



Planning Advisory Panel – SOUTH (14 April 2020)

Delegated Report

Application no DC/19/3497/FUL

Location

Clopton Commercial Park
Debach Airfield
Clopton
Suffolk
IP13 6QT

Expiry date 4 December 2019

Application type Full Application

Applicant Oasis Property Ltd

Parish Clopton

Proposal Erection of business units

Case Officer Katherine Scott
(01394) 444503
katherine.scott@eastsuffolk.gov.uk

Summary

This application seeks full planning permission for the erection of three buildings to provide B1 and B8 floorspace, on land between buildings 15 and 19 on Clopton Commercial Park, which is located within the designated employment area.

The item is before the Planning Advisory Panel, because it was due to be considered by Planning Committee 24 March 2020, prior to the cancellation of the meeting, due to Government advisory restrictions on face to face meetings resulting from Covid-19.

The application was due before Planning Committee for determination, as the proposal is recommended for approval contrary to the site allocation policy (SSP23). It is contrary to this policy as the scheme is in the form of new buildings rather than "*..through redevelopment or refurbishment of existing buildings...*".

The proposal is recommended for approval contrary to this planning policy on the basis of the economic benefits arising from the provision of additional employment floorspace and associated job creation, compliance with wider economic planning policies and an assessment of the planning balance identifying that the identified harms arising would not significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF as a whole.

The application is therefore recommended for approval subject to appropriate conditions.

Site description

The application site lies within Clopton Commercial Park, which is part of the former Debach Airfield. The vehicular access to the commercial park is from the B1078 (Charsfield Road), is located 2.7km from the nearest physical limits boundary of a settlement (Charsfield, which lies to the north-east) and approximately 4.4km from Otley.

This paved access drive is shared by the various businesses that operate from the commercial park. To the west of this access drive there are two large ponds/lakes and a significant number of trees.

The existing buildings are predominantly large warehouse style structures with profiled sheet cladding. They are primarily arranged in two linear forms. The first is set on a south-south-east to north-north-west alignment, and the second element is located to the east of the first on a south-east to north-west alignment. This application relates to a section of the site between building 15 and building 19, towards the southern end of the first linear arrangement of buildings. It is C shaped wrapping around building 17. It is approximately 700m from the highway along the shared access to the northern end of the application site.

There is a public right of way running from Drabbs Lane, to the south of the dwelling known as 'Sparrows Nest', in an easterly direction into the business park, close to building 7, where it turns to run in a southerly direction before turning to a south-easterly direction, and then by building 15 turning to a more southerly direction. At this point it appears to run very close to the front of building 15 and passes through the current application site. Between building 17 and Liberator House, it turns once again to an easterly direction, before splitting with one path heading south-easterly to meet Looms Lane, Bouge, and the other south-westerly to join the wider footpath network. Therefore, the site is visible from a number of public vantage points.

The nearest residential properties to the west of the proposed buildings are Sparrows Nest, (Drabs Lane, Clopton), Hoo Lodge, (Drabs Lane, Clopton), approximately 420m to the south-west, 430m to the north-west, and Woodvilla, (Drabs Lane, Clopton) which is approximately 435m to the west.

The nearest residential properties to the east of the proposed buildings are the properties on Woodbridge Road, Debach, which are located approximately 560m to 590m to the east (e.g. Larksfield, Conifers, All Saints House)

The nearest listed buildings to the location of the proposed buildings are All Saints House, The Street, Debach, and the adjacent War Memorial at the former All Saints Church which are both Grade II Listed and located approximately 590m to the east of the edge of the current application

site. Approximately 230m to the east-south-east of All Saints House, lies The Moat House, The Street, Debach which is also Grade II Listed.

Grove Farmhouse, Drab's Lane, Clopton is also Grade II Listed. It lies approximately 730m north-west of the location of the proposed buildings.

The application site, and the wider former Debach Airfield Site are recorded on the SCC Historic Environment Records, as a military airfield, airfield, control tower, prisoner of war camp for the Second World War to Cold War Period, in use 1943-1948.

Churchyard Farm which lies to the west of the current application site is also recorded in the SCC Historic Environment Records as a site of historic interest. It is described as possibly moated and occupied during the medieval period. The area identified of potential interest is approximately 300m from the location of the proposed buildings. There are also records of pottery finds from a similar period recorded within the former airfield, on land to the east of the current application site.

Areas of the former airfield, and land beyond its former boundaries are recorded as being potential sites of land contamination, with a low priority. However, the current application site lies outside those potentially contaminated sites identified.

Relevant Planning History

The wider Clopton Commercial Park site has a number of commercial uses being operated from it with a significant planning history, relating to various business uses and the erection of buildings associated with those uses.

The units immediately adjacent to the application site (Buildings 15, 17 and 19) have been the subject of the following planning applications:

- C/98/0188 - Building 19 - "Retention of existing single-storey extension providing toilet accommodation", granted 1998
- C/05/0071 - Building 19 - "Re-construction of workshop & ancillary accommodation & formation of external storage compound", Granted August 2005
- C/06/1406 - Building 19 - "Re-construction of workshop & ancillary accommodation (minor design changes); formation of external storage compound and removal of Condition 03 of C05/0071 to allow for general industrial use (B2).", Withdrawn April 2009
- C/07/0728 - Building 17 - "Continued use of storage building (B8) as either General Industrial use (B2) or storage (B8)", granted June 2007
- DC/17/5419/FUL - Buildings 7, 17-19 "Erection of office extension to Unit 7. Erection of 6 business units Alterations to existing units 17 and 18", Granted 1 February 2018

During the past two years there have also been two applications on land to the west of the designated Clopton Commercial Park, both of which were withdrawn:

- DC/18/3763/OUT - "Outline Application (Some Matters Reserved) - Extension to business park with erection of one and two storey business units and studio/gym.", Withdrawn 20 November 2018 (On land outside the designated area)
- DC/19/1973/OUT - "Outline Application - Extension to business park with erection of one and two storey business units and studio/gym", withdrawn 31 July 2019. (On land outside the designated area)

Proposal

This application seeks full planning permission for the erection of three buildings, labelled as buildings 16, 18A and 18 on the submitted drawings. They are to be of a similar form to those already found on the wider site.

Building 16 is proposed to be to the south of building 16 and west of building 17. It would be the tallest of the three new units. It would have two pedestrian doors on the western elevation, and on the eastern elevation one pedestrian door and a large roller shutter style door. It is proposed to be B8 storage unit with a floorspace of 780sqm.

Building 18A is shown as a terrace of three smaller units (total floorspace of 290sqm), and Building 18 as a terrace of six smaller units (total floorspace of 580sqm). Each of the units within these two buildings are proposed to have a vehicular access door and a pedestrian on the front elevation (facing west on unit 18A and south on unit 18), with pedestrian doors with adjacent glazing on the rear (facing east on building 18A and north on building 18). The buildings are proposed to be B1 uses of a light industrial nature.

All three of the proposed buildings are proposed to be finished with goosewing grey colour profiled sheet cladding on the roof, with dark grey eaves and verge trims, and goosewing grey colour profiled sheet cladding on the walls with dark grey trims to the corners and window/door openings.

A yard area is proposed to be retained to the east of building 16, north of 17 and south of building 15, as a shared unfenced yard to be used by buildings 16 and 17. The Design and Access Statement explains this area is already paved, forming part of the old runway and it will be retained and repaired where necessary.

The plans also show parking bays to the west and east of the access roads that run on the east and west of the buildings. They are proposed to be set at 90 degrees to the access roads. The Design and Access Statement submitted with the application, states that car parking spaces are not proposed to be assigned specifically to each of the buildings, to enable flexibility.

The application form indicates that the proposal is intended to provide 60 full-time employment posts.

Consultations/comments

There has been one third party representation of Objection received, raising the following material planning considerations:

- The B8 use within this application will increase the heavy goods vehicles on the B1078 and other roads around the site.

- The obstruction of footpath no 5 which crosses the site. It is not available for use and therefore they believe it should be legally diverted to a convenient and enjoyable route across the entire former airfield site from east to west between Debach and Clopton.

The representation also raises concerns about the existing situation, in terms of the routes HGVs are taking, instead of adhering to a previously agreed one-way system, that meant no HGVs should be passing Clopton Corner.

Consultees
Parish/Town Council

Consultee	Date consulted	Date reply received
Parish Council	12 September 2019	27 September 2019
<p>Summary of comments:</p> <p><i>“ Objection in relation to planning application DC/19/3497/FUL</i></p> <p><i>As agreed at the Parish Council Meeting of 19th September 2019, Clopton Parish Council object to this planning application at the Clopton Commercial Park.</i></p> <p><i>The local plan only allows for planning permission to be granted at this site through re-development or refurbishment or other change of use of existing buildings. There is no provision for new buildings.</i></p> <p><i>Site Allocations and Area Specific Policies January 2017, Policy SSP23 states that: “The site is fully occupied and contains lawful uses within classes B1, B2 and B8.</i></p> <p><i>Para.3.24 states that: “The site owners have identified the need for limited flexibility to enable the existing built units to be re-furbished or replaced to provide an appropriate gap between them.” The maximum increase in site area allowed, in total between the two sites is only 1.94 ha. With the recent planning consents, the interpretation of this para has been stretched to the limit.</i></p> <p><i>Para 3.5 states: “Traffic impact on the local highway network remains the key concern in respect to this site. Applications for any change of use or other proposals that would result in an intensity of use and associated increase in traffic will need to demonstrate that their proposal is acceptable to the Highways Authority.” These policies have been taken forward into the new East Suffolk Local Plan. The major concerns along this road is speeding traffic and HGVs. The community had been promised that there would be no increase in B8 traffic following the need to introduce a one-way lorry route network to cope with the existing volume. This is a totally undesirable situation but one which the community was given no option but to acquiesce. Under no circumstances could we countenance any further increase in this traffic.</i></p> <p><i>Clopton Parish Council are therefore strongly opposed to any applications of B8 classification at the Clopton Commercial Park, CPC unanimously oppose this application because of the inclusion of the erection of a B8 storage facility. As a village Clopton suffers badly from HGV traffic on the B1078 and surrounding road systems. Any additional HGV traffic is unacceptable.</i></p>		

Clopton Parish Council have in the past agreed that despite the local plans restriction on any new buildings they are open to the possibility of additional small B1 and B2 business units but with the following restrictions and observations:

- a) Use of this extension to Clopton Commercial Park is restricted to activities falling with use categories B1 and B2 only and specifically excludes type B8;*
- b) The developer and local authorities to push for the Local Highways authority to work towards the introduction of a speed limit along the B1078 approaching Manor Road and past Shop Road;*
- c) The developer should be encouraged to incorporate a number of business starter units;*
- d) Regarding Clopton footpath number 5 which currently, crosses the site. The proposed revision to the route across the airfield, as outlined in the application, be formalised with East Suffolk Council and Suffolk County Council and the definitive map be duly updated accordingly;*
- e) The developer be encouraged to enter into a dialogue with the operators of the local bus service to facilitate access to the park using local transport services;*
- f) That the developers be encouraged to consider the installation of electric vehicle charging points and PV solar panels;*
- g) Where necessary, any potential contamination at the site is removed;*
- h) Where necessary adequate sewage treatment facilities are provided;*
- i) If required measures are taken to assess and manage any heritage assets on the site;*
- j) Where necessary, a drainage strategy is approved and implemented before development proceeds.”*

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	3 February 2020	No response
Summary of comments: No response		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	12 September 2019	20 September 2019
Summary of comments: Raise no objection to the application, subject to conditions relating to provision of: - secure cycle storage to be submitted and implemented, - details of powered two-wheeler vehicle parking to be submitted and implemented, and - provision of parking and turning areas.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	12 September 2019	16 September 2019
Summary of comments: No objection to the application, subject to conditions relating to: - fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant), - no activities or processes outside the buildings, - a construction management plan,		

- delivery and removal of waste restricted to weekdays between 08:00-18:00.
 - hours of working restricted to Monday to Saturday 07:00 until 19:00, with no working on Sundays and Bank Holidays.

Consultee	Date consulted	Date reply received
Network Rail	12 September 2019	25 September 2019
Summary of comments: Have no objections to the proposals.		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	12 September 2019	26 September 2019
Summary of comments: Holding Objection (response 26 Sept 2019) on basis that no flood risk assessment (FRA) or surface water drainage strategy has been submitted. A FRA was subsequently submitted in November 2019. The SCC Floods Team, subsequently responded 28 November 2019, withdrawing their objection, recommending a condition requiring the implementation of the submitted details relating to surface water drainage.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	12 September 2019	No response
Summary of comments: No response received		

Consultee	Date consulted	Date reply received
Ecology (Internal)	12 September 2019	3 October 2019
Summary of comments: Internal Planning Services Consultee - comments included within the planning considerations section of this report.		

Consultee	Date consulted	Date reply received
Disability Forum	12 September 2019	23 September 2019
Summary of comments: Comments relating to: - lack of wheelchair accessible toilet facilities, - gravel referred to as being in use for parking areas. It is not suitable for those with mobility difficulties including wheelchair users - there are no specific parking spaces for blue badge holders.		

Consultee	Date consulted	Date reply received
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Suffolk Fire And Rescue Service	12 September 2019	13 September 2019
<p>Summary of comments:</p> <p>Comments submitted in the form of two letters received the same day. The first letter sets out their usual standard comments relating to access requirements for fire appliances, including provision of hardstanding, and a recommendation that fire hydrants and sprinklers are installed.</p> <p>The second letter also appears to be a standardised letter as it refers to if they are not consulted at the planning stage (but they have been hence the response). It recommends a condition requiring adequate provision to be made for fire hydrants.</p>		

Consultee	Date consulted	Date reply received
Police - Alan Keely Crime Reduction Beccles Police Station	12 September 2019	No response
<p>Summary of comments:</p> <p>No response received</p>		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	2 January 2020	27 January 2020
<p>Summary of comments:</p> <p>Internal Planning Services Consultee - comments included within Planning Considerations Section.</p>		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	2 January 2020	13 January 2020
<p>Summary of comments:</p> <p>The Economic Development Team are supportive of any increase in B1, B2 or B8 floorspace, that would create room for existing businesses to expand or new businesses to move in, as it would support the economic growth ambitions outlined in both local and regional strategies. the East Suffolk Growth Plan, the East Suffolk Business Plan, the Suffolk Growth Strategy and the Norfolk and Suffolk Economic Strategy). The East Suffolk Economic Growth Plan states the importance of supporting entrepreneurs, encouraging existing businesses to grow, and attracting businesses to the area. All of this requires suitable premises to be available in order to meet the needs of start-up businesses and growing businesses. Also welcome the increase in employment and the strengthening of key sectors within East Suffolk.</p>		

Reconsultation consultees

Consultee	Date consulted	Date reply received
Suffolk County - Rights Of Way	3 February 2020	11 February 2020
<p>Summary of comments:</p> <p>Object</p> <p>The definitive route of the Public Right of Way crossing the site is currently obstructed and not</p>		

available for use through the site. The footprint of the proposed units would further directly obstruct the legal alignment of the footpath (no 5) and this does not appear to have been addressed in the application.

Advise that the applicant will need to apply for a public path order to divert the footpath to a suitable and convenient route to allow the public to pass through the site.

Provide further information on rights and responsibilities for owners of land over which Public Rights of Way pass.

Advise that the granting of planning permission is separate to any consents that maybe required in relation to Public Rights of Way. It does not give authorisation for structures, or the temporary or permanent closure or diversion of a Public Right of Way. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate.

Explain how an application for permission from SCC as the highway authority can be sought for works and diversion of a Right of Way.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	5 March 2020	12 March 2020
Summary of comments: Suffolk County Council as Local Highway Authority has submitted revised comments based upon a revised parking layout plan, and details of cycle storage. They raise no objection recommending a condition requiring the provision and retention of parking and turning areas for vehicles, including secure cycle storage and powered two-wheeler parking.		

Publicity

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

Category	Published	Expiry	Publication
Departure	5 December 2019	30 December 2019	East Anglian Daily Times
Category	Published	Expiry	Publication
Public Right of Way Affected	19 September 2019	10 October 2019	East Anglian Daily Times

Site notices

General Site Notice
Reason for site notice: Contrary to Development Plan
Date posted: 29 November 2019
Expiry date: 20 December 2019

General Site Notice
Reason for site notice: In the Vicinity of Public Right of Way
Date posted: 18 September 2019

Planning policy

On 1 April 2019, East Suffolk Council was created by parliamentary order, covering the former districts of Suffolk Coastal District Council and Waveney District Council. The Local Government (Boundary Changes) Regulations 2018 (Part 7) state that any plans, schemes, statements or strategies prepared by the predecessor council should be treated as if it had been prepared and, if so required, published by the successor council - therefore any policy documents listed below referring to "Suffolk Coastal District Council" continue to apply to East Suffolk Council until such time that a new document is published.

In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.

East Suffolk Council's Development Plan, as relevant to this proposal, consists of:

- East Suffolk Council Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013);
- East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017); and
- The 'Saved' Policies of the Suffolk Coastal Local Plan incorporating the first and second alterations.

The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) are:

SP1 - Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));

SP1a - Presumption in Favour of Sustainable Development (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));

SP5 - Employment Land (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP7 – Economic Development in the Rural Areas (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP14 – Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP15 – Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP19 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));

SP29 – The Countryside (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM11 – Warehousing and Storage (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM12 - Expansion and Intensification of Employment Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));

DM22 - Design: Function (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013));

DM27 – Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

East Suffolk Council Suffolk Coastal District Local Plan – Site Allocations and Site Specific Policies Development Plan Document (Adopted January 2017):

SSP2 – Physical Limits Boundaries

SSP23 - Former airfield Debach (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate (PINS) for examination on Friday 29 March 2019, the examination took place between 20th August and the 20th September 2019. Full details of the submission to PINS can be found through this link: www.eastsuffolk.gov.uk/localplanexamination .

Presently, only those emerging policies which have received little objection (or no representations) can be given more weight in decision making if required, as outlined under

Paragraph 48 of the National Planning Policy Framework 2019. The policies within the emerging planning policy which are relevant to the consideration of this proposal are:

- SCLP3.1: Strategy for Growth in Suffolk Coastal District
- SCLP3.2: Settlement Hierarchy
- SCLP3.3: Settlement Boundaries
- SCLP4.1: Existing Employment Areas
- SCLP4.2: New Employment Development
- SCLP4.3: Expansion and Intensification of Employment Sites
- SCLP4.4: Protection of Employment Premises
- SCLP4.5: Economic Development in Rural Areas
- SCLP7.2: Parking Proposals and Standards
- SCLP10.1: Biodiversity and Geodiversity
- SCLP10.4: Landscape Character
- SCLP11.1: Design Quality
- SCLP11.2: Residential Amenity
- SCLP12:36: Former airfield Debach

However, representations were received in respect of these policies, and therefore they can only be given limited weight at this time.

Planning considerations

Principle and Economic Considerations - Current Local Planning Policy

The principle of an employment building within the current application site was established through the granting of planning permission DC/17/5419/FUL, which granted planning permission for alterations to existing buildings and the erection of a new building to provide 6 business buildings. That building was in the approximate location of the currently proposed building 16, and had a footprint of approximately 14.6m by 40m, with an eaves of approximately 4.4m and ridge of approximately 7.8m. That consent is still live and will not expire until 1 February 2021.

The proposal is for employment uses in the countryside, outside the defined physical limits of any settlement as defined in policy SSP2. In such locations employment uses are usually only permitted in accordance with the settlement hierarchy (SP19) and the countryside planning policy (SP29). However, the site is within an area designed for employment purpose within both the currently adopted and emerging Local Plan documents.

The current general employment policies within the current Local Plan are:

- SP5 (Employment Land),
 - SP7 (Economic Development in Rural Areas),
 - DM11 (Warehousing and Storage)
- and
- DM12 (Expansion and Intensification of Employment Sites).

Within the Core Strategy and Development Management Policies (2013), Policy SP5 (Employment Land) sets out the overarching approach towards employment development across the former Suffolk Coastal area and identifies the strategy to both create new employment areas and protect existing employment areas. Policy SP7 (Economic Development in Rural Areas) is also supportive

of employment development and opportunities to maximise the potential of the rural economy, particularly where this will secure employment locally.

Policy DM11 (Warehousing and Storage), of the Core Strategy and Development Management Policies Development Plan Document (2013), is supportive of B8 uses on identified employment areas. Policy DM12 (Expansion and Intensification of Employment Sites) sets out the circumstances, through criteria a)-c), under which proposals to expand or intensify existing employment sites would be supported. This application is supported in principle by Policies DM11 and DM12 due to the proposal's provision of, amongst other uses, B8 use and its location on an allocated employment site (Policy SSP23). However, consideration has not been given to whether the application complies with criteria a)-c) of Policy DM12.

The application site (with the exception of the existing access drive) lies within the area covered by Policy SSP23 of the Site Allocations and Area Specific Planning Policies Development Plan Document, which states:

"The former airfield at Debach as identified on the Policies Map comprises 10.89 hectares of employment land. The site is fully occupied and contains lawful uses within Use Classes B1, B2 and B8.

Planning permission will be granted for new employment provision, through redevelopment or refurbishment of existing buildings or any other change of use proposal that would result in an increased level of activity within the site provided that:

- *The use is restricted to activities falling within Use Classes B1, B2 and B8;*
- *Where necessary, a transport statement or transport assessment can demonstrate to the satisfaction of the Highway Authority that the scale and type of traffic generated is acceptable in terms of impact on the local road network;*
- *Where necessary investigation of potential contamination at the site has been undertaken prior to submission of any relevant planning application;*
- *Where necessary adequate sewage treatment facilities are provided;*
- *If required measures have been taken to assess and manage any heritage assets on the site; and*
- *Where necessary a drainage strategy is approved and implemented before development proceeds."*

The proposal seeks permission for 870sqm of B1 (c) Light Industrial floorspace, within the buildings to be known as building 18 and 18a, and 780sqm of B8 Storage and Distribution floorspace within the building to be known as building 16. These employment use types are permitted by the first bullet point of this policy.

However, whilst the policy does not specifically state that new buildings will not be permitted, it does state that the site is fully occupied, and includes specific reference to re-refurbishment and redevelopment. The policy does not make it clear whether the site is fully occupied in terms of all the buildings being occupied by existing businesses, or being fully occupied in terms of the number of buildings/uses within the area designed for employment by the policy.

In the text accompanying the policy (paragraph 3.24) it is explained that the site is long and narrow within limited scope for extension or intensification within the developed area, and that the currently developed area is to be increased from 8.95ha to 10.89ha through the allocation, suggesting there is scope for additional building within the designated area.

Therefore, this proposal is technically contrary to the current allocation policy (SSP23) in that it proposes new buildings and the policy specifically permits "*new employment provision, through redevelopment or refurbishment of existing buildings or any other change of use*". However, the policy is silent on new buildings, and does not specifically preclude them. Therefore, the extent to which the proposal is contrary to Policy SSP23 is debatable, and the principle accords with the other more general employment policies, so subject to the consideration of other material planning considerations and relevant planning policies is something that is in general conformity with the general economic objectives of the Local Plan.

Principle and Economic Considerations - NPPF

The NPPF is supportive of economic development, and seeks to build a strong, competitive economy.

Paragraph 80 of the NPPF explains that:

"...planning decisions should help create conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...."

Paragraph 83 of the NPPF states that:

"Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;"

Therefore, national planning policy is supportive of the erection of new buildings for employment purposes including within rural areas.

This proposal is located on an existing employment site and thus could provide opportunities for existing businesses to expand or adapt, and/or for new business to be operated, potentially with interconnectivity with the existing business uses, due to their close proximity to existing employment uses on this allocated employment site.

Principle and Economic Considerations - Emerging Local Planning Policy

The emerging Suffolk Coastal Local Plan has reached an advanced stage in its preparation, with the Final Draft Local Plan (January 2019) having been submitted for Examination in March 2019. The Examination is currently underway with hearing sessions having been carried out in August and September 2019.

The strategy for the new Local Plan, set out under Policy SCLP3.1 (Strategy for Growth in Suffolk Coastal District)', seeks to support and facilitate economic growth to enable the key economic activities to maintain and enhance their role within the UK economy and to support appropriate growth in rural areas that will help to support and sustain existing communities. The Council has sought to allocate appropriate sites across the urban and rural areas of the District to take forward this element of the strategy and to contribute towards meeting the employment need for the district over the plan period.

Policy SCLP12.34 (Strategy for the Rural Areas) sets out, under criterion a), that delivering opportunities for employment development alongside the protection of existing employment uses is a key objective of the strategy for rural areas.

Policy SCLP4.1 (Existing Employment Areas) of the Final Draft Plan sets out that employment premises for B1, B2 and/or B8 use will be protected from redevelopment and change of use to other uses.

Therefore, like the current Local Plan Policies, the general employment policies support the principle of additional employment uses of the nature proposed within areas identified as designated employment sites.

The emerging local plan identifies the former Debach Airfield (which includes the current application site) as an employment site under Policy SCLP12.36. The proposed wording has not been altered from Policy SSP23 and therefore the absence of support for or resistance against new buildings for employment development remains.

In respect of the weight to be afforded to the policies within the emerging Local Plan, Paragraph 48 of the NPPF provides a number of tests. Paragraph 48a) of the Framework sets out that the more advanced the emerging Plan in the Plan making process, the greater the weight that may be afforded to the policies within. The emerging Suffolk Coastal Local Plan has reached an advanced stage in its production, and the Final Draft Local Plan (2019) was submitted for Examination under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 in March 2019. Since the emerging Plan's submission for examination the hearing sessions have been carried out between 20 August and the 20 September 2019. In light of the potential for modifications, through the examination, to be made to the policies against which this application will be in part determined against, the weight attributed to the policies of the emerging Plan should be reduced.

Paragraph 48b) of the Framework is concerned with the extent to which there are unresolved objections to the relevant policies of the emerging Plan and dictates that the less significant the unresolved objections the greater the weight that may be attributed to such policies. While this consideration would add depth to the weight to be attributed to specific emerging Local Plan policies, consideration of criterion a) and c), to Paragraph 48, provide enough context and clarity to consider the appropriate weight to be attributed to the emerging Local Plan as a whole. Moreover, Policy SCLP12.36 is no different in wording and therefore meaning to SSP23 of the Site Allocations DPD, and thus there is no merit in considering the weight to be attributed to Policy SCLP12.36.

Paragraph 48c) of the Framework establishes that the greater the consistency of the policies in the emerging Plan to the policies in the Framework, the greater the weight that may be given. The emerging Plan was submitted for examination on 29 March 2019, which is after the 24 January 2019, and thus the test for consistency with the Framework applies to the 2019 Framework rather than the previous Framework, as per footnote 22 of Paragraph 214 in the Framework. Policy SCLP4.1 seeks to protect existing Employment Areas from redevelopment and change of use and support proposals for sustainable employment development. This is supported by Paragraph 80 of the Framework, which sets out that 'significant weight should be placed on the need to support economic growth and productivity'. These Policies also seek to achieve the ambition of the economic objective of sustainable development detailed in Paragraph 8a) of the Framework, through delivering employment growth on existing employment areas, whilst also that of the

social and environmental objectives of Paragraph 8b) and c) respectively, through consideration of the wider impacts of such proposals and how these can be minimised and mitigated. The emerging Plan, as a whole, has been produced in alignment with the Framework and thus the intention behind all policies of the emerging Plan is that they are consistent with the Framework and therefore some weight could be attributed to Policies SCLP4.1 and 4.3, as afforded by Paragraph 48c).

It may be useful to note that in appeal decision APP/D3125/W/17/3182718 the Inspector concluded that because:

"20. ... the examination [of the Emerging Local Plan] is not concluded and the consultation process on main modifications is still in progress... [and as] the Inspector has yet to produce his final report... I consider only limited weight can be given to the Emerging Local Plan".

This Decision was challenged in the High Court, under which Elvin J concluded that the Inspector had not erred in his interpretation of Paragraph 216 of the Framework (2012) (now Paragraph 48), noting that:

'57. ... I consider the Inspector's assessment of weight to be a matter for his own judgement and reject any suggestions that it might be irrational', in the Wednesbury sense. The purpose of referring to these decisions here is not to imply that the relevant emerging Plan Policies should receive limited weight, but that attributing limited weight may not be irrational."

Therefore, the proposal would accord with the general employment policies within the emerging Local Plan, but this proposal is technically contrary to the emerging allocation policy (SSP23) in that it proposes new buildings and the policy specifically permits *"new employment provision, through redevelopment or refurbishment of existing buildings or any other change of use"*. However, the policy is silent on new buildings, and does not specifically preclude them.

It is further noted that the Emerging Local Plan is at an advanced stage, but as the Inspector is yet to initiate a Main Modifications consultation the weight attributed to Emerging Local Plan policies should be reduced, as directed above in accordance with considerations detailed in Paragraph 48 of the Framework.

Principle and Economic Considerations - other documents

The East Suffolk Economic Development Team are supportive of any increase in B1, B2 or B8 floorspace, that would create room for existing businesses to expand or new businesses to move in, as it would support the economic growth ambitions outlined in both local and regional strategies (the East Suffolk Growth Plan, the East Suffolk Business Plan, the Suffolk Growth Strategy and the Norfolk and Suffolk Economic Strategy).

The Economic Growth Plan (pages 17 and 18) highlights the importance of supporting entrepreneurs, encouraging existing businesses to grow, and attracting new businesses to the area. In order to enable this to take place, suitable premises need to be available in order to meet the needs of new and growing businesses.

The East Suffolk Business Plan (pages 6-7) also seeks to support the Governments national priority for long-term economic growth. It highlights that East Suffolk *"...believes that a strong local*

economy is essential for vibrant local communities in East Suffolk...". It identifies that East Suffolk continues to face substantial challenges, one of which is lack of commercial land supply.

The Suffolk Growth Strategy details the approach that *"...local authorities in Suffolk will take to enable the growth of the county's economy..."* (in preface) and recognises the need to ensure *"...that land of the right type is available in the right places and at the right time to support growth."* (para 7.5).

The Norfolk and Suffolk Economic Strategy seeks to support economic development across the wider region.

This proposal would provide additional floorspace for B1 and B8 employment uses, and therefore is in conformity with the objectives of these strategies.

Principle and Economic Considerations – Conclusions

This proposal is in general conformity with the general economic objectives of the existing Local Plan, the emerging Local Plan, the NPPF and the economic growth ambitions within both local and regional strategies.

The extent to which is contrary to the existing site specific policy SSP23 and the emerging Local Plan site specific policy SCLP12.36 is debatable, as both policies, although specifically supporting of "new employment provision, through redevelopment or refurbishment of existing buildings or any other change of use", are silent on new buildings and does not specially preclude them.

Therefore, in accordance with overarching objectives within local and regional economic strategies, and planning policies within National and Local Planning Policy seeking to support economic growth, the principle of B1 and B8 new building units is recommended for approval subject to the consideration of other relevant planning policies and material planning considerations, which are set out below.

Highway Safety

The Parish Council and the third-party objector have raised concerns relating to traffic, particularly HGV type traffic related to B8 uses. They also both raise concerns regarding existing traffic volumes and speeding traffic.

The Local Planning Authority cannot require an existing situation to be fixed through a planning application. It can only seek to ensure that an existing situation is not exacerbated, and that an additional traffic or highway safety issue is not created.

Similarly, the Local Planning Authority cannot control the use of the public highway and the speed of users on that highway. Such issues are controlled through other legislation.

The Local Highway Authority raises no objections to the scheme, subject to the inclusion of conditions relating to secure cycle storage, the provision of spaces for Powered Two-Wheeler vehicles, and the provision of the manoeuvring and parking areas shown on the submitted layout plan. They raise no concerns regarding the potential traffic movements to/from the site or highway safety.

Therefore, subject to appropriate conditions relating to the provision of parking and manoeuvring areas, the scheme is acceptable in terms of highway safety.

The applicants have supplied a revised plan of the proposed parking spaces, and details of secure cycle storage. These are currently the subject of consultation with the Local Highway Authority. Therefore depending upon the outcome of that consultation (due to expire 19 March 2020), the wording of the proposed conditions may be altered.

Visual Amenity

The Clopton Commercial Park and the existing buildings within it are visible in public views from roads to the north (B1078), east (Woodbridge Road, Debach) and the south (Looms Lane, Boulge). Views from the west (Drabbs Lane) are limited due to the existing mature trees and farm buildings at Grove Farm, Clopton.

From these vantage points, the new buildings would be seen in the context of the existing as they would be located between Buildings 15 and 19, and adjacent to building 17. As set out in Table 1 (below), the eaves and ridge heights of the new buildings, whilst not the same as the existing would be within the general range of the heights of existing adjacent buildings to which they would be seen in the context of. Therefore, they would not have a significantly greater visual impact upon the landscape than the existing group of buildings.

		Eaves height	Ridge height
Existing neighbouring buildings (based on plans from DC/17/5419/FUL)	Building 15	5.4m	8.4m
	Building 17	5.4m	7.1m
	Building 19	4.4m	7.5m
Currently Proposed Buildings	Building 16	6.1m	8m
	Building 18	3.8m	5m
	Building 18a	5.2m	6.5m

Table 1: Approximately Eaves and Ridge Heights of the existing, proposed buildings, and previously consented building.

The buildings would also be clearly visible from the Public Rights of Way which cross the wider former airfield site and pass through the area of the buildings, including the application site. However, as explained above they would be seen in the context of the existing buildings and the built form would not expand beyond the existing group of buildings into the wider countryside.

The external finishes to the walls and roofs are also proposed to be similar to those on the existing structures. The combination of the buildings being of a similar scale and external materials to the existing and siting within the group, would mean that the buildings would be in keeping with their location and not result in a significant impact upon the wider landscape of the countryside.

The scheme would therefore be acceptable in terms of visual amenity and comply with Local Policy SP15 (Landscape and Townscape) and DM21 (Design: Aesthetics), and the objectives of the NPPF.

Rights of Way

The existing obstruction of the Public Right of Way (Footpath no 5) and its further obstruction by the buildings proposed within this application, has been raised within the objections from both the SCC Rights of Way Team and by a third party.

Whilst it is not ideal that the footpath would be further obstructed, the refusal of this application would not resolve the existing situation or remove the existing building blocking the definitive footpath route.

This proposal would still leave sufficient hard surfaced areas between the buildings, the proposed parking spaces and the edge of the application site, for the pathway to be diverted.

As stated within the representation from the SCC Rights of Way Team, by granting Planning Permission, the Local Planning Authority would not be granting consent for the diversion of the footpath, separate consent needs to be sought from the Rights of Way Team in order to divert the definitive route of the public Right of Way.

The Local Planning Authority cannot reasonably seek to refuse consent on the basis of the requirements of other legislation. Therefore, this application cannot be refused on the basis that the applicants also need to seek to divert the definitive route of the public footpath.

Heritage

Based upon the SCC Historic Environment Records, indicating medieval activity as well as the former airfield use, it appears this locality has the potential for archaeological deposits. The Archaeological Service (part of SCC) were consulted on this application. Unfortunately, they did not respond. However, given that this proposal is within the existing group of commercial buildings, it is considered that the potential for impact upon archaeological deposits is significantly reduced.

As explained in the site description of this report, the nearest listed buildings (All Saints House, The Street, Debach, and the adjacent War Memorial at the former All Saints Church) are a significant distance away from the proposal (approximately 590m away). The new buildings would also be no closer to the Listed Buildings than the existing buildings within the commercial park. Therefore, they would not result in any significantly greater impact than the existing commercial development. As a result, the setting of these Listed Buildings would be preserved. Therefore, the scheme complies with the requirements of the Listed Buildings and Conservation Areas Act (1990), which requires proposed to either preserve or enhance Listed Buildings and their settings.

On the basis of the above comments relating to archaeological deposits and the nearest Listed Buildings, the scheme would comply with section 16 of the NPPF.

Residential Amenity

Due to the distances from the nearest residential properties, and that the proposed building would be within the existing group of buildings used for employment purposes, there would be limited potential for a detrimental impact upon the amenity of the nearest residents in terms of privacy/overlooking, outlook, access to daylight and sunlight, the resulting physical relationship with other properties and matters of safety and security.

There is more potential to be impact arising in terms of noise and disturbance, light spillage, air quality and other forms of pollution. Due to the rural nature of the surroundings, there is the potential for noise generated by fixed plant and machinery to travel a significant distance, particularly if those items are located on the exterior of the building.

Therefore, it would be appropriate to include some of the conditions recommended by the Head of Environmental Protection relating to:

- the submission of details relating to fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) and associated noise assessment,
- no business activities being undertaken outside the buildings,
- a Construction Management Plan,
- Delivery of goods and removal of waste restricted to weekdays between 08:00 and 18:00.
- The hours of working to be 7.00 am and 7.00 pm Mondays to Saturday, with no working on Sundays or Bank holidays

The recommendation from the Head of Environmental Protection for conditions relating to hours of working and delivery hours, are understandable, and reasonable, but the hours permitted should be amended, to ensure consistency with the hours permitted on the existing adjacent buildings.

The planning permission for the B8 use within adjacent building (no 17) was granted under planning permission C/07/0728, which includes a condition on the working hours (no 3), which states:

"The working hours in connection with the uses hereby permitted shall not be other than between 7.00 am and 7.00 pm Mondays to Fridays and 7.00 am to 5.00 pm on Saturdays with no working on Sundays or Bank Holidays or outside the specified hours, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity and the protection of the local environment."

That consent also includes a condition relating to working hours outside the building (no 4) which states:

"Notwithstanding what is specified in Condition 3 above, all industrial operations outside the confines of the building shall take place only between 8.00 am and 5.00 pm Mondays to Fridays, 8.00 am to 1.00 pm on Saturdays and not at all on Sundays or Bank Holidays.

Reason: In the interest of amenity and the protection of the local environment"

The current proposal includes a similar use, which is likely to require outside working in the form of loading and offloading of goods etc. and as highlighted above, such activities are already permitted on site. Therefore, it would be unreasonable to seek to prevent all outside operations as suggested within the conditions recommended by environmental health. A condition along the

lines of condition 4 of C/07/0728 but amended to add clarity in terms of deliveries and collections, would be reasonable in order to safeguard residential amenity and ensure consistency with other consents on the site.

Subject to appropriate conditions as outlined above the scheme is acceptable in terms of residential amenity and compliant with policy DM23.

External Lighting

This is a rural location, where external lighting can have a significant visual impact after dusk. A number of the existing buildings have external lighting, and conditions controlling external lighting have been imposed on previous consents, including on the adjacent building (no 17) which was granted under planning permission C/07/0728. The condition on that consent states:

“Within two months of the date of this permission, details of all existing external lighting within the application site shall be submitted in writing to the Local Planning Authority. No additional external lighting shall be installed at the site, except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminance diagram) which shall previously have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity and the protection of the local environment.”

In the interests of amenity and protecting the local environment, it would be appropriate to include a similar condition if consent were to be granted for the current scheme.

Ecology

The council's ecologist, as advised that based on the information available the proposed development does not appear likely to result in significant adverse impacts on designated sites, protected species or UK Priority species or habitats (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). Therefore, this application is acceptable in terms of ecological considerations and complies with Local Plan Policies SP14 and DM27.

Contamination

Due to the history of this site as part of a former airfield, there is the potential for contamination on site. However, the proposed use is not classed as 'vulnerable' for the purposes of the assessment of contamination, and the scheme does not seek to undertake works which would directly affect groundwater or a watercourse. Therefore, there is no requirement for a contamination assessment as part of this application.

Drainage and Sewage

The application includes a scheme for the disposal of surface water. Therefore, subject to the implementation of this scheme, surface water would be appropriately dealt with to ensure that there are no additional surface water run-off issues created on adjacent land.

Foul water is proposed to be disposed of via package treatment plant, so will be dealt with appropriately.

Other comments raised in representations

Other matters raised within the representations from the Parish Council are not material to the determination of this application, and therefore cannot form a consideration. These include the existing speed limit on the B1078 and the facilitation of access to the park using local bus services.

A Planning Application cannot be required to resolve an existing issue, and the planning system has no control over speed limits on the public highway.

Whilst the development/applicant can be asked to seek to encourage bus service providers to offer bus routes to/from the commercial park, the Local Planning Authority cannot insist upon such.

The Parish Council also request that the developers be encouraged to consider the installation of electric charging points and PV Solar Panels. Whilst this is admirable, there is currently no planning policy requiring the provision of such features within commercial development, and therefore they cannot be required as part of this application.

Permitted Development Rights

If these buildings are granted consent, they would potentially benefit from Permitted Development Rights, enabling future changes of use to non-employment uses. As these buildings are being supported in a significant part on the basis of the economic benefits, it would be appropriate to remove Permitted Development Rights for changes of use.

Planning Balance

These proposals have significant potential for economic benefits, through the provision of additional employment floorspace.

The potential harms identified have been assessed, and subject to appropriate conditions, they can be appropriately mitigated.

Therefore, in accordance with the sustainable development principles within the NPPF, the scheme should be approved, as the adverse impacts of approving this development would not significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF as a whole.

Conclusion

This proposal would provide additional employment floorspace on an allocated employment site. It is technically contrary to the site specific planning policy as it would be in the form of new buildings rather than "...through redevelopment or refurbishment of existing buildings...".

However, the principle of an additional building to provide an employment use on this site has been established on this site, through the granting of Planning Permission DC/17/5419/FUL, which currently remains extant.

In addition to this, the proposal would provide additional B1 and B8 accommodation on an allocated employment site, with the resulting potential benefits to the local economy by enabling additional floorspace for existing and new businesses.

Subject to appropriate conditions the proposals are also acceptable in terms of potential highway safety implications, landscape and visual amenity considerations, heritage considerations, residential amenity, ecology, contamination, surface water drainage and sewerage.

Recommendation

Approve subject to the following conditions.

Conditions:

Standard Time Limit

- 1) The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

Plans/Drawings

- 2) The development hereby permitted shall not be carried out other than in complete accordance with Drawing No 4472-0113 Rev P01 (Site Location Plan) and Drawing No 4472-0112 Rev P03 received 5 September 2019, and drawing no 4472-0105 Rev P08 received 14 February 2020.

Reason: For avoidance of doubt as to what has been considered and approved.

Materials

- 3) The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

Uses of the buildings

- 4) Building 16, shall be used for B8 and for no other purpose (including any other purpose in within the B use Classes of the Schedule to the Town and Country Planning [Use Classes] Order 1987 (as amended)) (or any Order revoking or re-enacting the said Order).

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity, the protection of the local environment, and to ensure that the building remains available for employment purposes in the interests of the local economy.

- 5) Buildings 18 and 18a, shall be used for B1(c) (Light Industrial Use) and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning [Use Classes] Order 1987 (as amended)) (or any Order revoking or re-enacting the said Order).

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity, the protection of the local environment, and to ensure that the building remains available for employment purposes in the interests of the local economy.

Hours of work

- 6) The working hours in connection with the use/building[s] hereby permitted, shall not be other than between 7am and 7pm Monday to Saturday; and no work shall be carried out on Sundays, or Bank Holidays, or outside the specified hours, unless otherwise agreed by the local planning authority.

Reason: In the interests of amenity and the protection of the local environment.

Delivery/collection hours

- 7) Deliveries to and collections from the premises and vehicle movements within the site shall be between 8am and 6pm Monday to Friday, *8.00 am to 1.00 pm on Saturdays*, with none being undertaken on Sundays and Bank Holidays, unless otherwise agreed with the Local Planning Authority.

Reason: In the interests of amenity and the protection of the local environment.

Plant/extraction equipment

- 8) Prior to the installation of air conditioning, extract ventilation, refrigeration or any other fixed plant, details of the equipment, its location, acoustic housing and any vibration isolation measures, together with the projected noise levels at the boundary of the property shall be submitted to the Local Planning Authority and only approved plant shall be installed and retained in the approved from thereafter (complete with any noise approved attenuation measures).

Reason: In the interests of residential amenity and protection of the local environment.

Fire Hydrants

- 9) Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in its entirety prior to the occupation of the building. It shall thereafter be retained and maintained in its improved form.

Reason: In the interests of the safety of the future occupants of the hereby approved development.

Parking and turning

- 10) The use shall not commence until the area(s) within the site shown on Drawing Ref. 4472-0105 Rev. P09 for the purposes of manoeuvring and parking of vehicles, including secure

cycle parking and Powered Two-Wheeler parking, has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

Surface Water Drainage

11) The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (as per the letter from Stroud Associates dated 25/11/2019, ref: ST509) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.

External Lighting

12) No external lighting shall be installed without the prior submission and approval of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels). There after only the approved lighting scheme shall be installed and maintained in that form.

Reason: In the interests of amenity, and protection of the local rural environment.

Removal of PDRs for change of use

13) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 3 of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

Reasons: In order that the local planning authority may retain control over this development/site in the interests of amenity, the protection of the local environment, and to ensure that the building remains available for employment purposes in the interests of the local economy.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges

please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email lpg@eastsuffolk.gov.uk

3. Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.
4. The proposed site contains a public right of way (PROW): Footpath 5 Clopton. The Definitive Map for Clopton can be seen at <https://www.suffolk.gov.uk/assets/Roads-and-transport/public-rights-of-way/Clopton.pdf> . If further clarification is required please contact DefinitiveMaps@suffolkhighways.org . Note, there may be a fee for this service.

Footpath 5 is currently obstructed and not available for use through the site. The footprint of the proposed new business units would further directly obstruct the legal alignment of Footpath 5 and this does not appear to be addressed in the application.

The applicant will need to apply for a public path order to divert Footpath 5 to a suitable and convenient route to allow the public to pass through the site and connect to the existing public rights of way network. The Applicant MUST also take the following into account:

- A) PROW are divided into the following classifications:
 - o Public Footpath - only for use on foot or with a mobility vehicle
 - o Public Bridleway - use as per a public footpath, and on horseback or by bicycle
 - o Restricted Byway - use as per a bridleway, and by a 'non-motorised vehicle', e.g. a horse and carriage
 - o Byway Open to All Traffic (BOAT) - can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolkhighways.org .

B) The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

C) The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as

appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

- o To apply for permission to carry out work on a PROW, or seek a temporary closure - <http://www.suffolkpublicrightsofway.org.uk/home/temporary-closure-of-a-public-right-of-way/> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.
- o To apply for permission for structures such as gates to be constructed on a PROW - <http://www.suffolkpublicrightsofway.org.uk/home/land-manager-information/> or telephone 0345 606 6071.
- o To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <http://www.suffolkpublicrightsofway.org.uk/contact-us/>

PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

E) Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

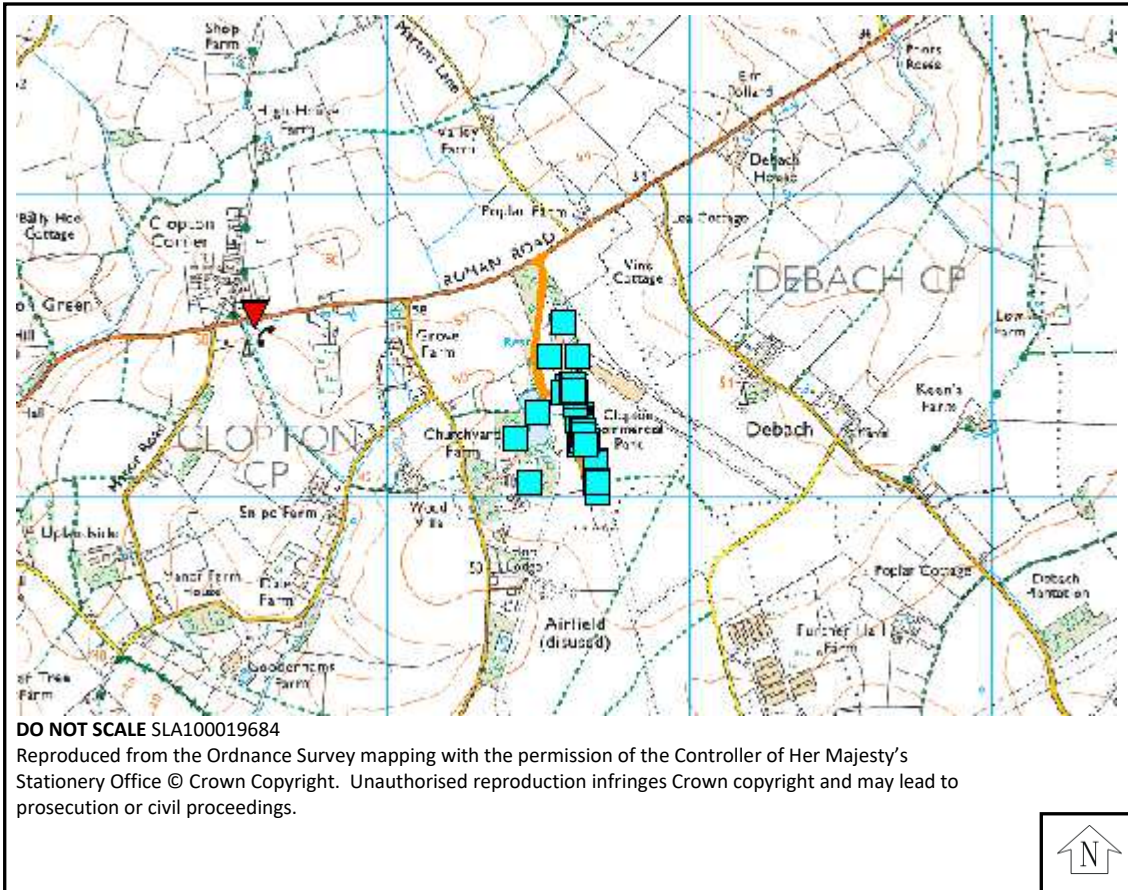
F) Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting, and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at www.suffolkpublicrightsofway.org.uk

Background information

See application reference DC/19/3497/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PXD5I9QXMBN00>

Map



Key



Notified, no comments received



Objection



Representation



Support