

Committee Report

Item No: 3

Reference: DC/19/00301

Case Officer: Bradly Heffer

Ward: Needham Market.

Ward Member/s: Councillor Mike Norris and Councillor Stephen Phillips

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Erection of a 'Mixed use Development' comprising; the erection of 3 detached residential dwellings and garages, the erection of 6 small industrial units (B1), and 1 main industrial unit (B2), all with associated parking, landscaping and boundary treatments.

Location

Land North East Of, Flordon Road, Creeting St Mary, Suffolk

Parish: Creeting St Mary

Expiry Date: 30/06/2019

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - All Other

Applicant: Mr Jon Haynes

Agent: Mr Lee French

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

A call-in request was received from the former Ward Councillor, which has been endorsed by a current Ward Councillor (following the outcome of the recent local election).

Details of Previous Committee / Resolutions and any member site visit

None

Has a Committee Call In request been received from a Council Member?

Yes – application originally called-in by Councillor Morley and the request was endorsed by Councillor Norris

Details of Pre-Application Advice

Pre-application advice was sought in 2017, prior to the submission of the withdrawn application on this site (ref. DC/17/03147). The officer advice at the time was supportive in principle, subject to detailed submission details.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

National Planning Policy Framework

Core Strategy

- CS1 – Settlement Hierarchy
- CS2 – Development in the Countryside and Countryside Villages
- CS5 – Mid Suffolk's Environment
- CS6 – Services and Infrastructure
- CS9 – Density And Mix

Core Strategy Focussed Review

- FC1 – Presumption In Favour Of Sustainable Development
- FC1.1 – Mid Suffolk Approach To Delivering Sustainable Development
- FC2 – Provision And Distribution Of Housing

Local Plan

- H13 – Design and layout of housing development
- H15 – Development to reflect local characteristics
- H16 – Protecting existing residential amenity
- H17 – Keeping residential development away from pollution
- CL11 – Retaining high quality agricultural land
- E9 – Location of new businesses
- E10 – New industrial and commercial development in the countryside
- E12 – General principles for location design and layout
- T9 – Parking Standards
- T10 – Highway Considerations in development

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

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

A: Summary of Consultations

Creeting Parish Council objects to the proposal on the following grounds:

- '- No appropriate road structure to handle the extra traffic this application would create*
- Industrial units are out of keeping with the current development*
- Impact on the appearance of the area as the site would be visible as elevated*
- Removal of hedges and trees meaning loss of appearance and wildlife*
- No footpath included on the plans which would lead to health and safety issues.'*

SCC Highway Authority has commented as follows:

'We consider the extension of the 30mph speed limit approx. 200m south of existing speed restriction is

required in the interest of highway safety. The intention will be for the developer to enter into an unilateral undertaking with SCC to create the Traffic Regulation Order (TRO) to extend the speed limit. Before any development commences a contribution of £10,000 shall be paid to the County Council towards the administration and implementation of the TRO.'

Conditions are also recommended for inclusion on a grant of planning permission.

Highways England has no objection to the proposal.

SCC Lead Local Flood Authority recommends approval of the development subject to the imposition of conditions.

Environmental Health – Other Issues has no objection to the proposal, subject to the imposition of conditions, and provides the following comment:

'The B1 units by definition must be capable of being undertaken "in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit". The B2 unit however can be any "General Industry" with no mention of detriment to the amenity of the area. It is also noted that the site is in relatively close proximity to the main A14 dual carriage way and therefore possible subject to day and night time traffic noise.'

Environmental Health – Contaminated Land Officer has confirmed no objection to the proposal.

Economic Development Officer comments as follows:

'The demand for small scale industrial premises outstrips current supply in the district. The location of these units adjacent to the A14 is attractive to local businesses and will deliver a much needed boost to the supply of commercial premises, as well as provide the opportunity for Firstfield Ltd to relocate and grow from its existing premises. It is not appropriate to impose restrictions such as operational hours as modern business is a 24/7 operation. Instead, appropriate buffers must be maintained to prevent impacts on residential amenity – this must include noise, smell, vibration etc so that the businesses may continue to operate. Equally, residential use should not impact upon the business amenity. Appropriate signage should be provided at the commercial access point as the smaller units will be screened from the road by the residential development.'

SCC Archaeological Service identifies that the site lies in an area of archaeological potential. On this basis, it is recommended that two conditions are added to a grant of planning permission.

Place Services – Ecology submitted a holding objection to the proposal that identified insufficient information in relation to the presence of reptile species and a botanical assessment. However, having been advised of the formal recommendation that is made in relation to this application, it has been confirmed by this consultee that this approach is acceptable to them.

Place Services – Landscape issued a holding objection to the proposal, on the basis that a Landscape and Visual Impact Assessment and various detailed drawings should be submitted to inform the proposed development layout and design. Nevertheless, it is also advised that in the event that a planning permission is granted for the development a number of conditions should be attached that address issues such as advanced planting, a landscape scheme and landscape management proposals. On that basis it is not considered that there should be an objection to the development progressing, subject to sufficient control by planning condition.

Natural England has no comment to make on this application and has drawn the Council's attention to its standing advice in relation to assessing impacts on protected species and woodland/veteran trees.

Suffolk Wildlife Trust agrees with the assessment of the proposal given by Place Services – Ecology.

B: Representations

As a result of neighbour notification a number of objections (16) have been received in relation to this proposal. The points of objection may be summarised as follows:

- The traffic level in the area is high and this proposal will exacerbate this situation, including the additional HGV movements. There could be no practical control over the direction of vehicular movements. The local footpath network is inadequate.
- Too much development has already taken place in the vicinity.
- It is not clear what would the buildings would be used for. It is unsustainable, too high and visually overbearing.
- Existing industrial estates in the area struggle to find tenants and further development is not needed. The site is inappropriate for residential development and industrial development.
- The site is outside of the neighbourhood plan for Creeting St Mary and could give rise to further development proposals. The area has visual beauty. There are no facilities in the village.
- The residential development is not appropriate in this location – the dwelling proposed on plot 1 would be too close to the shared boundary with an existing dwelling.
- The development would require the removal of established trees and hedges, and would have an adverse impact on ecology. Impact on vegetation has not been properly quantified.
- The proposal will give rise to drainage problems.
- Required security lighting could give rise to disturbances.
- There is inadequate information submitted with the application.
- The relevant agricultural land classification is not properly established.
- The Highway Authority's requirement to require a TRO via condition and case law has found that this isn't an appropriate methodology.

PLANNING HISTORY

REF: DC/17/03147	Full Planning Application - Proposal for 'Mixed use Development' comprising the erection of 3 No. Detached residential dwellings and garages; Erection of 6 No. Small Industrial Units (B1) and 1 No. main Industrial Unit (B2) all with new vehicular accesses, associated parking, landscaping and boundary treatments. Application withdrawn 30 th July 2018.	DECISION: WDN
REF: DC/19/00301	Full Planning Application - Erection of a 'Mixed use Development' comprising; the erection of 3 detached residential dwellings and garages, the erection of 6 small industrial units (B1), and 1 main industrial unit (B2), all with associated parking, landscaping and boundary treatments.	DECISION: PCO

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site for this proposal is an approximately rectangular area of land that has a given area of approximately 1.4 hectares. It is located on the north-eastern side of Flordon Road, which is in the parish of Creting St. Mary.
- 1.2. The land appears to be utilised for agricultural purposes, with established trees and hedging defining the majority of boundaries. An existing field gate is located on the frontage of the site with Flordon Road. Topographically, the site falls from north-east to south-west (towards Flordon Road). To the northwest of the site, on the same side of Flordon Road, is an established ribbon of sporadic residential development, beyond which is a commercial site. To the north-east, adjacent to the site boundary, the site abuts the A14 trunk road (this section linking Ipswich with Bury St Edmunds).

2. The Proposal

- 2.1 Members will note that there are in effect two aspects to the development proposal – residential and commercial. Both elements are examined below:

Residential

- 2.2 This aspect of the scheme proposes the erection of 3 no. detached dwellings – one with an integral garage facility and two with associated separate garage buildings, located adjacent to the existing frontage of dwellings facing Flordon Road. These dwellings would be served by their own vehicular access on to the road. The proposed design of the dwellings would result in the provision of 1 ½ storey units with accommodation at first floor level contained wholly within the roof space of each dwelling. The architecture of these buildings follows a traditional vernacular approach.
- 2.3 External materials proposed for each dwelling would consist of buff-coloured facing brickwork walls and concrete pantiled roofs. The sides and front of the proposed dormer windows would be finished with white timber cladding. Windows would be UPVC casements. Each dwelling would also include a chimney and in the case of the proposed dwelling on plot 1, would include a half-hip feature on the roof of its main range. The garage buildings proposed for plots 2 and 3 would use the same materials as those proposed for the dwellings.
- 2.4 In terms of size the submitted information shows that the dwelling on plots 1 and 3 would incorporate 4 no. bedrooms whereas the dwelling on plot 2 would have 3 no. bedrooms. The overall height of each unit would be approximately 6.5 metres above the ground level on which it would sit. Each dwelling would be served by a private garden area sufficient to allow for sitting out, the drying of clothes, and children's play (criteria often applied to an assessment as to the appropriate quantum of private residential amenity space) The submitted plans also show that these garden areas would be served by 'acoustic quality screening' to the perimeter together with additional planting etc. The application submission makes clear that the residential element of the development would be used to fund the build of the proposed B2 general industry unit of the site. In that sense, it would enable the employment aspects including, as noted, the opportunity for an existing and named employer to expand within the district to a site and within a building suited to its individual requirements.

Industrial

- 2.5 There are two elements to the industrial development proposed on the site – comprising 6 no. B1 (light industrial) units located adjacent to the north-east boundary of the site, adjacent to the trunk road, and a single B2 (general industrial) building located towards the south-eastern boundary, facing on to Flordon Road. This aspect of the overall development would be served by its own vehicular access and associated road.
- 2.6 With regard to the proposed B1 units, these would take the form of a ‘terrace’ of buildings having a modern architectural appearance, incorporating a mono-pitched roof detail. The buildings would be constructed using metal cladding walls (above a 900 mm buff facing brick plinth) in conjunction with a profiled metal sheeting roof. Glazed areas would be created using powder-coated aluminium frames. The submitted plans indicate units 1 – 3 having a smaller floorspace (measured at approximately 99 sq. m) than units 4 – 6 (measured at 117 sq. m). Furthermore units 4 – 6 would incorporate mezzanine storage at their northern ends. Members should note that end users of this element of the development are not known at this stage.
- 2.7 The proposed B2 unit would be constructed in the same external materials as those proposed for the B1 units save for the plinth detail which would be constructed in blockwork. This would be a two storey building with an overall height of approximately 8 metres and an overall floor area of approximately 1494 sq. m. This unit would also benefit from its own loading/unloading yard space immediately to the rear of the building. Both the B1 and B2 units would have their own car parking provision (including the provision of disabled motorists’ spaces). This unit would be the new location for the applicant’s business.
- 2.8 As well as the proposed new commercial built form, the submitted plans also show the provision of a planting buffer between this area and the frontage residential development, together with the possible location of a substation to serve the development.
- 2.9 As part of the application submission the applicant’s agent has submitted a supporting statement – the thrust of which is supported by your Economic Development officers. The following comments from the Statement are included here for Members’ information:

‘...The six units at the rear of the site would be marketed to find users if planning permission is secured and, as such, are a speculative development at this stage. Whilst this is the case, it is understood that there is a demand for such units along the A14 corridor. The large unit to the eastern end of the site is proposed to be occupied by the applicant’s own company, Firstfield, who provide Electrical Services. They are currently based at a unit in Badley, however the company have outgrown these premises and now wish to find premises to relocate to... The existing business that will accommodate the main large industrial unit currently provides employment for 18 people, all considered to be full time members of staff. This number would increase in accordance with the growth and expansion of the business. The overall proposed development would allow for the creation of additional jobs/ employment within the local area and would bring about the retention and expansion of an existing business within the Mid Suffolk district.

These elements weigh heavily in favour of the development and, for reasons set out in the subsequent sections of this statement, the site is considered to lie in a sustainable location where there are no material factors which would weigh against the development... The design and layout of the proposal is appropriate to its surroundings, and presents a character and appearance that would not give rise to injury to the character of the immediate locality or the wider landscape. The commercial development would bring about the delivery of a number of jobs and thereby generate investment in the rural economy, particular through the relocation of an existing business that has outgrown its current site and is looking to relocate within the district. As such,

the proposal is considered to be in accordance with paragraphs 80-84 of the NPPF in this regard. The residential development, whilst acceptable in its own right, is required to enable the construction of the commercial element of the proposal...

2.10 The full text of the Statement may be viewed on the Council's website.

3. The Principle Of Development

3.1 The statutory development plan documents that are of particular relevance to the determination of this application are:

- The Mid Suffolk Local Plan (1998)
- Core Strategy and Development Plan Document (2008)
- Core Strategy Focused Review (2012)

The Council is currently in the process of preparing a new Joint Local Plan (that would cover both Mid Suffolk and Babergh districts). As the Plan is at a relatively early stage of development it is considered that very limited weight can be attached to the emerging policies in that document, such that is not a determinative factor in the consideration of this application.

3.2 At the national level the NPPF identifies that the planning system should contribute to the achievement of sustainable development. In this regard three objectives are identified to achieve sustainable development - economic, social and environmental. Paragraph 11 of the NPPF identifies the presumption in favour of sustainable development and states inter alia

'... For decision-taking this means c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

3.3 Members are advised that at a previous appeal in Woolpit (ref: APP/W3520/W/18/3194926) the Inspector concluded that the Council was unable to demonstrate a five year housing land supply, as required to be maintained by local authorities. At the time of the appeal it was concluded that 3.4 years' supply was available. Following the appeal the Council published a Housing Land Supply position statement (March 2019) that provided an updated assessment. This document concluded that a 5.06 year supply could be demonstrated in Mid Suffolk district and which has been accepted by the Appellants in a current appeal (Land North of Church Road, Bacton).

3.4 This is a material planning consideration. The amount of weight to be attributed to this consideration needs to be made on a case by case basis. In being able to demonstrate a sufficient land supply, the Council's development plan policies would be considered to be up-to-date. However, the relevant policies relating to the *principle* of development in the local plan and core strategy at this site have also been considered against the requirements of the National Planning Policy Framework (NPPF) as to whether they are up-to-date or not. Key policies CS1 and CS2 of the Core Strategy and policy FC1 of the Core Strategy Focussed Review, together with policy H7 of the Local Plan are not considered to align with the NPPF and are therefore given less weight. Even in the presence of the 5.06 year land supply these key policies cannot be given full weight.

- 3.5 Further to this it is considered that the site is in a sustainable location for the level of housing proposed and any harm presented by the proposed development are considered to be outweighed by the benefits of the housing. As identified in paragraph 59 of the NPPF, it is the Government's intention to significantly boost the supply of homes and this is considered to be an appropriate location to do so, and further support the supply of homes required to maintain the five year supply.
- 3.6 As identified previously in this report, the site for this proposal is located outside of the established settlement boundary for Creting St. Mary, and therefore is within countryside. That said, there are a number of established dwellings in the vicinity and therefore the site could not be considered isolated.
In addition, the location of the application site is such that it is, spatially, relatively close to the town of Needham Market, which contains a variety of services etc. although it is acknowledged that the use of the private car would, in all likelihood, be required to access these. Nevertheless, the NPPF recognises that development for one settlement will support the services and facilities of other settlements nearby. The NPPF also recognises that small residential sites delivery quickly and make valuable contribution to housing supply numbers.
- 3.7 Therefore whilst the findings of the Housing Land Supply Position Statement are noted, the weight placed on the above local plan and core strategy policies considered above are not considered to significantly change to alter the recommendation as presented to Members and the proposed development is considered a sustainable and suitable site to boost the supply of housing. This is aside from the other, important material consideration about the enabling of the expansion and relocation of an existing business.
- 3.8 In relation to the provision of commercial development on this site the land is clearly not allocated for industrial purposes in the adopted Development Plan, and therefore, like the residential development element of the proposal the scheme would represent a departure from the plan. On this basis, the primary consideration in planning terms is whether there is sound justification to allow the departure. In this regard, the NPPF identifies that '...Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development...Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge or data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations...Planning policies should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable...'
- 3.9 At the local level adopted policy E10 states inter alia that '...applications for new industrial and commercial development will not be permitted unless an overriding need to be located away from towns and villages can be demonstrated...' Members will note that the flexibility of approach that is proposed in the NPPF is not reflected in the adopted policy and this, in part, is due to the age of the policy being over 20 years old. Therefore it is considered that less weight can be attached to the policy in comparison with the NPPF. Nevertheless, policy E10 does identify a series of criteria that need to be considered when this type of development is proposed. These include impact on the countryside, prospect of pollution, traffic generation, loss of high quality agricultural land, contribution to the rural economy and employment opportunities.

- 3.10 Several of these impact issues are dealt with elsewhere in this report and they are found to be acceptable, subject to conditional controls. It is also pertinent to note the applicant's agent's comments that the applicant's company, currently based at Badley, has outgrown its premises and new premises are required to enable expansion. The business currently employs 18 people on a full-time basis, and the expansion would result in more employment opportunities in the local area (the submitted application forms advise that the number of employees would increase to 25).
- 3.11 In relation to the provision industrial development on this site, the comments made by the Council's Economic Development officer are noted as follows:

'The demand for small scale industrial premises outstrips current supply in the district. The location of these units adjacent to the A14 is attractive to local businesses and will deliver a much needed boost to the supply of commercial premises, as well as provide the opportunity for Firstfield Ltd to relocate and grow from its existing premises.'

- 3.12 As a balanced planning judgement, the non-allocation of the site for industrial development, is weighed against the advised lack of available B1 units and the fact that a local business would be able to relocate and expand as a result of the proposal taking place. In addition, notwithstanding issues of principle, it is considered that the likely impacts arising from the development can be properly mitigated as explained elsewhere. On that basis, the proposal is considered to align with both the thrust of the development plan and the NPPF.

4. Nearby Services and Connections Assessment Of Proposal

- 4.1. Information submitted with the application advises that the site is located 1.5 km from Needham Market railway station and 1.6 km from the main shopping area in the town, slightly exceeding recommended walking distances (but within recommended walking distances for travelling to work or school). Clearly a range of facilities including schools, community facilities and services would be available to the occupiers of the proposed dwellings. While these distances would be within comfortable cycling range, it is acknowledged that the primary method to access these would, in all likelihood, be the private motor car – as would be the case for the occupiers of the established dwellings along the road. That said, the opportunity to utilise alternative travel modes to a wider geographical area exists. The proximity of the site to the trunk road network would, it is felt, also weigh in favour of the location of commercial development on this site – in terms of accessibility.

5. Site Access, Parking And Highway Safety Considerations

- 5.1. Policy T10 of the adopted Local Plan makes clear the Council's intention that development proposals should be able to demonstrate the provision of a safe access to and egress from the site, as well as the suitability of the local highway network to accept the traffic that would be generated. Members will note the concerns expressed by the Parish Council and local residents in this regard.
- 5.2 To this end the comments of the Highway Authority are noted – as is the fact that no objection is raised to the proposal subject to the creation of a Traffic Regulation Order along Flordon Road, and the provision of elements to be secured by condition. The application submission was accompanied by a Speed Survey which underpinned the proposal for two separate accesses serving the overall site. It is understood that this access arrangement was previously not supported by the Highway Authority when proposed as part of the previously-withdrawn application for the proposed development (ref. DC/17/03147). However, the proposal, in this regard, is now agreed as being acceptable. Importantly, the Highway Authority would require the

completion of a Traffic Regulation Order to ensure that an identified, extended stretch of Flordon Road was covered by a 30 mph speed limit – in effect imposing the limit from the junction of Flordon Road with Coddingham Road. This can be secured by legal agreement and is feasible and achievable.

- 5.3 Policy T9 of the adopted Local Plan requires that development proposals will normally be required to provide parking in accordance with the Council's adopted standards. In relation to the proposed parking provision on the site, it is considered that the residential element of the scheme would accord with the Council's standards – bearing in mind that residential parking provision is expressed as a *minimum* number. In relation to the provision of parking to serve the proposed B1 and B2 elements of the scheme, the Council's adopted standards are expressed as a *maximum*. For Members' information the applicable standard equates to 1 space per 30 sq m of floorspace for both B1 and B2 uses. Based on the total amount of floorspace proposed, the *maximum* parking space applicable under the adopted standard would be 49 no. spaces. It is noted that the submitted plans show 46 no. spaces (including 6 no. spaces for disabled motorists and 3 no. spaces for motorcycles. It is also the case that 12 no. spaces are proposed for cyclists – which would encourage modal shift visits to the commercial units. It is considered in the light of the above that the proposed parking provision for the site is acceptable.

6. Design And Layout [Impact On Street Scene]

- 6.1. In terms of the proposed layout of the development, spatially there are two aspects to the proposal; the residential and the commercial. The Council's policy requirements for the design and layout of development, as expressed in policy GP1, identify the requirement that proposals should maintain or enhance the character and appearance of their surroundings, and this should be reflected, inter alia, in the siting of buildings. Furthermore, policy H13 requires that, in relation to the design and layout of housing development, new proposals will be of a scale and density appropriate to the site and its surroundings.
- 6.2 In this regard, the residential element of the proposal follows the linear form of development pattern that is established along the road. Therefore, the position of the residential built form is not considered to be visually incongruous or out of keeping with its surroundings. In addition, the size of the buildings – being chalets (with rooms in the roofs) – would, it is felt, not appear out of keeping, bearing in mind that the majority of dwellings along the road are single storey in nature.
- 6.3 As regards the proposed commercial development on the site, adopted policy E12 deals specifically with the location, design and layout of this type of development. This policy identifies, amongst nine criteria, that building design should be to a high standard with proper attention paid to the siting, scale, massing, density, detailing and materials. In this case, the design and appearance of the buildings follows a contemporary design approach which, it is felt, successfully avoids the provision of ubiquitous, purely functional 'sheds' that can be found on sites elsewhere throughout the district. The majority of built form would be single storey, and would be located to the rear of the site, away from Flordon Road. The proposed B2 building would undoubtedly have a greater visual prominence on the site and would be significantly larger than the established development in the area. To this end, it is felt that the external appearance of this building would achieve an appropriate standard in the context of its surroundings. Although it is a large building, it is 'broken down' visually into smaller, incremental elements that would help to visually-reduce its overall scale – assisted by the use of flat roofs. Importantly, as this building would be constructed of the same external materials as the proposed B1 units, the overall appearance would be of a 'family' of buildings having an immediate visual connection and context in this setting.

- 6.4 Members will note that, as part of the submitted development proposals, the applicant intends to add additional planting and screening on the site, which would assist in reducing visual impact - although it is fully acknowledged that this element of the proposed development would take time to establish. In addition, there are localised soft features that would assist in providing filter screening of the proposal, particularly when the site is viewed across the Flordon Road/Coddenham Road junction.

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

- 7.1 The proper consideration of the impacts of development proposals on ecology is identified in the NPPF and reflected in policies CS5 and CL8 of the current Development Plan. Post submission, an Ecology Appraisal was produced on behalf of the applicant, following on from initial comments received from the Council's Ecological consultants and Suffolk Wildlife Trust regarding lack of information in this regard. This Appraisal advised that further surveys for reptiles and botanicals should be undertaken to determine the full extent of the impacts arising from the development. This requirement has been reflected in the further comments of the Ecological consultant – requesting that this work be carried out *prior* to the determination of the application. The applicant accepts this and is ready to undertake those surveys once the Council has made a decision on the principle of the development and its acceptability in other respects. Naturally, this limits the current financial exposure of the applicant (a local employer), which is understandable.
- 7.2 Following further liaison with the Ecological consultant, it is agreed that the recommendation to Members i.e. that further surveys take place and the Chief Planning Officer be authorised to issue a delegated planning permission for the proposal following this work being completed – unless the survey works reveal issues hitherto unknown, in which case the application would need to be brought back to Committee for determination.
- 7.3 Another material consideration in the determination of this application is the impact of the development on the landscape. While the site is not located in an area with a specific landscape designation, the overall visual impact of the proposal is an important consideration. On this basis, the comments received from the Landscape consultant are fully acknowledged and appreciated; likewise, the existing baseline/context has been considered, which includes the A14 as a backdrop.
- 7.4 Clearly, the development of this currently undeveloped site will materially impact on its appearance. That said, it is considered that the level of impact would be acceptable in this location. The residential development would appear similar in character to the established residential development that is located further along the road, and its overall scale is not considered to be inappropriate as a new element in this landscape. A landscape which, of itself, is not particularly remarkable. It is axiomatic that the development of previously undeveloped land will pose some harm, however in this instance such detriment is considered to be very low noting the character context.
- 7.5 In relation to the commercial element of the proposed development, this would appear as an unusual new element in the local landscape. That said, the unusual visual nature of the development does not mean that it would be visually unacceptable in principle. The organisation of development on the site would mean that there would be clear visual demarcation between both land uses. As such, it is considered the commercial element of the overall proposal would appear as a visually-satisfactory termination of the development along this side of Flordon Road – notwithstanding its differing scale and the architectural approach taken. In this regard, the range

of conditions that are recommended by the Landscape Consultant would be added to a decision notice, in the event that planning permission were to be granted.

8. Land Contamination and Flooding

- 8.1. The NPPF identifies that appropriately remediated land may be reused, as part of the overall aim of making effective use of land (paras. 117 and 118). The application submission included a report that assessed the level of environmental risk presented by using the site for the proposed use. This report concluded that no adverse risks were presented, including that of contaminated land. It is noted that the Council's Contaminated Land officer does not object to the proposal. Nevertheless, in the event that planning permission is granted for the proposal, an informative would be added that would require the Council be contacted in the event that unexpected contamination is found on the site.
- 8.2 As regards the issue of flood risk etc. the application submission included a Flood Risk and Surface Water Drainage Strategy. It is the case that the entire site is located in flood zone 1 and therefore is not subject to unusual flooding events. Members are advised that the Environment Agency did not wish to comment on the proposal, and SCC as Lead Local Flood Authority did not object, requiring conditions to be attached to a grant of planning permission.

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

- 9.1 Members will note that the potential archaeological value of the site is identified by the Council's retained consultants, and the list of conditions that are recommended at the end of this report include the standard archaeological conditions that would normally be imposed by the Council in this type of situation.
- 9.2 In relation to other heritage assets such as listed buildings, conservation areas etc. none are within proximity of the application site and, hence, impacts in this regard are not a material planning consideration in this case. Indeed, it was not necessary to consult the Council's Heritage team on this proposal. The significance of any assets within the wider locale would be preserved.

10. Impact On Residential Amenity

- 10.1 The application site is immediately adjacent to an established residential curtilage, with a run of further residential land use extending along Flordon Road to the northwest. The impacts of the proposed development on the amenity of the occupiers of these dwellings is an important planning consideration.
- 10.2 In this case, impacts would arise from the residential use of the site that would be located immediately adjacent to the next door dwelling, and from the commercial use of the remainder of the site. It is noted that the part of the site that would be associated with the B1 business use would also abut part of the shared boundary with the adjacent residential use.
- 10.3 As a planning judgement it is considered that the position of the proposed dwellings in relation to the nearest established dwelling to the northwest would mean that unacceptable overlooking and overshadowing of that property was avoided. As this is a full application submission, it is possible to consider the impacts arising from the position of windows etc. and in this regard, the nearest window (proposed to be inserted in the flank elevation of the dwelling on plot 1) would serve a stairwell, as opposed to a room. Therefore it is considered that the opportunity for an unacceptable degree of overlooking from this viewpoint would be limited. That said, a further

safeguard could be secured whereby the identified window could be obscure glazed, and this is reflected in the recommended conditions.

- 10.4 The other main impact of the residential element of the proposals would be likely to arise from the traffic generated by the three dwellings. The level of vehicular movements arising from this level of development are not considered, in themselves, to represent a significant harm to the overall amenity of the area. In this regard, it is also noted that the proposals do not give rise to highway safety issues as confirmed by the consultation response received from the Highway Authority.
- 10.5 In relation to the impacts arising from the commercial elements of the development, it is considered that the individual and cumulative impacts would not justify withholding a planning permission on these grounds. Firstly, it is important to bear in mind that a definition of a B1- type commercial use is one that ‘...which can be carried out *in any residential area* [officer emphasis] without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit...’ *source: Use Classes Order 1987*. Notwithstanding the speculative nature of this aspect of the development, it is the case that the range of uses that the identified units could be put to would have to meet the UCO definition.
- 10.6 In relation to the proposed B2 (General Industrial) use of the largest commercial building, this would relate to a known user i.e. the applicant’s business known as Firstfield. It is understood from the firm’s website that it provides ‘...electrical and electromechanical services throughout Suffolk... The business also includes provision of electric motors and gearboxes, together with repair facilities. Potentially, therefore the proposed use could give rise to amenity disturbances arising from noisy activities. Certainly, the proposed location of the building that would accommodate the B2 use would assist in reducing the potential for disturbance on the nearest existing dwellings to the north west. Indeed the greatest impacts would, in all likelihood, be experienced by the occupiers of the proposed new dwellings to the front of the site.
- 10.7 Members will be aware that the NPPF states:

‘...Local Planning Authorities should consider whether unacceptable development could be made acceptable through the use of conditions...’

In this case, it is noted that the Council’s Environmental Control officer charged with the consideration of noise and disturbance issues does not object to the principle of the development taking place, but has identified a range of conditional controls that should be imposed through a grant of planning permission. These can be summarised as follows:

- Sound insulation of the proposed residential accommodation
- Construction of acoustic barriers (if necessary) in the private amenity areas of the proposed dwellings.
- The hours of use of both the B1 and B2 units should be described on the planning application forms i.e. 0800 to 1730 hours Monday to Friday (including collections and deliveries)
- Noise rating of plant, equipment, machinery etc. within each commercial unit prior to first use.

The conditional controls would also include construction works (residential and commercial) and provision of lighting. It is considered that with the above controls in place, the existing residential amenity of the area would not be adversely impacted by the development proposals – notwithstanding the general industrial nature of part of the development. In addition, although not afforded significant weight in the consideration of the development proposals, it is pertinent to note that the application site is immediately adjacent to the A14 trunk road and, to some extent,

this source will contribute to the overall background noise levels currently experienced in the area. Lastly, in order to further protect amenity in the area, it is recommended that in the event that planning permission is granted for the proposed development, a specific condition be imposed that would limit the use of the B2 unit to that proposed under this application. As Members will be aware, such a control would avoid a situation whereby another activity under the B2 use class could occupy the building without the need for planning permission.

11. Planning Obligations

- 11.1 The Highway Authority has recognised the need for the existing 30 mph speed limit to be extended approximately 200 metres south of its current location. This extension would be created by a Traffic Regulation Order (TRO). The Authority would require that before any development commences a contribution of £10 000 shall be paid to the County Council towards the administration and implementation of the TRO.

PART FOUR – CONCLUSION

12. Planning Balance and Conclusion

- 12.1 As advised previously in this report, the application proposal represents a departure from the established land use policies for this area, in that it seeks to introduce residential and commercial uses on land that is not allocated for those purposes.
- 12.2 In relation to the development proposal, there is some tension identified with the current development plan, in particular in relation to policies CS1 and CS2 of the Core Strategy and policy FC1 of the Core Strategy Focussed Review, together with policies E10 and H7 of the Local Plan. However those conflicts are not considered to be significant bearing in mind the individual circumstances of this application, its adherence to the NPPF policies when taken as a whole, and the age and degree of inconsistency between local policies and the NPPF. In the absence of any considerations directing otherwise, the application proposal is considered acceptable in planning terms and a favourable recommendation is made, as below.

RECOMMENDATION

That authority be delegated to the Acting Chief Planning Officer to GRANT FULL PLANNING PERMISSION for the proposed development after written confirmation is received from the Council's Ecological Consultant that the proposal would not have an adverse impact on ecology (following the satisfactory completion of identified additional survey works) and

(1) Subject to the prior agreement of an appropriate Unilateral Undertaking mechanism to secure a Traffic Regulation Order to extend the 30 mph speed limit along Flordon Road as required by Suffolk County Council as Highway Authority.

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

- Standard time limit (3yrs for implementation of scheme)
- Approved Plans (Plans submitted that form this application)
- Agreement of external materials
- Restriction on the use of the proposed B2 (General Industrial) building to that proposed under this application.
- Provision of required visibility splays at junctions
- Details of accesses to be provided
- Means to prevent discharge of surface water on to the highway to be provided
- Details of manoeuvring areas, parking areas, electric vehicle charging points, and secure cycle storage
- Approval of a Construction Management Plan
- Details of Sustainable Urban Drainage Systems and implementation of agreed disposal of surface water/Flood Risk Assessment
- Approval of a Construction Surface Water Management Plan
- Sound insulation of proposed residential accommodation
- Acoustic barriers (as necessary) to be constructed in proposed private garden areas
- Restriction on hours of use of the Industrial units
- Control of noise emissions from the commercial units
- Controls over external lighting
- Limits on construction hours
- Controls over materials arising from construction
- Agreement of an archaeological written scheme of investigation for archaeology and post assessment approval
- Details of advanced planting
- Approval of a Landscape Management Plan
- Approval of a Landscape scheme
- Conditions as recommended by the Ecological consultant following receipt of additional survey information.

(3) And the following informative notes as summarised and those as may be deemed necessary by the Acting Chief Planning Officer:

- Proactive working statement
- SCC Highways notes
- Support for sustainable development principles
- Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991
- Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003
- Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment is subject to payment of a surface water developer contribution
- The submitted scheme of archaeological investigation shall be in accordance with a brief procured beforehand by the developer from Suffolk County Council Archaeological Service, Conservation Team.
- Report unexpected land contamination

(4) That in the event of the Unilateral Undertaking in Resolution (1) above not being secured that the Acting Chief Planning Officer be authorised to refuse the application on appropriate grounds.

(5) That in the event of the Unilateral Undertaking referred to in Resolution (1) above not being secured within 6 months that the Acting Chief Planning Officer be authorised to refuse the application on appropriate grounds.