

Target Decision Date: 11/10/2022

Expiry Date: 10/07/2023

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Jasmine Whyard

CASE REFERENCE: DC/22/04067

The Openness of Local Government Bodies Regulations 2014

The national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

PROPOSAL: Planning Application - Erection of commercial building (B8 use class) with incidental office space, installation of associated hardstanding and landscaping

LOCATION: Land Adjacent to O C Jewers & Sons Ltd, Elmswell Road, Woolpit, IP30 9RH

PARISH: Woolpit.

WARD: Elmswell & Woolpit.

APPLICANT: O.C Jewers & Sons Ltd

SITE NOTICE DATE: 26/09/2022

PRESS DATE: N/A

BACKGROUND DOCUMENTS

This decision refers to drawing number 5722 PA_05B received 14/07/2023 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:

Defined Red Line Plan 5722 PA_05 B - Received 14/07/2023

Sectional Drawing 5722 PA_03 C - Received 05/12/2022

Street Scene - Proposed 5722 PA_04 C - Received 05/12/2022

Block Plan - Proposed 5722 PA_05 - Received 26/06/2023

Flood Risk Assessment 201322 3 - Received 24/05/2023

Proposed Site Plan 5722-PA_01 G - Received 24/05/2023

Proposed Landscaping Plan LSDP-1097-02 E - Received 12/08/2022

NH/SJB/201322 - Received 24/05/2023

Proposed Plans and Elevations 5722 PA_02 E - Received 24/05/2023

Arboricultural Assessment LSDP 1097.01 B - Received 12/08/2022

Noise Impact Assessment Sound Solution Consultants 38289-R1 - Received 12/08/2022

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk or www.midsuffolk.gov.uk.

SUMMARY OF CONSULTATIONS AND REPRESENTATIONS

SCC - Flood & Water Management Comments Received - 30/05/2023

Recommend approval, subject to conditions.

Landscape - Place Services Comments Received - 11/04/2023

No objection, subject to conditions.

National Highways Comments Received - 11/04/2023

No objection.

SCC - Highways Comments Received - 04/07/2023

No objection, subject to conditions.

Woolpit Parish Clerk Comments Received - 05/07/2023

Object on the basis of 1- bus timetable quoted is incorrect, 2- predicted vehicle movements do not add up, 3- cycle storage shown but is unlikely to be used as the road is a designated lorry route, 4- had requested a combined footway/ cycleway along western edge of Elmswell, but are willing to accept the connection proposed rather than no footway, 5- drainage issues are not resolved, 6- additional PV should be included on the vast roof slope and 7- the building is large and has been mitigated via design and planting, existing trees must be retained.

Anglian Water Comments Received - 07/06/2023

No comment as foul water and surface water discharges are not to Anglian Water assets.

Ecology - Place Services Comments Received - 14/03/2023

No objection, subject to conditions.

Economic Development & Tourism Comments Received - 02/02/2023

Would be useful to understand justification for new application. EV charging points should be proposed. Additional sustainability measures should be incorporated into the scheme.

Environmental Health - Air Quality Comments Received - 13/12/2022

No objection.

Environmental Health - Land Contamination Comments Received - 13/12/2022

No objection.

Environmental Health - Noise/Odour/Light/Smoke Comments Received - 06/12/2022

No objection subject to conditions.

Climate Change Team - Sustainability Issues Comments Received - 19/12/2022

No objection.

MSDC - Waste Manager (Major Developments) Comments Received - 15/12/2022

No objection, subject to condition.

The Environment Agency Comments Received - 11/01/2023

No comment as there are no issues that are within the remit of the Environment Agency.

East Suffolk Inland Drainage Board Comments Received - 05/12/2022

No comment as development lies outside of the Internal Drainage District and its watershed.

Historic England Comments Received - 06/12/2022

No comment.

Natural England Comments Received - 03/01/2023

No objection.

SCC - Travel Plan Co-ordinator Comments Received - 06/12/2022

No comment.

SCC - Fire & Rescue Comments Received - 05/12/2022

No objection, subject to condition.

SCC - Archaeological Service Comments Received - 03/01/2023

No objection.

Public Realm Comments Received - 26/08/2022

No comment as no public open space is proposed.

Heritage Team Comments Received - 20/09/2022

Note that the application follows previous commercial approval DC/18/02504, whilst there would be no discernible change in harm from the previous approval, there would still be a very low level of less than substantial harm to nearby listed buildings.

1 representation of objection was received, summarised as follows:

- Affects ecology
- Development too high
- Inadequate access
- Inadequate public transport provision
- Increased pollution
- Increased traffic/ highways issues
- Landscape impact
- Light pollution
- Loss of open space
- Noise
- Overdevelopment
- Overburdened infrastructure

PLANNING POLICIES**Mid Suffolk Core Strategy Focused Review**

FC01 - Presumption in Favour of Sustainable Development

FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development

Mid Suffolk Core Strategy

CS01 - Settlement Hierarchy

CS02 - Development in the Countryside & Countryside Villages

CS03 - Reduce Contributions to Climate Change

CS04 - Adapting to Climate Change

CS05 - Mid Suffolk's Environment

Mid Suffolk Local Plan

GP01 - Design and layout of development
HB01- Protection of historic buildings
H16 - Protecting existing residential amenity
H17 - Keeping residential development away from pollution
CL08 - Protecting wildlife habitats
E03 - Warehousing, storage, distribution and haulage depots
E10 - New Industrial and commercial development in the countryside
E12 - General principles for location, design and layout
T09 - Parking Standards
T10 - Highway Considerations in Development
T11 - Facilities for pedestrians and cyclists

Woolpit Neighbourhood Plan

WTP6- Location and Sustainability of Business Sites
WTP12- Footpaths and Cycleways
WTP14- Design
WTP15- Design and Character

National Policy

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

Emerging Joint Local Plan

SP03 - The sustainable location of new development
SP05 - Employment Land
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP09 - Supporting a Prosperous Economy
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP17 – Landscape
LP19- The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP25 - Energy Sources, Storage and Distribution
LP26 - Water resources and infrastructure
LP27 - Flood risk and vulnerability
LP29 - Safe, Sustainable and Active Transport

PLANNING HISTORY

REF: DC/18/02504	Full Planning Application - Erection of 2 No Commercial buildings accommodating 9 No Industrial Units (Use classes B1(c), B8 and B2 and layout for 107 car parking spaces.	DECISION: GTD
REF: DC/21/03214	Discharge of Conditions Application for DC/18/02504- Condition 4 (Construction Management) and Condition 12 (Sustainable Technology)	DECISION: GTD

REF: 3200/11 Installation of solar array panel of southern roof slope of building **DECISION:** GTD

REF: 1250/08 Erection of two commercial buildings (one as alternative to building previously approved as part of planning permission 936/04) for storage use in association with and ancillary to existing seed, corn and agricultural merchants use. **DECISION:** GTD

ASSESSMENT

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.

Details of Amended Plans and Negotiations

During the course of determination the application was in receipt of amended plans and additional information to address SCC Floods and Water and SCC Highways comments. The description of development has also been amended to propose a building with just a B8 use.

History

There is a previous but expired permission (DC/18/02504) on the site for a number of commercial units with a flexible B1c) (light industrial), B2 (general industrial) and B8 (storage and distribution) use.

Site and Surroundings

The site extends 1.32 hectares and consists of uncultivated agricultural land. The site lies to the northwest of O C Jewers and Sons Ltd (grain processing) and Goldstar Transport (container transport) and is accessed northeast of Heath Road, a short distance from the A14. The site is not within any designated landscape area but is within the countryside outside of the settlement boundary of Woolpit (Key Service Centre). There are no protected trees on site, however there is an existing hedgerow/ tree belt running along the boundary of the site. The site is within Flood Zone 1 (very low fluvial flood risk) and is also a very low risk of pluvial, groundwater, foul and reservoir flooding. There are no nearby Public Rights of Way and the site is not within any important gap or view as identified within the Neighbourhood Plan. The site is not within a Conservation Area and the nearest listed buildings are Grade II* Church of St John to the northeast and Grade I Church of St Mary to the southwest.

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 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, then that determination must be made in accordance with the plan unless material considerations indicate otherwise.

An integral material consideration in the determination of planning applications is the National Planning Policy Framework (NPPF) which contains the Government's planning policies for England and sets out

how these are expected to be applied, including a general presumption in favour of sustainable development.

The assessment and balance are therefore centred on the proposed development's level of accordance with the development plan, weighed amongst the merits and harms of the proposed development relative to any material considerations.

The proposed development has been primarily assessed having had regard to the:

- Woolpit Neighbourhood Plan (2022)
- Mid Suffolk Core Strategy Focused Review (2012)
- Mid Suffolk Core Strategy (2008)
- Mid Suffolk Local Plan (1998)
- National Planning Policy Framework (NPPF) (2021)
- National Planning Practice Guidance (NPPG)

The planning assessment and balance are therefore centred on the merits of the proposal weighed against the level of adverse impact created as a result of development relative to the material considerations identified.

This application follows a previous approval (DC/18/02504) for the erection of two commercial buildings providing 9 individual units with B1c (now Class E(g)i), B2 and B8 uses. This permission was not implemented and therefore has expired. As such this proposal is therefore assessed afresh, but the planning history on site is nonetheless a material consideration. The revised proposal has been submitted following a lack of interest in the smaller units previously approved.

Since the original approval, Woolpit has adopted a Neighbourhood Plan (October 2022) and the Council's emerging Joint Local Plan has significantly advanced towards adoption.

The Council's emerging Joint Local Plan continues to progress through examination towards adoption, whilst it is not yet determinative, it is gathering weight as a material planning consideration with regard to paragraph 48 of the NPPF. Of particular relevance is policy SP05 relating to employment land. New commercial sites are supported along strategic transport corridors subject to ensuring they are deliverable, enhancing provision that cannot be accommodated within existing employment sites; have sufficient highway capacity, access and parking; accessible to public transport with walking and cycling provision; are sensitively designed and responsive to its environs; prioritising brownfield land and; have a high standard of design.

Woolpit's Neighbourhood Plan now forms part of the Council's development plan. Policy WTP6 is supportive of industrial uses on greenfield sites subject to ensuring they; can be accommodated within the road network and appropriately mitigated; have good access to the A14 avoiding the centre of Woolpit; have adequate parking provision; improve cycling/ pedestrian links; avoid nuisance; provide sufficient lighting for pedestrians; mitigate visual impacts; and enhance the environment. The principle of developing this site for a commercial use is therefore acceptable in regard to policy WTP6, with other matters outlined within the policy addressed in the remainder of this report.

Adopted policies E3 and E10 are engaged in respect of assessing new storage and distribution uses in a countryside location. Policy E3 is permissive of warehousing, storage and distribution units in countryside locations subject to case-by-case assessment, with particular attention given to harm to residential amenity, highway safety, the environment, and relationship to primary route network. Policy E10 is only permissive of new industrial development in the countryside where there is an overriding need for such development to be located away from settlements. In addition to the considerations outlined in policy E3, consideration is also given to loss of high-quality agricultural land, contribution to the rural economy and employment opportunities.

The site is well located just off of the A14, a main strategic transport route and is sufficiently separated from dwellings and is sequentially preferable through developing an area of land accessed from an existing access point serving an adjacent industrial site (O C Jewers and Sons Ltd). The site would sit clustered within a linear row of existing industrial sites, with other commercial development located close by along Old Stowmarket Road (0.5 miles southeast). The site is grade 3 land, however without soil testing it is unclear whether this is grade 3a (best and most versatile) or grade 3b. For a site of this size it is not considered proportionate to request soil testing to be carried out, moreover, the site has not been actively used for agriculture in recent years.

The principle of development is considered acceptable with regard to adopted policies and emerging policies. Matters relating to sustainability, highways and design are considered in the remaining body of this report.

Design and Layout

In respect of adopted policies WTP14, WTP15, CS5, E12 and GP1 and paragraphs 126, 130 and 134 of the NPPF and emerging policies SP10, LP23, LP24, LP25 and LP26, the importance of attaining a good standard of design in development, which harmonises with the locality and incorporates environmental sustainability measures is imperative.

Internally the building would provide 3748.34 square metres providing a large warehouse space and a small incidental office space. The building would measure approximately 9.2 metres to the eaves and 11.7 metres to the ridge. Final details of the materials applied to the building are conditioned.

To the outside there would be landscaped areas, SuDS, a service yard, parking and cycle storage. Additional details of the landscaping are secured via condition.

A sustainability statement was submitted as part of the application to address policy CS3. Such measures include the provision of solar PV roof panels and EV charging. The Council's Sustainability officer raised no objection to the proposal having reviewed the submitted documents. A condition is imposed to ensure the sustainability measures outlined are implemented.

The proposal complies with the aforementioned policies.

Landscape

Adopted policies WTP15, CS5 and emerging policies LP17 seek to ensure the landscape is both protected and enhanced to ensure development both respond to and respects existing landscape features.

Place Services Landscaping assessed both the proposal's wider and immediate and localised landscape impacts. On balance it was considered that a Landscape and Visual Impact Appraisal was not necessary owing to the site's closeness to other existing established industrial buildings. Place Services Landscaping raised no objection to the proposal subject to conditions relating to providing additional details on hard landscaping and submitting a Landscape Management Plan, both of which are imposed.

A condition is also imposed to ensure the existing boundary treatments proposed for retention are not undermined by any construction works on site.

Flood Risk and Drainage

Adopted policies CS4, paragraphs 159, 167 and 169 of the NPPF and emerging policies SP10, LP15 and LP27 seek to ensure development is safe for its lifetime from flooding and does not increase flood risk elsewhere, whilst securing sustainable drainage on site.

The site is not located within a vulnerable flood zone or area (looking at all sources of flooding); therefore, the risks of flooding are considered low.

As the site is over a hectare it is considered a major development and a site-specific Flood Risk Assessment and surface water drainage scheme were required.

SCC Floods and Water raised no objection to the flood risk assessment, layout or surface water drainage scheme, but note that the surface water drainage scheme adopts a hybrid approach of both above and underground SuDS. However, the surface water drainage scheme proposed is a sufficient strategy from a technical perspective to ensure the development have appropriate drainage in place.

The applicant subsequently submitted a viability statement demonstrating that using completely above ground SuDS would require a substantial loss of the site area, squeezing and requiring a reduction in the proposed building, parking areas, service area and other forms of landscaping. This is considered sufficient justification for permitting a lower amount of above ground SuDS.

Highway Safety (Parking, Access, Layout)

In respect of adopted policies WTP6, WTP12, T9, T10 and T11, paragraphs 110, 111 and 112 of the NPPF and emerging policy LP29, development should not severely affect the highway network and associated safety, should provide safe and sufficient access and parking and support and encourage modal shift towards sustainable transport.

A 1.5-metre-wide footway connection is to be provided to link into other consented footways to the north (Hopkins site DC/18/04247) and south (Goldstar DC/20/00779) which would provide a continuous footway route. Whilst SCC Highways originally requested a 2-metre-wide footway, a reduced width has been accepted so that it is in line with the other previously consented footways.

It is noted that the Transport Assessment does not include all committed development in the area, however based on the projected increases in traffic arising from the is development, even taking account of all committed development in the area, the highway impacts would not be 'severe' to warrant refusal.

Four disabled spaces are provided in addition to 43 regular parking spaces. This is sufficient for a B8 use when assessed against Suffolk Parking Guidance (2019). A condition is imposed to ensure EV charging points and secure covered cycle storage are provided on site to support sustainable transport.

Therefore, there are no impacts on highway safety significant to warrant refusal.

Listed Building (Designated Asset) and historic considerations

These matters have been considered and discussed in full with the Council's Heritage officers. The duty imposed by s.66(1) of the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset. A finding of harm, even less than substantial harm, to the setting of a listed building is a consideration to which the decision-maker must give "considerable importance and weight".

In relation to adopted policies WTP15, CS5 and HB1, emerging policies SP09, LP19 and LP24, and paragraphs 189, 195 and 197 of the NPPF, the importance of enhancing, respecting and conserving the

setting and significance of the nearby Grade I and Grade II* listed buildings is crucial in maintaining the integrity and historical character of the building.

The Council's Heritage Team provided the following comments:

'The application proposes the erection of a commercial building and associated parking areas. The current application follows a previous application for two commercial buildings and parking on the site, under DC/18/02504, which was approved. It does not appear that the Heritage Team were consulted on that application.

The proposed development would seem likely to obscure some views of the Church of St John, Elmswell (Grade II) to the north, from Heath Road. Nonetheless, the significance of these views is already somewhat eroded by the A14 and VOSA site, and there are other, better-preserved views of this church, that better highlight the historic rural setting of the church, that would not be impacted. Furthermore, although the proposed building would cover a larger area of the site than the previously approved buildings, I consider that the difference in impact from the approved scheme would not be particularly discernible.*

The proposed building may also be visible in some views of the Church of St Mary, Woolpit (Grade I), as a likely out of keeping addition to its historic rural village location, in combination with other developments. Nonetheless, again I consider the impact would likely be broadly similar to the approval.

In regard to both churches, the level of harm would likely only be a very low level of less than substantial harm.

If the LPA are minded to approve this application, I request no conditions.'

As a level of less than substantial harm has been identified, paragraph 202 of the NPPF is engaged which requires public benefits to outweigh the harm identified.

The Council's Heritage officer identified that the level of harm would be no greater than the previous approval. Whilst the revised proposal is assessed afresh it is important to note that the principle of developing the site with large commercial units was previously established. It is noted that the Council's Heritage Team were not consulted on the original application, the planning history is nonetheless a material consideration, albeit separate from any public benefit considerations.

The proposed development would help support the rural economy in a sequentially preferable location adjacent to the A14. Whilst the levels of employment are unknown owing to the speculative nature of the scheme, it is clear that there would be some on site employment opportunities created. It would further provide a footway connection between two other consented footways north and south to provide a continuous route into Woolpit.

Taking account of the planning history alongside the economic public benefits of the scheme, the proposed footway connection, and the site's sequentially preferable location adjacent to existing commercial development and the A14 it is considered that these factors outweigh the very low level of less than substantial harm identified.

SCC Archaeology reviewed the application and raised no objection, nor did they recommend any conditions.

Residential Amenity

In regard to adopted policies WTP14, H16 and H17, emerging policies LP15 and LP29 and paragraph 130 of the NPPF, it is crucial that development does not detrimentally affect residential amenity of the occupiers of neighbouring properties, in order to achieve and maintain well-designed places.

The Council's Environmental Health Team raised no objection to the proposal subject to conditions to ensure noise does not exceed acceptable levels, insulation and glazing is sufficient and construction hours, dust, construction management, and burning are all controlled. These conditions are all imposed.

The nearest dwellings are located a minimum of 72 metres away from the site, however these are on the opposite side of the A14, with background noise likely to be primarily from the A14. The nearest dwellings within Woolpit are located 439 metres south.

The proposal has satisfied the aforementioned policies and is therefore wholly acceptable and does not give rise to significant levels of residential amenity harm.

Other Matters

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." Alongside the Council's statutory duties, adopted policies CS4, CS5 and CL8 and emerging policies SP09 and LP16 seek to ensure biodiversity is not adversely affected. Place Services Ecology raised no objection to the proposal, subject to the imposition of conditions securing biodiversity mitigation and enhancement measures, both of which are imposed.

SCC Fire and Rescue identified the need for fire hydrants to be installed, which is secured via condition.

The Council's Environmental Health Team raised no objection from the perspective of land contamination.

Town/Parish Council

Woolpit Parish Council's concerns have been considered and are mostly addressed in the body of this report.

The Transport Assessment has been closely scrutinised by both National Highways and SCC Highways, even though it is not considered to account for all committed development, they are content that the proposed development would not result in any severe impact.

It is noted that the bus timetable quoted is incorrect in the travel plan, however this is due to the passage of time since it was submitted. Moreover, the scheme itself is not of a size that triggers the requirement of a travel plan.

Drainage issues have now been resolved to the satisfaction of SCC Floods and Water and the Local Planning Authority. Trees are protected by way of condition.

For a scheme of this size, it is not considered proportionate to require a shared footway cycleway along the western edge of Elmswell Road to meet with Rectory Lane. The proposed footway would nonetheless connect into adjacent footways that are to be constructed as part of other developments.

An energy strategy was submitted and assessed by the Council's Sustainability Officer, this is conditioned to be complied with. Whilst emerging policy requires an uplift in the amount of sustainable

construction, the Council's adopted policy CS3 currently requires a reduction of 10% which has been demonstrated.

CONCLUSION

The proposed commercial building has been evaluated against material planning considerations and the principles of sustainable development, underpinned by local development plan policies and the provisions of the NPPF. On balance, the proposal is considered to be acceptable.

RECOMMENDATION

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and wellbeing of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

RECOMMENDED DECISION:	Granted
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Case Officer Signature: Jasmine Whyard
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