

Committee Report

Item No: 7A

Reference: DC/22/04641

Case Officer: Averil Goudy

Ward: Stow Thorney.

Ward Member/s: Cllr Terence Carter. Cllr Dave Muller.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Full Planning Application - Construction of an emergency access and associated landscaping.

Location

Gateway 14, Land Between The A1120 And A14, Creeting St Peter, Stowmarket, Suffolk

Expiry Date: 16/12/2022

Application Type: FUL - Full Planning Application

Development Type: Minor All Other

Applicant: Gateway 14 Limited

Agent: Miss Hannah Walker

Parish: Stowmarket

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

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

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

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to Committee as the applicant is Gateway 14 Ltd, owned by the District Council.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

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 to be the most important for the determination of this Reserved Matters submission.

NPPF - National Planning Policy Framework

NPPG - National Planning Policy Guidance

CLASSIFICATION: Official

Adopted Mid Suffolk Core Strategy (2008)

CS05 - Mid Suffolk's Environment

Adopted Mid Suffolk Core Strategy Focused Review (2012)

FC01 - Presumption In Favour Of Sustainable Development

FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development

Adopted Mid Suffolk Local Plan (1998)

GP01 - Design and layout of development

H16 - Protecting existing residential amenity

CL08 - Protecting wildlife habitats

CL09 - Recognised wildlife areas

E02 - Industrial uses on allocated sites

E12 - General principles for location, design and layout

T09 - Parking Standards

T10 - Highway Considerations in Development

T11 - Facilities for pedestrians and cyclists

Stowmarket Area Action Plan:

Policy 4.1 - Presumption in Favour of Sustainable Development

Policy 8.2 - A14 Trunk Road

Policy 9.1 - Biodiversity Measures

Draft Joint Local Plan Submission Document 2021 [Reg 22]

Policy LP12 - Employment Development

Policy LP18 - Biodiversity & Geodiversity

Policy LP19 - Landscape

Policy LP26 - Design and Residential Amenity

Policy LP32 - Safe, Sustainable and Active Transport

The Councils are working on the proposed modifications to the Joint Local Plan. The Inspectors have written to the Councils on 16 September 2022 with the latest update on the anticipated Examination schedule. The Council is expecting to proceed with a Part One Plan only with Part Two following in the future.

Depending on the outcome of further consultation [expected late Autumn 2022] the Examination hearings are likely to resume at some point in 2023.

Consequently, the Joint Local Plan currently carries limited weight as a material planning consideration.

The National Planning Policy Framework (NPPF)

The NPPF 2021 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 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

- The Mill Lane, Stowmarket (The Proposed Stowmarket Business and Enterprise Park) Development Brief - adopted as a supplementary planning document on 10th March 2014

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area, falling instead within the Stowmarket Area Action Plan as detailed above.

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 (Appendix 3)

Stowmarket Town Council

No objection.

Creeping St Peter Parish Council

No response received to date.

Stowupland Parish Council

No response received to date.

County Council Responses (Appendix 4)

SCC - Highways

No objection, subject to conditions.

SCC - Fire & Rescue

No objection.

Internal Consultee Responses (Appendix 5)

Landscape - Place Services

No objection, subject to condition.

Officer comment: The recommended condition for an Arboricultural Method Statement is not deemed necessary; condition 70 of the hybrid consent requires that all works on site are undertaken in accordance with the measures outlined in the approved Arboricultural Report and the CEMP Landscape includes a

requirement to protect RPAs of retained trees and hedgerows with fencing in line with BS5837:2012. Thus, this offers the necessary protection for the remaining landscaping within the full application site area.

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.

PLANNING HISTORY

REF: DC/21/00407	Hybrid Application for the phased employment-led redevelopment of Land at Mill Lane, Stowmarket (Gateway 14) including: Full Planning for site enabling works phase comprising, ground remodelling, utility diversions, installation of framework landscaping, creation of new footpath links, installation of primary substation, highways works including stopping up of Mill Lane, new all modes link from the A1120 Cedars Link to Mill Lane, new footway cycleway over the existing A1120 overbridge, installation of toucan crossing on the A1120 Cedars Link, footpath connection to the Gipping Valley Way, foul and surface water drainage infrastructure, outfalls and associated works: Outline Planning Permission (all matters reserved, except for access) for the erection of buildings comprising employment and commercial use, open space and landscaping, car and cycle parking, highway works, and other associated works (additional plans, documents and EIA information received 08/04/2021) and subsequent ES addendum letter received 17th June 2021.	DECISION: GTD 05.11.2021
REF: DC/21/06157	Discharge of conditions application for DC/21/00407 - Condition 70 (Method Statement for Shepherd's Needle), Condition 71 (Skylark Mitigation Strategy)	DECISION: GTD 14.12.2021
REF: DC/21/06624	Discharge of Conditions Application for DC/21/00407- Condition 58 (Phasing Plan)	DECISION: GTD 24.02.2022
REF: DC/21/06726	Discharge of Conditions Application for DC/21/00407- Condition 66 (CEMP Noise)	DECISION: GTD 18.03.2022
REF: DC/21/06727	Discharge of Conditions Application for DC/21/00407- Condition 67 (CEMP Landscape)	DECISION: GTD 22.02.2022

REF: DC/21/06728	Discharge of Conditions Application for DC/21/00407- Condition 68 (Construction Environmental Management Plan)	DECISION: GTD 17.03.2022
REF: DC/22/00146	Discharge of Conditions Application for DC/21/00407- Condition 64 (Construction Management Plan)	DECISION: GTD 22.02.2022
REF: DC/22/00191	Discharge of Conditions Application for DC/21/00407- Condition 62 (Construction Surface Water Management Plan)	DECISION: GTD 04.03.2022
REF: DC/22/00349	Application for Advertisement Consent - Erection of 2No illuminated totem signs.	DECISION: GTD 25.03.2022
REF: DC/22/00352	Discharge of Conditions Application for DC/21/00407- Condition 72 (Landscape Management Plan) and Condition 73 (Landscape and Ecological Management Plan)	DECISION: GTD 18.03.2022
REF: DC/22/00353	Discharge of Conditions Application for DC/21/00407- Condition 76 (Archaeological Scheme of Investigation)	DECISION: GTD 18.03.2022
REF: DC/22/00711	Discharge of Conditions Application for DC/21/00407- Condition 80 (Control of Pollution)	DECISION: GTD 24.02.2022
REF: DC/22/02583	Discharge of Conditions Application for DC/21/00407- Condition 26 (Method Statement for Shepherd's Needle)	DECISION: GTD 15.07.2022
REF: DC/22/03464	Application for Approval of Reserved Matters following grant of Outline Application DC/21/00407 Town and Country Planning Order 2015 - Hybrid Application for the phased employment-led redevelopment of Land at Mill Lane, Stowmarket (Gateway 14) including: Full Planning for site enabling works phase comprising, ground remodelling, utility diversions, installation of framework landscaping, creation of new footpath links, installation of primary substation, highways works including stopping up of Mill Lane, new all modes link from the A1120 Cedars Link to Mill Lane, new footway cycleway over the existing A1120 overbridge, installation of toucan crossing on the A1120 Cedars Link, footpath connection to the Gipping Valley Way, foul	DECISION: GTD 25.10.2022

and surface water drainage infrastructure, outfalls and associated works: Outline Planning Permission (all matters reserved, except for access) for the erection of buildings comprising employment and commercial use, open space and landscaping, car and cycle parking, highway works, and other associated works (additional plans, documents and EIA information received 08/04/2021) and subsequent ES addendum letter received 17th June 2021. Submission of Details for Appearance, Landscaping, Layout and Scale for Plot 4000 including updated Environmental Statement July 2022.

REF: DC/22/03703	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 19 (Construction Environmental Management Plan for Noise).	DECISION: PGR 28.10.2022
REF: DC/22/03704	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 21 (Construction Environmental Management Plan (Biodiversity))	DECISION: PGR 09.11.2022
REF: DC/22/03705	Discharge of Conditions Application for DC/21/00407- Condition 35 (Archaeological Investigation) and Condition 76 (Archaeological Scheme of Investigation)	DECISION: GTD 15.09.2022
REF: DC/22/03706	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 38 (Control of Pollution)	DECISION: GTD 15.09.2022
REF: DC/22/03707	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 42 (Scheme for Water Energy and Resource Efficiency during Construction)	DECISION: PGR 28.10.2022
REF: DC/22/03708	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 48 (Access).	DECISION: PGR 03.11.2022
REF: DC/22/03518	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000 - Condition	DECISION: PCO

4 (Phasing), Condition 6 (Design, Materials and Landscaping), Condition 9 (Cut and Fill Levels), Condition 10 (Finished Floor Level), Condition 14 (Surface Water Drainage Scheme), Condition 23 (Biodiversity Net Gain Design Stage Report), Condition 25 (Skylark Mitigation Strategy), Condition 29 (Lighting Design Scheme), Condition 43 (Water Energy and Resource Efficiency), Condition 44 (BREEAM) and Condition 50 (Estate Roads and Footpaths)

REF: DC/22/03702	Discharge of Conditions Application for DC/21/00407- To be Part Discharged, to allow development on Plot 4000- Condition 17 (Construction Management Plan)	DECISION: PCO
REF: DC/22/03709	Discharge of Conditions Application for DC/21/00407- To be part discharged to allow development on Plot 4000- Condition 20 (CEMP Landscape)	DECISION: PCO
REF: DC/22/03786	Discharge of Conditions Application for DC/21/00407 - To be part discharged to allow development on Plot 4000 - Condition 27 (Landscape Management Plan) and Condition 28 (Landscape and Ecological Management Plan)	DECISION: PCO
REF: DC/22/04068	Application for a Non Material Amendment relating to DC/21/00407 - To allow changes to the landscaping, access and substation.	DECISION: PDE

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site forms part of the Gateway 14 business and logistic park development located to the east of Stowmarket. The proposed emergency access for Plot 4000 (reserved matters approved in October 2022, referenced DC/22/03464) is located to the north-western boundary, adjacent to the A1120.

2.0 The Proposal

- 2.1 The proposal seeks full planning permission for the construction of an emergency access and associated landscaping to serve Plot 4000.
- 2.2 The access would have a bellmouth length of 37.15m with an island to prevent right turns upon exit.

- 2.3 The emergency access would only be utilised in the unlikely event that the main site access from Gateway Boulevard became blocked. A set of locked timber gates (approx. 8 wide) will be constructed to prevent unauthorised use of this access.

3.0 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 The Development Plan, which in this instance comprises saved Local Plan, Core Strategy, Focused Review and Stowmarket Area Action Plan documents, is therefore the starting point for the Council when determining such applications and so we must first consider the application in the light of the most relevant Development Plan policies.
- 3.3 The application site forms part of the site granted hybrid planning permission for employment purposes by reference DC/21/00407. Specifically, the site forms part of the boundary strategic landscaping.
- 3.4 The principle of development is therefore acceptable in principle having regard to the hybrid permission and policies of the Development Plan.

4.0 Site Access, Parking And Highway Safety Considerations

- 4.1 Access considerations were made at outline stage where the following access/highways improvement works were secured:
- New access link from the A1120 to Mill Lane
 - Stopping up Mill Lane
 - New footway new footway cycleway over the existing A1120 overbridge
 - Toucan crossing on the A1120 Cedars Link
 - Footpath connection to the Gipping Valley Way
 - New footpath links
- 4.2 Members will remember that Plot 4000 is accessed from Gateway Boulevard. The site benefits from two main accesses, one for HGVs and one for cars and buses. All issues in relation to the safety of the accesses onto Gateway Boulevard were considered as part of the discharge of conditions application reference Condition 48 (DC/22/03708), in consultation with SCC Highways.
- 4.3 Suffolk County Council, as Highways Authority, have approved the use of this access on a temporary basis for construction purposes (albeit the specification may vary). At present, the access point is to be ‘made good’ upon completion of construction.
- 4.4 The Highways Authority have raised no objection to the proposal to retain this access for emergency purposes. Conditions are recommended for the submission of surface water drainage details, measures to prevent unauthorised use, and a management plan. A condition is also recommended to ensure the acceptable layout is implemented as agreed.
- 4.5 Given that the use of this access is on an emergency basis only, the development would not alter the anticipated trip generation resulting from Plot 4000 as already assessed.

- 4.6 The construction of the access (through the use of signage and an island) will ensure that vehicles turn left out of the emergency access (southwest) in the direction of the dual carriage way. The measures secured through the Plot 4000 reserved matters to alleviate traffic on Clamp Farm Barns and the Creetings would not be affected.
- 4.7 The use of the emergency access would not interfere with any highways access improvements previously secured. For example, the toucan crossing on the A1120 is some 40m to the northeast of the emergency access bellmouth.
- 4.8 SCC Fire and Rescue are satisfied on the basis of the emergency use and two existing accesses to the site; direct access remains available for fire vehicles if required.
- 4.9 On this basis, there is not considered to be any unacceptable highway safety impacts that would warrant refusal of this application.

5.0 Landscape Impact and Trees

- 5.1 The hybrid application secured strategic landscaping to the boundaries, including in the location for this emergency access. The secured landscaping proposal in this location consisted of wildflower seeding and native and evergreen tree and shrub planting.
- 5.2 The application is accompanied by a detailed soft landscaping plan for the emergency access location. An amenity grass mix/carbon sequestering grass mix would be planted to the boundaries of the access, alongside a post and rail fence (to match existing provisions or as agreed with the Highways Authority).
- 5.3 Place Services Landscape have raised no objection to the proposal in principle; the location is deemed acceptable and visual mitigation planting on plot 4000 has already been secured to their satisfaction.
- 5.4 A condition is recommended by Place Services Landscaping to secure an arboricultural method statement to ensure proper protection measures are in place for the retained section of boundary vegetation. As noted above, this is not deemed necessary; condition 70 of the hybrid consent requires that all works on site are undertaken in accordance with the measures outlined in the approved Arboricultural Report and the CEMP Landscape includes a requirement to protect RPAs of retained trees and hedgerows with fencing in line with BS5837:2012. Thus, this offers the necessary protection for the remaining landscaping within the full application site area.
- 5.5 Members may recall that the most sensitive views of the development site, as a whole, are from the River Gipping, beyond Clamp Farm Barns and beyond the A14. Thus, the small loss of strategic landscaping in this location is not considered to have a detrimental impact on the amenity of Cedar's Park residents or users of the A1120.
- 5.6 Having regard to the advice from Place Services, there are not considered to be any unacceptable landscape or visual impacts arising from the development such as would warrant refusal of the application.

6.0 Heritage Issues

- 6.1 The duty imposed by s.66(1) of the Listed Buildings Act 1990 sets a presumption against the grant of planning permission which causes harm to a heritage asset. The assessment of heritage harm is the subject of policy set out in the NPPF and Local Plan policies seeks to safeguard against harm.

A finding of harm, even less than substantial harm, to the setting of a listed building is an adverse material consideration to which the decision-maker must give “considerable importance and weight”.

- 6.2 The assessment at both hybrid and reserved matters (for Plot 4000) stage found a level of less than substantial harm arising from the impact of the development on the setting of nearby listed buildings. However, due to the scale of the public benefits arising, this harm was considered to be outweighed, in accordance with the provisions of paragraph 202 of the NPPF.
- 6.3 The Heritage Team have not been consulted on this proposal; the development is some 600m from the nearest listed building. By virtue of the distance afforded and the nature and scale of the development at hand, no impact on the setting or significance of the heritage assets is considered to result. The proposal is acceptable on this basis.

7.0 Impact on Residential and Local Amenity

- 7.1 Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties.
- 7.2 The nearest residential properties are those that form Clamp Farm Barns, those at Badley Mill House to the south-east and Cedars Park to the north, across the A1120.
- 7.3 The controlled use of the emergency access would not affect the amenity of any neighbours to an extent to warrant refusal of the application.

8.0 Planning Obligations

- 8.1 This permission does not generate the requirement for a new S106 Agreement or a Deed of Variation. The obligations secured (including for PROW works, Travel Plan, landscape management and recreational facilities/active travel and skylark mitigation) under the outline are not altered by this proposal.

PART FOUR – CONCLUSION

9.0 Planning Balance and Conclusion

- 9.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.
- 9.2 The development plan includes the Core Strategy 2008, the Core Strategy Focused Review 2012, and saved policies in the Mid Suffolk Local Plan 1998, as well as the Stowmarket Area Action Plan (2013) and Adopted supplementary planning document Mill Lane Development Brief.
- 9.3 The proposed emergency access would meet an operational requirement of the future occupier, to ensure the site could be accessed and egressed in the unlikely event that the Gateway Boulevard entrances became blocked. This was not proposed as part of the original scheme, and is not necessary from a highway safety point of view, but offers an additional operational opportunity.

- 9.4 The layout and specification of the emergency access is to the satisfaction of the Highways Authority. Conditions are recommended, including to ensure unauthorised use is prohibited and access is managed appropriately.
- 9.5 The proposal is not considered to cause any harm to residential amenity, heritage, ecology or the landscape and character of the surrounding area.
- 9.6 The proposal is considered to be in conformity with both Local and National policy. The proposed development is acceptable, and the recommendation is approval.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to GRANT planning permission with conditions:

(1) 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:

- Commencement time limit
- Approved Plans
- Highways - Access laid out and completed
- Highways - Surface water drainage details
- Highways - Measures to prevent unauthorised use
- Highways - Management Plan
- Timescale of landscaping

(2) With the following informative notes as summarised and those as may be deemed necessary:

- Pro active working statement
- Highways (inc. requirement for S278 agreement)