

## **Committee Report**

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| <b>Item No: 6A</b> | <b>Reference: DC/21/05017</b><br><b>Case Officer: Samantha Summers</b> |
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**Wards:** Sudbury South-West (also existing doctors' surgeries in Sudbury Northwest and Great Cornard to be closed).

**Ward Member/s:** Cllr Sue Ayres

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

#### **Description of Development**

Full Application - Erection of part two-storey, part three-storey GP Surgery and Pharmacy, with associated parking, external works and landscaping.

#### **Location**

Former Lorry Park, Station Road, Sudbury, CO10 2SS

**Expiry Date:** 11/12/2021

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

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

**Applicant:** Apollo Capital Project Developments Ltd

**Agent:** Mr Barry Prince

**Parish:** Sudbury

**Site Area:** 0.54 Hectares

**Details of Previous Committee / Resolutions and any member site visit:** A Committee Site Inspection was carried out by members of the Committee and Ward Members of Great Cornard, Sudbury (North-West) and Sudbury (South-West) on the 10<sup>th</sup> of November 2021.

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

**Has the application been subject to Pre-Application Advice:** Yes, reference number DC/21/03357

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

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

- The landowner is Babergh District Council, and the development is of public interest

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

### **Summary of Policies**

CN01 - Design Standards  
CN08 - Development in/near conservation areas  
EM01 - General Employment  
CR04 - Special Landscape Areas  
CR07 - Landscaping Schemes  
CR08 - Hedgerows  
TP15 - Parking Standards - New Development  
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh  
CS02 - Settlement Pattern Policy  
CS03 - Strategy for Growth and Development  
CS15 - Implementing Sustainable Development  
CS21 - Infrastructure Provision

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

### **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**

##### **Town/Parish Council**

###### **Sudbury Town Council**

APPROVE - Members noted the comments made by Suffolk County Council Public Rights of Way and Access, plus the holding objection regarding drainage. Request a site inspection.

###### **Great Cornard Parish Council**

Great Cornard Parish Council Recommends – APPROVAL – subject to the following: -

Suitable provision for contractor vehicles to park onsite whilst the building works are in progress.

Parking provision for market traders should be available as they will no longer be able to park close to Market Hill.

Drainage – Interceptors should be installed to catch oil and petrol re: concerns over contaminating the watercourse.

The Parish Council notes the comments made by Suffolk County Council re: Public Rights of Way.

Trees - Proposed species to be removed (Field Maple, Hornbeam, Maple) are of long life expectancy and mitigation planting should be of the same or higher quality.

## **National Consultees**

### **NHS**

The CCG has been working with lots of our colleagues and BMSDC infrastructure team on the proposed new health surgery in Sudbury. I am very happy to confirm that we support the proposals, and this is in line with an agreed strategy for the area.

## **COUNTY COUNCIL RESPONSES**

### **SCC Travel Plans**

Thank you for consulting me about the proposed GP surgery at Station Road in Sudbury. On reviewing the planning documents submitted by the applicant I will be providing a response on the Travel Plan that was submitted; however, my response will be incorporated into the formal Suffolk County Council Highways response that Ben Chester is leading on to comply with internal protocol.

### **SCC Floods and Water**

#### **Response dated 20.09.2021**

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

- Site Location Plan Ref 20.002 01a
- Flood Risk Assessment and Surface Water Drainage Strategy Ref 201195 Rev 1 A holding objection is necessary because whilst the applicant has assessed the flood risk and supplied a strategy for the disposal of surface water, the document references an out-of-date version of the NPPF. NPPF was updated in July 2021. The LPA needs to decide whether a sequential test is required under the new NPPF July 2021. A sequential test may need to be undertaken per NPPF (2021) para 161, due to the predicted low/medium/high surface water flood risk associated with the site.

The proposal to build in an area predicted to be affected by surface water flooding is contrary to the following national policies:

1. National Planning Policy Framework (2021) Paragraph 159. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The holding objection is a temporary position to allow reasonable time for the applicant and the LLFA to discuss what additional information is required in order to overcome the objection(s). This Holding Objection will remain the LLFA's formal position until the local planning authority (LPA) is advised to the contrary. If the LLFA position remains as a Holding Objection at the point the LPA wishes to determine the application, the LPA should treat the Holding Objection as a Formal Objection and recommendation for Refusal to the proposed development. The LPA should provide at least 2 weeks prior notice of the publication of the committee report so that the LLFA can review matters and provide suggested planning conditions, even if the LLFA position is a Formal Objection.

The points below detail the action required in order to overcome our current objection: -

1. Update para 3.1 of the Flood Risk Assessment and Surface Water Drainage Strategy as it references an old version of NPPF.
  - a. Update and significant changes in July 2021
2. LLFA recommends that a sequential test is undertaken due to the predicted medium/high surface water flood risk associated with the site. If the LPA allows the development, then the applicant is to

ensure that

- a. it does not increase the overall risk of all forms of flooding in the area through the layout and form of the development and use of appropriate SuDs
- b. it will be adequately protected from flooding;
- c. it is and will remain safe for people for the lifetime of the development

### SCC Public Rights of Way

#### **Response dated 22.09.2021**

The proposed site contains a public right of way. Sudbury Public Footpath 14 lies at the very southern end of the site, although the applicant's site plans do not show this. This right of way intersects with Sudbury Public Footpath 55 (also known as The Valley Trail). The Definitive Map for Sudbury can be seen at: <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-ofway/Sudbury.pdf>. A detailed plot of public rights of way needs to be requested by the developer.

We would make the following comments about this application:

- The Design and Access Statement focuses strongly on vehicular access and parking arrangements but makes little reference to public rights of way which offer more sustainable alternatives to travelling by car and a safer off-road option to cycling on the road or walking along footways adjacent to the road.
- The public rights of way referenced above (Sudbury Public Footpath 14 and Sudbury Public Footpath 55) offer direct access between the site and the countryside. Encouraging and enabling the use of these routes should be intrinsically linked to this development for obvious health and wellbeing benefits.
- Sudbury Public Footpath 14 lies on the southern boundary of the site and is partly through the site – as highlighted above, a detailed plot of public rights of way needs to be requested by the developer and used on all relevant plans.
- It needs to be noted that the definitive alignment of Footpath 14, where it passes through the site, does not match the walked route on the ground.
- It should also be noted that the definitive alignment of Footpath 14 where it passes through the site is obstructed by planting.
- Sudbury Public Footpath 55 (The Valley Trail) lies parallel to the eastern boundary of the site. This trail is a well-used leisure and commuting route and forms a section of the following promoted trails:
  - o The Gainsborough Trail Meadow Walk.
  - o The Ramblers St Edmunds Way.
  - o The Dedham Vale AONB's Stour Valley Path.
  - o Suffolk Threads Trail (promoting the wool towns of Suffolk).
- The site plan 'Off-site footpath route improvements' Drawing C-105, depicts a car parking space close to the entrance to Sudbury Public Footpath 55 (The Valley Trail).
- The site plan 'Proposed Site Plan' Drawing 03, identifies this space as a 'new parking space created on end of current parking bay'.
- These two plans raise concerns that access to Sudbury Public Footpath 55 (The Valley Trail) may become less open and less obvious to visitors, users of the existing car park and visitors to the Kingfisher Leisure Centre. The new parking space should not be created if it adversely affects the desire line route from the main car park to the start of The Valley Trail.
- The development should enhance access to the Valley Trail to ensure the trail entrance is accessible for all.

We would accept this proposal but only subject to the following:

- Sudbury Public Footpath 14 is diverted to align with the walked route on the ground. This requires legal order making and must be provided as a Section 106 Contribution of £5,000. Early contact with the Definitive Map team is essential to understand this process and associated timescales.
- Sudbury Public Footpath 14 is improved with a sealed surface to ensure it is fully accessible for all including users of wheelchairs, people with limited mobility and people with pushchairs. These improvements are delivered as a Section 106 Contribution of £40,000. Alternatively, they can be delivered by a Section 278 Condition.
- A link should be created between the site and Sudbury Public Footpath 14 to allow for the most direct access to the surgery and pharmacy.
- The development should fund the development of new promotional material and interpretation panels to encourage use of The Valley Trail and locally promoted walks. A Section 106 contribution of £5,000 is requested for this.
- The total funding requested through Section 106 contributions is £50,000.

We would also highlight the following:

Suffolk County Council's Green Access Strategy (2020-2030) sets out the council's commitment to ensuring and promoting sustainable travel options for all. The strategy focuses on walking and cycling for commuting, accessing services and facilities, and for leisure reasons. Specifically, 2.1 "Seeks opportunities to enhance public rights of way, including new linkages and upgrading routes where there is a need, to improve access for all and support healthy and sustainable access between communities and services. Funding to be sought through development and transport funding, external grants, other councils and partnership working."

### **Response dated 15/10/2021**

Thank you for your consultation concerning the above application and for the applicant submitting site plans that now depict the public rights of way network.

The previous Rights of Way and Access response sent on 22 September 2021, then added to by the response from SCC Highways on 30 September 2021, remains unchanged as we are very keen to see this development (made even more relevant by it being a GP Surgery), provide enhanced sustainable and accessible access for all including people who use wheelchairs, people with pushchairs, walkers and cyclists, so as to minimise reliance on car travel.

#### SCC Fire and Rescue

A condition is required for fire hydrants.

#### SCC Highway Authority

### **Response dated 30/09/2021**

Notice is hereby given that the County Council as Highway Authority make the following comments:

Traffic Impact:

Whilst it is acknowledged that other local surgeries will close as a result of the proposal, it will divert all of the existing trips to a single location, that is close to the most congested junctions within the area.

Subsequently, the impact upon the local highway network will be significant and in order to mitigate this, the proposal needs to encourage the use of sustainable travel wherever possible.

As currently proposed, we object to the proposal as it does not accord with NPPF paras. 110 and 112, in particular 110a and d, and 112a.

Further to the SCC Public Rights of Way (PROW) response dated 22/09/21, discussions have taken place with SCC and BMSDC colleagues involved in active travel, with regard to the options available for improving sustainable travel routes in this area. SCC PROW team are supportive of the following potential measures that would supersede the S106 contribution request made for improvements to FP14 in the aforementioned PROW response:

Provide high quality walking and cycling routes to the development by improving existing PROWs as follows:

- Upgrade FP14 from Corporal Lillie Close to FP15 (150mx3m) to Cycle Track, with sealed surface, diversion to match the walked route;
- Upgrade FP14 and FP13 from FP15 to rail crossing (400mx3m) to Bridleway/ Cycle Track with unsealed surface and 2 new Bridleway bridges;
- Dedicate section between rail crossing and Cornard Road (50mx3m) to Bridleway and sealed surface;
- Resurface FP12 between rail crossing and rail station (150mx2m);
- Estimated total cost = £156,000 (Section 106 contribution requirement).

The other comments in the SCC Public Rights of Way (PROW) response dated 22/09/21 still apply, particularly with regard to ensuring that the access points to the PROWs remain unobstructed and suitable routes are provided within the site to accommodate these PROW routes.

Other Comments:

Pedestrian Route Improvements:

The proposed minor improvements to the pedestrian route from Great Eastern Road to the site shown on drawing C-105 P01 are welcomed, however, the most northern section of footway suffers from overhanging vehicles from the neighbouring car park spaces, that can potentially reduce the useable width down to as little as around 1 metre wide. This is not acceptable for vulnerable road users over this distance (as detailed in the Government's Inclusive Mobility document). Therefore, measures are required to ensure that a suitable width facility is maintained when the spaces are occupied.

Lorry Parking:

Section 3.4.7 of the Transport Assessment advises that: The existing lorry and market trader parking spaces will be relocated to a more appropriate place elsewhere within the Sudbury area. Further details are required to ensure that a nuisance parking issue does not occur as a result of the proposal.

Lorry Signage:

There are a number of existing Lorry Parking direction signs on the approach to the existing lorry parking area and at nearby junctions. These will need to be amended to suit the new proposal to avoid lorries being unnecessarily directed to the development, resulting in excessive HGV waiting and manoeuvring, that may be detrimental to the safety of users of the development. It is envisaged that a suitable planning condition requiring a survey and revision of this signage may be able to address this comment.

SCC Travel Plan Officer Comments:

A Travel Plan (dated August 2021) has been submitted to support the planning application; however, the detail and measures are likely to change nearer to occupation if the development is to be permitted. To

ensure that a suitable Travel Plan is submitted at a later date the following planning condition will be required:

Condition: Prior to first occupation of the development details of the travel arrangements to and from the site for employees, visitors and customers, in the form of a Travel Plan in accordance with the mitigation measures identified in the submitted Travel Plan, Transport Assessment (both dated August 2021) and Highway Authority response [DATED] shall be submitted for the approval in writing by the local planning authority in consultation with the highway authority. This Travel Plan must contain the following:

- Baseline travel data based upon the information provided in the Transport Assessment, with suitable measures, objectives and targets identified targets to reduce the vehicular trips made by employees, visitors and customers across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met
- Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan
- A commitment to monitor the vehicular trips generated by the employees, visitors and customers and submit a revised (or Full) Travel Plan no later than six months after occupation
- A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority for a minimum period of five years using the same methodology as the baseline monitoring
- A suitable marketing strategy to ensure that all employees, visitors and customers on the site are engaged in the Travel Plan process
- A Travel Plan budget that covers the full implementation of the Travel Plan
- A copy of an employee travel pack that includes information to encourage employees to use sustainable travel in the local area The site shall not be occupied until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Reason: In the interest of sustainable development as set out in the NPPF, and policy CS15.

- Note 1: The Travel Plan and Employee Travel Pack should be produced and implemented in accordance with Suffolk County Council's Travel Plan Guidance ([www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/information-for-developers](http://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/travel-plans/information-for-developers))
- Note 2: A financial contribution may be requested and made payable to the council to cover the resource for any discretionary work the local planning authority or highway authority must undertake with the Travel Plan in accordance with Section 93 of the 2003 Local Government Act and Section 3 of the 2011 Localism Act

If a Section 106 Agreement is going to be produced to support this application a £1,000 per annum Travel Plan Evaluation and Support is payable for five years from occupation of the development, as overseeing the implementation and monitoring of the Travel Plan is a discretionary function of the County Council and chargeable in accordance with Section 93 of the 2003 Local Government Act and Section 3 of the 2011 Localism Act.

SCC Passenger Transport Team Comments: None received. If received at a later date, they will be

forwarded separately.

## **Response dated 26/10/2021**

Our response dated 30/09/21 (ref: SCC/CON/4227/21) still applies as the comments raised in that response have not been addressed by the recently submitted documents.

### SCC Archaeology

We have looked at this proposal. In our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.

## **INTERNAL BDC CONSULTEE RESPONSES**

### BMSDC Heritage

The Heritage Team do not intend to provide comments - Proposal is not considered to cause sufficient impact to warrant Heritage Team's involvement.

### BMSDC Tree Officer

I have no objection to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report. Although a small number of trees are proposed for removal, they are of limited public amenity value and are not of sufficient arboricultural or landscape importance to warrant being a constraint. If you are minded to recommend approval, we will also require a detailed Arboricultural Method Statement and dedicated Tree Protection Plan in order to help ensure harm is not caused to the trees scheduled for retention, this can be dealt with under condition.

### BMSDC Environmental Protection – Contamination

I have no objection to the proposed development provided that the condition below is included with any permission that may be granted. Without this condition I would be minded to recommend that the application be refused until such time as the applicant is able to demonstrate that the site can be made suitable for use without need for the condition.

Proposed Condition: Standard Contaminated Land Condition (CL01)

No development shall take place until:

1. A strategy for investigating any contamination present on site (including ground gases, where appropriate) has been submitted for approval by the Local Planning Authority.
2. Following approval of the strategy, an investigation shall be carried out in accordance with the strategy.
3. A written report shall be submitted detailing the findings of the investigation referred to in (2) above, and an assessment of the risk posed to receptors by the contamination (including ground gases, where appropriate) for approval by the Local Planning Authority. Subject to the risk assessment, the report shall include a Remediation Scheme as required.
4. Any remediation work shall be carried out in accordance with the approved Remediation Scheme.
5. Following remediation, evidence shall be provided to the Local Planning Authority verifying that remediation has been carried out in accordance with the approved Remediation Scheme.

Reason: To identify the extent and mitigate risk to the public, the wider environment and buildings arising from land contamination.



It is important that the following advisory comments are included in any notes accompanying the Decision Notice:

“There is a suspicion that the site may be contaminated or affected by ground gases. You should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

Unless agreed with the Local Planning Authority, you must not carry out any development work (including demolition or site preparation) until the requirements of the condition have been met, or without the prior approval of the Local Planning Authority.

The developer shall ensure that any reports relating to site investigations and subsequent remediation strategies shall be forwarded for comment to the following bodies:

- Local Planning Authority
- Environmental Services
- Building Inspector
- Environment Agency

Any site investigations and remediation strategies in respect of site contamination (including ground gases, where appropriate) shall be carried out in accordance with current approved standards and codes of practice.

The applicant/developer is advised, in connection with the above condition(s) requiring the submission of a strategy to establish the presence of land contaminants and any necessary investigation and remediation measures, to contact the Council's Environmental Protection Team.”

#### BMSDC Economic Development

We have relocated the market trader vans from the Station Road (Kingfisher) car park to the back of the Great Eastern Road (Roy's) car park. There will be no loss of parking for the market traders and a permit scheme will be still operated. There will be no loss of public parking as the vans previous parked in the Station Road (Kingfisher) car park or the lorry park and just been relocated to Great Eastern Road (Roy's) car park . There are currently 12 permits issued.

Options for the swimming bus drop off and single market trader lorry parking are being formulated and are being discussed further with stakeholders.

#### BMSDC Environmental Protection - Noise

Environmental Protection have no objection in principle subject to appropriate consideration of existing noise affecting the proposed medical centre and new plant noise affecting nearby residents.

An acoustic assessment has been undertaken by Hunter Acoustics; Reference: 6165/ENS1. The assessment has characterised the existing ambient noise environment to inform building design to ensure that the building elements including glazing and ventilation will ensure suitable internal noise levels for the proposed use and established background noise levels for the existing residential dwellings in Corporal Lille Close against which has been used to set a plant noise level at the receptor to guide the selection and locating of equipment. The assessment shows that that some mitigation will be necessary and informs the final design of the building and its plant.

Therefore, have no objection subject to the following conditions being applied should permission be granted.

## Conditions

1. No noise from construction or demolition works shall be take place outside of the following hours:

Monday to Friday: 08:00 to 18:00

Saturday: 08:00 to 13:00

or Public Holidays: NONE

2. Prior to the commencement of the development, including any demolition works, a Construction Method Statement (CMS) shall be submitted in writing for approval. The CMS shall include details of the management of

- Construction traffic and Deliveries, including mitigation for mud and dirt on the highway
- Noise and Vibration
- Dust
- Lighting

And any other site-specific impacts that may affect off site receptors and members of the public. The agreed CMS shall be followed unless otherwise agreed in writing with the local planning authority 3. No Burning of demolition or construction waste and materials shall be permitted at any time

4. Prior to the commencement of development, an acoustic assessment guided by the recommendations and conclusions of the Environmental Noise Assessment by Hunter Acoustics; Reference: 6165/ENS1 dated 30th July 2021, shall be submitted to, and agreed by, the Local Planning Authority in writing.

## Place Services Ecology

No objection subject to securing ecological mitigation and enhancement measures Summary.

We have reviewed the Preliminary Ecological Appraisal (Geosphere Environmental Ltd, August 2021) and the Bat Activity Survey (Geosphere Environmental Ltd, September 2021), supplied by the applicant, relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on designated sites, Protected and Priority Species & Habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Preliminary Ecological Appraisal (Geosphere Environmental Ltd, August 2021) and the Bat Activity Survey (Geosphere Environmental Ltd, September 2021) should be secured and implemented in full. This is necessary to conserve Protected and Priority Species.

The Bat Activity Surveys identified that the boundary habitat to the south of the site contains a foraging and commuting bat assemblage of district importance. Therefore, a Wildlife Friendly Lighting Strategy is implemented for this application, to be secured prior to beneficiary use, following BCT & ILP Guidance<sup>1</sup>. This should include technical specification and contour plans, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Lighting should be directed away from Biodiversity Sensitive Zones with no light exceeding 1 lux at this location.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effect on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g., cowls, hoods, reflector skirts or shields.

In addition, we support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy. The strategy should be secured prior to commencement as a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

### Place Services Landscape

The proposal is for the re-development of existing lorry park into a GP Surgery and Pharmacy. The proposal includes parking areas and landscaping. It is considered that the site is able to accommodate the proposed development and it will have a negative impact on the existing landscape character.

The site is currently hard standing with existing vegetation present mostly around the perimeter of the site. Existing trees vary between early mature and semi mature. An Arboricultural Survey and Tree Constraint Plan has been submitted. The report suggests that a total of 8 trees (G13, G14 and T7) category B and C trees will be removed to facilitate the new parking and ambulance bay for the new development.

### Landscaping proposal

The group of trees proposed to be removed and associated soft landscape strip currently provides visual separation between the car park for Kingfisher Leisure Centre and the site. Although the majority of these trees have been classified as Category B in the tree survey, in terms of landscape character and visual amenity we consider these trees and landscape feature to be of high value. We acknowledge the constraints these have for the new building and that their retention might not be possible. Appropriate mitigation should be proposed to compensate for tree loss.

We considered the species removed (field maple, hornbeam and maple) to be of long live expectancy and mitigation planting should be of the same or higher quality. The proposed white birch *Betula pubescens* is not considered to be of equal characteristics and value to the species removed. The proposed tree planting consisting of five trees is not consider providing suitable mitigation for tree loss.

We would recommend an increase on number of new tree planting and these to be of bigger stature and longevity to provide higher ecosystem benefits.

Overall, the proposed shrub and ornamental planting is appropriate and will deliver a good variety to provide interest all year around and support wildlife.

We are in support and very much welcome the approach to the proposed bin store and cycle store which incorporates a variety of planting and wildlife habitats.

### SuDS

We are in support of the proposed permeable paving for the car park to the north as mentioned in the Design and Access Statement.

We feel that opportunities to further reduce water run-off from new building and existing hard surfacing using rain gardens could have been explored and incorporated in the proposal.

### Recommendations

If minded for approval, we would recommend the following:

- The northwest elevation should be improved to provide a more interesting and attractive elevation using brick detailing and/or soft landscaping to soften the brick façade, i.e., climbers or specimen shrubs/small trees.
- Appropriate tree planting mitigation is required with a review of the tree species and quantity.
- A planting plan and planting specification has been submitted. In addition, a hard landscaping plan and boundary treatment should be submitted. This can be dealt with under condition.
- Explore the use of rain gardens within the planting beds around the building and in the car park.

## **Other Consultee Responses**

### **Sudbury Society**

The Sudbury Society is very pleased to see this ambitious proposal for a major new health centre on a significant central site which has hitherto been a poorly managed vehicle park. Before we comment on the building itself, we must ask what plans exist to accommodate three types of vehicles affected by the proposal:

- HGVs who use the stop while waiting to unload at, for example, the Nestle plant
- Buses and coaches not in service but waiting for their scheduled run
- Light commercial vehicles of market traders on market days.

Our next question concerns traffic flows. The Centre will generate traffic through the Great Eastern junction which is already congested and dangerous. Consent to the proposal should be conditional upon improvement of this junction by Suffolk Highways. Possibly by the installation of a mini-roundabout (such as that by the Halstead filling station, which works well).

Next, the question of landscaping and tree cover. The perimeter of the site today is a disgrace to the Town and District Councils. No attempt has been made for years to manage the undergrowth on the Valley Walk or the Waitrose sides of the site. We see an elaborate landscaping plan in the application, but we observe that contract planting is a relatively easy task for the developer: what is much harder is continuous and thorough maintenance.

We would like to see conditions imposed upon the Centre to maintain the grounds in first class condition year after year. And why has Waitrose been allowed to so badly neglect the planting on its border to the site? (Photo 1 below)

As for the tree cover, if anything the site is overshadowed by the Valley Walk trees and by the more recently planted specimens between it and the Kingfisher Centre. There's a good opportunity to give the site more natural light and a fine view to the southwest by removing some of the random growth on the internal side of the site and widening the adjoining gap (photo 2) which leads on to Friars Meadow. People will doubtless protest at this suggestion but the undergrowth here is not distinguished and significant trees would not be affected. If this is an important building, it should be publicly visible, not hidden away.

Finally, to the architecture itself, which we find to be yet another missed chance for Sudbury to have a significant addition to its townscape. We are all familiar with the horrors of Borehamgate and Sulby House, to which has just been added the only slightly less offensive Crown Buildings flats on Newton Road: an unnecessarily high block which thoughtlessly obstructs the only worthwhile feature to be viewed at this main gateway to the town. (Photo 3)

The Medical Centre elevations are certainly inoffensive and thankfully it's not a solid block. But why be so timid? In trying to hide itself from view and "seeking to minimise visual impact" the result is bland, bland, bland.

If these buff bricks are similar to those used on the Newton Road block they cannot be local materials. As we have advised previously on the Conservative Club site, the local brick styles are either Reds (refs. Kingfisher Centre, Mattingleys, Walnut Tree and St Leonard's hospital sites) or Whites, such as those from the Burwell clays in Cambridgeshire.

“A red brick feature wall has been incorporated as a homage to the local Bulmer handmade bricks. This is also utilised to highlight the main entrance and its access steps, ramps and raised planters.”

“A timber composite cladding system is proposed to provide a natural aesthetic to blend in with the bordering tree line, while maintaining longevity and minimising maintenance.”

Welcome enough points, but these very minor details are pure tokenism. Why so little use of local materials and local vernacular detail? With its proximity to the old railway line some reference to this would be an improvement or even some reflection of the former Maltings on the site of Waitrose.

To sum up, we see this very important and welcome development as another missed opportunity to place a bold and imaginative building on a prominent site in a town that badly needs it. The client and their architects DGA <https://dgaltd.co.uk/architecture/> should be capable of something better.

### Ramblers Association

The Ramblers has no objection to this proposed development in principle, but fully support the comments made by the County PROW team, regarding improvements to FP14, which is within the boundary of the site, and to the adjacent Valley Walk, and would like to see them implemented

## **B: SUMMARY OF REPRESENTATIONS**

At the time of writing this report at least 2 letters/emails/online comments have been received. It is the officer opinion that this represents 1 objection and 1 support comment. These may be viewed online. A verbal update will be provided at your meeting as necessary.

Concerns raised by the representations include the blocking up of the footpath to access the River Walk and current antisocial behaviour on the lorry park area.

(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/21/03599   | Planning Application - Erection of 3no. solar PV carports with associated infrastructure including cabling to Leisure Centre, battery storage system and 5no. electric vehicle charging points | <b>DECISION:</b> GTD<br>26.08.2021 |
| <b>REF:</b> B/0119/80/FUL | Reconstruction and associated landscaping of existing lorry and car park and change of use of former railway track to form extension to Railway Walk.  | <b>DECISION:</b> GRA<br>24.03.1980 |

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

### **1.0 The Site and Surroundings**

1.1 The application site comprises Sudbury Lorry Park and part of the public car park adjacent to the Kingfisher Leisure Centre. The site is accessed from the junction with Great Eastern Road and Station Road. The access road serves the Waitrose store, Kingfisher Leisure Centre and the public car park.

- 1.2 The site is a flat area that is block paved and surrounded with trees. The site serves as a delivery area for Waitrose which has its service bay to the rear of the store. The nearest residential properties are to the south-west of the site in Corporal Lillie Close. Waitrose is to the west, the public car park and Kingfisher Leisure Centre are to the north and to the east and south is Friars Meadow (an important green space on the edge of the built-up area of the town, and within a Special Landscape Area on the banks of the River Stour) with a drainage ditch and public right of way forming a boundary between the two areas.
- 1.3 The site is within the Built-Up Area Boundary of Sudbury and is within the town centre. The Railway and Bus Stations are both within an easy walk from the site. The site is not within the Sudbury Conservation Area and there are no Listed Buildings within close proximity.
- 1.4 The site is within Flood Zone 1 and is considered to be a low risk of flooding. However, there are concerns around surface water drainage when the rainfall is heavy. Advice from the LLFA has been received on the application and this issue is covered further below.
- 1.5 The site is currently used as a lorry park and the Council has undertaken a survey of parking on it. It is mainly used twice a week (Thursdays and Saturdays) for parking for market stall holders. In addition to this parking, the average number of lorries using the park is approximately two a day. The Kingfisher Leisure Centre is used by local schoolchildren who arrive by coach for swimming lessons. The coach uses the lorry park as a waiting area whilst the children swim. Other coaches are understood to have used the site for schools pick up and drop off in the past.
- 1.6 The site is owned by Babergh District Council. It is proposed to dispose of part of it for the development of the Medical Centre and retain the western and southern part to enable Waitrose to continue its deliveries to the rear of the store.
- 1.7 The application site also includes part of the public car park (39 spaces) and a row of trees which divides the public car park from the lorry park. A fence forms the boundary of the lorry park on the southern and eastern boundaries. This is to be retained by Babergh District Council.
- 1.8 Public rights of ways are an important feature around this area of Sudbury. The Valley Walk (footpath 55) which forms part of the Gainsborough Trail outside of the site along the southern and eastern boundaries. This is a very wide footpath with a good surface that is capable of being used by cyclists, prams and wheelchairs. Footpath 14 runs through the southern section of the site (outside of the area to be developed and within the ownership of Babergh District Council) from Corporal Lillie Close to join footpath 55. Footpath 14 is currently unused, as the gap in the fence line has been stopped up and pedestrians either squeeze through other gaps in the fence or divert along the Valley Walk. Footpath 12 to the north of the public car park runs along Station Road from the railway station to the car park.

## **2.0 The Proposal**

- 2.1 The proposal is for the development of a modern medical centre that will incorporate three existing small GP surgeries – Hardwicke House, Meadow Lane and Great Cornard.
- 2.2 The floor area provided by the medical centre would be over three floors and provide a total of 1914 square metres of floorspace comprising 1789 square metres for the medical use and 125 square metres for a pharmacy shop.
- 2.3 The medical centre will have its own parking. 20 bays and 2 disabled bays will be provided to the rear of the building for staff. 58 bays and 4 disabled bays are to be provided to the front of the building for patients and customers of the pharmacy.
- 2.4 The medical centre will be part two-storey and part three-storey in height. The highest point of the building will be 38.05m. This is lower than the turret of Waitrose and the main ridge of the Kingfisher Centre which are 38.2m and 41.05m respectively.

2.5 The building will be finished with a buff brick to blend with the Waitrose store. A feature wall at the entrance to the building will be finished in red Bulmer brick using a 3D design. Inspiration has been taken from the “weave” effect brickwork of the new Gainsborough’s House Museum galley building currently under construction in the town. To help break up the large expanse of buff brickwork, contemporary windows are proposed with timber panels to the side of the windows.

2.6 Site Area is 0.54 hectares

### **3.0 The Principle of Development**

3.1 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF) 2019.

3.2 The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 219 of the NPPF subject to the degree to which the policies are consistent with the policies in the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old.

3.3 Even if policies are considered to be out of date, that does not make them irrelevant; their weight is not fixed, and the weight to be attributed to them is within the remit of the decision taker. There will be many cases where restrictive policies may be given sufficient weight to justify a decision despite their not being up to date.

3.4 As mentioned above, as required by paragraph 219 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.

3.5 Policy CS1 ‘Applying the Presumption in favour of Sustainable Development in Babergh’ is in-step with paragraph 11(d) of the NPPF, even though the policy’s wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS15 sets out desirable characteristics for development which are based upon the principles of sustainable development which is also consistent with the NPPF and given full weight. Both policies CS15 and CS21 accord with the NPPF and attract full weight in this decision.

3.6 Policy CS2 ‘Settlement Pattern Policy’ designates Sudbury as a Town. Policy CS2 requires that most new development is directed sequentially to Towns. The site is within the Built-Up Area Boundary of Sudbury. Policy CS2 attracts full weight insofar as it is relevant to this application. Therefore, the principle of development on the site is acceptable.

3.7 The existing use of the land is a lorry park that was protected under Policy TP14 of the Babergh Local Plan (2006). However, this was not a saved policy when the Babergh Core Strategy was adopted in 2014. No provision for lorry parking in Sudbury was secured by the Core Strategy. Having not been saved policy TP14 therefore carries little weight in the consideration of this application. In broad terms responsibility for lorry parking provision falls to Suffolk County Council.

3.8 The centre of Sudbury has a very busy one-way system and road network that is not ideal for HGVs. Bringing HGVs into the centre of the town for parking is not considered to be in the best interests of the town and the removal of the lorry park from this location is considered to be a benefit in terms of traffic movement and also in removing potential conflict of vehicles and pedestrians in the car parking area.

3.9 Applying the above mentioned policies to the proposed use of the site for a medical centre requires assessment against policies in the Babergh Core Strategy that include policies CS1, CS2, CS15 and CS21. These policies are considered to be consistent with the aims of National Planning Policy Framework (NPPF) 2021, in particular paragraphs 8, 86, 88, 92, 93.

3.10 Policy CS1 of the Core Strategy has a presumption in favour of sustainable development in Babergh that is in line with paragraph 8 of the NPPF. Paragraph 8 has three overarching objectives – Economic, social and environmental.

- Economic objective – The provision of infrastructure to help build a strong, responsive and competitive economy. The centre of Sudbury and Great Cornard have three separate doctors' surgeries. All are small and do not have the space to provide the services that a modern doctor's surgery can offer patients. The provision of a modern medical centre that can offer patients many services from one building is considered to be important infrastructure for the town.
- Social objective – This objective focuses on health and accessible services. The application site is in the town centre within an existing public car parking area. The site is easily accessible from the bus and railway stations and there are a number of public footpaths which link the site to other areas around the town. The proposal is for a medical centre that will ensure the health of the community.
- Environmental objective – The objective is to protect and enhance the environment, both built and natural and to improve biodiversity whilst moving to a low carbon economy. The site is within a town centre location but also adjacent to a Special Landscape Area. The design and material finishes of the building are an important factor of the assessment. Biodiversity enhancement is a requirement of the scheme, particularly because of the mature trees around the site that support habitat and foraging areas for wildlife. The site is to provide comprehensive medical facilities for the Sudbury community in a central location. This will result in patients not having to make multiple trips for consultations/blood tests/vaccinations and so on, as this will all be available in one place. Air source heat pumps are to be used for the building and there will be high levels of insulation in the building to help with carbon reduction. Patients will have a variety of modes of transport available to visit the medical centre which include walking, cycling, bus and rail travel.

3.11 Policy CS15 of the Core Strategy has a long list of criteria which is relevant to implementing sustainable development in the district. Not all of the criteria relate to this proposal. Below is the relevant list of criteria for this proposal:

*i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;*

The application site is in a town centre location close to both a Special Landscape Area and also the Sudbury Conservation Area. The site has excellent screening with a backdrop of mature trees between the site and Friars Meadow. The buff-coloured brickwork blends with the Waitrose store. The bulk of the building has been broken up with being part two storey and part three storey. A flat roof has been used to allow the building's height to be minimised as much as possible.

*ii) make a positive contribution to the local character, shape and scale of the area;*

The medical centre would sit between two existing buildings, the Waitrose store and the Kingfisher Leisure Centre. These are both modern buildings. The Kingfisher leisure Centre has a new extension, and the design of that extension has been reflected in the medical centre as has the brick choice which is buff brick to reflect Waitrose. The height of the medical centre sits lower than the Waitrose store and the Kingfisher Leisure Centre.

*iii) protect or create jobs and sites to strengthen or diversify the local economy particularly through the potential for new employment in higher skilled occupations to help to reduce the level of*



*out-commuting, and raise workforce skills and incomes;*

There is to be no loss of employment from the amalgamation of the three doctors' surgeries into one medical centre. It is intended that the centre will help to train GPs and possibly other higher skilled occupations.

*iv) ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development;*

The proposal is easily accessible by car, bus, train, cycling and also walking on existing public footpaths.

*v) retain, protect or enhance local services and facilities and rural communities;*

The medical centre is considered to be an enhancement to existing local facilities. It is acknowledged that Great Cornard will foreseeably lose its local doctor's surgery and some patients will have to travel further to see their doctor. The variety of services on offer, however, at the new medical centre are expected to lessen the number of multiple journeys that patients will need to make to different medical sites, and to optimise health service delivery and efficiency because many services will be provided in one building, including a pharmacy.

*vi) consider the aspirations and level and range of support required to address deprivation, access to services, and the wider needs of an aging population and also those of smaller rural communities;*

The new medical facility will be a level-access building with ramps to the front door. Inside, there will be a lift to provide access to all parts of the building and consultation rooms. Medical facilities will be available in the centre of the town and will put services in one place, making it easier for patients of all characteristics to access a comprehensive range of healthcare services and to address the particular issues that face patients and medical staff alike.

*vii) protect and enhance biodiversity, prioritise the use of brownfield land for development ensuring any risk of contamination is identified and adequately managed, and make efficient use of greenfield land and scarce resources;*

The current use of the land is as a lorry park. There is a risk of contamination from oil spillage. The proposed development, however, is not a sensitive end-user development such as residential use. It is nonetheless important to ensure that the land is safe for its intended use and, therefore, the Environmental Protection Team has advised that a condition should be used to secure sufficient assessment of the site for contamination prior to commencement of work.

*viii) address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy;*

A Preliminary Energy Assessment accompanied the application submission. Recommendations in the assessment include:

A condition is recommended for details of sustainability matters to be agreed at a later stage.

Given that design standards to address climate change are an important matter of design and continue to evolve in real time it is considered that this approach will avoid being needlessly prescriptive but will ensure transparency over the final design solutions to address climate change.

*xii) minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate;*

There is a risk of surface water flooding on the site. A sequential test has been provided by the planning agent and the Council as applicant has confirmed that there are no other sites available in a central location to Sudbury where the development could take place. It is the responsibility of the LPA to undertake the Sequential test and, where necessary, apply the Exception test to new development.

The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding. When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. Depending on the particular circumstances it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. The area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. It is for local planning authorities, taking advice from the Environment Agency as appropriate, to consider the extent to which Sequential Test considerations have been satisfied, taking into account the particular circumstances in any given case. The developer should justify with evidence to the local planning authority what area of search has been used as detailed elsewhere in this report. Ultimately the local planning authority needs to be satisfied in all cases that the proposed development would be safe and not lead to increased flood risk elsewhere.

In the circumstances of this application the LPA should have regard to the advice of the NPPF para 167. In summary, applying the policy requirements of the NPPF and conducting a preliminary Sequential test, it is considered that the development is in the lowest flood risk category (Flood Zone 1) and can be built appropriately flood resistant and resilient such that, in the event of a surface water flood, it could be quickly brought back into use without significant refurbishment. The development is expected to incorporate sustainable drainage systems on the information to hand, though further consultation with the LLFA on the surface water drainage strategy is appropriate before a final Sequential test is conducted and any residual risk can be safely managed. Moreover, it is expected that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

On this basis your Officers preliminary Sequential test indicates that the development is sequentially satisfactory having regard to the nature of development and area of search. The Exception test is not engaged in Flood Zone 1 and a delegation is sought to resolve the remaining technical aspects and conduct a final Sequential test.

*xvi) promote healthy living and be accessible to people of all abilities including those with mobility impairments;*

As mentioned above, the building will be level access with a lift internally to access all areas of the buildings.

*xviii) seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars) thus improving air quality;*

The site is well located to good access to public transport links for train and bus. This is a centre of town location with excellent public footpath links so that patients will also be able to walk or cycle to the medical centre. If patients arrive by car, it is foreseeable that they will make linked trips and will use the journey to also visit the supermarket or town centre shops. Babergh has recently had planning permission granted for solar electric car charging points adjacent to the site which will increase the versatility of such trips. This is another option should patients be in possession of an electric vehicle. Whilst the lorry park usage has been monitored the removal of this site as a potential destination is one element to reduce the extent to which HGVs might be present close or within the town centre and is considered to be a small enhancement to air quality.

*xix) where appropriate to the scale of the proposal, provide a transport assessment /Travel Plan showing how car-based travel to and from the site can be minimised, and proposals for the*

*provision of infrastructure and opportunities for electric, plug-in hybrid vehicles, and car sharing schemes.*

A Travel Plan accompanied the application submission. It will be an ongoing requirement, secured by S.106 that the Travel Plan is monitored.

- 3.12 Policy CS21 of the Core Strategy requires that sufficient infrastructure provision is provided to support safe and healthy communities. The Council has a responsibility to protect, safeguard and enhance existing services and facilities. Sudbury acts as a concentration point for new development in the district because of its “town” status. Sudbury is a growing town and requires modern infrastructure and facilities to ensure that residents have a suitable level of service. A modern medical centre offering combined medical facilities in the heart of the town is considered to be an important infrastructure provision.
- 3.13 The proposed medical centre is considered to be acceptable when assessed against policies CS1 CS15 and CS21 of the Core Strategy which are considered to be consistent with the aims of the NPPF.

#### **4.0 Nearby Services and Connections Assessment of Proposal**

- 4.1 The site is well located in the town centre for patients to be able to easily access the medical centre by foot, cycle, car, bus or rail.

#### **5.0 Site Access, Parking and Highway Safety Considerations**

- 5.1 The site is accessed from the Great Eastern Road/Station Road junction through the public car parking area. There are no changes to the access point proposed. The raised pedestrian footways that are existing in the public car park are to have dropped kerbs installed to enable wheelchair users and prams/pushchairs to safely access the site.
- 5.2 The access to the site itself will be a shared access with delivery vehicles for the Waitrose store and the medical centre. A turning circle for the HGV delivery vehicles will be provided to the southern end of the site and will not impact on the medical centre.
- 5.3 Pedestrian access will be via the public car parking footpath or by public right of way 55. Footpath 14 is currently shown on the definitive rights of ways map as running across the southern section of the site (within the turning area of the Waitrose vehicles) from Corporal Lillie Close to join footpath 55. The gap in the fence which allows access to footpath 14 has been closed up to discourage pedestrians from using the route across the lorry park. It is proposed to divert footpath 14 to route outside of the site completely and to run alongside footpath 55. This diversion will be secured by s.106 agreement with a cost £5,000. Signage marking the public footpaths is also to be secured under the s.106.
- 5.4 The SCC Highway Authority has asked for financial contributions of £156,000 towards the cost of upgrading existing public right of ways to encourage people to use more sustainable ways of accessing the medical centre. The upgrading would include resurfacing of footpaths and replacement of bridges to allow for cycles, wheelchairs and pram/pushchairs to be able to use the rights of way. Discussions have taken place between the developer and SCC. The developer has made it clear that the funding that has been secured for the build does not allow for financial contributions to be made for improvements of existing public rights of ways.
- 5.5 In all the circumstances of this application the financial contributions for improvements to the public right of ways sought by SCC under Section 106 are not considered to be essential to the development. The PROW network is well used and have a surface that allows pedestrians and wheeled users to move freely over them in their present condition. Given the foreseeable scale of use it is considered that the Section 106 contributions requested are not necessary to mitigate harm arising from this development.

- 5.6 The parking for the medical centre is to be located to the rear of the building for staff and includes a total of 22 parking bays (2 disabled). Parking for patients is to the front and a total of 62 spaces (4 disabled) are to be provided. There would be a loss of 39 parking spaces in the public car park. Free parking for patients will be provided during working hours, giving patients a limited time for car parking. This would be controlled by electronic eye at the entrance to the car park (which will have signage to make people aware). Patients will be required to enter their number plates when entering the medical centre. Outside of opening hours, the car parking will revert back to public parking. In addition to the car parking bays, an ambulance bay is provided in the staff parking area. Bicycle storage is provided close to the access to footpath 55 to enable patients and staff to travel by cycle and store their cycles securely.
- 5.7 The lorry park currently has space available for large vehicles such as coaches/buses, HGVs and vans. On a Thursday and Saturday market stall holders park their vehicles in the lorry park. The development would result in market stall holders, HGVs and coaches being displaced. Arrangements for the Market Stall holders have been made with most of the vehicles being given permits to use the public car park to the rear of the Roy's store. There is one large market stall holder vehicle that will not be able to access the car park. Discussions are on-going for this vehicle and also the coach that brings school children to the Kingfisher Leisure Centre for swimming lessons. No provision has been made for the HGVs that use the lorry park. It is noted that there are no facilities for the drivers of the HGVs on the site, such as WCs, which may be a reason why the lorry park is little used for its intended purpose.
- 5.8 Directional signage for the lorry park will need to be removed to stop HGVs from trying to enter Sudbury Town Centre and the site once the lorry park is closed. Removal of this signage will need to be agreed between SCC Highway Authority and the developer and is likely to be secured via a s.278 agreement. A condition to secure the removal of signage prior to commencement of work on the site will be required.
- 5.9 The roundabout and one-way system of Sudbury is a well know problem with very heavy usage. This proposal does not include any works to the roundabout. It is understood that a "Levelling Up" bid has been submitted to Central Government which seeks funding for works to be carried out to enhance the existing road network. This is a separate issue and does not form part of the considerations of this application.

## **6.0 Design and Layout**

- 6.1 The application site is in an area between two large buildings, the Waitrose store and the Kingfisher Leisure Centre. Both buildings are modern in their design. The proposed medical centre will be a contemporary building with a design that reflects the Kingfisher extension.
- 6.2 The site is constrained by existing mature trees along the eastern and southern boundaries that are to be retained. The shape of the plot is irregular, and the building has been designed to fit the space available, which has resulted in an irregular, angular building. This adds to the contemporary appearance of the building which has an arrow shaped footprint.
- 6.3 The space is arranged over three floors. Both a stairwell and lift access all floors.

The ground floor comprises:

- Lobby
- Reception
- Waiting area
- WCs/baby changing/baby feeding
- Pharmacy
- Dispensary
- Offices

- 5 x consulting rooms
- Treatment room
- 3 x triage/consulting rooms
- Utility rooms
- Plant

The first floor comprises:

- Counselling room
- Waiting area
- 2 x trainee GP rooms
- WCs
- Offices
- Utility rooms
- 3 x private GP rooms
- 1 x visiting clinician room
- 3 x consulting rooms
- 1 x multi-purpose room
- Minor Operation Theatre
- 3 x treatment rooms
- 3 x GP Trainer room
- 2 x nurse practitioner rooms
- HCA room

The second floor comprises:

- Large group health education
- Records room
- Meeting room
- 2 x E-consult rooms
- Waiting area
- WCs/shower
- Offices
- Locker room
- IM and T
- Summariser
- Management Suite
- Secretary
- Practice Manager
- Staff room and kitchen
- Access to external balcony

6.4 There is space around the building for cycle parking (one store that is open on two sides and another secure shed), staff vehicle parking, patient vehicle parking and also an ambulance bay. Enclosed bin storage is also provided.

6.5 The buildings on the site have been designed to blend in with the existing buildings around the public car park. Materials will blend with the Waitrose store and the use of timber panels helps the building to blend with the existing backdrop of trees.

## **7.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

7.1 The existing trees around the edge of the site, that form a boundary with the Valley Walk, are to be retained. It is understood that it is the intention of Babergh District Council to maintain the existing fence along the boundary to ensure the safety of pedestrians using the public right of way.

7.2 An Arboricultural Assessment has been carried out on the site. The assessment concluded:

“The Tree Constraints Plan Drawing ref. 5711,EC,AR/001/Rev0 in Appendix 6, shows the locations of all the trees surveyed with the canopy and root protection area plotted on the plan.

A total of seventeen trees and twenty groups were surveyed. One tree and three groups were classed as Category A trees. Nine trees and one group were classified as Category B trees. Six trees and sixteen groups were classified as Category C trees. One tree was categorised as Category U trees.

The BGS digital mapping indicated that the site comprised of a bedrock layer of Lewes Nodular Chalk Formation - Chalk, with a recorded superficial layer of River Terrace deposits – Sand and Gravel. These soils, potentially contain cohesive materials which could indicate a risk of shrink/swell that should be considered during foundation design.

Babergh and Mid Suffolk District Council online planning map (ref.R.8) was consulted regarding Tree Preservation Orders (TPO) and Conservation Areas.

Although no TPO's are present onsite, Tree Preservation Order number BT70 is located within the wider survey area. The trees protected correlate to T11-T16 and G19 within the Tree Survey Schedule. There is also a Conservation Area CON54 and a further TPO – BT336 offsite to the south and west. All of this is shown on the Tree Preservation Order Plan, Drawing ref 5711,EC,AR/002/Rev0 in Appendix 6.

The following trees will be impacted upon by development:

- G13, G14 and T7 – Category B and C – These trees will have to be removed to facilitate the new parking and ambulance bays within for the new development.
- T8, G6-G12 – Category B and C – These trees are located around the boundary of the site however, the root protection areas extend some distance into the site. Providing the existing hardstanding is retained or only shallow resurfacing is required, the development could be completed without causing an impact to these trees.
- T5 – Category U – This tree is in decline and as such should be removed.
- T1-T4, T6, T9-T18 – Category A, B and C – The remaining trees onsite.

These trees are outside of the development zone and as such it should be possible to retain these trees throughout development providing adequate protection is put in place.”

7.3 The Arboricultural Officer has been consulted on the application and he has confirmed that he has no objection to the removal of the trees. Officers are in agreement with the Landscape Officer who considers the row of trees an important feature in the car park area. Their loss is unfortunate and planting to replace these trees is necessary to conserve the wooded appearance around this area.

7.4 Overall the landscape plan is acceptable, particularly on the bin-store and cycle storage buildings, which have climbers, which is enhancement for wildlife. Further details of boundary treatments and hard surfaces are required, and this can be secured by condition.

7.5 This area is sensitive in terms of ecology. A Bat Survey and Preliminary Ecological Appraisal accompanied the application. Bats use the area for foraging and commuting as do birds. Therefore, lighting of the area is of concern. Conditions are required to protect and enhance biodiversity on the site. Conditions will include that the recommendations within the Ecological Appraisal will be fully carried out, that a Biodiversity Enhancement Strategy is agreed, and that wildlife sensitive lighting is agreed.

7.6 The Ecological Appraisal made the following comments:  
“The Desk Study identified three nature conservation sites with statutory designation, and six non-statutory designated nature conservation sites within 2km radius of the site. No internationally protected sites were noted within 20km.

The development site does not contain any habitats which could support the important species associated with either the statutory or non-statutory sites and there is no potential habitat connectivity between the site and the statutory sites.

The Friars Meadow County Wildlife Site (CWS) and Wardman Meadow CWS are located within 500m of the site and are, therefore, at risk of disturbance during construction works, such as noise and light pollution. A Construction Environmental Management Plan (CEMP) should be implemented to reduce noise and lighting pollution and ensure disturbance is kept to a minimum throughout construction. Lighting within the proposed development should be designed to limit lighting over spill, as per current guidance (ref. R.15).

It is considered unlikely, given the distance from the survey area and localised nature of the proposed development works, that the statutory designated Nature Conservation sites listed above will be directly affected by any construction activity on the surveyed area.”

- 7.7 The Council’s Ecologist supports the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy. The strategy should be secured prior to commencement as a condition of any consent. This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006. Impacts will be minimised such that the proposal is acceptable subject to conditions based on BS42020:2013.

## **8.0 Land Contamination, Flood Risk, Drainage and Waste**

- 8.1 The existing use of the site for the parking of large vehicles does put the site at risk of contamination from fuel and oil spillage. The Environmental Protection Team wishes to see a standard condition attached to any permission given to secure a strategy for investigating contamination on the site.

- 8.2 As noted above the application site is within Flood Zone 1 and is considered to be at low risk of flooding. However, there is concern with surface water flooding on the site, particularly as this is an area with a considerable amount of hard surfacing. A sequential test has been provided by the applicant and a preliminary sequential test undertaken above (see commentary to policy CS15 (xii) above). This is an unusual proposal which needs to be centrally located in the town centre because of its use. Several sites were investigated for suitability prior to submission of the application:

- Retention and improvement of existing sites
- Belle Vue, Newton Road
- Former Tax Office, Newton Road
- Former Uplands Middle School, York Road
- Police Station, Acton Road
- Chestnuts off Kings Hill, Cornard
- Francis Road/Hamilton Road
- Former St Leonards Hospital
- Former Walnut Tree Hospital, Walnut Tree Lane
- Land adjacent to Sudbury Health Centre
- Upper Car Park, Station Road

- 8.3 Assessment of each can be seen in the table below:

- 8.4 It is reasonable to conclude from this assessment that the lorry park site is the only suitable choice for combining three doctors’ surgeries into one medical centre in size terms and with an excellent position within the town centre to be accessed by patients by a variety of sustainable

travel methods.

- 8.5 There is a holding objection from the SCC Floods and Water Team (LLFA) and ongoing discussions are resolving the surface water flooding issues. It is considered reasonable to expect that the technical issues will be resolved, and a delegation is therefore sought to address and finalise flood and water management arrangements.

## **9.0 Heritage Issues**

- 9.1 There are no Listed Buildings in close proximity to the site. The site is not within the Sudbury Conservation Area but may be viewed from the Conservation Area. The Heritage Team has not commented on the proposals.
- 9.2 The proposal is considered to cause no harm to the setting of the Conservation Area because the proposed building is set between existing modern buildings that have a greater height and mass than the proposed medical centre. There will be an impact of limited materiality given the separation from the Conservation Area, but this is considered acceptable having regard to the design and finishing materials which are considered to blend with the existing structures around the area and will be seen against a green backdrop of mature trees.

## **10.0 Impact on Residential Amenity**

- 10.1 Concerns were raised at pre-application stage about possible noise generated from extraction/air conditioning units mounted on the roof of the building. An acoustic assessment has been undertaken by Hunter Acoustics; Reference: 6165/ENS1. The assessment has characterised the existing ambient noise environment to inform building design to ensure that the building elements including glazing and ventilation will ensure suitable internal noise levels for the proposed use and established background noise levels for the existing residential dwellings in Corporal Lillie Close against which has been used to set a plant noise level at the receptor to guide the selection and locating of equipment. The assessment shows that that some mitigation will be necessary and informs the final design of the building and its plant. A condition to secure a Noise Assessment will be required to ensure that residential amenity is not compromised for existing residents around the area.
- 10.2 Noise during construction is a potential problem and construction hours should be conditioned to restrict the working hours on the site.

## **11.0 Planning Obligations**

- 11.1 As noted above SCC have asked for financial contributions toward the upgrading of public rights of ways. This is an NHS-funded scheme and monies are not available for this type of contribution nor is it considered that there is sufficient harm as to warrant such mitigation. The developer has undertaken to pay for the diversion of public footpath 14 which runs along the bottom of the site, this will be £5,000. £1,000 monitoring fee for the Travel Plan and directional signs to the public footpaths will also be secured by s.106 agreement.

## **12.0 Parish Council Comments**

- 12.1 Sudbury Town Council supports the application and raised no comments other than noting the consultation responses and that they required a site inspection to be undertaken. Committee Members and also the ward members of the three wards affected by the closure of their doctor's surgeries were invited to attend a site inspection on the 10<sup>th</sup> of November 2021.
- 12.2 Great Cornard Parish Council Recommends – APPROVAL – subject to the following: -
- Suitable provision for contractor vehicles to park onsite whilst the building works are in progress.
  - Parking provision for market traders should be available as they will no longer be able to park



close to Market Hill.

- Drainage – Interceptors should be installed to catch oil and petrol re: concerns over contaminating the watercourse.
- The Parish Council notes the comments made by Suffolk County Council re: Public Rights of Way.
- Trees - Proposed species to be removed (Field Maple, Hornbeam, Maple) are of long life expectancy and mitigation planting should be of the same or higher quality.

These comments have been addressed in the report above.

## **PART FOUR – CONCLUSION**

### **13.0 Planning Balance and Conclusion**

- 13.1 The proposed development is considered to be an enhancement to the medical infrastructure for residents of Sudbury and the wider area including Great Cornard, providing an up-to-date medical centre which can address current and future population growth, social demographic and changing needs of the community in the area.
- 13.2 The site is easily accessed by sustainable modes of transport with the bus and railway stations near to the site and the public rights of way network linking different parts of the town to the medical centre. Parking has been provided on site for patients who are too unwell to walk, cycle or use public transport.
- 13.3 Existing employment opportunities will be protected and there is potential for further employment growth at the centre, particularly in skilled jobs.
- 13.4 The removal of large vehicles from the centre of the town is considered to be a benefit to both air quality and also to the road network which is under strain.
- 13.5 Parking for market stall holders will be protected with parking permits and relocated to a different area of the public car park.
- 13.6 There is some concern of surface water flooding. The scheme has passed the Exception Test and the public benefit to the community is considered to outweigh the low-level risk of surface water flooding on the site. There is an outstanding issue with SUDS, which is currently being dealt with.
- 13.7 Overall, the scheme is considered to comply with the Development Plan and the aims of the NPPF and, with appropriate conditions, will bring forward a scheme that is needed by the community of Sudbury.

## **RECOMMENDATION**

That authority be delegated to the Chief Planning Officer to GRANT full planning permission subject to the prior conclusion of a surface water sequential test and resolution of surface water drainage arrangements, in consultation with the LLFA, to his satisfaction and.

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

- Diversion of public footpath 14
- Monitoring of the Travel Plan
- Directional signs to the public footpaths

**(2) Subject thereto that the Chief Planning Officer be authorised to GRANT Planning Permission subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:**

- Standard time limit
- Approved Plans
- Materials
- Arboricultural Method Statement and Dedicated Tree Protection Plan
- Land Contamination
- Fire Hydrants
- Travel Plan
- Directional HGV Signage to be removed
- Ecological Appraisal Recommendations
- Biodiversity Enhancement Strategy
- Wildlife Sensitive Lighting Design Scheme
- Construction Hours
- Construction Management Statement
- Acoustic Assessment
- Hard Landscaping Scheme
- Landscaping Time Limit
- Landscape Management Plan
- Sustainability Measures
- Flood and SW management and emergency measures

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

- Proactive working statement
- Land Contamination
- Highways Notes