



## Committee Report

**Planning Committee South – 21 July 2020**

**Application no DC/20/1035/FUL**

**Location**

Former Rendlesham Sports Centre  
Site  
Walnut Tree Avenue  
Rendlesham  
Suffolk  
IP12 2GF

**Expiry date** 1 June 2020  
**Application type** Full Application  
**Applicant** FPC (Rendlesham) Ltd

**Parish** Rendlesham

**Proposal** New convenience store, two shop units and associated car parking, service yard and pedestrian way, eleven affordable houses and associated car parking and ancillary works (Resubmission of previous application DC/19/3881/FUL)

**Case Officer** Rachel Smith  
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### 1. Summary

- 1.1 The application site is located within the Rendlesham District Centre and currently comprises an area of open land. Previously, Rendlesham Sports Centre was located on the site. The application proposes the erection of 11 affordable homes and three retail units with associated access and parking.
- 1.2 The application was presented to the Referral Panel on 23<sup>rd</sup> June 2020 as the Officers 'minded to' recommendation of approval is contrary to the Parish Council's objection on the basis that the application is contrary to policy. The Referral Panel commented on the effort that had gone into the production of the Rendlesham Neighbourhood Plan and therefore felt that the application should be presented to Planning Committee for full consideration.

- 1.3 Officers have fully considered the content of the Rendlesham Neighbourhood Plan. Whilst recognising that the application may not present the preferred development option for the site, it is considered that there are benefits of the scheme and that it does comply with policy. The application is therefore recommended for approval, subject to the completion of a S106 to secure the affordable housing.

## **2. Site description**

- 2.1 The site comprises approximately 0.45 hectares of brownfield land located between Walnut Tree Avenue and Sycamore Drive and in the defined District Centre as set out in the Rendlesham Neighbourhood Plan.
- 2.2 The site's former use was a Sports Centre which closed a number of years ago, and the redundant building was subsequently demolished in 2016 (DC/15/3145/DEM). The site currently comprises largely hardstanding and scrub land. To the south-east of the site there is a community area including a small Costcutters Store, a Wine Bar, three further commercial units and the existing community centre. To the north of the site lies the existing residential area of Sycamore Drive/Mayhew Drive. The Primary School is situated on the opposite side of Sycamore Drive. A village green area is located to the east of the site and further north east of the village green there is a derelict site which was formerly used as The Angel Theatre (also demolished in 2016 - DC/15/3145/DEM).
- 2.3 Access to the site is currently available from the south via Walnut Tree Avenue, and from the north via Sycamore Drive which currently provides access to an electricity substation.

## **3. Proposal**

- 3.1 The application proposes the erection of a new convenience store, two further shop units and associated car parking, service yard and pedestrian way, eleven affordable houses and associated car parking and ancillary works. The application is a re-submission of previous application DC/19/3881/FUL which was refused due to proposing an unacceptable housing mix, a lack of information relating to highways and flooding matters and an adverse impact on the integrity of protected European Sites through, in combination, increased visitor disturbance.

## **4. Consultations/comments**

- 4.1 107 letters from third parties have been received in relation to the public consultation on the application.
- 4.2 103 of these objected to the proposal, 2 made comments neither supporting or objecting and 2 made comments in support of the application.
- 4.3 The main points raised in these objections are summarised below:
- There is no need for a new convenience store - a lot of hard work has been put into the recently improved Costcutter
  - No need for new housing in Rendlesham - it needs more facilities and infrastructure instead
  - Would result in an over-development of the site

- Insufficient parking spaces
- Would result in the loss of trees
- There is limited public transport serving Rendlesham (to reach services and facilities in other settlements)
- Neighbourhood Plan sets out requirement for commercial development or community infrastructure
- Rendlesham has a lack of services and facilities for young people which this site could be used for.
- Adverse impact on highway safety being on a bend and near the school
- Proximity of the access could cause damage to neighbouring properties
- Would result in HGVs on the local roads which would be dangerous
- School is currently over-subscribed
- The dentist is not accepting new NHS patients

4.4 The letters of support raise the following points:

- It would improve the appearance of the site which is currently an eye sore
- Competition among shops is good

## 5. Consultees

### Parish/Town Council

Consultee	Date consulted	Date reply received
Rendlesham Parish Council – initial consultation response	6 March 2020	30 March 2020

The Applicant has resubmitted this application, for which planning permission was refused last year. Even if the Applicant has now addressed the reasons for refusal of the first application, permission should still be refused: the previous reasons for refusal were insufficiently robust. The application is clearly contrary to the Development Plan, being contrary to the policy of the Rendlesham Neighbourhood Plan concerning the District Centre, within which the application site falls. The "tilted balance" from para. 11 of the National Planning Policy Framework does not apply: East Suffolk Council can demonstrate a 5-year supply of housing land. There are no reasons why this proposal should be granted permission contrary to the terms of the development plan.

2. A previous application for the same development was refused on 23 December 2019. The reasons for refusal did not grapple with the fundamental issues of the principle of housing development on this site. The Parish Council's clear view is that this proposal should also be refused planning permission.

Compliance with the Rendlesham Neighbourhood Plan.

3. The applicant acknowledges that the proposed application fails to comply ("a deviation") with the Rendlesham Neighbourhood Plan (Planning Statement, 2.57).

4. Objective 1 of the Rendlesham Neighbourhood Plan is:

"To ensure that adequate community, retail, education and leisure facilities are provided to support the needs of the existing and future population of Rendlesham and its identified hinterland (surrounding parishes)."

5. The Neighbourhood Plan expresses concern at para. 8.04 regarding the "erosion of the centre of the village". This is supported by Objective 1a, namely the prevention of "further erosion of community provision within the central area of the village by the designation of a District Centre and the permitted use of land and buildings within it".

6. Policy RNPP1 states:

"In the Rendlesham District Centre... the emphasis will be on maintaining or enhancing those uses and services the community has identified.

...

Proposals for redevelopment or change of use involving residential development will only be permitted where they maintain or enhance the existing or established employment, leisure, education, retail or community uses and future needs thereof."

7. The need for protection of specified uses responded to a specific objection on the part of residents (para. 8.06). The policy protection is "to ensure the viability and sustainability of Rendlesham as a Key Service Centre for the life time of this plan and beyond" (para.8.21). The Neighbourhood Plan reflects that the "ingredients for a thriving community go beyond just homes and people" (para. 8.22).

8. The Rendlesham Neighbourhood Plan does not suggest that no housing should be delivered in the village (paras 10.03, 10.10). However, the location of housing to be proposed is important.

9. The Officer Report for the previous refusal suggests that Figure 17 of the Rendlesham Neighbourhood Plan identifies an area that could be used for housing. With respect, this is a fundamental misunderstanding of the policy, such as would constitute a legal error. Figure 17 shows the damage done by housing within the village centre, stating "Further housing within envelope limits scope for future community development".

10. Figure 17 is descriptive, rather than providing an allocation. The areas shown as housing in the village centre are now developed as Bay Tree Court, and Aspen Court and should not be considered in this proposal. To the extent that it shows a very small portion of the application site being described as "new housing" at the south west end of Walnut Tree Avenue, (which is fact now developed as Bay Tree Court) this was not intended to promote part of the Site for development. 1 In any event, on no view does Figure 17 identify "the southern half of the site" for housing (as was suggested in the Officer Report). 1 And may be a slight inaccuracy in the plan, which, as stated, was for the purpose of showing how the Village Centre had been constrained, not to support housing use.

11. The policy for whether residential development should be permitted in the Rendlesham District Centre is RNPP1. The emphasis is to be on maintaining or enhancing identified uses (not including residential). The proposed development does not maintain or enhance existing or established employment, leisure, education, retail or community uses, and the future needs of those uses.<sup>2</sup> Indeed, the justification for the proposed residential development appears to be for the creation, not of existing or established uses, but of new retail units which are otherwise said to be unviable. This is not in accordance with policy RNPP1. As Figure 17 of the Rendlesham Neighbourhood Plan demonstrates, space in the village centre is limited. Taking up space with further residential development in this area would be contrary to RNPP1.

12. This approach is consistent with para. 85(d) of the NPPF, where it states that "[m]eeting

anticipated needs for retail, leisure, office and other main town centre uses over [the next ten year] period should not be compromised by limited site availability”.

13. The proposed development is therefore contrary to the Rendlesham Neighbourhood Plan. The Council is not bound to the conclusion that it reached in the previous Officer Report regarding the acceptability of the site for housing. To view itself as bound by its previous conclusions would constitute an error of law.

14. The applicant relies heavily on what it refers to as a “proposed masterplan” (Planning Statement, para. 2.48). As the Parish Council explained in relation to its response to the previously refused application, this document is not part of the Neighbourhood Plan. Indeed, it is not even in the public domain. As the Court of Appeal made clear in *R (Cherkley Campaign Ltd) v Mole Valley DC* [2014] EWCA Civ 567 at para. 16, when considering compliance with the development plan, it is necessary to consider compliance with policies rather than with supporting text (let alone with documents not incorporated within the development plan document) i.e. the future needs of those existing/established uses. It does not support new residential development to create e.g. new retail units.

15. For these reasons, the Parish Council contends that the scheme fails to comply with the key policy of the development plan concerning the site, and should therefore be refused permission.

### **Education**

16. The Suffolk Coastal Local Plan Final Draft (January 2019) states at para. 12.710: “Rendlesham Primary School is operating close to capacity and, considering [a proposed allocation for 50 dwellings] along with education forecasts, would be marginally over capacity during the first five years of the plan period. However, the provision of a greater proportion of housing designed to meet the needs of the elderly population or smaller dwellings could assist in addressing this. Farlingaye High School is currently operating over capacity with no immediate opportunities for expansion. A contribution will, therefore, be required through the Community Infrastructure Levy towards the creation of additional capacity at the proposed school at Brightwell Lakes to increase secondary education provision in the area.”

17. The Parish Council is concerned that the proposed development would increase the burden upon the Primary School, given that there is no indication that the proposed development would be designed so as to excludes school-age children.

### **Trees**

18. The applicant’s Arboricultural Report acknowledges that “[a]fter the proposed removals, there will be just two principal trees on the site” (Summary, p.4). Furthermore, the “only mature tree within the site ownership is proposed for removal” (para. 4.3).

19. The conclusion reached is that “development can be accommodated on this site with minimal impacts on the arboricultural interest of the site” (para. 6.2). This is a striking conclusion, given that the proposal is to remove twelve trees, including five out of six surveyed at category B (the only tree surveyed at category A not in fact being on the site). The Practical Ecology Preliminary Ecological Appraisal Report described the trees on the site as having moderate ecological value, the highest level of ecological value on the site (3.2.2).

20. This is contrary to policy DM21(e) of the Suffolk Coastal Core Strategy, which requires layouts

to incorporate and protect existing site features of landscape, ecological, heritage or amenity value, and policy DM27 regarding biodiversity and geodiversity. The loss of established trees is also in tension with the Climate Emergency Declaration made by the Council (as well as the Parish Council).

21. Policy SCLP11.1(d) of the emerging Suffolk Coastal Local Plan Final Draft states that permission will be granted where proposals “[t]ake account of any important landscape or topographical features and retain and/or enhance existing landscaping and natural and semi-natural features on site”. By its widespread removal of established trees, the proposal does not do this.

### **Retail and Need**

22. The Suffolk Coastal DC Core Strategy and Development Management Policies states at p.64 in relation to the level of retail provision at Key Service Centres:

“Small range of comparison and convenience shopping. Emphasis will be on retention of existing provision.”

23. Put simply, there is no need for an additional supermarket in Rendlesham. Rendlesham is not a Town Centre. The existing Costcutter supermarket, which would serve a very similar purpose to the supermarket in the proposed development. The Design and Access Statement states at para. 11.02: “There is an existing convenience Costcutter store within the shopping centre, although this is considered to under-represent the needs of the village”. The well documented state of the support the villages shop under its new management has given the community in the current strained circumstances shows the shop “does adequately represent the needs of the village”.

24. It is also “considered there will be sufficient local customers to support both businesses” (para. 11.06). Neither assertion is supported by any evidence. The Parish Council is concerned that the proposed development would have an adverse impact upon the existing Costcutter. Policy SCLP4.12 of the emerging Suffolk Coastal Local Plan Final Draft states: “Individual and groups of local shops, services and community facilities located outside of the designated centres will be protected where they are important to meet day-to-day needs of local communities.”

25. The existing Costcutter store should be protected from the potentially damaging impact of the proposed development.

### **Viability**

26. The applicant relies heavily on issues of viability to justify residential development being provided on site. With respect, the Marketing and Financial Viability Report submitted with the application is not an impressive document and no weight should be placed upon it:

(1) It does not reflect the proposed development. At 2.5 it describes a housing mix different to that applied for.

(2) It is not clear that it is properly informed by the details of the proposal. At 2.5, it states that architects “have prepared a feasibility / lay out study providing a mainly retail development with adjacent residential properties”. Given that there has already been a full planning application for this scheme, it is not clear why the architects’ work is described as “a feasibility / lay out study”.

(3) At 2.8, it is stated that flooding is not thought to be an issue, despite it being acknowledged on behalf of the applicant that infiltration devices would be suitable only at “significant depths” (Flood Risk Assessment and Surface Water Drainage Strategy at 3.15).

(4) At 2.8, it is stated that land contamination is not thought to be an issue, despite the fact that it is acknowledged by the applicant that the site is contaminated (Planning Statement, para. 2.15).

(5) At 2.12 and following, there is detailed consideration of “a proposed District Centre plan”. The

applicant's consultants continue to assess this, despite the Parish Council having made clear in its response to the previous application that this was (a) not part of the Neighbourhood Plan and (b) confidential. At 2.12, it is stated that "Rendlesham DC support the following proposed development...". This is bizarre:

- a. There is no such body as "Rendlesham DC";
- b. The development described is not in the Neighbourhood Plan;
- c. In any event, the Rendlesham Parish Council, to which the consultants was presumably referring, is not the decision-maker in relation to a planning application.

The consultants have therefore carried out an assessment of a scheme which is not in the development plan, and nobody is promoting.

(6) The consultants rely upon marketing undertaken (Section 3), and state that from a number of respondees, the outcome was that a proposal was not viable. However, the consultants have not stated what sale price was quoted in the marketing exercise (the marketing particulars at Appendix VI state that guide prices are available on request).

(7) The consultants have not made public their viability assessment of the application proposals. This is despite the terms of NPPF 57, which states "[a]ll viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available".

(8) The consultants do not refer to having carried out viability assessment of any scheme which would comply with Policy RNPP1, without the loss of part of the site to residential development.

27. As such, there is no evidence which supports the conclusion that a policy-compliant scheme could not come forward at the site.

### **Flooding and Drainage**

28. The Officer Report for the previous application recommended refusal on the basis of a lack of information, as the Environmental Agency had not agreed that the use of deep infiltration for proposed drainage was acceptable.<sup>3</sup> As far as the Parish Council is aware, the situation remains unresolved. Suffolk County Council, Flood and Water Management as recently as 10 March 2020 still recommend a holding objection, stating:<sup>4</sup> "The reason why we are recommending a holding objection is because deep infiltration is proposed but has not agreed with the Environment Agency. SCC as LLFA will not assess this application any further until the principle of deep infiltration is agreed with the Environment Agency. If agreement is reached, please re-consult the LLFA."

29. This issue is significant, given concerns with deep infiltration and soakaways in Rendlesham. The Parish Council is aware of the County Council's holding objection to the use of infiltration in the Garden Square application (DC/19/1499/FUL). When the application went on appeal, the County Council and the applicant entered into a 3 The applicant's current Flood Risk Assessment and Surface Water Drainage Strategy states at 3.15 that "[t]he ground investigation report findings suggest that the use of infiltration devices could be suitable for the site but only at significant depths". 4 East Suffolk Drainage Board has suggested that the applicant consult the Environment Agency regarding its deep infiltration plans. Statement of Common Ground, proposing disposal of surface water to an Anglian Water surface sewer.

30. Refusal of this application is justified on the basis of flooding and drainage. As the applicant's consultants stated by email to the Environment Agency (6 January 2020), "[i]t has been assessed that there are no other alternative methods of drainage disposal at the site, as there are no adequate sewers and/or watercourses in close proximity to the development and as such deep soakage infiltration is the only remaining drainage discharge method to serve the development".

31. As far as the Parish Council is aware, the Environment Agency has not substantively responded. Surprisingly, the only correspondence from the Environment Agency in Appendix 7 to the Auber Consulting Report consists of one email informing that the enquiry has been passed to the relevant team, and one email setting out what advice the Environmental Agency may be able to offer, including that a charged-for advice service is available.

32. It therefore appears that the fundamental point regarding flooding therefore remains to be resolved by the applicant, despite this having been raised in the Officer Report for the previous application.

33. Furthermore, the emerging Suffolk Coastal Local Plan Final Draft states at para. 9.59 of the Supporting Text “there is a tendency for required attenuation volumes to be accommodated below ground. In order to discourage this, preference should be given to the installation of blue-green surface infrastructure, as opposed to hardscape or underground solutions”. This is reflected in Policy SCLP9.6, which states:

“Sustainable drainage systems should:

- a) Be integrated into the landscaping scheme and green infrastructure provision of the development;
- b) Contribute to the design quality of the scheme; and
- c) Deliver sufficient and appropriate water quality and aquatic biodiversity improvements, wherever possible. This should be complementary of any local designations such as Source Protection Zones.”

34. The proposed development does not respect this principle.

### **Highways and Access**

35. The previous application was refused on grounds including insufficient information regarding highways. The Design and Access Statement for the resubmitted application acknowledges problems with the proposed development regarding access and parking.

At para. 6.07, it states: “It is acknowledged the service vehicles will access the site via the general vehicular access off Walnut Tree Avenue, transit through the car park and cross over the pedestrian way to access the rear service yard. Whilst this is not an ideal solution, unfortunately, the owner of the general car park serving the current community precinct will not allow access via that car park off Sycamore Drive.

36. It is worth noting that the indicating delivery schedule (Design and Access Statement, para. 10.06) would have almost all deliveries taking place during the hours of operation of the store. This raises safety concerns. The suggestion that banksmen could be employed provides little comfort. NPPF 109 gives an unacceptable impact on highway safety as a reason for refusing development on highways grounds.

37. Policy DM19 of the Suffolk Coastal Core Strategy states:

“Proposals for all types of new development will be required to conform to the District Council’s adopted parking standards as set out in a Supplementary Planning Document. However, in town centres and other locations with good access to public transport the District Council may make exceptions as a transport management tool or where it is impracticable to make parking provision on-site. In such cases the Council may also, in order to allow the development to proceed, invite applicants to contribute to the provision of cycling provision, walking measures, public transport,



or additional public car parking spaces in lieu of any shortfall in on-site car parking provision.

Footnote: In relation to Leiston see also paragraph 4.63”

38. The applicant still persists with a design containing a car parking court, despite the Highways Authority’s concerns about this mode of parking. Suffolk CC’s Parking Standards states at para. 4.3.1: “Spaces within parking courts are too often not used and area often perceived as dangerous and insecure. ... Should be designed so that the resident’s parking space is located on the boundary of the rear garden. In this way residents are more likely to use the parking court, rather than parking in appropriate locations (e.g. on verges and pavements).”

39. This principle is not reflected in the development proposals. A number of the parking spaces do not border any of the properties. At 6.16, the Design and Access Statement acknowledges that the use of a communal parking area is suboptimal, but is required if residential development is to be located on the site. The Parish Council’s response is that residential development should not be located on the site.

### **Noise and Air Quality**

40. The comments from the Environmental Protection Team recommend that a noise report is submitted, to determine whether noise would be detrimental to the amenity of neighbourhood properties. The Environmental Protection Team also raises the issue of the agent of change principle (encapsulated in NPPF 182).

41. The Officer Report from the previous refusal stated on p.16 “[t]here has been no noise report submitted as part of this application and will need to be submitted with any future application. As far as the Parish Council is aware, the applicant is still yet to submit a noise report.

42. The comments from the Environmental Protection Team recommends that an air quality assessment is carried out. The Officer Report from the previous refusal stated that an Air Quality Assessment “should be done in conjunction with the Environmental Protection Officers to be able to understand the full extent of any assessment”. Again, as far as the Parish Council is aware, this information has not been provided.

43. These matters, noise and air quality, were not specific reasons for refusal of the 2019 application. However, Officers were not satisfied at that stage of the level of information provided. No further information has since been forthcoming from the applicant, and this indicates that this would give rise to a reason for refusing the application.

### **Conclusions**

44. The Parish Council objects to this proposal in strong terms. This attempt to impose housing in an inappropriate location should be resisted. The proposal is contrary to a specific policy of the Neighbourhood Plan dealing with the site. As a letter from the Although the previous Officer Report suggests that this information could be required as a matter of condition, issues of noise and air quality go to the principle of development and therefore the information should be provided to the Council before it decides whether to grant planning permission.

Secretary of State for Communities and Local Government to the constituency MP stated last month: “‘Made’ neighbourhood plans form part of the statutory development plan and become the starting point in making planning decision. By law, planning applications are determined in accordance with the local development plan, unless material considerations indicate otherwise.”

45. The proposal is contrary to the development plan, and there are no material considerations

which indicate that permission should be granted notwithstanding this.

46. The Applicant has still failed to provide sufficient information in relation to noise and air quality, and to obtain the approval of the Environment Agency in relation to sustainable drainage. In highways terms, the means of delivery cause safety concerns, and there is an undesirable use of a parking court. The Applicant's evidence on viability is misconceived and no weight should be placed upon it. There is no need for the development in retail terms. The proposals would lead to the loss of established trees, contrary to policy. The Council can demonstrate well in excess of a five-year housing land supply. There are concerns in terms of the demands which would be placed on education provision.

Consultee	Date consulted	Date reply received
Rendlesham Parish Council – second consultation response	22 May 2020	2 June 2020

Rendlesham Parish Council (RPC) note the new "Consultation" in respect of the above proposal and notwithstanding the revised consultation reiterate our objection to the proposed development based on the points we have made previously.

Rendlesham Parish Council question exactly what has brought this about. It seems that the Applicant has made incremental revisions to the documents associated within the application

- We note there have been 6 revision updates to the Gen Arrangement drg ref 7641-20N since the formal submission of 20-1035 in March 2020.

- We note the issues and correspondence in respect of the Flood Risk Assessment RPC are concerned that the incremental approach being adopted undermines the principle of "review" in the sense that the developer has revised drawings and is potentially looking to construct something different to that for which his application was made and which on which all reviewers commented. Aside for the possibility of something being changed and not properly reviewed/assessed this is collectively a failure of any "Document Control" which is a cornerstone a sound Quality Management system.

This incremental approach is further demonstrated by the Applicant's issue of a "tick box" type approach in his document entitled "Consultee Comments and Plan Surv Response" which seems to be the most significant new document issued under this consultation.

We make two observations on that document as follows

- By its nature of "responding to consultee comments" it pre-empts any decision by the Planning Authority and effectively changes documents upon which the consultation was undertaken.

- This document makes repeated reference to the "proposed masterplan" which is a point highlighted in RPC response to 20-1035 (prepared by Legal Counsel) para 26-5 which says:-

o At 2.12 and following, there is detailed consideration of "a proposed District Centre plan".

o The applicant's consultants continue to assess this, despite the Parish Council having made clear in its response to the previous application that this was

(a) not part of the Neighbourhood Plan and

(b) confidential.

o The consultants have therefore carried out an assessment of a scheme which is not in the development plan, and nobody is promoting.

o RPC repeat, for avoidance of doubt, that document is not relevant to the application and we again confirm that it was obtained by the developer despite its "confidential" status.

RPC also note the comments raised by Suffolk County Council (SCC) following their review of the Flood Risk Assessment in April which recommends further infiltration tests in particular with respect to emptying times of the soakaways. The point identified below is the most critical.

- The half empty time of the soakaway design is 13,634 minutes (227.23 hours), significantly above the maximum 24 hours requirement. The design should ensure there is sufficient storage for both the 1:100 +40% and 1:10 +40% event combined as the half drain times are insufficient.

This observation by SCC implies the strong likelihood for the need of some “rainwater attenuation system” being installed as part of the drainage from this site.

Notwithstanding our continuing objection to this development proposal we would urge East Suffolk to ensure that this matter is impressed upon this developer and made clear that any application for development of this site needs to address this fundamental issue (which applies to many areas of Rendlesham due to eth the underlying ground structure) as part of the an application not simply as a “response to a consultee”

As it stands SCC have placed a recommendation for a condition and we support that as a fundamental requirement for any development of this site.

We trust the above makes our position clear :-

- RPC formally continue to formally “Object” to the Proposal
- RPC previous comments have not been addressed
- RPC are concerned by the Incremental approach being employed by the developer

### Statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	6 March 2020	13 March 2020

Summary of comments:  
 Requires conditions regarding land contamination.  
 Requires noise report which can be conditioned  
 Requires Air Quality Assessment to be provided prior to determination.

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	6 March 2020	No response

Summary of comments:  
 None received

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	6 March 2020	30 March 2020

Summary of comments:  
 Holding objection due to concerns with visibility.

Consultee	Date consulted	Date reply received
SCC Flooding Authority	6 March 2020	10 March 2020
Summary of comments: Holding objection - need confirmation from the Environment Agency that deep infiltration is acceptable.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	6 March 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	17 April 2020	29 May 2020
Summary of comments: Comments and conditions		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	6 March 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Environment Agency - Drainage	22 May 2020	No response
Summary of comments: Deep infiltration is acceptable as there is no other solution.		

Consultee	Date consulted	Date reply received
Ipswich & East Suffolk CCG & West Suffolk CCG	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
SCC Flooding Authority	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	22 May 2020	No response
Summary of comments: None received		

### **Non statutory consultees**

Consultee	Date consulted	Date reply received
East Suffolk Internal Drainage Board	12 March 2020	12 March 2020
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Housing Development Team (Internal)	31 March 2020	No response
Summary of comments: Satisfied that proposed mix will meet local need.		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	6 March 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	6 March 2020	30 March 2020
Summary of comments: Comments included in report		

Consultee	Date consulted	Date reply received
Police - General	6 March 2020	No response
Summary of comments: Comments from the Designing Out Crime Officer		

Consultee	Date consulted	Date reply received
Ecology (Internal)	6 March 2020	27 March 2020
Summary of comments: Comments included in report		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	7 April 2020	7 April 2020
Summary of comments: Comments regarding provision of automatic sprinklers.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Housing Development Team (Internal)	22 May 2020	29 May 2020
Summary of comments: Housing mix acceptable and comments regarding required tenure received.		

Consultee	Date consulted	Date reply received
Police - General	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Planning Policy (Internal)	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Suffolk Wildlife Trust	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
East Suffolk Internal Drainage Board	22 May 2020	No response
Summary of comments: None received		

Consultee	Date consulted	Date reply received
Economic Development (Internal)	12 June 2020	No response
Summary of comments: None received		

## Publicity

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

Category	Published	Expiry	Publication
Major Application	12 March 2020	2 April 2020	East Anglian Daily Times

## Site notices

General Site Notice	Reason for site notice: Major Application Date posted: 10 March 2020 Expiry date: 31 March 2020
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## 6. Planning policy

- 6.1 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.
- 6.2 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.
- 6.3 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 Allocation and Area 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 Rendlesham Neighbourhood Plan ('Made' 2015).

6.4 The relevant policies of the Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document (Adopted July 2013) and Suffolk Coastal District Local Plan – Site Allocation and Area Specific Policies Development Plan Document (Adopted January 2017) 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))

SP2 - Housing Numbers and Distribution (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP3 - New Homes (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SP9 - Retail Centres (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))

SP27 - Key and Local Services Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM2 - Affordable Housing on Residential Sites (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM19 - Parking Standards (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))

DM26 - Lighting (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))

DM32 - Sport and Play (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

SSP2 - Physical Limits Boundaries (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

SSP30 - District Centres (East Suffolk Council - Suffolk Coastal District Local Plan - Site Allocations and Area Specific Policies Development Plan Document (January 2017))

6.5 The relevant policies of the Rendlesham Neighbourhood Plan ('Made' 2015) are:

RNPP1 - Rendlesham District Centre (Rendlesham Neighbourhood Plan - 'Made' March 2015)

## **7. Planning considerations**

7.1 Section 38(6) of The Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications be made in accordance with the adopted Development Plan unless material considerations indicate otherwise.

7.2 In this case, the Development Plan consists of the following Plans and Documents:

- The National Planning Policy Framework 2019 (NPPF);
- Suffolk Coastal District Council Core Strategy and Development Management Policies (2013)
- Suffolk Coastal District Council Site Allocations and Area Specific Policies (2017)
- Rendlesham Neighbourhood Plan ('Made' 2015) (NP)

7.3 The new Local Plan (covering the former Suffolk Coastal area) was submitted to the Planning Inspectorate for examination on Friday 29th March 2019. PINS confirmed the submission and the examinations were held in August/September 2019. The Inspectors letter of 31st January 2020 states "Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound."

7.4 The consultation on the Main Modifications is currently active and runs from 1pm on Friday 1st May until 5pm on Friday 10th July 2020. A copy of the updated Local Plan including the Main Modifications and details of the consultation can be found on the Council's website at:

<https://suffolkcoastallocalplan.inconsult.uk/consult.ti/mainmodifications2020/>. In relation

to the current weight that can be attributed to the policies in the emerging Suffolk Coastal Local Plan, paragraph 48a) of the 2019 NPPF sets out that the more advanced the emerging plan is in the plan making process, the greater the weight that may be afforded to the policies within it. Only limited weight can be given to policies in this document at this time however these are referenced, where applicable.

#### Principle of Development

- 7.5 The site is located centrally within Rendlesham, a Key Service Centre as set out in the Local Plan and is within the defined District Centre as set out in the Neighbourhood Plan (NP). Both national and Local Policy seek to promote sustainable development involving locating development within existing settlements, based on a hierarchy, such that services and facilities are made easily available to local people and housing is well-related to employment and other facilities. It also seeks to achieve a high-quality environment whilst reducing the need to travel. Given the location of the site centrally within a defined Key Service Centre, the principle of development is acceptable.
- 7.6 Rendlesham's Neighbourhood Plan clearly sets out the desires of the Local Community and there is an emphasis on seeking improved infrastructure for the settlement and that this should be based within the defined District Centre. Objective 1a of the Rendlesham Neighbourhood Plan is to prevent the further erosion of community provision within the central area of the village by the designation of a District Centre and the permitted use of land within it. Whilst the NP identifies the community's objection to housing in the District Centre, it is recognised that opportunities may exist if the residential development maintained and enhanced the existing or established employment, leisure, education, retail or community uses and the future needs thereof. This commentary in the NP is carried through into the Policy.
- 7.7 Policy RNPP1 relates to development in the District Centre. It sets out that in the District Centre, the emphasis will be on maintaining or enhancing those uses and services the community has identified. Redevelopment or change of use of existing or established public buildings and/or key facilities will be supported provided that the redevelopment or change of use is for either leisure, education, retail or community use. Proposals for redevelopment or change of use involving employment development will be supported provided that they maintain or enhance the existing or established leisure, education, retail or community uses and future needs thereof. Proposals for redevelopment or change of use involving residential development will only be permitted where they maintain or enhance the existing or established employment, leisure education, retail or community uses and future needs thereof.
- 7.8 Although the emphasis on the District Centre is for land uses to provide infrastructure to support the residential community, the policy does also allow for residential development where it would *"maintain or enhance the existing or established employment, leisure education, retail or community uses and future needs thereof"*.
- 7.9 In this particular case, the majority of the site area would be used for the proposed residential dwellings however it also proposes three retail units – one as a convenience store and the other two as smaller A1 units. (A convenience store is also an A1 use and any planning approval would control the use class and not the end-user). These retail units would fall within one of the preferred use categories for the district centre and the principle of this element of the policy is therefore in compliance with RNPP1.

- 7.10 The policy does not state that residential uses will not be permitted, but that they will only be permitted where they “*maintain or enhance existing or established employment, leisure, education, retail or community uses and future needs thereof.*” In this case, the occupiers of the dwellings would be in a prime location to access the existing services and facilities within the rest of the District Centre and whilst they would be located on the site of the former sports centre, the sports centre was demolished some years ago and the site has remained vacant since. As such, there is therefore no ‘existing’ use on the site. Whilst the aspirations of the Parish Council and the community are recognised, it is considered that Policy RNPP1 would allow for such a development as that now proposed. Similarly, the part of the policy referring to the redevelopment or change of use of existing or established public buildings and/or key facilities cannot be applied in this situation as there is no existing building or facility on the site to be retained.
- 7.11 Paragraph 92 of the NPPF emphasises the need to provide the social, recreational and cultural facilities and services that communities need and sets out that policies and decision should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. It also seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs. In this case, while the former sports centre, or a similar use, may be a preferred land use, its long-term vacancy means that the current proposal is not losing a facility and the provision of three new retail units would help to support residents’ day to day needs. It would also modernise and help to improve the appearance of the area and to support the existing services and facilities in the District Centre.
- 7.12 A number of local residents have raised concerns with the proposed new convenience store not being needed now that the existing store has been improved. It is encouraging to read so many positive comments about the work that has been carried out in the existing store and that it is now providing an attractive and useful facility and service however competition is not a material planning consideration. If, as a number of the letters suggest, residents want to show their support to the existing convenience store operator, they would be entitled to do this. Similarly, it worth noting again that whilst the application states that the largest of the units would be used as a convenience store, any planning approval would only grant the A1 use class and not restrict the goods that were sold in the shop. Market conditions at any time could therefore impact on the occupier of the unit.

#### Sports Use

- 7.13 Policy DM32 of the existing Local Plan relates to Sport and Play. It sets out that proposals that involve the loss of existing sports facilities and playing space (youth and adult) whether public, private or a school facility will be judged against:
- (a) the overall needs of the community;
  - (b) adopted standards of provision;
  - (c) the availability of comparable facilities elsewhere;
  - (d) the contribution which a facility makes to the character of an area; and
  - (e) its value for informal recreation.

- 7.14 The application site occupies the site of a former gym/sports centre. Whilst the previous land use of the site was as a private gym, this use ceased in 2009 and the building itself was demolished in 2016. Given there has been no leisure use on the site for in excess of 10 years, the current application is not considered to be losing any such facilities. This issue was also considered during consideration of the site as an Asset of Community Value mid-2017. Although this is a different process to consideration of a planning application, in determining this application, it was considered that there was insufficient evidence to show that the assets have been used by the community in the recent past and therefore the site was not included on the register.
- 7.15 Whilst the ambitions of the Parish Council are recognised, the realistic options for development of the site mean that a community sports facility is unlikely to be achievable. The application has been submitted with a viability and marketing report. This sets out the marketing of the site, highlighting its previous use as a gym, that was carried out in between December 2017 and March 2019 and indications of any interest or enquiries received during this time. A summary of these enquiries indicates that following initial interest, the majority of enquirers concluded that the site was not viable for their proposals or made no further contact.
- 7.16 The report goes on to state that development of the site providing a supermarket and other smaller retail units sought by the Parish Council would not be viable. The Parish Council has stated that this option is not included within a Policy nor is it the desired outcome for the community and therefore the viability statement does not provide any useful information. It also states that the scheme currently proposed is considered to be a more realistic proposal for the site however it does not divulge any figures in this respect.
- 7.17 The marketing and viability report submitted with the application do not provide strong evidence in support of the proposal as they are lacking in information to put any great weight on their conclusions. Having said this, the application can be judged on its merits.

#### Housing

- 7.18 The location of the housing within the centre of Rendlesham, a Key Service Centre as set out in Policy SP19 of the existing Local Plan and a 'Large Village' as set out in Policy SCLP3.2 of the emerging Local Plan is in accordance with the principles of sustainable development set out in the NPPF and echoed in Policies SP1 and SP1a of the existing Local Plan and detailed in the emerging Plan. This seeks to locate residential development within settlements where a physical limits boundary has been defined such that occupiers of the dwellings are able to access services and facilities within that settlement without relying on the use of the private vehicle. The principle of the location of the housing on this site is therefore acceptable.
- 7.19 Whilst the local planning authority is in a strong position in regard to the provision of a five year housing land supply, the number of dwellings required is a minimum and windfall, such as this, contributes to overall provision. The proposal would therefore help to contribute towards the Council's housing supply moving forward. The Council also seeks the provision of affordable homes which would normally be provided by means of a set proportion of open market homes or through an 'exception' policy. In this case, the application proposes all of the dwellings to be provided in an affordable form which weighs in favour of the development. The Agent has indicated that a Registered Provider

is interested in the scheme however the Legal Agreement in relation to this has not been drawn up.

#### Housing mix

- 7.20 Table 5.3 of the Suffolk Coastal Local Plan sets out that the target provision for affordable homes across the district is 43% 1 bedroom, 31% 2 bedroom, 16% 3 bedroom and 11% 4 bedroom. The current proposal gives a mix of 36% 1 and 2 bedroom, 18% 3 bedroom and 9% 4 bedroom. This is broadly in line with the Local Plan requirement and the Council's Housing Team has indicated that this mix would meet a local need.
- 7.21 Table 5.1 in the emerging Local Plan sets out the percentage of district-wide need to be 12% 1 bedroom properties, 29% 2 bedroom, 25% 3 bedroom and 33% 4 bedroom. Although this differs to the application proposal, the new policy (SCLP5.8) also requires a mix of housing tenures, types and sizes appropriate to the site size, characteristics and location, reflecting where feasible the identified need, particularly focusing on smaller dwellings (1 and 2 bedrooms). As the proposal is for affordable housing and the mix has been agreed with the Council's Housing Team, it is therefore considered that it reflects the local need and also complies with the requirement to focus on smaller dwellings. This policy also requires development to contribute towards meeting the significant needs for housing for older people. In this case, the provision of the two ground floor, accessible flats and the high proportion of one and two bedroom units will meet this requirement.
- 7.22 The application is also considered to be in accordance with Policy SCLP5.10 which relates to Affordable Housing on Residential Developments. This policy sets out that proposals for affordable housing should be made to meet an identified local need, including needs for affordable housing for older people. Proposals which provide a higher amount of affordable housing than 1 in 3 as required by this policy, will also be permitted. Objective 3 of the NP seeks housing for sustainable growth to meet the needs of future generations and to enable the provision of affordable housing. The proposal therefore helps to achieve this objective.

#### Retail

- 7.23 SP9 of the Local Plan emphasises maintaining and enhancing the viability and vitality of existing retail centres and making proper provision for new forms of retail distribution. SP19, in relation to retail provision within Key Service Centres sets out that these settlements can provide a small range of comparison and convenience shopping with emphasis being on the retention of existing provision. SP27 Key Service Centres seeks to secure the provision of services and facilities required to meet the day to day needs of the local population and Objective 1b of the Neighbourhood Plan is to encourage more retail outlets in the District Centre to promote economic growth and local employment.
- 7.24 Policy RNPP1 of the NP is clear in that it would support retail uses within the District Centre. There is therefore no doubt that the principle of this use would be acceptable on this site. The proposed A1 units would provide services and/or facilities to the local population in a location that is easily accessible by them. This application is to provide one large retail unit and two smaller ones, the application form states that the use of the units would be A1.
- 7.25 The use class order states that the following can be included in an A1 use: "Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices, pet shops,

sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes". Although the exact occupier of the units cannot be controlled, it is considered that the use class permits a variety of uses which would make a positive contribution to the service offer within the District Centre.

#### Design

- 7.26 Details have been provided on the design of the dwellings for the commercial and retail units on the site.
- 7.27 The proposed dwellings would be constructed in two blocks of terrace properties fronting Sycamore Drive. The southern block would comprise six, two-storey properties which would be slightly staggered towards the north, adjusting to the curvature of the road. The northern block would comprise five properties in the form of one house and four flats. These would also be two-storey in scale and staggered, 'breaking-up' the appearance of the block.
- 7.28 The proposed dwellings would be constructed with a mix of materials including red facing brickwork and cream coloured render. The roofs would have a red concrete interlocking pantile. This mix of materials is not dis-similar to those used on surrounding dwellings and they would be of a traditional form, again not dis-similar to surrounding dwellings. Therefore, their appearance is considered to be in keeping with the character of other residential dwellings in the area. The ridge heights of the dwellings are relatively high, being either 9.2 or 9.8 metres. The existing primary school opposite the site is of two-storey scale however with a flat roof and the residential dwellings fronting the site around Sycamore Drive and two-and-a-half-storeys in scale. Further to the north-east, also on the southern side of Sycamore Drive, flats in Aspen Court are within a three-storey building. It is therefore considered that the proposed dwellings are of a similar and appropriate scale in relation to their surroundings.
- 7.29 The proposed retail units to the south of the site would be single-storey in scale and of a different appearance and character to the proposed residential dwellings however this is considered acceptable given their different function and purpose. These units would be finished in vertical cedar cladding on a small brick plinth with aluminium windows and canopy. They would have flat, felted roofs. The largest of the units would be a maximum height of 4.5 metres with the smaller units being 3.8 metres in height. The appearance of these buildings would be more modern with their frontages facing south east onto a pedestrian route linking them to other existing facilities in the District Centre. The use of a modern design and overall development of the site would improve its appearance and improve the experience of users of the facilities.
- 7.30 Therefore, on this basis it is considered that the design of the site both for the retail and the dwellings are acceptable and therefore the application is in conformity with Policies SP15 and DM21 of the Core Strategy.

#### Impact on neighbours

- 7.31 The southern block of dwellings would all have some private amenity space to their rear. The garden spaces wouldn't be large however they are considered sufficient for a village centre location and the Council doesn't have a policy on the size of amenity space provision. The proposed dwelling on the northern block would have its main garden area to the side. This would result in increased fencing visible in the streetscene however it is

not considered to be significantly detrimental to the character or appearance of the streetscene and again is considered sufficient for a small dwelling in this location.

- 7.32 The proposed flats would have a small garden area at their rear. It is assumed that this would be a shared space for the occupiers of each flat. Flats would not normally have private outside spaces and therefore this space, either shared, or for the occupiers of the ground floor unit is sufficient.
- 7.33 The nearest existing dwellings to the application site are those to the south of the site fronting Sycamore Drive and within Bay Tree Court. 49 Sycamore Drive has a blank gable wall facing the application site with its garden area to the east. The nearest part of the application site to this dwelling is the proposed shop units and given their single-storey scale are unlikely to impact on privacy or light to, or outlook from, this property. The proposed access would be located to the rear of nos. 1 and 2 Bay Tree Court and although the proposal may increase noise and disturbance to occupiers of these dwellings, given their existing location adjacent to Walnut Tree Avenue and their proximity to the existing community facilities, it is not considered that the impact, with restrictions on hours, would be so significant to warrant a reason for refusal on this basis.
- 7.34 The location of the properties within the District Centre means that they are located close to other, non-residential uses. The school opposite would generate a certain level of noise from children and from vehicle movements at drop-off and pick-up times but these are unlikely to be significant and during day-time hours.
- 7.35 The location of the proposed residential units close to the proposed and existing retail and other commercial units could also cause a noise and disturbance to future occupiers, and to existing residents in nearby properties. Equally, unreasonable restrictions should not be placed on existing businesses as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 7.36 In order to determine whether noise from these sources is likely to be detrimental to the nearby residential properties, a noise survey should be undertaken and a report submitted. The survey shall identify any appropriate noise mitigation measures and all residential units shall thereafter be designed so as not to exceed the noise criteria based on the British Standard. A noise assessment is also required to include all proposed plant and machinery and a rating level of at least 5dB below the typical background should be achieved. These reports can be controlled by condition.
- 7.37 Given the location of the site in close proximity to existing residential and commercial uses, as well as the school, it would be prudent to require a Construction Management Plan, to identify how the potential for nuisance from demolition/construction site dust, noise and light will be controlled to minimise disturbance as much as possible during construction.
- 7.38 In order to help reduce the impact on local air quality and to comply with Paragraph 35 of the NPPF which seeks to protect and exploit opportunities for the use of sustainable transport modes, all dwellings with dedicated off-street parking should be provided with



an operational electric vehicle charge point. Two are proposed within the shared parking area.

- 7.39 The application sets out the number of deliveries and size of delivery vehicle anticipated in relation to the convenience store. This would result in approximately 4-5 deliveries daily with the earliest delivery time of 6.00am and latest 8.00pm. The largest vehicles would make approximately 9 visits to the site each week. Subject to the delivery times as set out in the application, it is not considered that the times of delivery or the number of deliveries would result in an unacceptable impact on neighbours' amenity.
- 7.40 The proposal is therefore considered to be in conformity with Policy DM23 of the Core Strategy.

#### Flooding

- 7.41 The drainage strategy for the site includes deep infiltration. Suffolk County Council as Lead Local Flood Authority originally objected to the proposal as this had not been agreed by the Environment Agency. Following confirmation from the Environment Agency that deep infiltration is the only solution on this site, the County Council has withdrawn their objection and recommends a number of conditions to be added to any permission granted.

#### Contamination

- 7.42 The East Suffolk Environmental Health Officers have been consulted on the application and they have recommended conditions are to be applied to the proposal as sufficient work has not yet been carried out.

#### Ecology and Trees

- 7.43 The application site is of predominantly low ecological value being mostly comprised of areas of tall ruderal, grassland and hardstanding, however the small areas of scrub and the scattered trees do provide some value. Whilst these areas will be lost as part of the development proposal it should be possible to deliver compensation through well designed soft landscaping. The only exception to this is the proposed loss of a mature oak tree (T4) from the south-eastern part of the site, this is regrettable as the tree is part of the biodiversity value of the local area.
- 7.44 An Arboricultural Report has been submitted with the application. This report assesses the impact on 14 individual trees within and adjacent to the application site. The report classifies one of these, T1, as a Category 'A' tree. This tree is located outside of the application site but does affect its setting. This tree would not be removed and construction work on the access drive should be carried out carefully such that it would not affect the tree. The only other tree proposed for retention is T2, again outside of the application site.
- 7.45 It is recognised that the loss of the trees around the Sycamore Drive frontage of the site is unfortunate, particularly T4, a mature oak (Categorised as both a category 'B' and 'C' tree within the report). The trees proposed for removal are a mix of Category B and Category C trees. In order to compensate for this loss, a landscaping scheme which should include tree planting will be required to be submitted and agreed, by condition.

- 7.46 As recognised in the Preliminary Ecological Appraisal, the site provides some habitat for foraging and commuting bats and therefore an ecologically sensitive lighting strategy is required. There is also the opportunity to incorporate a number of ecological enhancements into the proposed development which can be controlled by condition.

#### Parking and Highways

- 7.47 The application proposes two access - one to the south of Walnut Tree Avenue which would serve the retail development and the other off Sycamore Drive to the north to serve the proposed residential dwellings. The Highways Authority originally raised concerns regarding the visibility splays shown on the plans. These have been amended now taking account of these concerns and the Highways Authority no longer object but recommend a number of conditions.
- 7.48 Each parking area would provide 22 spaces which is in line with Suffolk County Council parking standards for each area of use. Although the shared parking court arrangement for the residential dwellings is not a preferred option, in this case it is considered acceptable to avoid multiple accesses onto a bend on Sycamore Drive. The residential properties all have secure sheds that could be used for bicycle storage and the commercial spaces include three spaces for disabled users although the Highways Authority has requested precise details of these. The commercial area to the south also proposes a turning space within the rear yard for delivery vehicles.
- 7.49 The Highways Authority has recognised that parking on the inside bend of Sycamore Drive would be within the visibility splay of the access. As such, the implementation of a Traffic Regulation Order is required to extend the on-street waiting prohibition in this area. The developer shall be obligated to deposit a sum of £15,000.00 prior to commencement to cover SCC's costs and fees associated with progressing and implementing Traffic Regulation Orders that would seek to address such a problem.
- 7.50 There is an existing pedestrian right of way through the site which connects the village centre with the western side of Sycamore Drive. Development of the site would retain and improve this right of way, making it a more pleasant environment for pedestrians and importantly ensuring connection between the new retail facilities and existing facilities in the District Centre. New anti-ram bollards would be installed to provide protection to the new, and existing, units.
- 7.51 Delivery vehicles entering the service yard at the rear of the retail units would need to cross the pedestrian right of way. It is proposed that this area would be ramped to maintain the pedestrian right of way through the site and also to provide traffic calming. Although this is not an ideal relationship, the number of vehicles using this route would not be significant (4-5 per day for the convenience store plus any for the smaller units) and the traffic calming measures proposed would reduce vehicle speeds and highlight the pedestrian rights of way. Two of the daily deliveries would be before 10am and therefore would likely avoid peak pedestrian use.

#### Designing out Crime

- 7.52 The NPPF states that planning should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. It suggests using clear and legible pedestrian routes, and high quality public space, which encourage the active and continual

use of public areas.

- 7.53 Suffolk Police's Designing Out Crime Officer has considered the proposal and comments that it is good that the rear of all the properties will have 1.8m close boarded fencing and that the service yard will be gated. They advise that it will be fully securable too. They also support the flush walls on the convenience store which negates hiding areas for an offender. However, there are other points that are a concern. This includes:
- Parking being at the rear of dwellings and not immediately adjacent to residents' properties.
  - The footpath between plots 5 and 6.
  - The bin area for the flats would preferably be secured.
  - The area around the rear of the proposed convenience store and rear of plot 11 could become a congregating area for antisocial behaviour.
  - The ATM needs to be well protected to reduce the risk of ram raiding.
  - It is proposed that the convenience store will sell alcohol and cigarettes, this will undoubtedly increase crime and the risk of crime.
  - The application will heighten the possibility of antisocial behaviour in the area.
- 7.54 Whilst the disadvantages of a rear parking court are recognised, it is unavoidable for this scheme. The situation is helped by the fact that the rear of most of the properties would face towards this area, albeit not immediately adjacent to it. It would also be beneficial if the footpath between plots 5 and 6 were widened. There is space on the site to do this and the applicant will be made aware of the benefits of this, as well as securing the bin storage area. A lighting strategy would also be required and this can help to improve safety within the area. Anti-ram bollards are proposed at the commercial development which would help secure these areas and further bollards are also advised should the ATM be installed. The area at the rear of the convenience store is also an area of concern as it could lead to groups congregating. Further surveillance from the side of Plot 11 and lighting of the area would help reduce any anti-social behaviour. The Designing Out Crime Officer's comments also provide further advice in relation to security within and around the convenience store and the applicant's attention will be drawn to this information.

#### RAMS

- 7.55 Habitat Regulations Assessment's (HRA's) have been completed for Local Plan documents including the Core Strategy and Site Allocations and Area Specific Policies documents. Appropriate Assessment has also been carried out for both of these documents. The conclusion of these is that a number of planning policies, including those relating to housing allocation, would have a likely significant effect on European sites and in the absence of suitable mitigation measures would adversely affect the integrity of these sites. The Local Plan incorporates strategic mitigation measures to be delivered to avoid adverse effects including: 1km separation of strategic allocations from European sites; improvements to convenient local greenspace for routine use, in order to reduce demand for visits to European sites, provision of a new Country Park to provide an alternative attraction, the provision of wardening and visitor management measures, guided by a visitor management plan, to manage and monitor recreational access within European sites.
- 7.56 The development falls within the 13km zone of influence over the following European Protected sites Sandlings Special Protection Area (SPA), the Alde-Ore Estuary Special

Protection Area (SPA) and Ramsar site, and the Deben Estuary Special Protection Area (SPA) and Ramsar site.

- 7.57 The strategic mitigation measures outlined in the Core Strategy HRA, raises concern that new housing developments in this area have the potential to have a significant effect upon the interest features of the previously mentioned designated sites, when considered in combination, through increased recreational pressure. By way of mitigation Natural England advise that a suitable contribution to the emerging Suffolk RAMS is required in relation to this development to enable the conclusion of no likely significant effect whilst ensuring the RAMS remains viable.
- 7.58 The application seeks consent for 11 dwellings, within the Zone A for RAMS. As appropriate mitigation cannot be provided on site, a financial contribution of £321.22 per dwelling (totalling £3533.42) is required. The applicant has completed the relevant S111 form and made the payment to the Suffolk Coast RAMS. It can therefore be concluded that there would be no likely significant effect on the integrity of the protected sites as a result of disturbance through increased visitor pressure.

## **8. Conclusion**

- 8.1 The site lies within the centre of Rendlesham, a Key Service Centre. This location is considered to be a sustainable location for new development as it would be easily accessible on foot or bicycle by many local residents. Whilst the desires of the Parish Council and the community are recognised, it is not considered that the proposal is contrary to policy and therefore the mix of uses proposed for the site including retail and residential are considered an acceptable solution. There would be community benefits from the development of the site and whilst no leisure provision is proposed, the retail units and affordable housing would be beneficial to the settlement.
- 8.2 Subject to conditions, it is not considered that the proposal would result in any other significant harm that outweighs the positive benefits that the proposed development would secure.

## **9. Recommendation**

- 9.1 The application is recommended for approval subject to no objections being received in relation to the Air Quality Assessment being carried out, controlling conditions as detailed below and the completion of a S106 Agreement to secure the affordable housing and secure £15,000 for works to the Highway.

### **Conditions:**

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).
2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing Nos. 7641 24B and 7641 25, Planning Statement, Design and Access Statement

and Preliminary Ecological Appraisal received 3 March 2020, Ground Investigation Reports received 17 March 2020, Flood Risk Assessment received 16 April 2020 and Drawing Nos. 7641 200, 21B, 23D and SLSP/15/0002 Rev 2 received 22 May 2020 for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority. Reason: For the avoidance of doubt as to what has been considered and approved.

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

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

4. The construction of Plots 1 to 5 shall not be commenced until the new Sycamore Drive vehicular access, located to the east of Plots 1 to 5, has been laid out and completed in all respects in accordance with the Site Access Strategy Drawing No.SLS P/15/0002 Rev 2; with clear visibility at a height of 0.6 metres above the carriageway level cleared and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 41.4 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y1 dimension), and with clear visibility at a height of 0.6 metres above the footway/cycle track level cleared and thereafter permanently maintained in that area between the back of the footway/cycle track and a line 2.4 metres from the back of the footway/cycle track at the centre line of the access point (X2 dimension) and a distance of 15.8 metres in each direction along the back edging of the footway/cycle track from the centre of the access (Y2 dimension). Thereafter the access shall be retained in the specified form.

Reason: To ensure that the access is designed and constructed to an appropriate specification. Site Specific Reason: Due to the locational relationship between the building line, the access centreline, the curved kerb and edging lines and the HV cable easement areas, this condition is required to ensure that the building frontage of Plots 1 to 5 does not conflict with the required minimum visibility splays that are to be formed with Y dimensions measured along the relatively tight radius carriageway and back of cycle track edge lines.

5. Within 3 months of the commencement of development, details of the areas to be provided for residents and employees', secure covered cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of long term cycle storage in accordance with Suffolk Guidance for Parking (2019).

6. Within 3 months of the commencement of development, details of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision of electric vehicle charging points in accordance with Suffolk Guidance for Parking (2019).

7. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.
8. The use shall not commence until the area(s) within the site on 14th May 2020 revision of Drawing Number 7641-20-REV-O for the purposes of Loading, Unloading, manoeuvring and parking of vehicles, and retail element visitor cycle parking, has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, and retail visitor cycle parking, in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.
9. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 7641-20-REV-O shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.
10. Before the development is commenced, a Service Management Plan (SMP) regarding the retail units shall be submitted to and approved in writing by the Local Planning Authority. The Service Management Plan (SMP) shall describe the means of servicing and times of deliveries and means provision for servicing/delivery vehicles. The SMP should identify exactly how and what types of vehicles are anticipated for the retail uses and their delivery times should also be detailed to demonstrate that the proposed system would work. Any measures described in the SMP shall be implemented within the time period identified and adhered to thereafter.

Reason: In the interests of highway safety, the SMP is required to ensure that the impact from retail unit service and delivery traffic operations on existing users of Walnut Tree Avenue is minimised.
11. Prior to commencement of development a Traffic Regulation Order shall be progressed that seeks to extend the existing on street waiting prohibition to prevent parking on the inside bend of Sycamore Drive obstructing the western visibility splay of the new access east of Plots 1-5.

Reason: In line with MfS guidance, any on-street parking should ideally be located outside of visibility splays.
12. No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure that the proposed development can be adequately drained.
13. No development shall commence until details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority. The strategy shall be

implemented and thereafter managed and maintained in accordance with the approved details.

Reason: To ensure clear arrangements are in place for ongoing operation and maintenance of the disposal of surface water drainage.

14. Within 28 days of completion of the last dwelling/building become erected details of all Sustainable Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

Reason: To ensure that the Sustainable Drainage System has been implemented as permitted and that all flood risk assets and their owners are recorded onto the LLFA's statutory flood risk asset register as per s21 of the Flood and Water Management Act 2010 in order to enable the proper management of flood risk with the county of Suffolk.

15. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) by a qualified principle site contractor, detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:

a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-

i. Temporary drainage systems

ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses

iii. Measures for managing any on or offsite flood risk associated with construction

Reason: To ensure the development does not cause increased flood risk, or pollution of watercourses or groundwater. This condition is a pre commencement planning condition and requires details to be agreed prior to the commencement of development to ensure flooding risk as a result of both construction and use of the site is minimised and does not result in environmental harm or even risk to life.

16. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Preliminary Ecological Appraisal (PEA) (Practical Ecology, January 2020).

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

17. Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for biodiversity likely to be impacted by lighting and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that impacts on ecological receptors from external lighting are prevented.

18. Prior to commencement an Ecological Enhancement Strategy, addressing how ecological enhancements will be achieved on site, will be submitted to and approved in writing by the local planning authority. Ecological enhancements measures will be delivered in accordance with the approved Strategy.

Reason: To ensure that the development delivers ecological enhancements.

19. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and



- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. Prior to any occupation or use of the approved development the RMS approved under condition 20 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

22. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
- evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
- evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority.

Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

24. Prior to commencement of development, a noise survey shall be undertaken and a report submitted. The survey shall be undertaken by a competent person and shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on BS8233-Guidance on sound insulation and noise reduction for buildings, given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in daytime: 50 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax)

The report shall also consider noise from existing and proposed fixed plant or machinery (e.g. heat pumps, compressors, extractor systems, fans, pumps, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment should therefore be submitted to include all proposed plant and machinery and be based on BS4142:2014. A rating level (LAeq) of at least 5dB below the typical background (LA90) should be achieved. Where the rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified. This shall be based on

BS4142:2014 Methods for rating and assessing industrial and commercial sound.

All detail and appropriate consequential noise mitigation measures shall have been agreed, in writing, by the Local Planning Authority and shall be implemented prior to occupation of any building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that noise from the commercial development is not detrimental to the residential amenity of neighbouring residents.

25. No piling operations shall be undertaken unless the details and method of piling is previously agreed in writing with the Local Planning Authority.

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

26. Prior to the commencement of development, a Construction Management Plan, to identify how the potential for nuisance from demolition/construction site dust, noise and light will be controlled, shall be submitted to and approved in writing by the local planning authority. This should include site working times and should be agreed and approved by the LPA prior to any work on site taking place. All construction works shall be carried out in accordance with the approved Construction Management Plan.

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

27. There shall be no burning of any material on site.

Reason: In the interest of residential amenity.

28. Prior to occupation of any of the properties (residential or commercial) hereby permitted, a management plan for maintenance of the communal areas to include, but not limited to, the access road, parking and turning areas and the landscaped areas shall have been submitted to and approved in writing by the local planning authority. The maintenance plan should include long term design objectives, management responsibilities and a scheme of maintenance for both the hard and soft landscaped areas for a period of at least 20 years. The schedule should include details of the arrangements for its implementation. The development shall be carried out in accordance with the approved management plan.  
Reason: To ensure the access drive and landscaping areas are properly maintained in the interest of visual amenity.
29. Within 3 months of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the local planning authority.  
Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.
30. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.  
Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.
31. Within 6 months of the commencement of development, precise details of all of the means of enclosure (i.e. hedgerows, fences, gates, walls etc.) shall have been submitted to and approved by the Local Planning Authority. Prior to occupation of any of the dwellings or commercial units hereby approved, all boundary treatments shall have been planted or erected. The approved means of enclosure shall thereafter be retained in their approved form.  
Reason: In the interests of visual and residential amenity.
32. Prior to occupation of the 5th dwelling hereby permitted, all three of the commercial units shall have been completed and be made ready for occupation.  
Reason: To ensure that the commercial units are delivered in a timely manner ensuring the supply of community infrastructure within the District Centre.
33. Prior to the use commencing, details of an external lighting scheme shall be submitted to and approved by the Local Planning Authority. This scheme shall thereafter be implemented and retained in its approved form.  
**Reason:** In the interests of amenity, and protection of the local rural environment, including the ecological environment.
34. Prior to the commencement of development, the developer shall deposit a sum of £15,000.00 to cover Suffolk County Council's costs and fees associated with progressing and implementing Traffic Regulation Orders (TRO). Five years after the development's formal

completion date, any balance of the £15,000.00 remaining shall be returned to the developer.

Reason: The development is such that a TRO is required to ensure that parked vehicles would not interrupt visibility splays in order to make the application acceptable.

#### **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. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to [CIL@eastsuffolk.gov.uk](mailto:CIL@eastsuffolk.gov.uk)

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

[https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5)

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. 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](http://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering) or email [llpg@eastsuffolk.gov.uk](mailto:llpg@eastsuffolk.gov.uk)
4. In relation to Condition 5, details of cycle storage sheds are not yet provided. Sheds are usually located in private secure gardens. Residential Long term Cycle Storage in Communal Areas needs appropriate security measures Sheffield stands are suitable for short term customer/visitor parking but not for longer term employee cycle parking.

5. In relation to Condition 10, the Transport Statement has suggested timings of delivery windows and maximum service vehicle types and sizes (Rigid 10.5m or 12m length).
6. In relation to Condition 11, visibility splay parking on the inside of a bend is more problematic than parking on the outside of a bend. The parking obstruction issue is therefore considered to be primarily to the west of the new access location. SCC as LHA's associated costs and fees to be covered by a S106 obligation.
7. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.  
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.  
The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.  
The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.
8. The infiltration rate used for design purposes is (21.39mm/hr), a figure obtained through a soakage test undertaken at Trial Pit Number SA05. The soakage test was undertaken at a depth of 5.0mBGL, whereas the invert level of the soakaway is proposed at 4.1mBGL, presenting concerns as to whether the proposed infiltration rate is a realistic representation of the actual infiltration rate at the depth of the soakaway. It is noted that the proposed 4.1mBGL invert level is situated on the border of the clay and sand layers identified within the borehole associated with SA05.

It is recommended that further infiltration testing, in accordance with BRE 365, is undertaken at the location of the proposed soakaway. The depth of the soakage test should be in accordance with the invert level of the proposed soakaway to provide an accurate representation of the infiltration capacity at the proposed soakaway location. The additional soakaway tests would also demonstrate whether the clay layer close to the proposed invert level would have an adverse impact on the achievable infiltration rate.

The half empty time of the soakaway design is 13,634 minutes (227.23 hours), significantly above the maximum 24 hours requirement. The design should ensure there is sufficient storage for both the 1:100 +40% and 1:10 +40% event combined as the half drain times are insufficient.

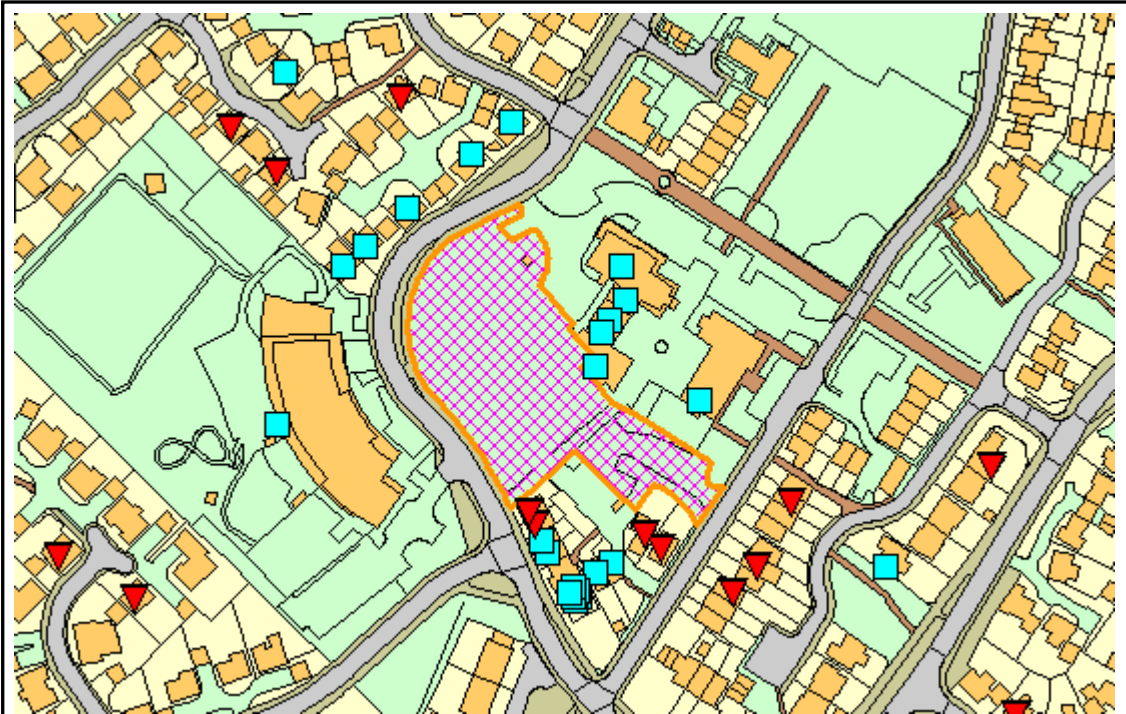
It would be useful to understand where the pollution mitigation indecencies associated with the proposed Polypipe Permeceptor Diffuser derive from as this information does not appear to be present within table 26.4 of the CIRIA SuDs Manual as suggested within the Drainage Strategy.

10. 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.
11. The applicant's attention is drawn to the comments from the Designing Out Crime Officer and it is encouraged that as many of these suggestions are incorporated into the scheme to help achieve a safe environment.

### **Background information**

See application reference DC/20/1035/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q6MKBHQXI6600>

## Map



DO NOT SCALE SLA100019684

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## Key



Notified, no comments received



Objection



Representation



Support