

Committee Report

Item No: 2

Reference: 4555/16

Case Officer: Rebecca Biggs

Ward: Stowmarket North.

Ward Member/s: Cllr Barry Humphreys MBE. Cllr Dave Muller. Cllr Gary Green.

Description of Development

Erection of 143 dwellings and 15 Class B1 units.

Location

Phases 3A & 3C Cedars Park, Land South Of Gun Cotton Way, Stowmarket, IP14 5EP

Parish: Stowmarket

Site Area: 58000 m²

Conservation Area: N/A

Listed Building: Not Listed

Received: 07/11/2016

Expiry Date: 14/02/2017

Application Type: FUL - Full Planning Application

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Lansbury Developments Ltd

Agent: Mellville Dunbar Associates

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1467-3A-LOC _1467-3C-LOC received 07/11/2016 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Air Quality Assessment - Received 07/11/2016

ARCHAEOLOGY REPORT - Received 07/11/2016

Ecological Survey/Report - Received 07/11/2016

Noise Assessment - Received 07/11/2016

Flood Risk Assessment - Received 07/11/2016

Draft Travel Plan INTERIM TRAVEL PLAN - Received 07/11/2016

Odour Assessment - Received 07/11/2016

Land Contamination Assessment - Received 07/11/2016

Transport Assessment - Received 07/11/2016
Viability Assessment - Received
PLANNING STATEMENT - Received 25/11/2016
Ecological Survey/Report - Received 21/04/2017
Drainage Details 45391-C015 - Received 12/06/2017
Drainage Details 45391/3A/101 - Received 12/06/2017
Drainage Details 45931/3C/100 - Received 12/06/2017
Drainage Details MAINTENANCE SCHEDULE - Received 12/06/2017
Drainage Details CORRESPONDENCE-ANGLIAN WATER - Received 12/06/2017
Drainage Details 45391-C-SK04 - Received 12/06/2017
Drainage Details 45391-C-SJ03 - Received 12/06/2017
Defined Red Line Plan 1467-3A-LOC _1467-3C-LOC - Received 07/11/2016
Proposed Site Plan 1467-3A-P001C - Received 16/10/2017
Street Scene - Proposed 1467-3A-P002 - Received 07/11/2016
Street Scene - Proposed 1467-3A-P003 - Received 20/07/2017
Street Scene - Proposed 1467-3A-P004 - Received 07/11/2016
Street Scene - Proposed 1467-3A-P005 - Received 07/11/2016
Floor Plan - Proposed 1467-3A-P101 - Received 11/11/2016
Elevations - Proposed 1467-3A-P102 - Received 11/11/2016
Plans - Proposed 1467-3A-P103 - Received 11/11/2016
Proposed Plans and Elevations 1467-3A-P104 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P105 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P106 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P107 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P108 - Received 30/11/2016
Floor Plan - Proposed 1467-3A-P109 - Received 07/11/2016
Floor Plan - Proposed 1467-3A-P110 - Received 07/11/2016
Floor Plan - Proposed 1467-3A-P111 - Received 15/11/2016
Plans - Proposed 1467-3A-P113 - Received 15/11/2016
Floor Plan - Proposed 1467-3A-P114 - Received 07/11/2016
Plans - Proposed 1467-3A-P115 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-116A - Received 13/07/2017
Proposed Plans and Elevations 1467-3A-P117 - Received 13/07/2017
Proposed Plans and Elevations 1467-3A-P118 - Received 30/11/2016
Proposed Plans and Elevations 1467-3A-P119 - Received 30/11/2016
Tree Protection Plan LSDP 11444 3A 01 - Received 07/11/2016
Proposed Site Plan 1467-3C-P001 - Received 13/07/2017
Street Scene - Proposed 1467-3C-P002 - Received 30/11/2016
Street Scene - Proposed 1467-3C-P003 - Received 30/11/2016
Street Scene - Proposed 1467-3C-P004 - Received 30/11/2016
Street Scene - Proposed 1467-3C-P005 - Received 30/11/2016
Plans - Proposed 1467-3C-P101 - Received 07/11/2016
Plans - Proposed 1467-3C-P102 - Received 07/11/2016
Plans - Proposed 1467-3C-P103 - Received 30/11/2016
Plans - Proposed 1467-3C-P104 - Received 30/11/2016
Plans - Proposed 1467-3C-P105 - Received 30/11/2016
Plans - Proposed 1467-3C-P106 - Received 30/11/2016
Plans - Proposed 1467-3C-P107 - Received 30/11/2016
Plans - Proposed 1467-3C-P108 - Received 30/11/2016
Floor Plan - Proposed 1467-3C-P109 - Received 07/11/2016
Plans - Proposed 1467-3C- P110 - Received 07/11/2016
Floor Plan - Proposed 1467-3C- P111 - Received 07/11/2016

Floor Plan - Proposed 1467-3C-P112 - Received 07/11/2016
Plans - Proposed 1467-3C-P113 - Received 07/11/2016
Proposed Plans and Elevations 1467-3C-P114 - Received 07/11/2016
Proposed Plans and Elevations 1467-3C- P115 - Received 13/07/2017
Proposed Plans and Elevations 1467-3C-P116 - Received 01/12/2016
Tree Protection Plan LSDP 11444 3C 01 - Received 07/11/2016
Landscaping Plan LSDP 11444 3C 02 - Received 07/11/2016
Landscaping Plan LSDP 11444 3A 02 - Received 07/11/2016
Figures 1 and 2 Dispersion Modelling – Received 16/10/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk. Alternatively a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

0592/14	Erection of fifteen business units, associated external works and access road.	Granted 02/07/2014
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The planning history below is relevant to the application:

4556/16	Hybrid planning application consisting of full planning permission for the erection of 48 dwellings and outline planning permission for 3 commercial units (1 no. Class A3, 1 no. Class A4 and 1 no. Class A3/A5) with 'appearance' and individual plot landscaping as reserved matters.	Resolution to Grant awaiting S106 agreement
0019/17	Erection of six commercial units for B1 or B8 business units.	Resolution to Grant awaiting S106 agreement

2375/15	Outline application with all matters reserved except access for erection of 52 dwellings and commercial use of land (4975 sqm) for B1 (office only), A1 (Pharmacy only) and/or D1 (Doctor's Surgery only).	Refused 07/04/2016
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All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

GP01 - Design and layout of development
H02 - Housing development in towns
H13 - Design and layout of housing development
H14 - A range of house types to meet different accommodation needs
H15 - Development to reflect local characteristics
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
SB02 - Development appropriate to its setting
E02 - Industrial uses on allocated sites
E04 - Protecting existing industrial/business areas for employment generating uses
E12 - General principles for location, design and layout
E02 - Industrial uses on allocated sites
H04- Altered Policy H4
T07 - Provision of public car parking
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists
HB13 - Protecting Ancient Monuments
RT12 - Footpaths and Bridleways
CL08 - Protecting wildlife habitats
CS01 - Settlement Hierarchy
CS03 - Reduce Contributions to Climate Change
CS04 - Adapting to Climate Change
CS05 - Mid Suffolk's Environment
CS06 - Services and Infrastructure
CS09 - Density and Mix
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
FC03 - Supply Of Employment Land
SP4_01 - SAAP - Presumption In Favour Of Sustainable Development
SP4_02 - SAAP - Providing A Landscape Setting For Stowmarket
SP7_08 - SAAP - Cedars Park Employment Site
SP10_1 - SAAP - Protection And Enhancement Of Cultural Facilities
SP8_01 - SAAP - Developer Contributions To A Sustainable Transport Network
SP8_02 - SAAP - A14 Trunk Road
SP9_01 - SAAP - Biodiversity Measures
SP9_05 - SAAP - Historic Environment

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

The application was deferred from Committee B on the 09 August 2017 in order to seek further information: to ensure that the future occupants of proposed dwellings would not experience an unacceptable detriment to residential amenity, having regard to potential odour issues from the adjacent sewage works; to include prediction of the odour plume pattern with relevant development in Phase 3B modelled.

Details of any Pre-Application Advice

Pre-application advice has been given on this site in respect of the principle of development, layout, local policies and current constraints. Details of documents to be provided were also discussed. Advice was also given regarding ecology.

Consultations and Representations

Since the application was deferred from Development Committee on the 09 August 2017 additional consultation responses were received and these are summarised below. Full copies are provided as background papers.

The full summary of consultation responses received during the course of the application is included in the Committee Report for the 09 August 2017 provided as Appendix A to this report. Full copies of the consultation responses are provided as Appendix B. Additional details in the late papers for the Development Committee on the 09 August 2017 are included as Appendix C.

A: Summary of Consultations

Anglian Water

Anglian Water responded that the application site is sufficiently close to the operational boundary of the Sewage Treatment Works as to be exposed to odour emissions from the normal operation of the works and to an extent impair the amenity of future occupiers of the proposed development. Previous assessments have demonstrated the impracticability of reducing the odour potential by applying odour abatement techniques.

Anglian Water are comfortable with the analysis methodology of the Odour Risk Assessment, however they do not agree with the conclusion. They do not accept that land exposed to odour emissions in excess of 5 OUE/m³ is suitable for residential development and would recommend the layouts are designed to ensure the residential elements are not exposed to emission in excess of 3 OUE/m³.

In reaching this conclusion Anglian Water have considered the potential changes to the existing operation and the need to maintain the operational area available to meet future demand and increase process capacity which would be expected to require an increase in reactor or odour source area.

Anglian Water comment specifically on site 3A that the predicted exposure on the eastern edge may not be compatible with the proposed B1 use and recommend that the applicant demonstrate a feasible mitigation of the odour risk incorporated within their design of the development that will provide credible protection of the required amenity. Anglian Water consider the layout of phase 3C to be considered acceptable.

Environmental Health- Other

The Environmental Health Team advise that 12 complaints received in the last ten years with no more than two in one year. There have been two complaints in 2017 of a general nature but suspect the other historic complaints are from equipment failure, tank cleaning, unusually heavy rainfall and storing sewage cake from other works on site to be amongst the most likely causes of odorous events.

The Environmental Health Team advise that they broadly agree with Anglian Water representation. The Officer recommendation to developers for these sites has been that up to 3ou will be acceptable. Going above this limit is then a matter for the planning process for consideration of the balance of housing need and socio-economic benefits. Exposure between 5 and 10ou is not supported as this may give rise to complaints, as a matter of nuisance. The intensification of the residential use may increase the number of complaints to the Council but if AW are doing all that is reasonable and practicable within water industry standards and practice; there will be nothing the Council can do to reduce emissions under nuisance legislation.

Environment Agency

The Environment Agency advise that they have had a total of five incidents relating to the works (from 2009 onwards). All are for minor effluent quality breaches which have been resolved. They expect that there have not been any odour complaints because there are not any houses bordering the site.

B: Representations

Four letters of objection received; two of these letters are from one property with an initial objection letter and reply to the agent's comments. In summary;

- *Concern regarding significant increase in traffic. Already a busy road due to Tomo estate.
 - * Aware that there are improvements being made to the sewage works. Has this been taken into account for the additional housing.
 - * Cedars Park School is already at capacity and children from this estate will have to go to a different school.
 - * Residents were assured when they bought their properties that provision would be made for doctor's surgery, part-time dental practice, small independent shops and a village centre around the pond. This was supposed to be a new type of village.
 - * Increase in traffic will affect residents amenity especially more lorries.
 - * No community facilities on Cedars Park other than the community centre.
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- * Cars parked all over the estate with busy roads and noisy lorries. Object to additional development especially commercial.
- * Understood the use of this land would be for commercial/business units which would be a maximum of one and half storey.
- * Three storey apartment block will tower above the adjacent dwellings and as such will cause loss of light particularly in the winter months. No lighting scheme has been provided to confirm that no loss of light will be apparent.
- * Topography of the land will add to the dominance of the apartment block to the dwellings on Goosander Road.
- * Three storey buildings are not in-keeping with the surrounding area which is predominately two and half storey or less. Design and access statement does not validate the design approach. It appears to be competing with the height of neighbouring industrial units. Could the apartment blocks not be elsewhere on the substantial site?
- * Loss of privacy cause by overlooking from juliet balconies and the scale/mass of the apartment block which will directly look over the dwellings on Song Thrush Close and Goosander road. With our only amenity space to the side of our dwellings. Due to the higher ground levels and building height the distance between those existing is somewhat reduced.
- * There are no current windows which overlook the properties on the existing development.
- * Limited landscaping around the apartment block.
- * Prefer that the acoustic fencing extends to the entrance of the Tomo industrial estate.
- * It is noted that more parking spaces are to be provided on this development than on the rest of Cedars Park but parking continues to be a problem.
- * Concerned regarding B1 units being accessed from one road and the potential issues from on-street parking as happens on Cedars Park already blocking and restricting access to these units. No information regarding prevention of on-street parking from commuters.
- * Understood the position of the industrial units is placed next to the sewage treatment plant because of odour issues. However it seems to create a piecemeal form of development with residential dwellings dividing the industrial estate from proposed B1 units. A more logical flow to the development would be for commercial units to back onto the industrial estate. All of the commercial units have gardens/open space and appear to be designed with the provision to be residential. Should there be no interest in the B1 use so surely the development could already be switched around.
- * Concern raised by Climax Molybdenum regarding the potential conflict between their operation and the new neighbouring properties. The business can operate 24 hours. Activities involved large vehicles visit has reversing alarms and flashing lights on plant and lorries. Potential noise complaints from future occupiers due to activity on site.
- * Existence of slag storage on site and the associated risk of an adjacent residential use and concerns regarding security requirements for the site
- * The Stowmarket Society object to this application on the grounds that the site is part of a strategic allocation of employment land meant to form part of a mixed use development on the edge of the town. There is no evidence that the original needs either no longer exist or will be met adequately elsewhere.
- * Mill Lane Employment has permission but may never commence. Perhaps the owners of that site will prefer to bide their time and then seek residential development. The Gun Cotton Way sites are serviced and ready for development with the only thing standing in their way is a perceived opportunity for a higher value residential development.
- * This allocated land is closer to the Railway station and the town centre bringing benefits that cannot be achieved at Mill Lane. The employment use would also shield the existing industrial uses on Tomo Industrial Estate and Climax Molybdenum.
- * Wish to ensure full recognition is made by the planning authority for the access and use of the road network and in particular Gun Cotton Way from businesses located on Tomo Industrial Estate. The traffic flow from the estate is likely to increase as businesses continue to grow. Any move to restrict access to the estate now or in the future will jeopardise employment in the town. Must consider the

application in light of the continued access required to and from the Estate to ensure Gun Cotton Way and the surrounding roads can continue to support future road use.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

1.1. The site is divided into two parcels of land, phase 3A and phase 3C, which lie on the southern side of Gun Cotton Way. Gun Cotton Way is the distributor road which provides a link between the A1120 and the B1115 Relief Road. The land is currently undeveloped and is approximately 5.8ha in area. The site slopes down north-west towards the Industrial Estate. The topography allows for views of the town centre of Stowmarket.

1.2. Phase 3A is situated to the east of Tomo Industrial Estate and forms a triangular plot bounded by Tomo Road and Gun Cotton Way. The site is accessed from an existing roundabout where Gun Cotton Way extends north-east and Tomo Road extends north to the industrial estate. Residential development and public open space is situated to the east of phase 3A on the opposite side of road network. To the south is the Stowmarket Sewage Treatment works. The Sewage Works' access road encloses the southern boundary. Running between the site and the Tomo industrial estate is a public right of way, footpath 15, which extends from Tomo Industrial entrance around the sewage treatment plant along the edge of the railway line and back towards Gun Cotton Way.

1.3. Phase 3C is located south-east of phase 3A and forms a square plot. To the south-west of phase 3C is open space containing a drainage lagoon and wooded area and to the north-east is residential development. To the south of the site is an industrial unit operated by Climax Molybdenum UK Ltd. Phase 3C is enclosed by hedgerow and a trim track with hard surface and street lights around the perimeter. Phase 3C is accessed from an existing roundabout on Gun Cotton Way.

1.4. To the south west of Phase 3C is another parcel of land known as Phase 3D. This is undeveloped land subject to application 4556/16 for 48 dwellings and three commercial units. There is a Development Committee resolution to grant permission for that application subject to a section 106 agreement.

1.5. Between phase 3A and phase 3C is a parcel of land known as phase 3B. This is subject to application 0019/17 for over 5000sqm of B1 and B8 commercial units and has a Development Committee resolution to grant permission subject to a section 106 agreement.

1.6. Both sites are also connected to the town centre of Stowmarket and Stowmarket railway station by footway and cycleways along Gun Cotton Way. Both parcels of land are within the Stowmarket Settlement Boundary and is included within the Strategic Development Area (SDA) for Stowmarket. The Local Plan allocates the application site for the purposes of B1 - light industry; B2 - general industry and B8 - warehousing storage and distribution.

2. The Proposal

2.1. The proposal is for full planning permission for the erection of 143 dwellings and 15 B1 industrial units. The housing is divided across both parcels of land with 80 dwellings on phase 3A and 63 on phase 3C.

2.2. For phase 3A the residential area is located to the northern section of the site with the 15 commercial units to the southern section. The commercial units form a crescent providing a cordon area between the residential units and the sewage treatment plant.

2.3. Phase 3A has one main access road utilising an existing arm of the roundabout on Gun Cotton Way. The access road extends into the site curving south-eastward ending as a cul-de-sac to the commercial area. The road branches at three points providing access to the residential units and shared roadways.

2.4. Phase 3C also has one main access utilising an existing arm of a roundabout on Gun Cotton Way. The access road extends into the site curving northwards and looping back onto itself. With shared road ways and cul-de-sacs.

2.5. Across both parcels there is a mix of single, two storey, two and half storey and three storey properties. The bedroom mix across phase 3A is-

- 9- One bedroom apartments
- 21- Two bedroom apartments
- 41- Two bedroom dwellings
- 9- Three bedroom dwellings

For phase 3C

- 9- Two bedroom apartments
- 4- Two bedroom bungalows
- 24- Three bedroom dwellings
- 26- Four bedroom dwellings

2.6. Phase 3A has a contemporary approach in terms of the design and materials, with picture windows, accent panels and mix of weatherboarding and brickwork. The dwellings will have slate roofs to create unity. The dwellings are predominately two storeys with terraces, detached and semi-detached. There are also three apartment blocks which are three storeys. Three of the apartment blocks include balconies.

2.7. Phase 3C draws from the 'Arts and Craft' architectural movement with roof proportions, front gable articulations and fenestration design. These are largely two and two and half storey properties with some bungalows to add to the variety. The dwellings will have buff/light brick with predominately slate roofs.

2.8. Parking is provided in a variety of forms with parking courts, on street parking bays, garages, and private driveways. For phase 3A there are 95 designated parking spaces, 28 communal parking spaces and 19 visitor parking spaces (142 in total). Each 3 bed property will have two designated spaces and each one bed property will have one space. 6 of the two bed properties will have two spaces whilst the remaining 56 dwellings will have one designated space and share one communal space (1.5 spaces per two bed). For phase 3A, the adopted parking standards require 140 spaces in total and the development provides 142 in total.

2.9. Phase 3C also has a mix of parking arrangements with parking courts, garages, cart lodges, on street parking bays, and private driveways. There are 168 spaces overall with 19 being visitor parking spaces. Each three bed has two designated spaces and most of the four bed properties have 3 spaces. One four bed has two spaces which is below the minimum standard and three four beds have four spaces which exceeds the minimum standard. The apartments and one two bed property have 1.5 spaces and all other 2 bed dwellings have two spaces within their respective curtilages. The visitor parking is arranged around the periphery of the development. For phase 3C the parking standards require 162 parking spaces overall and the development provides 168 spaces.

2.10. The industrial units are of a domestic scale equivalent to two storey dwellings and include pitched roofs. The commercial units will be metal framed with metal cladding. Each unit is designed with cladding, glazing and front shutter doors. Each unit has at least five spaces with one larger vehicle parking space. Overall there are 106 spaces for the business units.

2.11. Trees are to be planted to break-up the on-street parking bays, with new planting on the sites boundary and between the commercial and residential units. Acoustic fencing is to be erected along the western boundary between the site and the industrial units. All properties have a reasonable garden area and good back-to-back distances.

3. National Planning Policy Framework

3.1. The National Planning Policy Framework (NPPF) 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-making purposes.

4. Core Strategy

4.1. Core Strategy 2008-

- * FC01 - Presumption in Favour of Sustainable Development
- * FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
- * FC03 - Supply of Employment Land
- * CS01 - Settlement Hierarchy
- * CS03 - Reduce Contributions to Climate Change
- * CS04 - Adapting to Climate Change
- * CS05 - Mid Suffolk's Environment
- * CS06 - Services and Infrastructure
- * CS09- Density and Mix

5. Neighbourhood Plan/Supplementary Planning Documents/Area Action Plan

5.1. Stowmarket Area Action Plan 2013-

- * SAAP Policy 4.1- Presumption in Favour of Sustainable Development
- * SAAP Policy 4.2- Providing a Landscape Setting for Stowmarket
- * SAAP Policy 7.1- Sustainable Employment Sites
- * SAAP Policy 7.7- Local Plan Employment Allocations
- * SAAP Policy 7.8- Cedars Park Employment Site
- * SAAP Policy 8.2- A14 Trunk Road
- * SAAP Policy 9.1- Biodiversity Measures

- * SAAP Policy 9.5- Historic Environment

6. Saved Policies in the Local Plans

6.1. Mid Suffolk Local Plan 1998-

- * SB2 - Development appropriate to its setting
- * GP1 - Design and layout of development
- * HB1 - Protection of historic buildings
- * Altered Policy H4- A Proportion of Affordable Housing in new housing developments
- * H13- Design and Layout of Housing Development
- * H14- Encourage a variety of house types and designs to cater for different accommodation needs and to avoid undue uniformity.
- * H15- Development to Reflect Local Characteristics
- * H16- Protecting Existing Residential Amenity
- * T9- Parking Standards
- * T10- Highway Considerations in Development
- * E02 - Industrial uses on allocated sites
- * E03 - Warehousing, storage, distribution, and haulage depots
- * E04 - Protecting existing industrial/business areas for employment generating uses
- * E09 - Location of new businesses
- * E12 - General principles for location, design, and layout
- * CL8- Protecting Wildlife Habitats
- * SDA03 - Comprehensive development within the SDA
- * SDA04 - Sustainable development
- * SDA06 - Employment Land
- * SDA08 - Principle issues to be included in SDA
- * SDA01 - Programmed B1115 Relief Road
- * SDA02 - Funding for B1115 Relief Road

7. Additional Information regarding odour

7.1. The site is located close to the Stowmarket Sewage Treatment Works. An odour assessment was provided with the application which identified that for phase 3A the nearest residential premises will be exposed to emissions between 7 to 10 Odour Units (“ou”). The report identifies that it is widely accepted that odour concentrations between 5 and 10ou may generate complaints and may give rise to nuisance.

7.2. The Environmental Health Officer initially commented that he would not ordinarily support approval of dwellings with this level of exposure. However, the Odour Report highlights that there are existing dwellings on the opposite side of Gun Cotton Way in the same circumstances with odour concentrations predicted to be at 10ou. Whilst the Environmental Health Officer has concerns about the introduction of more odour sensitive premises near to the Sewage Treatment Works, in the absence of any experience that odour is currently causing adverse impact or nuisance, the Environmental Health Officer is not minded to recommend refusal of the development.

7.3. The application was presented to Development Committee B on 09 August 2017. Members deferred the determination of the application to seek further information to ensure that the future occupants of proposed dwellings would not experience an unacceptable detriment to residential amenity having regard to potential odour issues from the adjacent sewage works, to include prediction of the odour plume pattern with relevant development in Phase 3B modelled.

7.4. Further information was sought from the Applicant's Agent regarding the Odour Assessment submitted with the application. The Agent provided additional clarification from the Odour Consultants regarding how the assessment has been compiled.

7.5. The Odour Consultant confirms that the key legislative requirements and guidance in assessing odour is provided within Section 2 of the submitted Odour Assessment which covers the methodology and the key requirements to undertake an odour assessment. The main guidance document is listed below.

- H4: Odour Management, Environment Agency (EA), 2011;
- Odour Guidance for Local Authorities, Department for the Environment, Food and Rural Affairs (DEFRA), 2010; and
- Guidance on the Assessment of Odour for Planning, Institute of Air Quality Management (IAQM), 2014.

In regards to this assessment the IAQM is the most widely utilised and forms the basis of quantifying the potential odour impacts at this site.

7.6. In order to quantify the magnitude of potential odour a number of factors have to be considered, which mostly focus on the potential for complaints; which significantly varies due to the subjective nature of odour perception. The FIDOR acronym is a useful reminder of the factors that will determine the degree of odour nuisance:

- **F**requency of detection - frequent odour incidents are more likely to result in complaints;
- **I**ntensity as perceived - intense odour incidents are more likely to result in complaints;
- **D**uration of exposure - prolonged exposure is more likely to result in complaints;
- **O**ffensiveness - more offensive odours have a higher risk of resulting in complaints; and
- **R**eceptor sensitivity - sensitive areas are more likely to have a lower odour tolerance.

7.7. The FIDOR factors can be further considered in conjunction with the following in regards to the potential for an odour emission to cause a nuisance:

- The rate of emission of the compound(s);
- The duration and frequency of emissions;
- The time of the day that this emission occurs;
- The prevailing meteorology;
- The sensitivity of receptors to the emission i.e. whether the odorous compound is more likely to cause nuisance, such as the sick or elderly, who may be more sensitive;
- The odour detection capacity of individuals to the various compound(s); and
- The individual perception of the odour (i.e. whether the odour is regarded as unpleasant). This is greatly subjective, and may vary significantly from individual to individual. For example, some individuals may consider some odours as pleasant, such as petrol, paint and creosote.

The above criterion basically forms the scope of inputs into the Odour Consultant's modelling software, and also the potential impacts.

7.8. The Odour Assessment sets out the Odour Measurement and Benchmark. Planning appeal decisions and Environment Agency guidance suggests that 5.0ouE/m³ to 10.0ouE/m³ is the most appropriate benchmark range to use to assess odour impacts. The European Standard BS:EN132725:2003 defines the standardised methods for measuring and reporting the detectability or concentration of an odour sample. The concentration at which an odour is just detectable by a panel of selected humans - "sniffers" - is defined as the detection threshold and has an odour concentration of 1

European odour unit per cubic metre. The concept of odour concentrations as odour unit per cubic metre (ouE/m³) is based on a physiological response when odour is detected by the nose and exposure to a particular sample at a specific concentration.

7.9. 1ouE/m³ is the point of detection and which is not normally detected outside the controlled environment of an odour laboratory. 5ouE/M³ is a faint odour and 10ouE/M³ is distinct odour. These values are based on laboratory measurements and in the general environment other factors affect people's sense of odour perception.

7.10. The Odour Assessment submitted with the application identifies that 5.0ouE/m³ to 10.0ouE/m³ is the most appropriate benchmark range to use to assess odour impacts taking into account appeal decisions and Environment Agency Guidance i.e. faint to distinct odours. Benchmark levels are stated as the 98th percentile (%ile) of hourly mean concentrations in ouE over a year for odours of different offensiveness. In practice this is the 175th highest hourly average recorded in the year. This parameter reflects the previously described FIDOR factors, where an odour is likely to be noted on several occasions above a particular threshold concentration before annoyance occurs.

7.11. The 98th percentile metric accounts for hourly means over a calendar year. In simple terms this means that any odour benchmark should not be exceeded for more than 2% of the hours in a year at any sensitive receptor outside the site boundary, which is equivalent to approximately 175 hours per annum. This reflects the principle that a few odour 'episodes' are considered allowable before 'disamenity' or annoyance is triggered

7.12. The Assessment identifies that the wastewater industry has published an in-depth study through United Kingdom Waste Industry Research (UKWIR) into the correlation between modelled odour impacts and human response (dose-effect) in 2001. This was based on a review of the correlation between reported odour complaints and modelled odour impacts in relation to nine Wastewater Treatment Works (WwTWs) in the UK with ongoing odour complaints. The findings of this research (and subsequent UKWIR research) indicated the following:

- At modelled exposures of below 5ouE/m³ as a 98thile of 1-hour means, complaints are relatively rare, at only 3% of the total registered;
- At modelled exposures between 5ouE/m³ and 10ouE/m³ as a 98thile of 1-hour means, a significant proportion of total registered complaints occur; 38% of the total; and
- The majority of complaints occur in areas of modelled exposure greater than 10ouE/m³ as a 98thile of 1-hour means, 59% of the total.

7.13. The Chartered Institute of Water and Environmental Management (CIWEM) has released a Position Statement on the Control of Odour which provides the guidance on likely response to odour concentrations.

- For less than 3ouE/M³ complaints are unlikely to occur and exposure below this level are unlikely to constitute significant pollution or significant detriment to amenity unless the locality is highly sensitive or the odour highly unpleasant in nature
- 5 – 10ouE/M³ Complaints may occur and depending on the sensitivity of the locality and nature of the odour this level may constitute a nuisance.
- Greater than 10 complaints are highly likely and odour exposure at these levels represents an actionable nuisance.

7.14. The Odour Assessment clarifies that the odour was assessed using Dispersion Modelling Software ADMS 5.1. The model utilises hourly meteorological data to define conditions for plume rise, transport and diffusion. It estimates the concentration for each source and receptor combination for each hour of

input meteorology, and calculates user-selected long-term and short-term averages. Officers therefore consider, in accordance with the views of the Environmental Health Officer, that Members have before them a reasonable method of assessment for quantifying potential impacts and effect.

7.15. Meteorological data used in this assessment was taken from Wattisham Airfield meteorological station over the period 1st January 2013 to 31st December 2015 (inclusive). The assessment has taken account for 3-year average meteorological conditions. The meteorological data does not factor in the effect of rainfall which would reduce the predicted impacts, and as such the assessment would lead to an over-estimation of potential impacts and reflects a cautionary approach. Although the effect of precipitation is difficult to quantify it would have a beneficial impact.

7.16. Potential odour sources were identified through consultation with Anglian Water and Odour emission rates were provided by Anglian Water. Emissions were assumed to be constant, with the STW in operation 24-hours per day, 365-days per year. This is considered to be a worst-case assessment scenario as maintenance or periods of reduced work load are not reflected in the modelled emissions.

7.17. The 3-Year average mean indicates that approximately 20% of phase 3A is within an odour contour of the 3.0ouE/m³ and the concentrations ranging from 5.0 to 10.0ouE/m³ cover approximately 50% of the site. Concentrations above 10.0ouE/m³ cover approximately 20% of the site, extending into to less sensitive locations with a proposed commercial end use of B1 Office. Most of phase 3C is mainly within the area predicted to be below 3.0ouE/m³. It should be noted that all odour concentrations are presented as a 98th%ile of 1-hour mean values over the relevant assessment year. Meaning this is the highest odour level experienced over 175 hours of the year.

7.18. The Odour Assessment concludes that it is not anticipated that significant odour impacts occur at any sensitive location as a result of operation of the STW. As such, the potential for adverse odour impact at the proposed development site is considered to be low.

7.19. The Environmental Health Officer advised that it is widely accepted that a contour of 3 odour units (ou) expressed as a 98th percentile (2% of the time spread throughout a year) is acceptable and unlikely to cause complaint. The dispersion modelling indicates odour concentrations at the nearest residential premises are at 3ou or below for the majority of site 3C. The Environmental Health Officer and Anglian Water do not have any adverse comments in respect of odour issues for site 3C.

7.20. However, for phase 3A the results of modelling indicate that the impact on the nearest residential premises will be between 7 and 10 odour units (expressed as a 98th percentile). It is widely accepted that odour concentrations between 5 and 10 odours units may generate complaints and may give rise to nuisance. In these cases the Environmental Health Officer would not ordinarily support approval of this development. The report, however, points out that there are existing dwellings on the opposite side of Gun Cotton Way in the same circumstance with odour concentrations predicted to be at 10 odour units. The report relies on this to conclude that the potential for adverse odour impact is considered to be low.

7.21. Although the Environmental Health Officer has concerns about the introduction of more odour sensitive premises near to Stowmarket STW, in the absence of any experience that odour is currently causing adverse impact or nuisance, the officer is minded not to recommend refusal.

7.22. Following the Development Committee meeting on the 9th August 2017, Anglian Water submitted an additional representation. They advise that the application site is close to the Sewage Treatment Works as to be exposed to odour emissions.

7.23. Anglian Water accepts the analysis methodology of the Odour Risk Assessment, however they do not agree with the conclusion. Anglian Water advise that land exposed to odour emissions in excess of 5 OUE/m³ is not suitable for residential development and recommend the layouts are designed to ensure the residential elements are not exposed to emission is excess of 3 OUE/m³. In reaching this conclusion Anglian Water have considered the potential changes to the existing operation and the need to maintain the operational area available to meet future demand and increase process capacity which would be expected to require an increase in reactor or odour source area.

7.24. The Environmental Health Officer commented further that they broadly agree with the Anglian Water representation. The Environmental Health Officer's recommendation to developers for these sites has been that up to 3ou will be acceptable and going above this limit becomes a matter for the planning process for consideration of the balance of housing need and socio-economic benefits. Exposure between 5 and 10ou is not supported as this may give rise to complaints, as a matter of nuisance. The intensification of the residential use may increase the number of complaints to the Council but if Anglian Water is doing all that is reasonable and practicable within water industry standards and practice; there will be nothing the Council can do to reduce emissions under nuisance legislation.

7.25. The IAQM guidance advises that;

'Sewage treatment works odours are a specific case, amongst approximately 20 other statutory authority examples, in that, as a result of the statutory duty incumbent upon water companies to accept and treat domestic sewage, there is a portion of the odour produced and emitted that cannot be actionable under a nuisance case. Therefore, if the operator can demonstrate that best practice is being carried out, in accordance, for example, with the Defra Guidance²¹, it is highly likely that no further enforcement action would be taken.'

7.26. It is accepted by Officers that an odour contour between 5 and 10ou may cause a nuisance to future residents and may give rise to complaints. This may not form a statutory nuisance that the Council could resolve under nuisance legislation. However, consideration must be given to the level of impact on future residents and whether this would significantly reduce amenity, as set out in policy H17 of the Mid Suffolk Local Plan.

7.27. The level of odour identified is based on 'worst case scenario' thus it seems these levels of odours are not constant and do not represent the normal operation. It should be noted that this does not result in an odour free situation, as there is a likelihood of some occasional odour issues, but any period of exposure to unpleasant odour is identified as brief (2% of the year).

7.28. Furthermore, the IAQM guidance advises that;

'It is not simply the presence of odours that govern the responses of individual population members to malodour, but many other socio-psychological factors²², including the existence of health conditions, beliefs regarding the alleged harmfulness of the odorants, individual coping behaviours and other demographic and social factors, and the variation in the sensitivity of sense of smell in the general population.

This could result in the application of odour exposure criteria that may appear, on the basis of the studies carried out to date, to be erroneous. Such a case has occurred recently, as reported in a Defra publication²³, where a concerted and comprehensive odour emission sampling and

modelling campaign revealed C₉₈ concentrations well below the most stringent 1.5 ouE/m³ criterion, but where up to 50 complaints about odour per day arose.

7.29. There are existing properties north of the Sewage Treatment Plant which are located in the same odour contour as phase 3A. Low levels of complaints have been received by the Environmental Health Team which are suspected to have only occurred due to anomalies or technicalities outside the normal operation of the treatment works. Whilst being mindful of IAQM's advice that the presence of odours does not govern the responses of residents and that the existence of complaints does not necessarily demonstrate an unacceptable loss of amenity; the level of complaints, at no more than two a year, is a material consideration and presents evidence that the sewage treatment plant is not causing a significant nuisance.

8. Level of complaints received

8.1. Whilst the Environmental Health Officer advised that in the absence of any experience that odour is causing a nuisance or adverse impact; the Ward Member's at Development Committee stated that odour is an issue with a number of residents raising complaints.

8.2. Clarity was therefore sought on the level of complaints received by the Environment Agency, Anglian Water and the Local Authority's Environmental Protection Team.

8.3. The Environment Agency found no complaints (from 2009 onwards) regarding odour. They advise that this is potentially because no houses border the site. It is worth noting that the odour assessment identifies houses opposite the Sewage Treatment Works are subject to odour concentrations of between 5ou and 10ou with some dwellings in areas over 10ou.

8.4. The Local Authority identified 12 complaints since 2007. In 2017 the 2 complaints received were of a general nature whereas the previous complaints are suspected to be due to equipment failure, tank cleaning, unusually heavy rainfall and storing sewage cake from other works on site to be amongst the most likely cause of odorous events.

8.5. Details of the amount of complaints to Anglian Water remain outstanding.

8.6. In conclusion, the level of complaints is low for an area which is experiencing the same level of odour concentrations as will be the case for some of phase 3A.

9. Impact of buildings on odour plume

9.1. The Development Committee raised the issue surrounding the adjacent development (0019/17) for B1/B8 business units and the impact on odour dispersion. The Odour Consultant advises that there is a complex relationship between building structures and the dispersion of odours. In some cases, depending on the magnitude and shape of structures, the presence of buildings within the locality of emission source may act as a barrier and therefore increase turbulence in that specific location which would reduce the dispersion to distant receptor locations. In other scenarios the presence of structures may lead to an increase in building downwash, which would effectively bring emissions closer to ground level and therefore breathing height.

9.2. Further modelling has been undertaken to assess the approximate effect of building structures, situated at both Site 3A and Site 3B, upon the dispersion of odours generated by the Stowmarket WRC.

The analysis provides an estimate of the influence that the proposed buildings would have on odour concentrations in the vicinity of both Site 3A and 3C.

9.3. The indicative sensitivity analysis identifies that the presence of building structures at phases 3A and 3B have a very minimal influence upon the atmospheric dispersion of odours from the WRC across phases 3A and 3C. Slight improvements are predicted to occur on Site 3C due to increase in turbulence in the vicinity of the industrial units at Site 3B. Additionally, improvements are also evident at Site 3A in areas surrounding the commercial units, however these are again very minimal and do not reflect the entire site.

9.4. Overall the analysis has indicated minimal alterations to the pattern of dispersion as a result of the presence of the commercial and industrial units. The Odour Consultant advises that in most cases their presence would in fact lead to a reduction in predicted odour concentrations at phases 3A and 3C.

10. Odour Mitigation Measures

10.1. Anglian Water's further response included a recommendation for feasible mitigation of the odour risk incorporated within their design of the proposed B1 use that will provide credible protection of the required amenity.

10.2. This parcel of land has been designated for employment use for B1, B2 and B8 for a number of years. It is noted that the Local Planning Authority have a resolution to grant permission on phase 3B for B1/B8 units (reference no. 0019/17). No consultee for that application requested or required odour mitigation measures to the building. Likewise, no other applications for business units on phase 3a or phase 3C have been subject to such a requirement. Industrial uses such as B1, B2 and B8 are considered low sensitive receptors by the IAQM.

10.3. Nevertheless, the developer has considered the incorporation of odour mitigation measures for the site through greater provision of soft landscaping which can suppress odour dispersion. It is considered that the appropriate species can be sought as part of the detailed landscaping scheme which is subject to condition. A revised layout has been provided showing an enhanced tree belt between the industrial units and housing.

10.4. The Odour Consultant advises that this can assist with suppressing odours, although it is not quantifiable within the modelling assessment, this will provide some method of suppression to odour dispersion across the proposed development sites at phase 3A and 3C.

PART FOUR – CONCLUSION

11. Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

11.1. When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

11.2. In this case the Planning Authority worked with the applicant and agent to overcome issues regarding floods, highways, ecology, viability, and rights of way.

12. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

12.1. It is not considered that there are any legal or equality implications with the determination of this application.

13. Planning Balance

13.1 This application brings about a number of issues which require careful attention in reaching a decision upon this proposal and these have been covered in the previous report to Committee.

13.2 However, given the reason for deferring a decision, what follows, therefore, is a planning balance in respect of that key issue relating to odour, in accordance with those preceding paragraphs of this updated report. The application is considered favourably in all other respects.

13.3 At the heart of the balancing exercise to be undertaken by decision takers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

13.4. It is identified that the development of phase 3a will result in future residential occupiers experiencing odour concentrations between 3ou and 10ou. These levels of odour concentrations are likely to be detectable and may lead to further complaints. However, the existing complaint level is low and suspected to occur only when operational difficulties/anomalies arise and are resolved by Anglian Water. There are no on-going complaints.

13.5. The level of odour concentrations is presented as a worst-case scenario in line with relevant odour assessment guidance. This demonstrates the odour levels experienced will be for the equivalent of 175 hours across one calendar year. Therefore, whilst it is accepted that the odour will impact the amenity for these new dwellings, due to the level of odour and the length of time it is experienced, the impact is not considered to significantly harm residents' amenity, as required by policy H17 of The Mid Suffolk Local Plan 1998 and CS4 of the Core Strategy 2008.

13.6 Furthermore, and counterbalancing this limited harm, in allowing this application the development would present significant benefits through the major delivery of housing and employment provision.

13.7 When taken as a whole, and as a matter of planning judgment, the proposal is considered to broadly adhere to the development plan and other material planning considerations including the NPPF. Where the application accords with the development plan, as is the case referred above, the presumption in favour of sustainable development is engaged, in accordance with paragraph 14 of the NPPF and Policy FC1 and FC1.1 of the Core Strategy Focused Review. This requires that planning permission be granted, without delay.

13.8 This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking in the NPPF. Paragraph 186 of the Framework requires Local Planning Authorities to *"approach decision taking in a positive way to foster the delivery of sustainable development"*. Paragraph 187 states that Local Planning Authorities *"should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible"*.

13.9 Notwithstanding the above, and since there is not, in any measure, a 5-year supply of deliverable housing sites, Paragraph 49 of the NPPF deems the relevant housing policies of the Development Plan to be out-of-date, so triggering both the 'tilted balance' in paragraph 14 of the NPPF, and the operation of Policy FC1.1.

13.10 As such, the proposal is considered to be sustainable development, and officers do not consider that the adverse impacts identified in relation to this proposal would significantly or demonstrably outweigh the benefits, when framed against the NPPF as a whole. Officers do not consider that there are any specific policies within the NPPF that indicate that the development should be restricted having regard for the assessment that has been undertaken.

13.11 In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no material considerations which would give rise to unacceptable harm.

13.12 A positive recommendation to Members is therefore given below.

RECOMMENDATION

1) That authority be delegated to Corporate Manager - Growth & Sustainable Planning to Grant Full Planning Permission for 143 dwellings and 15 B1 Units subject to the prior completion of a Section 106 to secure the following heads of terms and that such permission be subject to the conditions as set out below:

Section 106 Heads of Terms-

- * Secure the provision of affordable housing as submitted with the application
- * Secure contribution towards funding free school transport (unless agreed this falls within the CIL regime)
- * Land Management details
- * Reptile Mitigation Strategy for phase 3A
- * Travel Plan and Contributions
- * Phasing plan

Conditions-

- * Standard time limit
- * Accord with approved plans
- * Materials to be agreed
- * Prior to commencement of development written scheme of investigation for archaeological works to be agreed and implemented
- * Prior to occupation the site investigation and post investigation assessment has been agreed.
- * New road layout to be in accordance with approved plans and made available prior to first use
- * Construct new footway
- * Details of estate roads and footpaths to be agreed and implemented
- * No building occupied until the road and footway serving that building have been constructed

- * Parking to be provided prior to first use and thereafter retained
- * Visibility splays to be implemented in accordance with the plans and thereafter retained.
- * Details of secured cycle storage for B1 units to be agreed and thereafter retained
- * Details of electric vehicle charging points to be agreed and thereafter retained.
- * Fire Hydrants to be agreed and implemented
- * Tree Protection Measures to be implemented
- * Detailed soft landscaping plan and specification to be agreed
- * Implement soft and hard landscaping as agreed
- * Hard landscape material plan and specification to be agreed and implemented
- * Boundary Treatment Plan and specification to be agreed and implemented
- * Landscape Management Plan to be agreed and implemented thereafter
- * The strategy for surface water drainage scheme and the Flood Risk Assessment shall be implemented
- * Details of all the Sustainable Drainage System to be submitted for inclusion on the Flood Risk Asset Register.
- * Prior to commencement, details of construction surface water management plan to be agreed and implemented in accordance with the approved details.
- * Mitigation measures in noise assessment (acoustic fence and glazing (including ventilation)) to be installed and thereafter retained prior to occupation.
- * Construction Management Plan to be agreed and implemented accordingly.
- * Construction working hours to be between 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays with no works on Sundays or bank holidays
- * Prior to construction of commercial units' details of sustainable construction measures including renewable technology to be agreed and implemented
- * Compliance with Ecology Appraisal received 07 November 2016 and additional notes received 19 April 2017.
- * Reptile Mitigation Strategy for phase 3A to be agreed and implemented prior to commencement
- * Biodiversity enhancements as detailed in the ecology appraisal, additional ecology notes and agreed reptile strategy.
- * Prior to occupation lighting to be agreed and implemented. No other lighting to be installed except for the agreed details
- * Remove permitted development for illuminated signs to commercial units.
- * Remove permitted development rights for conversion of B1 units to residential.

2) That, in the event of the Planning Obligation referred to in Recommendation (1) above not being secured the Corporate Manager - Growth and Sustainable Planning be authorised to refuse Planning Permission, for reason(s) including;

- * Inadequate provision of infrastructure contributions which would fail to provide compensatory benefits to the sustainability of the development and its wider impacts, contrary to Policies CS6 of the Core Strategy.