ENSO) is detailed between points 3.3. This shows how BMV land has been taken into account and the weight it has been afforded in the overall planning balance by numerous planning inspectors. To date the loss of BMV land as a reason for refusal has not been upheld at appeal.
- 5.13 Overall, the impact on BMV land is not considered to be to such a degree to warrant refusal, as it is not a permanent loss. Moreover, any inherent tension identified with policy LP15 is mitigated by the factors referred to above. If any conflict with the policy were present then the significance of that conflict would be low and is once again not considered sufficient enough to warrant refusal, especially when balanced against the renewable energy support in local and national policy and locational constraints arising from grid connections that are considered within this application.

## **6. Site Access, Parking and Highway Safety**

- 6.1. JLP policies LP25 and LP29 and paragraphs 110 and 111 of the NPPF seek to ensure there is no severe detrimental impact on highway safety through consideration of access and egress arrangements, traffic impacts, parking, and sustainable transport. Paragraph 100 of the NPPF further seek to protect and enhance Public Rights of Way.
- 6.2 One new access point is proposed for the site that would be served by the B1113, with an existing agricultural access point through the Stowmarket Business Park.
- 6.3 The construction period of this scheme is estimated to be six months, estimating that during the busiest month (month 3) there will be a total of 89 two-way vehicle movements (54 car movements and 35 HGV movements). After this period, it is expected that deliveries would reduce to an average of 6-28 HGV movements.
- 6.4 Whilst a Transport Statement has been submitted, conditions have been imposed to secure a Construction Management Plan and a Delivery Management Plan. A temporary compound would be established in the middle of the site.
- 6.5 There are several PROWs running both along and through the site, these are to be retained and remain free from any obstruction.
- 6.6 Suffolk County Council's Highways team have been consulted and raise no objection to the proposal on the basis that the potential issues can be mitigated through conditions, and therefore this does not warrant refusal.

## **7. Design and Layout**

- 7.1. JLP policies SP09 and LP25 seek to ensure development is designed and laid out in a manner which is sympathetic and responsive to the wider environs it sits within.
- 7.2. The solar panels would be fixed to the ground via metal ground-driven piles and arranged in lines southwards to maximise their solar gain. A non-intrusive concrete element is currently proposed under the metal piles, however these are only proposed for archaeological purposes. If post-determination trial trenching identifies no potential archaeological remains of value these will be removed. The panels would measure 3.2 metres in height.
- 7.3. Other ancillary infrastructure includes a switch house which would measure 10m x 17m and would be finished with facing brickwork, details of which could be confirmed via conditions. A substation compound, located to the north of the site, containing the switch house, transformers, and the distribution substation. This would also include a 2.4-metre-high fence around the perimeter.
- 7.4. Each parcel of land containing solar panels would be surrounded by 2.4-metre-high deer fencing, with openings for small mammals. A total of 96 CCTV cameras would be installed, on 4m high poles around the perimeter.
- 7.5. Whilst there would not be a permanent loss of BMV land, consideration must still be given to whether the use of the site for a 40-year period is considered to be the most effective use of land. This should take into account and balance the aims of paragraphs 119, 120, 152, 158 and 174 of the NPPF. Solar farms across the UK are of varying scales and outputs, there are operational solar farms of comparable similar size generating the same output. Based on the need for a substation, maintenance access tracks and setback distances required to mitigate landscape distances it is considered that the layout and density of the site offers the most effective use of the land for solar gain.
- 7.6. Whilst solar farms are important in fulfilling and delivering the Councils' and Government's commitments to fighting climate change, as will be discussed below, by means of its siting and appearance, a level of less than substantial harm has been identified. Whilst the utilitarian appearance is typical and reflects the functionality of solar farms, considering the countryside character of the area and how this contributes to the significance of nearby listed buildings, it is not considered acceptable in accordance with policies SP09 and LP25.

## **8. Landscape**

- 8.1. Policies SP09, LP17 and LP25 and paragraphs 100 and 174 of the NPPF seek to ensure the protection of the landscape, designated key views and recreationally linked activities, such as the use of the PROW network. Place Services Landscape have been consulted on this application and have raised the following comments.
- 8.2. The site falls within two Landscape Character Areas (LCA) that are evaluated in the Suffolk Landscape Character Assessment. These are the Ancient Plateau Claylands (ACP) and the Rolling Valley Claylands (RVC). The ACP LCA runs north to south through the centre

of the site. This LCA lies south of the Gipping and is well known for its wooded feel, with strong hedgerows and ancient woodlands. In contrast, the RVC LCA, which covers areas to the northeast and southwest are often exposed due to the sloping nature of the landscape. Part of the site is also with a Special Landscape Area (SLA).

- 8.3 An LVIA was submitted with the application which graded the impact of the proposal on the landscape of the area, with the impact to the LCA and SLA being identified as minor adverse reducing to negligible adverse effects. Whilst this was largely agreed, the introduction of the solar array, fencing, CCTV cameras and other ancillary infrastructure, the discordant alien features would substantially change the character of the landscape. An amended LVIA has been submitted and reviewed, this document sought to review the gradings/judgements taking into account winter views of the site.
- 8.4 The revised gradings have been assessed as being lower than moderate adverse, with only one assessment of moderate. The general methodology and visual effects judged is agreed, and where there may be discrepancies, this does not substantially alter the stance on the development.
- 8.5 In reflecting on the ENSO appeal (where the site fell with a Special Landscape Area), at paragraph 40 of the Inspector's decision they concluded, "The Appellant concedes that there would be some adverse landscape and visual effects arising from the scheme which lies in open countryside. This is harm that I afford extremely limited weight in the context of the reasons given above. The effects would be localised during the operational phase of the proposal, and reversible at the end of the 40-year operational period. I also find that there would be some limited harm to the character and appearance of the area: by their nature solar panels and associated infrastructure are different to arable fields. But this harm would also be extremely limited; both in terms of quantum within the wider landscape and duration as planting schemes such as hedgerows establish and blend into the existing character and appearance of the area. The landscaping could be secured by means of a planning condition relating to LEMP."
- 8.6 Whilst it is acknowledged that the appeal above afforded extremely limited weight to the landscape impact considering that the impact is localised during the operational phase of the proposal and is reversible, the landscape character of this area significantly contributes to the significance of the nearby listed buildings and conservation areas. Whilst the impact to the landscape in its own right could be mitigated through additional planting and conditions, how it contributes to the nearby heritage assets cannot be replicated.
- 8.7 The PROW network would remain unobstructed, green corridors and additional hedgerow planting is proposed which would help mitigate the impact of the array on the enjoyment of the PROW network. The SCC PROW team consider the proposed widths of the PROW network to be acceptable.
- 8.8 The land under the solar panels is to be made available for sheep grazing with a native species grass and meadow mix.
- 8.9 Overall, there would be a low magnitude of change to the character of the landscape, with a negligible adverse effect. It is considered that the proposal could be made acceptable in

relation to the landscape character of the area with the use of appropriate conditions however, the impact this change would have on the landscape and how this contributes to the significance of nearby heritage assets will be addressed below.

## **9. Ecology and Biodiversity**

- 9.1 Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions."
- 9.2 In addition to the Council's statutory duties, policies SP09, LP16 and LP25 seek to protect, manage and enhance Mid Suffolk's biodiversity. Policy LP16 specifically states that: 'Development must: a) Protect designated and, where known, potentially designated sites. Proposed development which is likely to have an adverse impact upon designated and potentially designated sites, or that will result in the loss or deterioration of irreplaceable biodiversity or geological features or habitats (such as ancient woodland and veteran/ancient trees) will not be supported'.
- 9.3 Paragraph 180 of the NPPF requires planning authorities, when determining planning applications, to seek the conservation and enhancement of biodiversity by ensuring significant harm resulting from a development is avoided (through locating on an alternative site with less harmful impacts), or where not possible to be adequately mitigated, or, as a last resort, compensated for, and if this cannot be secured then planning permission should be refused.
- 9.4 The application is supported by a number of documents that relate to biodiversity and ecology, including:
- Ecological Impact Assessment
  - Biodiversity Metric Assessment
  - Skylark mitigation plan
- 9.5 Natural England raised no objection in respect of the development's impact on designated sites, notably the Combs Wood Site of Special Scientific Interest, subject to conditions.
- 9.6 Suffolk Wildlife Trust and Place Services have reviewed the case with initial concerns being raised by SWT regarding the proposals impact on skylarks, the nearby ancient woodland, the ecological connectivity and recovery network and biodiversity net gain. Since these comments further plans including skylark mitigation plans and strategy. Place Services subsequently reviewed the new information and sought amendments from the applicants in order to ensure there is a 15m buffer between the fence and the ancient woodland, which now complies with standing advice.
- 9.7 There are demonstrable soil and biodiversity benefits arising from the use of the fields for solar gain when compared to those offered by intensive farming practices. The Department for the Environment, Food and Rural Affairs (DEFRA) also has produced the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Natural England recommend that this is followed where relevant by the developer and operator which is



recommended to be influenced as an informative note in the event this application is approved.

## **10. Land Contamination, Flood Risk, Drainage and Waste**

- 10.1 Policies SP09, LP15 and LP25 and paragraphs 174 and 183 of the NPPF seek to ensure both existing and potential land contamination risk (amongst other forms of pollution) is mitigated.
- 10.2 The Councils' Environmental Health Team were consulted in respect of land contamination and have no comment to make. By way of the temporary nature and form of the proposed development, the impacts on the land are reversible such that no land contamination issues would result from the development that would undermine continued and future agricultural use.
- 10.3 Policies SP09, SP10, LP15 and LP27 and paragraphs 159, 162, 164 and 167 of the NPPF seek to steer development to the areas at the lowest risk of flooding and appropriately deal with drainage matters to ensure development is safe for its lifetime and does not increase flood risk elsewhere.
- 10.4 A site-specific FRA was submitted which found that the entire site falls within flood zone 1 (fluvial/river flooding). The majority of the site is at a very low risk of surface water (pluvial) flooding, however portions of the site are at a low to high risk.
- 10.5 As a small area of the site is at risk of pluvial flooding, it is considered sensible to adopt a precautionary approach to the development by engaging the sequential test outlined under paragraph 162 of the NPPF.
- 10.6 The Council's adopted Development Plan and emerging Joint Local Plan do not make any allocations for specific renewable energy sites. Unlike housing where the Government set housing land supply targets, and employment land, where the need is determined by local evidence bases, there are no quantitative figures for the amount of renewable energy sites needed within the district.
- 10.7 The site selection process has been outlined earlier in this report which identifies the requirements of land to be suitable to solar development. Whilst the Council believes there are alternative schemes nearby that would not produce the same issues in relation to heritage and character of the area, it is of a national benefit to deliver renewable energy sites in order to meet Government objectives of transitioning to a low carbon future as part of a net zero agenda. This is reinforced in paragraph 158 of the NPPF, which states that, "When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions".
- 10.8 Despite the small areas at risk of flooding, the development is therefore considered to pass the sequential test in relation to flooding.

- 10.9 As the sequential test has been passed, the exception test at paragraph 164 of the NPPF is then engaged. This seeks to ensure that appropriate mitigation is in place to deal with the flood risk and that there are wider sustainability benefits to the community that outweigh any flood risk.
- 10.10 A sequential approach to the site's layout has been adopted to ensure associated infrastructure (substation, inverters and transformer units) which flood water would be unable to flow under are located in the areas of the site where there is a very low flood risk from all sources. The small pockets of the site where there are solar panels and access tracks within areas at risk of surface water flooding would not displace any significant amounts of flood water as it could flow under the panels.
- 10.11 The Lead Local Flood Authority have been consulted on this application and have raised no objection, subject to a condition securing surface water disposal strategy. The LLFA have also published standing advice for adequately dealing with surface water drainage in respect of solar farms.
- 10.12 There would be no impact from any existing land contamination on the development, conversely there would be no land contamination impacts from the solar development to warrant refusal. In respect of flood risk the proposal accords with planning policy and appropriate drainage strategies can be secured via condition in respect of the solar panels themselves.

## **11. Heritage**

- 11.1 There are no designated heritage assets within the site itself. There are several listed buildings immediately adjacent to the site including: the Grade II listed Woodland Farmhouse, the Grade II\* listed Badley Hall, and the Grade I listed Church of St Mary's. The site abuts the Badley Conservation Area which contains the Grade I Listed Church of St Mary, the Grade II\* Listed Dovecote, a Grade II\* Listed barn, the Grade II Listed Bakehouse, the Grade II\* Listed Badley Hall and the site of the Chantry, a scheduled ancient monument.
- 11.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision taker must 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. What this means is that a finding of harm, even less than substantial harm, to the setting of a listed building is something that must be given "considerable importance and weight" in the balancing exercise and this presents a 'strong presumption' against permission being granted.
- 11.3 Policy SP09 strategically seek to protect the historic environment, recognising its value within the district and nationally.
- 11.4 This is reflected in the advice in paragraph 199 of the NPPF that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the

greater the weight should be).” Consequently, any harm to, or loss of, the significance of a designated heritage asset from development within its setting should require clear and convincing justification (NPPF, paragraph 200). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF, paragraph 202).

- 11.5 The assessment of heritage harm is further set out in the NPPF, and policies LP19 and LP25, which in addition to protecting and enhancing the setting and significance of heritage assets, they balance any less than substantial harm against public benefits, whilst continuing to place great weight and importance on conserving the asset in line with statutory duties.
- 11.6 SCC Archaeology have raised no objection subject to conditions. Initial trenching as been carried out on site which identified a number of areas with archaeological value. The scheme will damage or destroy archaeological efforts however there are no grounds to refuse the application. Conditions are suggested to secure a programme works, site investigations and post investigation assessments, and a management plan for areas to be preserved. The proposal therefore does not warrant refusal on these grounds.
- 11.7 The Council’s Heritage Team provided the following comments:

New material is presented regarding the evolution of the site and its surroundings over time. However, in my view the assessment put forward assumes that Badley Walk was intended as the main public access to the Hall, and its aesthetic effect was intended to be experienced from within, not as a landscape feature. This is almost certainly incorrect. Such long formal avenues radiating from a house were almost universally fashionable in the late 1600s / early 1700s. The numerous birds-eye views published by Kip and Knyff at the time illustrate how they expressed status and authority of the owner beyond the house’s immediate surroundings. There was not necessarily a practical purpose, but uses would include rides and walks (as here), but often not the principal access. The aesthetic effect arises from the contrast between surrounding countryside and the unwavering rigidity of the avenues. At Badley the trees are mostly lost and as the agent’s consultant suggests, the contrast is now less obvious, but this should not be taken to diminish its significance as a heritage asset. It would be intended for private enjoyment, probably not public access – another aspect of the contrast between the Walk and its surroundings. Neither the original aesthetic nor the current experience of the Walk’s significance can properly be understood without this contrasting relationship.

A further point is that the Gipping valley has been a route of communication and commerce at least since anglo-scandinavian-saxon times, and this would have been obvious throughout creation of the Walk. Extending a vast formal feature from the Hall to the main road along the Valley was not intended to create a secluded enclave, but to advertise and express influence. If the Hall was out of sight, this should not be taken to diminish that effect. The network of footpaths around the Hall continues to provide free access to a very special group of assets for anyone seeking relief from the busy modern world along the valley.

The amendment to layout is acknowledged to reduce the scheme's impact, but in my view the reduction falls well short of changing the level of resulting harm to the assets. The harm would be less than substantial but would nonetheless be at a medium to high level within that category.

- 11.8 In addition to the Councils' internal Heritage Team, Place Services' Heritage have also provided the following advice:

"The Heritage Statement concludes that the proposed development will result in an adverse effect on the setting of the Conservation Area along its entire northern border. I do not find that the proposed 10 metre landscape buffer within the site would mitigate this adverse impact. In addition, the Heritage Statement concludes that development of the site would directly have an adverse impact on the setting and heritage significance of the Grade I, II\* and Grade II Listed buildings and the Scheduled Ancient Monument within the Badley Conservation Area.

This harm has been identified in the Heritage Statement as being less than substantial and I agree with this conclusion, although I find the development would result in a greater level of adverse change to historic character (setting) than the limited level of change described in the Heritage Statement. The introduction of the solar array would fundamentally alter the pastoral setting of the designated heritage assets to the detriment of their significance.

With regard to the setting of the group of Listed buildings at Holyoak Farm and Halfpenny Hall, due to a supposed loss of the functional relationship between the former farm buildings and the surrounding agricultural landscape, the Heritage Statement incorrectly imposes a limit to their setting, stating that "While this shared landscape context has remained largely unchanged, the actual extent of the heritage setting of these assets has contracted back to the boundaries of their individual plots" (6.1.6.2). I disagree with this assessment and the restriction of the assets' setting to their plot boundaries. The glossary of the National Planning Policy Framework defines setting as "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral" (NPPF, Annex 2: Glossary).

While the minimal reduction of the extent of the development has pushed its boundary back from the Conservation Area and the Listed Buildings, it has not resulted in the removal or lessening of harm from the proposed development. Similarly, the proposed screening along the public footpaths, which includes hedges as well as a fence boundary, would not reduce the detrimental impact of the scheme.

The scheme will have an adverse impact on the significance of numerous heritage assets, including nationally important Listed buildings and a Conservation Area and will result in less than substantial harm as a result."

- 11.9 Considering the scale of the proposal and its potential impact on the nearby Grade I and II\* buildings, Historic England have reviewed the submitted information and have provided the following assessment and advice:

The Heritage Statement concludes that the proposed development will result in an adverse effect on the setting of the Conservation Area along its entire northern border. I do not find that the proposed 10 metre landscape buffer within the site would mitigate this adverse impact. In addition, the Heritage Statement concludes that development of the site would directly have an adverse impact on the setting and heritage significance of the Grade I, II\* and Grade II Listed buildings and the Scheduled Ancient Monument within the Badley Conservation Area.

This harm has been identified in the Heritage Statement as being less than substantial and I agree with this conclusion, although I find the development would result in a greater level of adverse change to historic character (setting) than the limited level of change described in the Heritage Statement. The introduction of the solar array would fundamentally alter the pastoral setting of the designated heritage assets to the detriment of their significance.

The scheme will have an adverse impact on the significance of numerous heritage assets, including nationally important Listed buildings and a Conservation Area and will result in less than substantial harm as a result. Therefore, I am unable to support this application. The Site is poorly chosen for a development of this nature and an alternative, less sensitive site should be sought.

11.10 As a level of less than substantial harm has been identified, regardless of its level, paragraph 202 of the NPPF is thus engaged. The statutory duties within the Listed Buildings Act impose a strong presumption against granting planning permission where harm is identified and harm of any quantum, and this is a matter of considerable importance and weight. Paragraph 202 of the NPPF requires harm to be weighed against public benefits. In this instance, the public benefit that would accrue from the renewable energy generation is not considered to outweigh the medium to high level of less than substantial harm.

11.11 Whilst the energy generation is considered a demonstrable public benefit that is afforded significant weight in the planning balance, paragraph 199 states:

*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

The degradation of the open agrarian landscape that is considered to contribute to the significance of both the nearby listed buildings and conservation area, including assets of particularly important significance, is considered a significant harm that is not outweighed by the public benefit produced by the proposal.

The application is therefore unacceptable for this reason and should be refused in accordance with local and national planning policies.

## **12. Residential Amenity**

- 12.1 JLP Policies LP24 and LP25 and paragraphs 130 and 185 of the NPPF seek to protect residential amenity, specifically from the impacts of development, including noise and other forms of pollution.
- 12.2 A Glint and Glare assessment has not been provided however the Design and Access Statement does address this issue. The assessment states that the nearest dwellings located to the northeast of the site would not be impacted by glint and glare. The dwellings along Badley Walk are not addressed in the assessment however, the panels would be located a sufficient distance from these houses, and there could be sufficient landscaping conditioned, to ensure that this is not a significant impact on their amenity.
- 12.3 The councils' Environmental Health Officer for noise/odour/light/smoke have been consulted on this application and have stated that a noise assessment undertaken in accordance with the current version of British Standard 4142 is required to make informed comments. It cannot therefore be demonstrated that the proposal would not have an adverse impact in the residential amenity enjoyed by neighbours in regard to noise levels produced by the development.
- 12.4 The applicant has since discussed this matter with the EH Officer who has stated that this matter could likely be dealt with through a planning condition. Paragraph 43 of the NPPF states that 'The right information is crucial to good decision-making, particularly where formal assessments are required'. A condition ensuring that noise levels would not exceed daytime and night time background noise levels would not be enforceable as the existing noise levels are unknown. Without sufficient noise information being submitted, the Council adopts a precautionary approach as the noise impacts on nearby residents are uncertain.
- 12.5 It is not considered reasonable or practical for a noise assessment to be submitted under a planning condition as this matter is critical to the merits of the planning application, and if an adverse impact on the local sensitive receptors is identified that cannot be sufficiently mitigated, the condition would not be dischargeable, and therefore the permission would be unimplementable.

## **13. Parish Council and Representation Comments**

- 13.1 Combs and Badley Parish Councils have raised no objection, with comments being made regarding solar panels being better placed on roofs, as well as landscape, ecology, agricultural land and construction issues. Needham Market Town Council raises no objection subject to amendments, specifically hedgerows being moved closer to fences, Zone A being removed, and panels being set further back from the southern boarder of the site.
- 13.2 Stowmarket Town Council object to the proposal on the grounds of the loss of agricultural land, and the balance between the need for food security, and renewable energy.
- 13.3 The concerns raised by the respective Town and Parish Councils' have been addressed in the body of this report.

## **14. Obligations**

- 14.1 A comment was received from SCC Contributions suggesting that the developer should be asked to make financial or other contributions to mitigate the impacts of the proposed development. The applicant has not offered any unilateral financial contribution.
- 14.2 Financial mitigation of development can only be secured where it is necessary to make the impacts of the scheme acceptable so as to enable the grant of permission. The mechanisms for securing such financial mitigation is by way of legal obligation. Such obligations must however meet certain tests set out in the NPPG and Community Infrastructure Levy Regulations.
- 14.3 Based on the nature of the application and policy basis, there is not considered to be any policy basis for any financial compensation or other scheme to be offered/ put in place for the community or other party as it would not meet the tests set out within the section 123 of the Community Infrastructure Levy Regulations 2010.

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## **PART FOUR – CONCLUSION**

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### **13. Planning Balance and Conclusion**

- 13.1 The development would contribute to the Councils' and Government's objective to reduce carbon emissions and tackling climate change, specifically through a transition to a low carbon economy and increased renewable energy generation as part of the net zero agenda. The principle of renewable energy development is supported by the adopted and emerging Development Plans, the NPPF (and other existing and emerging Government policy).
- 13.2 Development plan policies supports the principle of solar development. Paragraph 158 b) of the NPPF further states, "When determining planning applications for renewable and low carbon development, local planning authorities should... approve the application if its impacts are (or can be made) acceptable"
- 13.3 The development would generate electricity from a renewable source and would result in significant savings of carbon dioxide emissions during its lifetime. Any renewable energy production is to be welcomed and this is a significant public benefit of the scheme in terms of energy production. Significant weight is attached to this aspect of the proposal as a benefit of the scheme.
- 13.4 While officers consider that the proposed development would cause limited harm by reference to the temporary loss of BMV agricultural land, limiting (but not completely ceasing) its ability for active agricultural use, this also offers some soil and biodiversity benefits. This limited harm is not considered to warrant refusal of the application.

- 13.5 While the development will inevitably change the visual and landscape character of the site, this impact is considered to be limited and localised through appropriate mitigation and can be secured via condition. The degree of change does not lead to a conflict with adopted or emerging development plan policies and is not such as to warrant refusal of the application.
- 13.6. The varying level of less than substantial harm identified to designated heritage assets is afforded great weight and this is a matter of considerable importance. When engaging paragraph 202 of the NPPF, the public benefits of the scheme, whilst significant, are not considered to outweigh the heritage harm, as identified. It is not considered that the harms can be mitigated through condition or amendments, despite the temporary nature of the proposal.
- 13.7 The surface water drainage matters can be resolvable through technical means and via planning conditions and so the scheme does not warrant refusal on these grounds.
- 13.8 The proposal has also not satisfactorily demonstrated that the proposal would not have a significant impact on the residential amenity of neighbouring properties from the noise generated from the site. Therefore, this is an additional reason for refusal.
- 13.9 Whilst there is some conflict with policy LP15 in regard to the loss of some BMV land, suitable justification has been provided. Moreover, the loss of 20 hectares of BMV land in the wider context of available BMV land across the district is negligible
- 13.10 As discussed above, the proposal is considered contrary to policies LP19 and LP25 through its impact on the nearby designated assets, and LP24 through the lack of information submitted in regard to noise concerns. Further considerations supporting the direction to grant planning permission have included emerging planning policy, appeal decisions, and the Government's direction of travel in respect of renewable energy development. These have in particular reinforced the critical role and emphasised the importance of solar development in achieving net zero commitments, including an acceptance that impacts of such development are outweighed by the benefits of the development through the delivery of wider public benefits.
- 13.11 There are no material considerations that indicate that a decision should be taken which departs from the development plan. Recommendation is that the development be refused planning permission.

## **RECOMMENDATION**

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

### **REASON(S) FOR REFUSAL - AMENITY**

The proposal is contrary to Babergh and Mid Suffolk Joint Local Plan (2023) policies LP24 and LP25 and paragraph 130 of the NPPF as insufficient information has been submitted in respect of noise impacts.



The Local Planning Authority adopt a precautionary approach as insufficient information has been submitted to demonstrate that there would not be an unacceptable noise impact on residential amenity arising from ancillary equipment associated with solar PV panels. No noise assessment has been submitted to evidence and demonstrate that there would not be an unacceptable impact.

In the absence of such noise assessment, it cannot be demonstrated that the proposal would not have a significant impact on the current residential amenity of neighbouring properties. Moreover, this matter cannot be dealt with via condition as the results of such assessment could result in an unimplementable permission.

#### REASON(S) FOR REFUSAL - HERITAGE HARM

The proposal is contrary to Babergh and Mid Suffolk Joint Local Plan (2023) policies LP19 and LP25 and paragraph 202 of the NPPF as the proposal would cause a medium to high level of less than substantial harm to the nearby designated heritage assets, notably those contained with the Badley Hall complex. This harm is not considered to be outweighed by sufficient public benefit.

The proposed solar array would result in development of agricultural land within the setting of Grade I listed Church of St Mary's, Grade II\* listed Badley Hall, Grade II listed Woodland Farmhouse and the Badley Conservation Area which contains Grade I Listed Church of St Mary, the Grade II\* Listed Dovecote, Grade II\* Listed barn, Grade II Listed Bakehouse, and the site of the Chantry, a Scheduled Ancient Monument.

The proposal would detrimentally alter the undeveloped agrarian landscape which contributes to the significance of the aforementioned designated heritage assets. The proposal would harm the significance of the assets arising from development within their setting, and would alter the way they are experienced from the Public Rights of Way network.

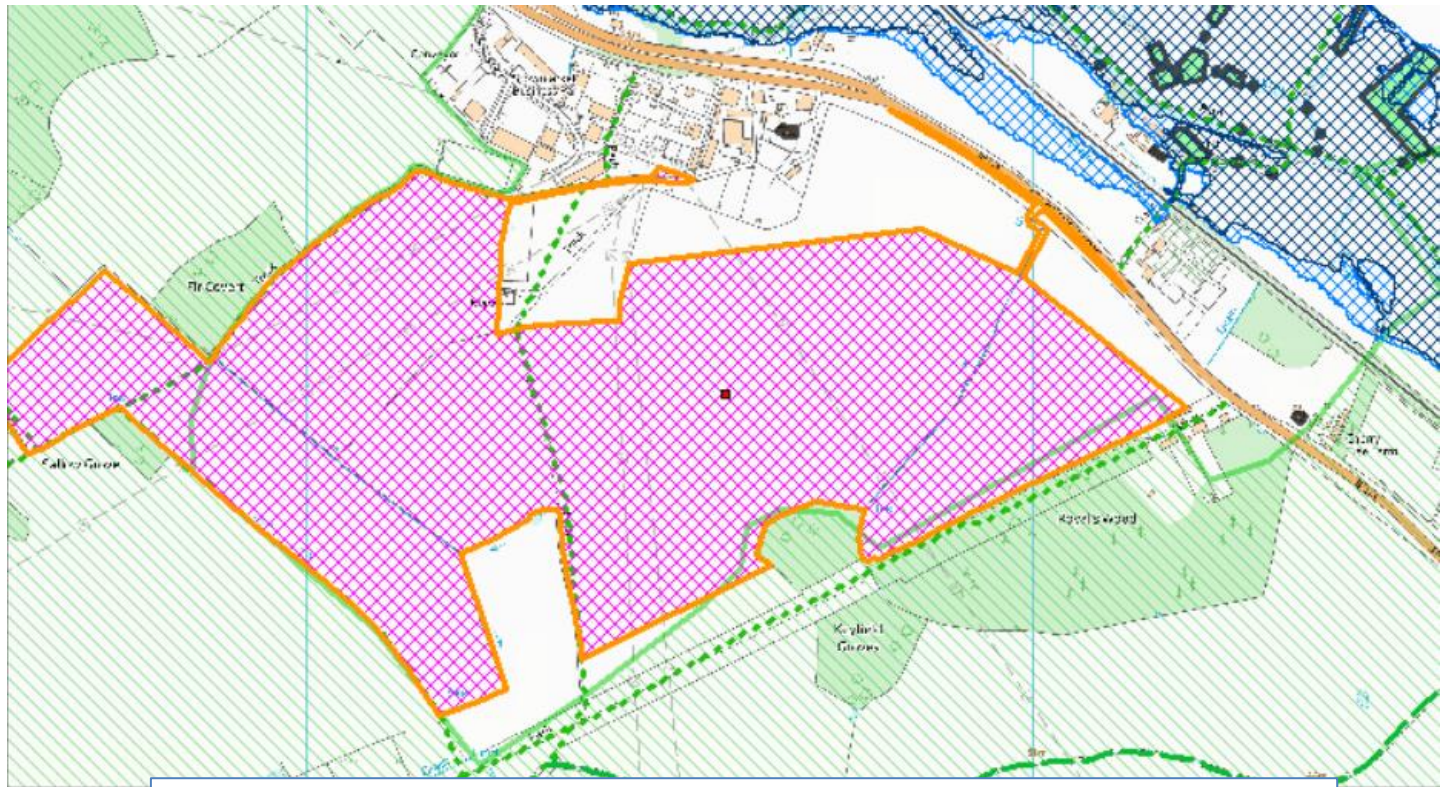
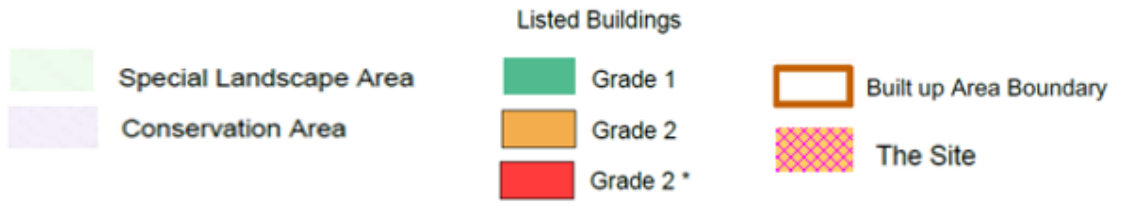
In accordance with paragraph 202 of the NPPF, the proposal offers significant public benefits when viewed in the wider context of the district. The Council has permitted other solar schemes which generate substantially more solar power and are less harmful to fewer designated heritage assets than this proposal. The proposal's contribution to reducing carbon emissions, mitigating climate change and improving energy security is not considered to be substantial enough to outweigh the medium to high level of less than substantial harm to the numerous aforementioned designated heritage assets.

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Application No: DC/22/01530

Parish: Badley

Location: Land At Woodlands Farm, Stowmarket Road



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