



Committee Report

Planning Committee North - 13 June 2023

Application no DC/22/4533/FUL

Location

Land Adjacent To
Newcombe House
Newcombe Road
Lowestoft
Suffolk
NR32 1XA

Expiry date 15 February 2023

Application type Full Application

Applicant East Suffolk Council

Parish Lowestoft

Proposal Demolition of all existing buildings within the boundary except for Newcombe House and the external concrete slab surfacing around Newcombe House up to southern and western boundary and the single storey storage outbuilding on the northern boundary.
The construction of 16 industrial units split between 5 buildings. The scheme will include all associated landscape works.

Case Officer Joe Blackmore
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1. Summary

- 1.1 This application seeks planning permission for the re-development of a Council-owned site off Newcombe Road, Lowestoft. The site forms part of the 'PowerPark' – 23.37 hectares of land allocated in the (Waveney) Local Plan for employment development. The proposed development is the construction of sixteen industrial units, split between five buildings, along with associated works.
- 1.2 The proposal is a well-designed re-development of a brownfield site, in accordance with the objectives of the Local Plan. Subject to some minor technical details being resolved with

Suffolk County Council Highways and Local Lead Flood Authority, planning permission can be granted for the proposed development.

- 1.3 The application has been referred direct to the Planning Committee (North) for determination. This is because East Suffolk Council are both the landowner and applicant. In such circumstances, the Council's Constitution makes clear that decisions cannot be delegated to the Head of Planning and Coastal Management, and therefore a Committee decision is required.

Recommendation

- 1.4 Authority to Approve, subject to: any final amendments/revisions required to address comments from the Highways Authority and Local Lead Flood Authority; and confirmation from the Suffolk Resilience Forum Partnership that the emergency flood plan is acceptable.

2. Site Description and Planning History

Relevant Planning History

- 2.1 DC/17/2630/DEM – approved the demolition of the building formerly on site, known as “Starfrost House”.
- 2.2 DC/23/0707/DEM - Prior Notification - Demolition of Newcombe House and clearance of hardstandings etc. Prior Approval Granted (18.04.2023). This has not yet been implemented.

Site Description

- 2.3 The application site is broadly L-shaped and lies to the eastern side of Newcombe Road, and to the western side of Trinity Road. The site covers some 0.46 hectares and lies within the town settlement boundary (as defined by the Local Plan policies maps). The site falls within the Local Plan allocated ‘PowerPark’ (policy WLP2.2) – approximately 23 hectares of land allocated for employment development and port related development.
- 2.4 The site is surrounded by a mix of single and two storey industrial units to the north and south. There are currently four points of vehicle access to the site: three from Newcombe Road to the west; and one from Trinity Road to the east.
- 2.5 In terms of topography, the site is relatively flat with only a slight fall from north to south and east to west. The site is mostly down to a combination of concrete and asphalt surfacing, enclosed by corrugated palisade fencing.
- 2.6 There are four existing buildings on site: a disused office block (Newcombe House); a disused storage building; a disused chemical storage building; and a smaller storage building.
- 2.7 Newcombe Road is located within flood zone 3a and is at high risk from flooding from rivers and the sea. The site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change.

3. Proposed Development

- 3.1 Newcombe House already has a prior approval in place under DC/23/0707/DEM, enabling its demolition (in September, once bird nesting season has ended). The proposed development subject of this application includes the demolition of all the other buildings on site.
- 3.2 The re-development of the site would consist of sixteen (16no.) units split across five (5no.) buildings. The proposed 16 new industrial units will provide a total gross internal floor area of 1,111m² comprising of the following:
- Unit 01 - 93m²
 - Unit 02 - 96m²
 - Unit 03 - 71m²
 - Unit 04 - 84m²
 - Unit 05 - 84m²
 - Unit 06A – 74m²
 - Unit 06B – 74m²
 - Unit 06C – 74m²
 - Unit 07 – 34m²
 - Unit 08 – 34m²
 - Unit 09 – 34m²
 - Unit 10 – 43m²
 - Unit 11 – 43m²
 - Unit 12 – 43m²
 - Unit 13 – 115m²
 - Unit 14 – 115m²
- 3.3 Access to the site will all be from Newcombe Road, via two vehicle/pedestrian accesses. The existing access from Trinity Road to the east will not be utilised and will be blocked up.
- 3.4 The proposal consists of two building forms: taller with dual-pitched roofs; and lower in height with flat roofs. The materials palette is a mix of dark blue/grey facing brickwork, external composite cladding, and aluminium sheet cladding, windows/doors & rainwater goods. On the south facing slopes of the dual pitched roofs, an array of solar PV panels is proposed.
- 3.5 The proposed units will either be for office or light industrial use. Under the old Use Classes Order (1987), these would have been defined as use classes B1(a) and B1(c), respectively. The Use Classes Order was amended in 2020, and a new Class E (Commercial, Business and Service) was created; the proposed uses would fall within Class E.
- 3.6 The design of the proposals is informed by the PowerPark Design Vision document, which includes this site as part of wider regeneration ambitions for the area.

4. Third Party Representations

- 4.1 No third party / neighbour representations have been received.

5. Consultee Responses

Consultee	Date consulted	Date reply received
Lowestoft Town Council	7 December 2022	14 December 2022

Summary of comments:

The Town Council's Planning Committee considered this application at a meeting on 13 December 2022. It was agreed to recommend approval of the application subject to the ecological enhancements and sensitive landscape scheme, to improve local wildlife post development (as detailed in the design and access statement) being delivered.

The Town Council has declared a Climate Emergency. To support this declaration, the Planning Committee requests that when recommending approval of a planning application the following measures are taken into account: Consideration of biodiversity • Support for new or improved renewable energy including the installation of solar panels, where appropriate, on all additionally created roofs. • Support for alternatives to car use e.g. walking, cycling and public transport, and encourage efficient car use, including through appropriate car parking provision, car sharing, differential car-parking charges, and the use of electric cars including the installation of first fix wiring for car charging points at all new builds. • Encouragement for the management of land for nature and an increase in tree cover. • Resistance of the use of natural open space for development and encourage reuse of brownfield sites. • Support homes which are energy efficient, nature friendly and located close to public transport and amenities.

Consultee	Date consulted	Date reply received
SCC Highways Department	7 December 2022	17 February 2023 27 April 2023 23 May 2023

Summary of comments:

Initial comments of 17 February 2023 raised several questions for the applicant to respond to, regarding parking numbers; and the potential for the existing substation to impede the footway.

Points of clarification noted and accepted by email comments/response dated 27 April 2023.

Final request made 23 May 2023 for the visibility splay plan to be updated.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	7 December 2022	19 December 2022 13 March 2023

Summary of comments:

Comments of 19 December 2022:

"Thank you for your consultation on this proposed development. Given the site location, former use, and uses in the immediate vicinity I have no objections in principle to the proposed development."

Officer note: series of conditions recommended regarding construction management plan; control of hours of working; waste management; and contaminated land remediation and validation.

Additional information supplied by the applicant regarding land contamination, and proposals amended accordingly.

Further comments of 13 March 2023 confirm that the remediation strategy acceptable and recommended conditions therefore revised.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	7 December 2022	21 December 2022 26 May 2023
Summary of comments: <i>"Further to my comments of 21 December 2022, a Bat Emergence Survey (James Blake Associates, May 2023) has now been submitted in support of this application. The results of the survey identified no bat roosts within the buildings of the application site. However, the buildings appear to provide some habitat suitable for nesting birds, in particular nesting opportunities for gulls such as kittiwake (Rissa tridactyla), a condition to cover this species is included below. Should permission be granted the following conditions should be included"</i> (summarised): 1) Development must be undertaken in accordance with the submitted ecology documents. 2) No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 14th February and 31st August inclusive, unless approved in writing by the LPA.		

Consultee	Date consulted	Date reply received
Natural England	7 December 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Design And Conservation	7 December 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Economic Development	7 December 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	7 December 2022	30 December 2022

Summary of comments:

"Thank you for your consultation dated 07 December 2022. We have reviewed the documents as submitted and we have no objection to this planning application, providing that you have taken into account the flood risk considerations which are your responsibility."

Consultee	Date consulted	Date reply received
SCC Flooding Authority (LLFA)	7 December 2022	22 December 2022

Summary of comments:

Comments of 22 December 2022 raised a holding objection so the following points could be addressed:

- "1. The applicant should provide a contour plan with levels and overlain surface water flood risk and exceedance routes alongside an assessment of surface water flood risk on-site.*
- 2. Calculations provided should be updated to 45% allowance from climate change as per the latest EA guidance.*
- 3. Are the raingardens and permeable paving to be infiltration or piped to a dedicated soakaway?*
- 4. Raingardens have been shown as wetlands in the simple index approach, wetlands and raingardens do not share the same indices and are designed differently, the current proposal cannot be deemed a wetland.*
- 5. An impermeable area plan with total impermeable areas should be provided that clearly shows which areas drain into each feature.*
- 6. The proposed maintenance schedule does not identify who is to maintain the site.*
- 7. The applicant should provide full permeable paving, soakaway, and pipe cross sections. On this site they should clearly show how infiltration features sit in relation to made ground (contamination) and ground water to ensure feature viability.*
- 8. The southern main soakaway should be repositioned to ensure that maintenance access does not block access to the Eastern units of the site.*
- 9. The small, proposed basin for roof water should be implemented to enhance the biodiversity value of the site and not be fenced off if possible."*

Officer Note: the applicant provided a document in response (16 February 2023) and discussion between the applicant team and LLFA has been ongoing since.

Consultee	Date consulted	Date reply received
Disability Forum	7 December 2022	No response

Summary of comments:

No comments received.

Consultee	Date consulted	Date reply received
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SCC County Archaeological Unit	7 December 2022	8 December 2022
Summary of comments: <i>"We have no objection to the development and do not believe any archaeological mitigation is required."</i>		

Consultee	Date consulted	Date reply received
SUSTRANS	7 December 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	7 December 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
East Suffolk Building Control	7 December 2022	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Water Management Alliance	7 December 2022	7 December 2022
Summary of comments: <i>"Thank you for your consultation on planning application DC/22/4533/FUL. Having screened the application, the site in question lies outside the Internal Drainage District of the Waveney, Lower Yare and Lothingland Internal Drainage Board and as per our Planning and Byelaw Strategy the proposed application is classed as a minor development and does not meet our threshold for commenting. Therefore the Board has no comments to make."</i>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	7 December 2022	3 January 2023
Summary of comments:		

"I have reviewed the landscape details submitted with the above application and can confirm I have no objection. Any approval that might be given should include a condition for landscape to be carried out in accordance with the relevant plans."

Comments from Tree Officer (14 March 2023)

"DC/22/4533/FUL submitted an Arboricultural Impact Assessment by James Blake Associates the findings of which I broadly agree with."

6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Major Application	9 December 2022	4 January 2023	Lowestoft Journal
Category	Published	Expiry	Publication
Major Application	9 December 2022	4 January 2023	Beccles and Bungay Journal

7. Planning policy

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP2.2 - PowerPark (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.12 - Existing Employment Areas (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.13 - New Employment Development (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.24 - Flood Risk (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.27 - Renewable and Low Carbon Energy (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.28 - Sustainable Construction (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan, Adopted March 2019)

8. Planning Considerations

Planning Policy Background

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The “Development Plan” comprises the East Suffolk (Waveney) Local Plan (2019) [“The Local Plan”] and any Neighbourhood Plans covering the relevant application site (there is no adopted NP for Lowestoft). Therefore, in determining this application, the planning policies set out in section seven and addressed within this report are critical to guide the decision-taking process. The National Planning Policy Framework (NPPF) is a material consideration and affirms the statutory status of the Development Plan (para.12) and requires a presumption in favour of sustainable development.

Principle of Development

- 8.2 Policy WLP2.2 (PowerPark) allocates approximately 23 hectares of land for employment development and port related development. Policies WLP1.1 and WLP1.2 combine to direct most of the planned growth to the largest and most sustainable settlements. The site falls wholly within the WLP2.2 site allocation, and the Lowestoft town/settlement boundary. The proposed commercial development of offices and light industrial units accords fully with the objectives of the Local Plan spatial strategy. The site is also previously developed (brownfield) land, and therefore its re-development is a positive of the scheme.

Highways Safety and Sustainable Transport

- 8.3 Local Plan policy WLP8.21 relates to sustainable transport and seeks, amongst other things, to locate and design development so it can be accessed via multiple modes of transportation, and with safe and suitable access for all. The NPPF paragraph gives clear guidance that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.4 The proposed layout provides parking for 42 vehicles, inclusive of 16 EV charging points. Cycle parking is provided via a mix of Sheffield stands and covered storage.
- 8.5 The Highways Authority initially raised some concern with the proposed layout, in terms of the relationship of the southern access and footway relative to the existing substation. The issue being that the substation was shown to impede the footway, preventing safe use for pedestrians. The access layout and footway have since been adjusted in response to this feedback.
- 8.6 The only final matter that needs to be addressed to the satisfaction of the County Highways Authority, is for the amended plan to clearly show the visibility splays from the proposed accesses. This has been completed and is with the County Highways Authority to confirm

this is acceptable. Any further comments provided will be provided to the Committee if received prior to the meeting.

- 8.7 Officers consider that visibility along Newcombe Road is good, and this proposal will consolidate existing site access points into two better designed accesses, that are useable for both vehicles and pedestrians. The sustainable location means that travel to and from the site will be possible by multiple modes of transportation, and the design of the development facilitates this.
- 8.8 The proposed office and light industrial uses will clearly generate traffic and activity to and from the site, but this is not likely to be excessive nor pose any highways safety concerns or wider impact. For these reasons, the proposal is considered to be acceptable in accordance with the sustainable transport objectives of the NPPF and policy WLP8.21 of the Local Plan.

Design and Sustainable Construction

- 8.9 Policy WLP8.29 (Design) of the Local Plan sets out that Development proposals will be expected to demonstrate high quality design which reflects local distinctiveness in accordance with the NPPF – of which Chapter 12 sets out how well-designed places can be achieved:
- High quality design is a key aspect of sustainable development (para. 126);
 - "Planning decisions should ensure that developments:
 - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." (para. 130), and
 - "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to: a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or b) outstanding or innovative designs which promote high levels of sustainability, or

help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.” (para. 134).

- 8.10 The site layout is organised around two vehicle access points from Newcombe Road, creating a development frontage with a mix of building forms. At the northern and southern ends of the site frontage are taller buildings with dual-pitched roofs, gable-end facing toward the road. 8.11 More central is a flat roofed building or larger footprint. To the eastern part of the site, adjacent Trinity Road are two smaller flat roofed buildings.
- 8.11 The local context is a mix of building design and scale, with single and two-storey being most prevalent. Slightly farther afield are much taller, modern commercial buildings at the SPR and Orbis Energy buildings. The design quality in the area is unremarkable, with most buildings being utilitarian, as is expected in a commercial/industrial context.
- 8.12 The proposed development will include fairly tall buildings that will be prominent in the streetscene and notably taller than some of the adjacent buildings, particularly the Canine Creche to the north of the site. However, this is acceptable in a context where there is no prevailing character or uniformity to the built form.
- 8.13 In terms of site layout, the proposal is simple with vehicle parking and associated infrastructure logically organised around the proposed buildings. The site landscaping strategy will introduce notable areas of green space in an area that is otherwise fairly devoid of green infrastructure. The proposed removal of existing trees is acceptable due to the poor quality of these specimens, and that the proposal offers the opportunity for much better replacement planting that can be secured by condition. The Council’s Landscape and Arboricultural Officers have commented on the application, raising no objections and recommending conditions to secure the implementation of the proposed landscaping strategy.
- 8.14 The application is supported by a Sustainability Report that sets out the design of the development is focussed around a ‘fabric first’ approach where thermal performance of the construction is paramount. Design features also include:
- High efficiency LED lighting.
 - High efficiency ventilation systems.
 - High efficiency variable speed pumps.
 - High efficiency hot water systems.
 - High efficiency heating systems.
 - Weather compensated variable temperature heating systems.
 - Smart learning and optimised control Systems.
 - Energy Metering.
 - Passive ventilation approach utilising natural ventilation.
- 8.15 The proposal includes an array of solar PV panels to the southern slopes of the two buildings with dual-pitched roofs. Air source heat pumps are also included within the development layout.
- 8.16 The proposed development is considered to be a high-quality commercial development in accordance with the design and sustainable construction objectives of policies WLP8.28 and WLP8.29, in addition to the NPPF.

Flood Risk and Surface Water Drainage

8.17 Local Plan policy WLP8.24 relates to flood risk and sets out, other things, that:

“Development proposals should consider flooding from all sources and take in to account climate change. Proposals at risk of flooding (taking in to account impacts from climate change) should only be granted planning permission if it can be demonstrated that: • There are no available sites suitable for the proposed use in areas with a lower probability of flooding; • The development provides sustainability benefits which outweigh flood risk; and • A site specific flood risk assessment has been submitted which demonstrates that the flood risk can be satisfactorily mitigated over the lifetime of the development. This should address as a minimum: finished floor levels; safe access and egress; an emergency flood plan; flood resilience/resistance measures; any increase in built or surfaced area; and any impact on flooding elsewhere including on the natural environment. New residential development on sites not allocated in this Local Plan or a Neighbourhood Plan will not be permitted on sites at risk from flooding.”

- 8.18 The NPPF seeks to mitigate the risk of flooding by restricting vulnerable new development (such as housing) within areas at risk from flooding. It does this by requiring development proposals in areas at risk from flooding to be subject to a sequential test where it has to be proven there are no suitable areas of land with a lesser risk of flooding and an exception test which identifies sustainability benefits of development and ensures the development is safe for its lifetime.
- 8.19 The application is supported by a site-specific Flood Risk Assessment (FRA) because the site lies within the flood extent for a 0.5% (1 in 200) annual probability event, including an allowance for climate change. The site benefits from the presence of tidal flood defences. However, the Environment Agency’s 2018 Coastal Modelling for Lowestoft indicates that these defences will overtop in the 0.5% (1 in 200) annual probability flood event including climate change and therefore the site is at risk during a ‘design event’.
- 8.20 Through the Local Plan making process, the allocation of land within WLP2.2 would have been subject of the sequential test at a strategic level and found to be acceptable. As the allocation policy specifically supports the development of commercial uses (offices and industrial), then the site is clearly sequentially preferable for the proposed development and thus the sequential test is passed. The proposed development also falls within the category of a ‘less vulnerable’ development, in terms of flood risk, and therefore an exceptional approach does not need to be taken here. In any case, again, that the site is allocated in the Local Plan indicates acceptability of the principle of this form of development, in flood risk terms.
- 8.21 The development has been designed to provide refuge above the predicted flood levels. However, in the 1 in 200 annual probability flood event (including climate change), there would not be means of access to an area wholly outside of the flood plain and therefore an emergency flood plan is necessary. This is to be provided and shared with the Suffolk Resilience Forum Partnership to ensure that any emergency plan is appropriate for the development.

- 8.22 The Environment Agency have reviewed the application and raise no objection to the proposals on flood risk grounds.
- 8.23 In terms of surface water drainage, the proposed drainage strategy is based around ground infiltration which is preferable as set out in the Suffolk SuDS guide. Surface water for new roof areas will be collected via rainwater downpipes, which will then connect to catchpits, carrier pipes or silt trap gullies. Finally, it will then be transported to the soakaway. The parking bays and access points are drained through permeable surface paving which is conveyed via carrier pipes to the soakaway.
- 8.24 The Local Lead Flood Authority (LLFA) registered a holding objection to the scheme, so that the applicant could respond to the following points:
- “1. The applicant should provide a contour plan with levels and overlain surface water flood risk and exceedance routes alongside an assessment of surface water flood risk on-site.
2. Calculations provided should be updated to 45% allowance from climate change as per the latest EA guidance.
3. Are the raingardens and permeable paving to be infiltration or piped to a dedicated soakaway? 4. Raingardens have been shown as wetlands in the simple index approach, wetlands and raingardens do not share the same indices and are designed differently, the current proposal cannot be deemed a wetland.
5. An impermeable area plan with total impermeable areas should be provided that clearly shows which areas drain into each feature.
6. The proposed maintenance schedule does not identify who is to maintain the site.
7. The applicant should provide full permeable paving, soakaway, and pipe cross sections. On this site they should clearly show how infiltration features sit in relation to made ground (contamination) and ground water to ensure feature viability.
8. The southern main soakaway should be repositioned to ensure that maintenance access does not block access to the Eastern units of the site.
9. The small, proposed basin for roof water should be implemented to enhance the biodiversity value of the site and not be fenced off if possible.”*
- 8.25 A response document was provided 16 February 2023, and discussions with the LLFA are ongoing. Officers discussed the scheme with the LLFA on 01 June 2023 and it was verbally confirmed that final revisions required are minor, and that the scheme is broadly acceptable in terms of surface water drainage. Any final, revised comments from the LLFA will be reported to the Planning Committee if they are received prior to the meeting.
- 8.26 For the reasons set out, officers consider that the proposed development is acceptable in terms of flood risk and drainage, in accordance with Local Plan policy WLP8.24.

Ecology

- 8.27 Policy WLP8.34 (Biodiversity and Geodiversity) of the Local Plan sets out, inter alia, that development will be supported where it can be demonstrated that it maintains, restores, or enhances the existing green infrastructure network and positively contributes toward biodiversity; and that, where applicable, applications should be supported by an ecological survey undertaken by a suitably qualified person.

- 8.28 The Council's Ecologist in the Planning and Coastal Management Team reviewed the Preliminary Ecological Appraisal (PEA) submitted in support of the application, and identified that:

"it appears that the existing buildings may provide suitable habitat for protected and/or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)), particularly roosting bats. The PEA recommends that further surveys are required in order to assess the likely impact of the proposal on bats. It is noted from the Design and Access Statement (Concertus, November 2022) that "Emergence surveys are programmed on buildings 2 and 4" but the results of these do not appear have yet been submitted as part of this application. In accordance with the NPPF, ODPM Circular 06/2005 and Local Plan policy WLP8.34 this information is required prior to determination of this application."

- 8.29 The Bat Emergence Survey was subsequently provided, and the Council's Ecologist provided revised comments:

"The results of the survey identified no bat roosts within the buildings of the application site. However, the buildings appear to provide some habitat suitable for nesting birds, in particular nesting opportunities for gulls such as kittiwake (Rissa tridactyla), a condition to cover this species is included".

- 8.30 The conditions recommended ensure that the development will be carried out in accordance with the ecological avoidance, mitigation and enhancement measures set out in the submitted PEA; and that no demolition of buildings should take during bird nesting season (14th February and 31st August inclusive), unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
- 8.31 Given the brownfield nature of the site, with these conditions applied there would be no adverse ecological impact. The green infrastructure/planting proposed as part of this application may well offer some ecological benefit beyond the existing situation. The proposal accords with policy WLP8.34 and the ecology objectives of the NPPF.

Amenity

- 8.32 Policy WLP8.29 (Design) seeks, amongst other things, to protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers.
- 8.33 The context is of existing commercial development, rather than any residential development. The proposed uses of light industrial and offices are all relatively low-key, and will not generate significant impact through noise, odour, and pollution. It is not necessary to apply conditions to control hours of operation/working, as this site is within an industrial context where such activity can be accommodated, even at more unsociable hours.

Other Matters

- 8.34 The County Archaeological Unit have been consulted on this application and raise no objections, and no conditions are required. In terms of the historic environment, there are no listed buildings affected by the proposal, and none of the structures/buildings to be demolished are of any heritage value. The Conservation Area setting is not affected by this proposal. Accordingly, there is no conflict with the historic environment objectives of the Local Plan or NPPF.
- 8.35 In the land contamination investigation to date, a hotspot of lead, zinc and PAH concentrations were identified at sampling location in the north-east corner of the site. The Environmental Protection Team recommendations were that the remediation strategy for this part of the site be clarified. This was provided in February 2023 and the Environmental Protection Team have accepted the proposals, that contaminated soil around the WS02 sampling location will all be covered by hardstanding therefore breaking the pathway of those contaminants to future users and occupiers of the site. With a condition securing the landscape plan (including the hardstanding area) and standard conditions regarding ground contamination remediation validation, the proposal is acceptable and will not cause any adverse environmental impact.

Benefits of the Development

- 8.36 The proposed units will provide a combined total of over 1000 square metres of office and light industrial floor space that will be suitable for a range of businesses, potentially creating considerable employment opportunities as a significant economic benefit of the proposals. The design quality of the scheme and positive intention to meet the objectives of the PowerPark Design Vision is a further benefit of the proposals, as it will potentially help improve local design quality of future commercial development in this area. There will be short-term economic benefits through the creation of construction jobs as a more modest benefit.

Conclusion

- 8.37 The proposed development accords with the Development Plan as a re-development of a brownfield, allocated site for a use that will support the PowerPark policy objectives. The proposal will support and facilitate economic growth, providing jobs for the community. Amendments required to address comments from Suffolk County Highways and Local Lead Flood Authority are minor and in progress. For these reasons, the scheme is acceptable and represents a sustainable form of development, and thus planning permission should be granted.

9. Recommendation

- 9.1 Authority to Approve, subject to: any further minor amendments required to address comments from Suffolk County Council Highways and Local Lead Flood Authority; and confirmation from the Suffolk Resilience Forum Partnership that the emergency flood plan is acceptable.

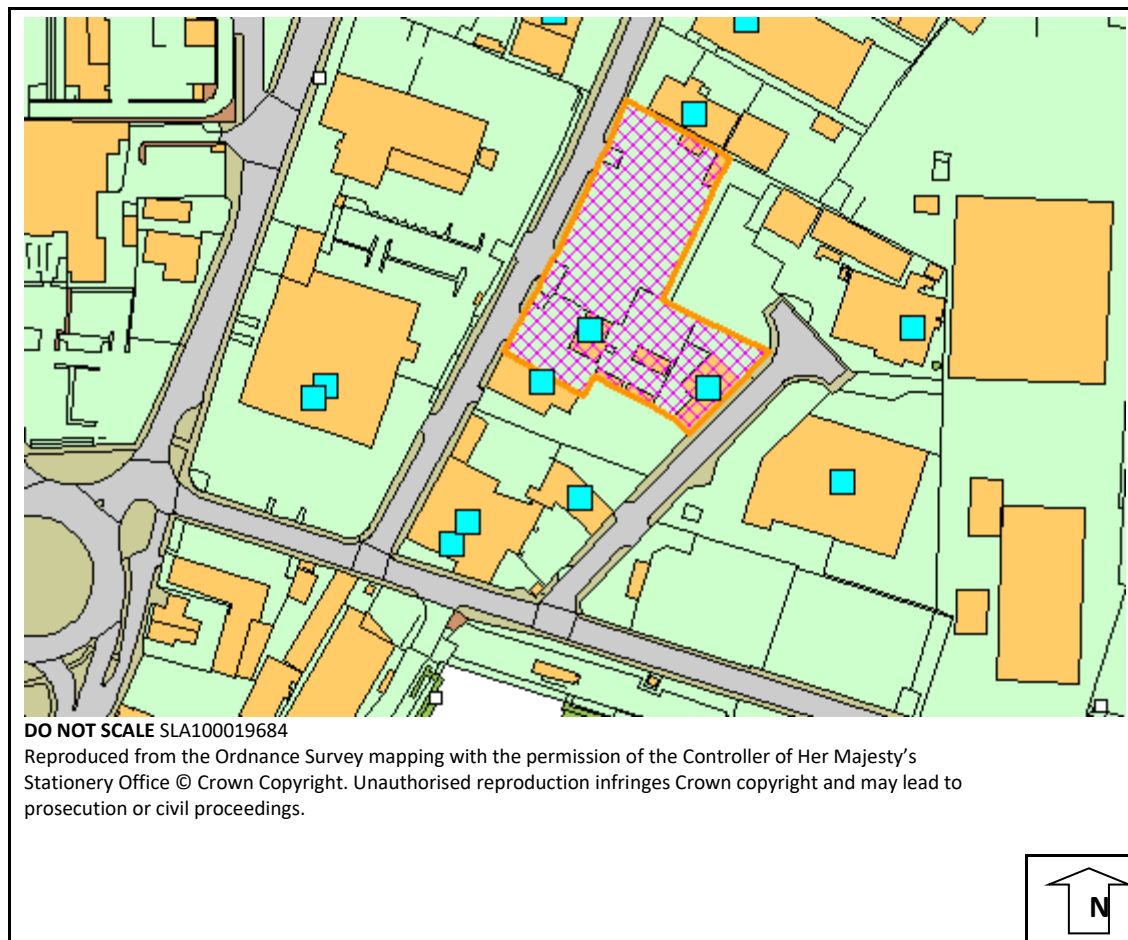
10. Conditions (summarised)

- 1) Three-year time limit to commence development;
- 2) Development to be carried out in accordance with the approved plans;
- 3) External facing materials to be as detailed on the proposed elevation drawings;
- 4) Details of new tree planting to be provided prior to development above slab level;
- 5) Use class – the units to be used for only office and/or light industrial use [Class E(g)];
- 6) Construction management plan to be submitted prior to commencement of any development.
- 7) Ground contamination – validation report to be submitted for approval prior to first use of site;
- 8) Ground contamination – standard condition to cover action in the event unexpected contamination is discovered.
- 9) Site Landscaping to be carried out in accordance with approved plans at first planting season following commencement of development;
- 10) Any soft landscaping/planting to be maintained for a period of five years post-permission, with any felled, diseased, or otherwise removed/damaged planting to be suitably replaced.
- 11) Ecology - development in accordance with the ecological avoidance, mitigation and enhancement measures set out in the submitted PEA;
- 12) Ecology - no demolition of buildings during bird nesting season (14th February and 31st August inclusive), unless otherwise approved;
- 13) Highways conditions (to be provided in update sheet or finalised post-committee in consultation with Highways Authority; and
- 14) Drainage conditions (to be provided in update sheet or finalised post-committee in consultation with the Local Lead Flood Authority).





11. Background Papers

See application reference DC/22/4533/FUL on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support