

## Committee Report

**Item 7A**

**Reference:** DC/20/03891

**Case Officer:** Katherine Hale

**Ward:** Blakenham

**Ward Member/s:** Cllr John Field

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

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### **Description of Development**

Application under Section 73 of the Town and Country Planning Act relating to Planning Permission 2351/16 previously varied by 1755/17 for the variation of Conditions 20 (Proposed access road details) and 26 (Off road cycle route improvements)

### **Location**

Land At Blackacre Hill, Bramford Road, Great Blakenham, Suffolk

**Expiry Date:** 10/12/2020

**Application Type:** FUW - Full App Without Compliance of Condition

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

**Applicant:** Curzon De Vere Ltd

**Agent:** Miss A Lai

**Parish:** Great Blakenham

**Site Area:** variation of condition application

### **Density of Development:**

Gross Density (Total Site): n/a

Net Density (Developed Site, excluding open space and SuDs): n/a

**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:** informal discussion associated with concurrent planning application also on this agenda

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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 relates to a site that is the subject of a full Committee report on this agenda which is itself a matter that is returning to Committee after deferral for additional information. Members also asked to see the details of this S73 application at the same time.

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## PART TWO – POLICIES AND CONSULTATION SUMMARY

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### **Summary of Policies**

#### **The Development Plan**

The Adopted Development Plan for Mid Suffolk District Council comprises the Mid Suffolk Core Strategy Focused Review (2012), the Mid Suffolk Core Strategy (2008) and the Mid Suffolk Local Plan (1998), specifically the live list of 'saved policies' (2007).

The following are considered the most relevant to the determination of this proposal

#### **Adopted Mid Suffolk Core Strategy (2008) (CS08)**

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change

CS04 - Adapting to Climate Change

CS05 - Mid Suffolk's Environment

#### **Adopted Mid Suffolk Core Strategy Focused Review (2012) (CSFR12)**

FC01 - Presumption In Favour Of Sustainable Development

FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development

FC03 - Supply Of Employment Land

#### **Adopted Mid Suffolk Local Plan (1998) (ADP98)**

GP01 - Design and layout of development

SB02 - Development appropriate to its setting

H17 - Keeping residential development away from pollution

CL08 - Protecting wildlife habitats

CL09 - Recognised wildlife areas

CL11 - Retaining high quality agricultural land

E03 - Warehousing, storage, distribution and haulage depots

E04 - Protecting existing industrial/business areas for employment generating uses

E06 - Retention of use within existing industrial/commercial areas

E09 - Location of new businesses

E10 - New Industrial and commercial development in the countryside

E11 - New Industrial and commercial development in the countryside

E12 - General principles for location, design and layout

T09 - Parking Standards

T10 - Highway Considerations in Development

T11 - Facilities for pedestrians and cyclists

T12 - Designing for people with disabilities

#### **Status of Adopted Local Plan (1998) (ADP98)**

A number of policies within the Plan have now been held to be 'out-of-date' as a result of recent planning appeal decisions on the basis of Inspectors declaring them to be inconsistent with the NPPF [2019]. On this basis the tilted balance required by paragraph 11 of the NPPF may need to be brought into play but this will need to be tempered against the Adopted Development Plan where and if relevant policies remain valid and continue to attract significant weight as material planning considerations dependent upon their

consistency with the NPPF. This cannot, however, supplant the statutory duty to take decisions in accordance with the development plan unless such considerations indicate otherwise.

### **Draft Joint Local Plan Preferred Options Document 2019(DLPOD19)**

This emerging local plan remains at an early stage and as a result attracts limited weight as a material planning consideration. It is the latest expression of the Council's current preferred direction of travel in terms of its future planning strategy and policies but could however be subject to change as the local plan process advances. It is however relevant to note the emphasis on the direction of growth to the A14 corridor and this report will amongst other things refer to emerging policy SP05.

### **The National Planning Policy Framework (NPPF)**

The National Planning Policy Framework (NPPF) 2019 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Particularly relevant elements of the NPPF include:

- Section 2: Achieving Sustainable Development
- Section 4: Decision Making
- Section 6: Building a Strong, Competitive Economy
- Section 12: Achieving Well-Designed Places
- Section 15: Conserving and Enhancing the Natural Environment

### **The National Planning Practice Guidance (NPPG)**

The National Planning Practice Guidance (NPPG) provides guidance and advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.

### **Other Considerations**

- Ipswich Policy Area
- Suffolk County Council- Suffolk's Guidance for Parking (2014 updated 2019)
- BMSDC Open for Business Strategy
- Grow on Space Supply and Demand Analysis (October 2019)

### **Neighbourhood Plan Status**

This application site is not within a Neighbourhood Plan Area however the site is situated in close proximity to the neighbouring Parish of Sproxton. Sproxton is currently in the process of preparing their Neighbourhood Development Plan and whilst it does not cover Gt Blakenham the application site is adjacent to the defined Sproxton Neighbourhood Plan Area. Sproxton has within its boundary a Designated Enterprise Area and reference will be made to the relevance of this to the application at hand in this report.

### **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**

### **Public Realm**

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

##### **Great Blakenham Parish Council**

“The applicant is requesting a two year delay in opening the access on to the B1113 and to be able to continue accessing the site through Addison Way. Great Blakenham Parish Council unanimously objects to this application as the junction between Addison Way and the B1113 is already overloaded with traffic, with consequent problems for vehicles turning in and out, particularly at peak times of the day. This section of the B1113 has numerous junctions with both residential and housing areas and permitting extra traffic to use the Addison Way junction would increase the frequency of accidents and near misses. Flooding at the bottom of Addison Way is a hazard and is increasing in both frequency and severity, although this has been reported to Highways on numerous occasions over recent years. Mud on the road is also a problem along this stretch of the B1113 and would only be increased by allowing construction traffic to use Addison Way. This has also been reported to Highways on numerous occasions. The Council also notes that Addison Way does not have separate pedestrian or cyclist facilities through to the site which will discourage the use of more environmentally friendly forms of transport and put cyclists and pedestrians at more risk.”

##### **Little Blakenham Parish Council**

“Thank you for your email, The Council unanimously agreed that they had no objection to this application on a temporary basis, but agreed that it was important that a time limit was fixed in the approval conditions. The Council felt that the time limit should be no more than five years.”

##### **Claydon and Whitton Parish Council**

“The Parish Council have no objections to this application”

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

##### **Highways England**

“Thank you for your consultation on the above planning application.

We have reviewed the details and information provided. Due to the location and nature of the proposed development, there is unlikely to be any adverse effect upon the Strategic Road Network.

Consequently, we offer No Comment.”

#### **County Council Responses (Appendix 5)**

##### **SCC Highways**

“Notice is hereby given that the County Council as Highway Authority does not object to the proposal to vary Condition 20 subject to the other previously appended highway-related conditions being applied to the new permission (where they are still relevant); however, the proposal to vary Condition 26 has not been shown to be acceptable.

The proposed revised conditions are:

## Condition 20

Within 24 months of occupation of the first unit, or, if earlier, before the occupation of the third unit, the access as approved under ref. 18/01897 must be laid out and be made available for use. Thereafter, the junction between Addison Way and the new internal estate road must be reconfigured in accordance with the details set out in the Transport Assessment received on 23rd May 2016, so that it cannot be used by large commercial vehicles to egress the site.

## Condition 26

Within 24 months of occupation of the first unit or, if earlier, before the occupation of the third unit, off-road cycle improvements along Bramford Road, between the site access and its junction with Addison Way, shall be completed in accordance with a scheme that has first been submitted to and approved by the local planning authority.

### Comment:

The technical note concludes that the Addison Way junction should operate well within capacity in vehicular-terms in 2023. There being no material safety concerns with this junction either, it is agreed that the proposed variation to Condition 20 is acceptable. It should be noted, however, that the principle benefit promoted as justification for the proposal, being the avoidance of disruption to the public's enjoyment of the highway from multiple works, would only arise if permission is granted to planning application DC/20/01175 including an enlarged access that is then implemented without previously constructing the access previously approved.

To be clear there are two suggestions promoted in addition to that above that don't appear to be as beneficial. Reference is made to a 'shared lagoon' in the technical note, implying that construction of this could also cause disruption. There's no evidence presented showing why construction of such a feature should cause disruption to the use of Bramford Road. Moreover, although discussions between the Developer and County Council are ongoing on a proposal for such a feature, no agreement has been made to proceed with delivery of such a scheme at this time. Reference is also made to highway improvement works associated with the proposed 'SnOasis' development. These works are outside of the applicant's control. As such, it is very unlikely that overall disruption to the use of the highway can be reduced by arranging for all these, as well as the access works, to be carried out at the same time. It is also the County Council's usual policy to avoid multiple schemes on the same route at the same time, as this increases the risk of severe disruption.

The most concerning part of the application is the delay to the provision of improvements to the highway and access therefrom to the new buildings for pedestrians and cyclists. This is not addressed in the note. It can be confirmed that it does not now appear to be feasible to complete the construction of the shared route along the west side of Bramford Road that was required by the original permission. This would have connected to the length of shared route recently constructed to the north. In addition, for safety and maintenance reasons, the highway authority has decided it is not acceptable to introduce a single pedestrian refuge just to the north of Chapel Lane, as had been expected to be provided by the developer of the new housing on the east side of the road. Addison Way does not have separate pedestrian or cyclist facilities through to the site. As such, it is necessary to regularise the infrastructure improvements required to make the development acceptable and, it is recommended that some or all of these works are necessary sooner than the applicant's proposed condition."

### **SCC - Development Contributions Manager,**

"I refer to the proposal: application under Section 73 of the Town and Country Planning Act relating to planning permission 2351/16 previously varied by 1755/17 for the variation of Conditions 20 (proposed access road details) and 26 (off-road cycle route improvements).

The original application under reference 2351/16 has an associated planning obligation dated 16 November 2016, which was varied by a Deed of Variation dated 12 April 2019. The planning obligation previously secured under the first and second planning permissions must remain in place if approval to the Section 73 application is granted by the local planning authority – to be secured by a new Deed of Variation. The county council will need to be a party to this Deed of Variation and will require an undertaking for its legal costs.

The proposed removal of Conditions 20 and 26 is a matter for the local Highway Authority to consider in the context of the National Planning Policy Framework, local plan policies, and relevant statutory and non-statutory guidance.”

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

#### **Environmental Health - Noise/Odour/Light/Smoke**

“Thank you for consulting me on the above application for the variation of condition 20 (proposed access road details) and 26 (off road cycle route improvements).

I can confirm with respect to noise and other environmental health issues that I do not have any comments to make and no objection to the proposal.

I trust this is of assistance.”

#### **Public Realm**

“Public Realm do not wish to respond. This variation does not impact on any public open space.”

### **B: Representations**

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

(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/20/01175	Application for Outline Planning Permission. (Access to be considered) Extension to Port One Business and Logistics Park (as permitted under ref. 2351/16 and varied by ref. 1755/17), together with associated works including drainage lagoons, ecology mitigation and landscaping	<b>DECISION:</b> PCO
<b>REF:</b> DC/20/04873	Discharge of Conditions Application for 1755/17 - Condition 6h (Surface Water Drainage -Asset Register) and Condition 8 (External Lighting)	<b>DECISION:</b> PCO
<b>REF:</b> DC/17/03851	Discharge of conditions application for 2351/16 - Conditions 12,15,17 and 19 Dormouse ( <i>Muscardinus avellanarius</i> ) Survey Report, Construction Environmental	<b>DECISION:</b> GTD 15.08.2017

	Management Plan, Reptile Mitigation Strategy, Badger ( <i>Meles meles</i> ) Survey Report, 1823 SK10-40A - Proposed Phasing Plan.	
<b>REF:</b> DC/17/05234	Discharge of Conditions applications for 2351/16 - Condition 18 (Prior to commencement: Great Crested Newts)	<b>DECISION:</b> GTD 13.11.2017
<b>REF:</b> DC/18/00284	Discharge of Conditions Application for 2351/16 - Condition 9 (Archaeology).	<b>DECISION:</b> GTD 16.03.2018
<b>REF:</b> DC/18/01897	Discharge of Conditions for Application 2351/16 - Conditions 20 (Details of proposed access) and 26 (Provision of off-road cycle improvements)	<b>DECISION:</b> GTD 21.06.2018
<b>REF:</b> DC/19/01775	Discharge of Conditions Application for 1755/17 - Condition 32 (Hard and Soft Landscaping Masterplan).	<b>DECISION:</b> GTD 15.07.2019
<b>REF:</b> DC/19/01776	Discharge of Conditions Application for 1755/17 - Condition 5 (Levels), 6 (Surface Water Drainage Details), 7 (Construction Management), 25 (Provision of Roads and Footpaths), 28 (Highways - Parking and Turning), 31 (Tree Protection) and 33 (Materials and Layout).	<b>DECISION:</b> PGR 10.09.2019
<b>REF:</b> DC/19/01793	Submission of details under Outline Planning Permission 2351/16 (Varied by Section 73 permission 1755/17) for Appearance, Landscaping, Layout and Scale of Phase 2 extending estate road approved under DC/18/01897 to eastern & central parts, provision of main services & balancing lagoon & Phase 4 for central warehouse unit plot.	<b>DECISION:</b> GTD 23.10.2019
<b>REF:</b> DC/19/01827	Submission of Details under Outline Planning Permission 2351/16 (Varied by Section 73 permission 1755/17) for Appearance, Landscaping, Layout and Scale of Phase 1 Access Works	<b>DECISION:</b> GTD 10.07.2019
<b>REF:</b> DC/19/04320	Discharge of Conditions Application for 1755/17- Condition 6 (Surface Water Drainage Details) (Part Discharge for Phases 2 and 4)	<b>DECISION:</b> GTD 30.10.2019
<b>REF:</b> DC/19/05259	Discharge of Conditions Application for 1755/17 - Conditions 11 (Agreement of	<b>DECISION:</b> GTD 31.01.2020

	Materials), Condition 29 (Highway Works), Condition 34 (Soft Landscaping) and Condition 35 (Hard Landscaping)	
<b>REF:</b> DC/19/05435	Discharge of Conditions Application for 1755/17 - Condition 13 (Sustainability) (Part discharge in relation to Phase 4 only)	<b>DECISION:</b> GTD 11.03.2020
<b>REF:</b> 1755/17	Application for variation of condition 20 following grant of planning permission 2351/16: "Application for outline planning permission (including access, all other matters reserved) for development of business and logistics park to provide commercial floorspace principally within Use Classes B1 and B8, to include access onto the B1113 Bramford Road and a secondary means of access via Addison Way, together with the provision of estate roads and ancillary parking, servicing and landscaping" to enable revised details for proposed accesses	<b>DECISION:</b> GTD 29.10.2018
<b>REF:</b> 2351/16	Application for outline planning permission (including access, all other matters reserved) for development of business and logistics park to provide commercial floorspace principally within Use Classes B1 and B8, to include access onto the B1113 Bramford Road and a secondary means of access via Addison Way, together with the provision of estate roads and ancillary parking, servicing and landscaping.	<b>DECISION:</b> GTD 17.11.2016
<b>REF:</b> 1482/88	CHANGE OF USE OF AGRICULTURAL LAND TO GOLF COURSE.	<b>DECISION:</b> GTD 17.04.1991
<b>REF:</b> 0691/05	Use of land for employment (B1 and B8), access road, layout and ancillary works -St James Business Park	<b>DECISION:</b> WDN 20.06.2005
<b>REF:</b> DC/17/03851	Discharge of conditions application for 2351/16 - Conditions 12,15,17 and 19 Dormouse ( <i>Muscardinus avellanarius</i> ) Survey Report, Construction Environmental Management Plan, Reptile Mitigation Strategy, Badger ( <i>Meles meles</i> ) Survey Report, 1823 SK10-40A - Proposed Phasing Plan.	<b>DECISION:</b> GTD 15.08.2017

<b>REF:</b> DC/18/00284	Discharge of Conditions Application for 2351/16 - Condition 9 (Archaeology).	<b>DECISION:</b> GTD 16.03.2018
<b>REF:</b> DC/19/01775	Discharge of Conditions Application for 1755/17 - Condition 32 (Hard and Soft Landscaping Masterplan).	<b>DECISION:</b> GTD 15.07.2019
<b>REF:</b> DC/19/04320	Discharge of Conditions Application for 1755/17- Condition 6 (Surface Water Drainage Details) (Part Discharge for Phases 2 and 4)	<b>DECISION:</b> GTD 30.10.2019
<b>REF:</b> DC/19/05259	Discharge of Conditions Application for 1755/17 - Conditions 11 (Agreement of Materials), Condition 29 (Highway Works), Condition 34 (Soft Landscaping) and Condition 35 (Hard Landscaping)	<b>DECISION:</b> GTD 31.01.2020
<b>REF:</b> DC/19/05435	Discharge of Conditions Application for 1755/17 - Condition 13 (Sustainability) (Part discharge in relation to Phase 4 only)	<b>DECISION:</b> GTD 11.03.2020
<b>REF:</b> 1297/11	Erection of 2 no aluminium warehouses	<b>DECISION:</b> GTD 27.07.2011
<b>REF:</b> DC/17/03851	Discharge of conditions application for 2351/16 - Conditions 12,15,17 and 19 Dormouse ( <i>Muscardinus avellanarius</i> ) Survey Report, Construction Environmental Management Plan, Reptile Mitigation Strategy, Badger ( <i>Meles meles</i> ) Survey Report, 1823 SK10-40A - Proposed Phasing Plan.	<b>DECISION:</b> GTD 15.08.2017
<b>REF:</b> DC/17/05234	Discharge of Conditions applications for 2351/16 - Condition 18 (Prior to commencement: Great Crested Newts)	<b>DECISION:</b> GTD 13.11.2017
<b>REF:</b> DC/18/00284	Discharge of Conditions Application for 2351/16 - Condition 9 (Archaeology).	<b>DECISION:</b> GTD 16.03.2018
<b>REF:</b> DC/19/01775	Discharge of Conditions Application for 1755/17 - Condition 32 (Hard and Soft Landscaping Masterplan).	<b>DECISION:</b> GTD 15.07.2019
<b>REF:</b> DC/19/04320	Discharge of Conditions Application for 1755/17- Condition 6 (Surface Water Drainage Details) (Part Discharge for Phases 2 and 4)	<b>DECISION:</b> GTD 30.10.2019
<b>REF:</b> DC/19/05259	Discharge of Conditions Application for 1755/17 - Conditions 11 (Agreement of	<b>DECISION:</b> GTD 31.01.2020

	Materials), Condition 29 (Highway Works), Condition 34 (Soft Landscaping) and Condition 35 (Hard Landscaping)	
<b>REF:</b> DC/19/05435	Discharge of Conditions Application for 1755/17 - Condition 13 (Sustainability) (Part discharge in relation to Phase 4 only)	<b>DECISION:</b> GTD 11.03.2020
<b>REF:</b> DC/20/04891	Other Districts Development - Variation of Condition 8 to planning permission MS/1185/15	<b>DECISION:</b> PCO
<b>REF:</b> DC/20/04892	Other Districts Development - Variation of Condition 7 to Planning Permission SCC/0057/18MS	<b>DECISION:</b> PCO
<b>REF:</b> 1297/11	Erection of 2 no aluminium warehouses	<b>DECISION:</b> GTD 27.07.2011
<b>REF:</b> 1376/06	Installation of antenna.	<b>DECISION:</b> GTD 18.08.2006
<b>REF:</b> DC/18/02066	Application under Section 73 of the Town and Country Planning Act - 'Retail unit built with 6 flats above' - Variation of Condition 11 planning permission 3310/14 (Restriction of Operation Times).	<b>DECISION:</b> GTD 17.08.2018
<b>REF:</b> DC/18/04846	Discharge of Conditions Application for DC/18/03269 - Condition 4 (Surface Water Discharge)	<b>DECISION:</b> GTD 21.12.2018
<b>REF:</b> DC/19/01400	Discharge of Conditions Application for 3310/14 - Condition 8 (Land Contamination)	<b>DECISION:</b> GTD 29.04.2019
<b>REF:</b> DC/20/01369	Discharge of Conditions Application for 3310/14 - Condition 8 (Land Contamination)	<b>DECISION:</b> GTD 02.06.2020
<b>REF:</b> 3837/16	Environmental Impact Assessment - Scoping Opinion request for multi-use tourism complex comprising of complementary and interrelated sport and leisure facilities and associated uses including holiday accommodation, ancillary restaurants and retail outlets, an entertainment dome and other sporting facilities including a golf course and water sports. (as granted Outline Planning Permission under reference OL/100/04 & 1969/10 - known as SnOasis)	<b>DECISION:</b> EIA 14.10.2016

<b>REF:</b> 3310/14	Erection of 270 dwellings comprising 110 x two-bedroom houses, 135 x 3 bedroom houses and 25 x 4 bedroom houses and associated garaging/car parking, landscaping, public open space, play areas and access to Bramford Road, together with the construction of a convenience store with 6 x two-bedroom flats above, associated parking and servicing areas on land at Hackneys Corner.	<b>DECISION:</b> GTD 17.06.2015
<b>REF:</b> 3066/13	Erection of 194 dwellings comprising 68 two-bedroom, 101 three-bedroom and 24 four-bedroom dwellings together with associated garaging, car parking, landscaping and access.	<b>DECISION:</b> FTD 27.02.2014
<b>REF:</b> 1194/11	Discharge of Section 106 Schedules for Great Blakenham Housing - case Created 01-04-11	<b>DECISION:</b> REC
<b>REF:</b> 1969/10	Application for extension of time for the implementation of the "SnOasis" a ski centre, holiday resort, centre of winter sports excellence, leisure and associated uses and related on and off site infrastructure (Originally permitted under outline planning permission OL/100/04).	<b>DECISION:</b> GTD 31.10.2011
<b>REF:</b> 0001/84/A	Information and direction signs (2 x 4ft signs on one mounting)	<b>DECISION:</b> GTD 19.03.1984
<b>REF:</b> 0195/08	MS/08: Use of land for storage of waste transfer skips in conjunction with nearby waste transfer and recovery site	<b>DECISION:</b> GTD 04.02.2008
<b>REF:</b> 0471/98/	CONVERSION OF BARN TO FORM 2 NO. DWELLINGS, USING EXISTING VEHICULAR ACCESS.	<b>DECISION:</b> GTD 22.07.1998
<b>REF:</b> 0100/04/OL	For planning permission to develop (Snoasis) a ski centre and holiday resort, centre of winter sports excellence, leisure and associated uses and related on and off site infrastructure.	<b>DECISION:</b> WCI 21.07.2006
<b>REF:</b> 1299/00/	CHANGE OF USE FROM AGRICULTURAL TO RESIDENTIAL GARDEN.	<b>DECISION:</b> GTD 19.02.2001
<b>REF:</b> DC/17/03851	Discharge of conditions application for 2351/16 - Conditions 12,15,17 and 19	<b>DECISION:</b> GTD 15.08.2017

	Dormouse ( <i>Muscardinus avellanarius</i> ) Survey Report, Construction Environmental Management Plan, Reptile Mitigation Strategy, Badger ( <i>Meles meles</i> ) Survey Report, 1823 SK10-40A - Proposed Phasing Plan.	
<b>REF:</b> DC/18/02066	Application under Section 73 of the Town and Country Planning Act - 'Retail unit built with 6 flats above' - Variation of Condition 11 planning permission 3310/14 (Restriction of Operation Times).	<b>DECISION:</b> GTD 17.08.2018
<b>REF:</b> DC/19/01400	Discharge of Conditions Application for 3310/14 - Condition 8 (Land Contamination)	<b>DECISION:</b> GTD 29.04.2019
<b>REF:</b> DC/19/01775	Discharge of Conditions Application for 1755/17 - Condition 32 (Hard and Soft Landscaping Masterplan).	<b>DECISION:</b> GTD 15.07.2019
<b>REF:</b> DC/19/05435	Discharge of Conditions Application for 1755/17 - Condition 13 (Sustainability) (Part discharge in relation to Phase 4 only)	<b>DECISION:</b> GTD 11.03.2020
<b>REF:</b> DC/20/01369	Discharge of Conditions Application for 3310/14 - Condition 8 (Land Contamination)	<b>DECISION:</b> GTD 02.06.2020
<b>REF:</b> DC/20/02476	Regulation 3 Suffolk County Council Consultation SCC/0043/20MS/SCOPE - Request for a scoping opinion: Extension of time to complete restoration work	<b>DECISION:</b> RNO 29.06.2020
<b>REF:</b> 3321/15	Variation of Condition 6 (protection of site), Condition 8 (dust) & 12 (aftercare scheme) of Planning Permission MS/1039/15	<b>DECISION:</b> RNO 07.10.2015
<b>REF:</b> 3049/15	Change of use to storage of waste transfer skips and vehicles in conjunction with nearby waste transfer and recovery site	<b>DECISION:</b> RNO 23.10.2015
<b>REF:</b> 1039/15	Temporary use of land for screening & storage of inert subsoil for use in landfill restoration approved under planning permission MS/1158/11	<b>DECISION:</b> RNO 16.04.2015
<b>REF:</b> 3310/14	Erection of 270 dwellings comprising 110 x two-bedroom houses, 135 x 3 bedroom houses and 25 x 4 bedroom houses and associated garaging/car parking, landscaping, public open space, play areas and access to Bramford Road, together with	<b>DECISION:</b> GTD 17.06.2015

	the construction of a convenience store with 6 x two-bedroom flats above, associated parking and servicing areas on land at Hackneys Corner.	
<b>REF:</b> 3003/13	Revised site layout including site levelling and landscaping, improvement of surface water drainage facilities and relocation and erection of workshop building.	<b>DECISION:</b> RNO 31.10.2013
<b>REF:</b> 2719/13	Continued use of land for waste sorting and transfer, including storage of skips, parking of operational vehicles and portacabin accommodation.	<b>DECISION:</b> RNO 31.10.2013
<b>REF:</b> 1969/10	Application for extension of time for the implementation of the "SnOasis" a ski centre, holiday resort, centre of winter sports excellence, leisure and associated uses and related on and off site infrastructure (Originally permitted under outline planning permission OL/100/04).	<b>DECISION:</b> GTD 31.10.2011

## PART THREE – ASSESSMENT OF APPLICATION

### 1. The Site and Surroundings

The application site is located on the western side of the B1113 (Bramford Road), to the north of the junction that links a single carriageway section with dual carriageway section that extends towards the A14 trunk road.

Outline planning permission and subsequent reserved matters were approved for a development of a business and logistics park to provide commercial floorspace principally within Use Classes B1 and B8, to include access onto the B1113 Bramford Road and a secondary means of access via Addison Way, together with the provision of estate roads and ancillary parking, servicing and landscaping in November 2016 under reference 2351/16.

The existing 2016 permission (2351/16) was varied to ensure that the conditions reflected the phased nature of the scheme and the existing development is now being brought forward under outline planning permission 1755/17. Reserved matters approvals have been granted in respect of

- Phase 1 – Access,
- Phase 2 – Estate Roads and
- Phase 4 – Plot 4 (refs DC/19/01827 and DC/01793) and site-wide pre-commencement conditions, together with those parts of the phased pre-commencement conditions which relate to Phases 1, 2 & 4, have been fully discharged.

Accordingly, work commenced on-site at the end of 2019.

Subsequent submission of details for Phase was granted in July 2019 under DC/19/01827 and the submission of details for Phase 2 was granted in October 2019 under reference DC/19/01793 respectively.

This application before Members is an application made under Section 73 of the Town and Country Planning Act relating to Planning Permission 2351/16 previously varied by 1755/17 for the variation of Conditions 20 (Proposed access road details) and 26 (Off road cycle route improvements). This application has been made to tie the creation of the access road with the existing permissions and the other application currently in under reference DC/20/01175 also before Members at the same committee.

## **2. The Proposal**

This application is made under Section 73 of the Town and Country Planning Act relating to Planning Permission 2351/16 previously varied by 1755/17 for the variation of Conditions 20 (Proposed access road details) and 26 (Off road cycle route improvements).

The current conditions read:

“20. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: DETAILS OF PROPOSED ACCESS REQUIRED. No part of the development shall be occupied until the access as approved under ref. 18/01897 has been laid out and constructed in its entirety. Thereafter the access shall be retained in its approved form. Reason - To ensure that the accesses are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.”

And

26. ACTION REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT - PRE COMMENCEMENT CONDITION: PROVISION OF OFF ROAD CYCLE IMPROVEMENTS The off road cycle improvements approved under ref. 18/01897 shall be constructed before first occupation of any building on the site and thereafter maintained in that form unless otherwise agreed in writing by the Local Planning Authority. Reason - In the interests of highway safety and sustainable development by providing off carriageway pedestrian / cycle route to the site. The details must be approved before commencement to ensure delivery is feasible.”

This application seeks to vary these so as to read:

“Condition 20 Within 24 months of occupation of the first unit, or, if earlier, before the occupation of the third unit, the access as approved under ref. 18/01897 must be laid out and be made available for use. Thereafter, the junction between Addison Way and the new internal estate road must be reconfigured in accordance with the details set out in the Transport Assessment received on 23rd May 2016, so that it cannot be used by large commercial vehicles to egress the site.”

And

Condition 26 Within 24 months of occupation of the first unit or, if earlier, before the occupation of the third unit, off-road cycle improvements along Bramford Road, between the site access and its junction with Addison Way, shall be completed in accordance with a scheme that has first been submitted to and approved by the local planning authority.”

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

3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 3.2 It is therefore the starting point for the Council when determining planning applications and so we must first consider the application in the light of relevant Development Plan policies.
- 3.3 The principle of development for a logistics park on this site has already been established in large part by the planning permission granted under application reference 2351/16 and the subsequent Section 73 which varied the original scheme under reference 1755/17 and the reserved matters applications (DC/19/01827 and DC/01793).
- 3.4 As such given the existing extant permissions the principle of development is considered acceptable and members are reminded this is a variation of condition application although it will result in the creation of a new permission if approved. That permission is subject to the same S106 requirements and other conditions as previously agreed.

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

- 4.1. The application site is situated outside any settlement boundary however it is well connected due to its proximity to the A14 which provides a dual carriage link direct to Felixstowe which is the largest container port in the United Kingdom (handling over 42% of all the country's containerised trade). It is the sixth busiest port in Europe and the A14 links it directly to the M1, M6, M42 'golden triangle', where many of the main logistic companies in the country are based.
- 4.2 There are existing employment uses to the north and east of the site and this area is considered to be an established employment location, with good access to a large, skilled, workforce living in Stowmarket, Needham Market and the Ipswich Policy Area. There is also the Sproughton Enterprise Park nearby together with SnOasis although this has not yet been developed.

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

- 5.1 The application is submitted under Section 73 of the Town and Country Planning Act and seeks to vary Planning Permission 2351/16 as previously varied by 1755/17 for the variation of Conditions 20 (Proposed access road details) and 26 (Off road cycle route improvements).
- 5.2 The variation of these conditions is purely in relation to the time frame for these to be implemented.
- 5.3 SCC Highways has been consulted and raises no objection in relation to the variation of Condition 20.
- 5.4 It should be noted that the principle reason for these variations in terms of timing for construction/implementation is to avoid disruption of the public's unobstructed use of the highway that would arise from multiple works being taken in the same area. These multiple works would

only arise if permission is granted to DC/20/01175 which is before Members today. With a recommendation to approve.

- 5.5 With regards to the variation of Condition 26 (Off road cycle route improvements) whilst there is no objection to the proposed time frame of within 24 months it is considered that then suggested amendment from the applicant be adjusted in order to facilitate the infrastructure improvements alongside expanding development and the demand it will generate for sustainable transport. As such Officers suggest that Condition 26 should be altered to a trigger of second occupation.
- 5.6 It is therefore recommended to Members that Condition 24 should read as follows:

“ Prior to the occupation of the second unit, [from within units 2-9 inclusive] the off-road cycle improvements along Bramford Road, between the site access and its junction with Addison Way, shall be completed in accordance with a scheme that has first been submitted to and approved by the local planning authority.”

## **6. Design And Layout [Impact On Street Scene]**

- 6.1. The application is submitted under Section 73 of the Town and Country Planning Act and seeks to vary Planning Permission 2351/16 as previously varied by 1755/17 for the variation of Conditions 20 (Proposed access road details) and 26 (Off road cycle route improvements). The design and layout is not proposed to change. The variation of these conditions is purely in relation to the time frame for these to be implemented.

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

- 7.1. The application is submitted under Section 73 of the Town and Country Planning Act and seeks to vary Planning Permission 2351/16 as previously varied by 1755/17 for the variation of Conditions 20 (Proposed access road details) and 26 (Off road cycle route improvements). This Section 73 would have no bearing on any matters of landscape impact, trees, ecology, biodiversity and protected species.

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

- 8.1. The application is submitted under Section 73 of the Town and Country Planning Act and seeks to vary Planning Permission 2351/16 as previously varied by 1755/17 for the variation of Conditions 20 (Proposed access road details) and 26 (Off road cycle route improvements). This Section 73 would have no bearing on any matters of land contamination, flood risk or drainage and waste, all of which have previously been dealt with under extant permissions.

## **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. The proposed development site does not lie within a Special Landscape Area or a Conservation Area and there are no listed buildings nearby. The proposed development would therefore not have any detrimental impact in this regard and is considered acceptable.

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

- 10.1. The application is submitted under Section 73 of the Town and Country Planning Act and seeks to vary Planning Permission 2351/16 as previously varied by 1755/17 for the variation of Conditions

20 (Proposed access road details) and 26 (Off road cycle route improvements). The proposal would not have a significant adverse impact on residential amenity of any nearby neighbours. The proposal would not affect the privacy of the nearby properties nor their visual amenity. The proposal is acceptable in this regard.

#### **11. Planning Obligations / CIL (delete if not applicable)**

- 11.1 A Deed of Variation will be required to link this amended permission to benefits arising from a previous S106 Agreement on the earlier phases of development at Port One and extend them to include additional space within the latest phase.
- 11.2 All the other infrastructure impacts of the proposal would be subject to funding via CIL, if and where applicable.

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## **PART FOUR – CONCLUSION**

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

As this application is a Section 73 to vary conditions relating to permission 2351/16 previously varied by 1755/17 for the variation of Conditions 20 (Proposed access road details) and 26 (Off road cycle route improvements). The principle of development has already been established and is considered acceptable.

The varying of condition 20 (Proposed access road details) to “within 24 months of occupation of the first unit” is considered acceptable in line with comments received from SCC Highways and given the current development of the site and the potential for DC/20/01175 to be brought forwards.

Condition 26 regarding (Off road cycle route improvements), should however read “ Prior to the occupation of the second unit, [from units 2-9 inclusive] the off-road cycle improvements along Bramford Road, between the site access and it’s junction with Addison Way, shall be completed in accordance with a scheme that has first been submitted to and approved by the local planning authority.” as per SCC Highways request and to ensure that the cycle route improvements are brought forwards quickly.

In light of the above principle being acceptable and the variation of conditions serving to alter the time periods for elements to be brought forwards the recommendation is for approval in line with SCC Highways comments particularly regarding variation of condition 26.

#### **RECOMMENDATION**

[1] The application be deferred and that subject to an appropriate Deed of Variation being completed to the satisfaction of the Chief Planning Officer in respect of ensuring any new permission granted as a result of this S73 application and/or the concurrent planning application is/are tied appropriately to the original S106 Agreement.

Then [2] the Chief Planning Officer be authorised to GRANT planning permission for the amended conditions as described which will necessitate a new planning permission which shall itself include all previous conditions on the earlier relevant approval save for the use of the amended wording agreed in respect of conditions 20 and 26.