



*St Edmundsbury*  
BOROUGH COUNCIL

**DEV/SE/17/03**

# **Development Control Committee 5 January 2017**

## **Planning Application DC/16/1451/FUL Ground floor office, Low Green Barn, Low Green, Nowton**

**Date:** 30 August 2016      **Expiry Date:** 25 October 2016  
**Registered:**

**Case Officer:** Aaron Sands      **Recommendation:** Grant

**Parish:** Nowton      **Ward:** Horringer & Whelnetham

**Proposal:** Planning Application - Change of use of office (Class B1a) to nursery (Class D1)

**Site:** Ground floor office, Low Green Barn, Low Green, Nowton

**Applicant:** Little Larks Day Nursery Limited - Mrs Donna Cooper

### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

### **Background:**

**This application is referred to the Committee because the applicant is the partner of Councillor Peter Thompson, who has a pecuniary interest in the site.**

### CONTACT CASE OFFICER:

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**Proposal:**

1. Planning permission is sought for the material change of use of the ground floor of an office building, formerly used as an office for an electronic solutions company, to a registered nursery. The total floor area to be changed is approximately 250 square metres measure internally.

**Application Supporting Material:**

2. Information submitted with the application as follows:
  - Application Form
  - Planning Statement
  - Property Sale Details
  - Land Contamination Questionnaire and soil sample details
  - Biodiversity Checklist
  - Existing and Proposed Floor Plans

**Site Details:**

3. The site comprises a two storey building, currently divided into a number of units that forms part of a collection of business at Low Green in Nowton. The site is served by existing parking areas that also serve other units within this small business park. The rear of the application site faces onto largely open fields and a public right of way runs along the front of the application site and up an access track to the east.

**Planning History:**

4. E/88/3870/P - Change of use of redundant farm building to industrial unit for design and development of opto-electronic, electronic and electro-mechanical systems. Granted. 20/12/1988.
5. E/89/1085/P - Erection of extension (following demolition of existing open fronted cattle shed) and alterations to existing farm building associated with conversion and use for industrial purposes. Granted. 14/03/1989.
6. E/89/1551/P - Provision of septic tank. Granted. 26/05/1989.
7. DC/16/1117/P3KPA - Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 - Change of use from offices (B1) to private day nursery (D1). Refused. 13/07/2016 (*Officer note: this notification was refused as conditions imposed on historic planning applications prevented a change of use of this building utilising permitted development rights and planning permission was therefore necessary*).
8. Neighbouring Site – The Barn, Low Green Barn, Low Green, Nowton – DC/16/1810/VAR - Variation of condition 10 of E/89/1085/P to allow

working hours of 08.00am to 18.30pm on Mondays, 06:00am to 18:30pm Tuesdays to Fridays inclusive and 06.00am to 16:00pm on Saturdays; no work to take place anytime on Bank holidays or Sundays. Pending Decision.

9. Nearby Site – Land South of Rougham Hill, Rougham Hill, Bury St Edmunds – DC/15/2483/OUT - Outline Planning Application (Means of Access) to be considered) on to Rougham Hill and Sicklesmere Road) to include up to 1250 dwellings (Use Class C3); local centre comprising retail floor space (A1, A2, A3, A4 and A5), a community hall (D2), land for a primary school (D1), and car parking: a relief road, vehicular access and associated works including bridge over the river Lark: sustainable transport links: open space (including children’s play areas): sustainable drainage (SuDS): sports playing fields: allotments and associated ancillary works. Pending Decision.

### **Consultations:**

- 10.Environment Team: Risks of contamination are acceptably low. No additional information or assessment is required with regards to land contamination
- 11.Public Health and Housing: No objection in principle, but the proposal may lead to a lack of amenity for neighbouring residences and office space
- 12.Highway Authority: Additional information is required. Verbal discussion with the highway authority has outlined that this additional information relates to the drop-off area and cycles storage. The number of parking spaces provided is satisfactory
- 13.Ecology, Tree and Landscape Officer: Verbal discussion – no objection, though consideration should be given to landscaping of the boundaries
- 14.Public Rights of Way: No objection

### **Representations:**

- 15.Parish Council: Objection on the grounds of parking, highway safety, impacts to amenity and in relation to the septic tank
16. 4 no. objections received from 3 Low Green incorporating the following, summarised, points:

- Conditions on historic applications would be breached by the proposal and were imposed to protect residential amenity
- Noise generation would adversely impact amenity
- Inaccuracies in the application
- Poor existing boundary treatment, particularly between the boundary and 3 Low Green
- Footpath running through the site would be blocked up
- Parking and vehicle movements are inappropriate and would be

- harmful to amenity and highway safety
- Site is served by a septic tank that is not appropriate
- Existing day nurseries operate in the area, there is no additional demand
- Protected species in the site would be harmed by the development
- Requests that a brick wall is erected along the boundary

1 no. representation received from Parkside Enterprises (who appear to own land within the site) incorporating the following points:

- Additional parking could be accommodated to the north on the existing green space or through the use of grass sheeting
- Details of historic uses in the site
- Hedging was planted to encourage wildlife and due to the existing situation it is not possible to grow immediately adjacent to the building
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### **Officer comments regarding points raised in the representations**

16. Matters of the method of mains drainage are not material planning considerations and would fall within building control or would be the responsibility of the applicant in their ownership of the building. Similarly, the fact that there are existing nurseries in the wider area is not a material planning consideration, nor is competition between those nurseries.

17. Conditions imposed on historic applications are not limiting factors in considering this application. As part of any planning application, these matters would be revisited and reassessed. As such, while there are conditions limiting the use of the site currently, any planning permission granted later could effectively supersede the previous conditions if they were no longer considered necessary. Further discussion regarding these conditions is included in the officer comments section below.

**Policy:** The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

18. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM5 (Development in the Countryside)
- Policy DM11 (Protected Species)
- Policy DM12 (Mitigation, Enhancement, Management and Monitoring of Biodiversity)
- Policy DM13 (Landscape Features)
- Policy DM15 (Listed Buildings)
- Policy DM30 (Appropriate Employment Uses and Protection of Employment Land and Existing Businesses)
- Policy DM46 (Parking Standards)

19. St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)
- Policy CS7 (Sustainable Transport)

**Other Planning Policy:**

20. National Planning Policy Framework (2012)

**Other Relevant Considerations:**

21. The Town and Country Planning (General Permitted Development) Order 2015

22. Planning (Listed Buildings and Conservation Areas) Act 1990

**Officer Comment:**

23. The issues to be considered in the determination of the application are:

- Sustainability
- Principle of Development
- Permitted Development Rights and Historic Conditions
- Economic Considerations
- Parking Standards and Highways Impacts
- Ecology & Landscape
- Impact on the Listed Building
- Impacts on Amenity (including noise)

**Sustainability**

24. Policy DM1 provides a support for development that is considered sustainable where it does not conflict with a development plan and material considerations do not otherwise indicate that an application should be refused. This policy is echoed in the NPPF, as part of the 'golden thread' of sustainability that runs throughout that document. Policy CS2 of the Core Strategy further reinforces the ideals of sustainable design, with particular note to environmentally sustainable economic growth. In addition, as per *East Staffordshire Borough Council v Secretary of State for Communities and Local Government* and *Barwood Strategy Lane II LLP* the definition of sustainable development should be taken as development in line with a fully adopted, up-to-date local plan.

25. The site forms part of an existing cluster of business units, all of which appear to be limited to use class B1. These businesses are in existence, and the site could readily be utilised by another business that falls within the permitted use, as indeed is being sought through the ongoing application to extend the hours at the bakery unit. In addition, the site is not located substantially distant from the major settlement of Bury St Edmunds, with a footpath running until the Junction of the A134 and the Bury Road, approximately 1.5 kilometres from the edge of the more developed area of Bury St Edmunds, and further footpaths through Nowton Park itself. This is an approximate walking distance of at most around 20 minutes. That said, it is considered that the majority of users

would not choose to walk with young children alongside a roadway that is not wholly covered by a footpath. It is also noted that Bury Road itself does not have easily accessible pedestrian or cycle access, and that the road does not readily lend itself to the provision of these. However, the site is also proximate to the future housing proposed on Land South of Rougham Hill and this increases the locational sustainability of the site, given the likelihood of that site coming forward as a strategic, green field site.

26. While the site itself is not necessarily considered to be well located in terms of its locational sustainability, its position close to the town, in conjunction with the existing ability for an appropriate business to occupy the site without, in some circumstances, needing planning permission, are considered to markedly erode arguments against the sites' long term sustainability. It is considered that, given this, the site is sufficiently sustainable in locational terms, despite being located outside a housing settlement boundary. The ability to further increase this locational sustainability through the use of a travel plan is set out in detail below but is also a factor that weighs in favour of the proposal.

### **Principle of Development**

27. Policy DM2 sets out the development principles that all proposals should have regard to, including applications for material changes of use. The proposal will be required to maintain the sense of place and local character, and not adversely affect green and landscaped areas that make a significant contribution to that character. Development should not site development where its users or neighbours would be adversely affected by ways of noise, or other forms of pollution. Development should also be designed in accordance with the adopted Highway Standards to maintain the safety of the highway network, and should, where necessary, incorporate appropriate refuse and recycling facilities.
28. Matters of highway safety and amenity are discussed later in this report, though in any event such matters have a host of technical solutions such that the principle of development would not be outright opposed on these bases. The proposed development is a change of use within the small cluster of businesses. It does not include new built development and as such it is not considered to be a departure from the character of the area. The site would be maintained as an employment use, and while the site is located within a Special Landscape Area, the proposal does not include substantial changes that would detract from that character.
29. Policy DM30 is of particular importance in determining the principle of this development. The provisions of this policy are engaged in instances where there is an adverse effect on employment generation. The proposed application involves the loss of office space, with 8 full time and 2 part time jobs (approximately 9 full time equivalent (FTE)) jobs created in relation to the nursery. The office floor space, approximately 250 square metres, could accommodate approximately 20 members of staff (based on employment density guidance provided by the Homes and Communities Agency). However, this is a rurally located business park and the effect on

overall employment provision is therefore modest. As such, it is not considered that this proposal would lead to an adverse impact on employment generation within the locality and, accordingly, the provisions of this policy are not considered to be engaged.

30. The principle of development is considered therefore to be acceptable. In this instance, as discussed in the following section, it is considered that the weight afforded to policy should be reduced, and in considering the principle of development, this has also been a factor in this decision.

### **Permitted Development Rights and Historic Conditions**

31. The site is located within an informal small business park, comprised of five units falling within Use Class B1 (offices and light industrial). Planning permissions granting the use of the site as offices imposed conditions restricting the use of the site to Class B1. These conditions were imposed by way of ensuring "an appropriate use of the site", though it is noted that such conditions were common at the time (1988/1989) for applications of this nature. This condition does not preclude alternative uses, but makes them subject to a planning application, at which time the appropriateness of an alternative use would be considered.

32. It is considered that, noting particularly the age of the historic permissions that imposed conditions limiting the uses, and the more recent provisions of the GPDO that would mean a change of use of this kind would not ordinarily require planning permission, such conditions might not be required in the current planning climate. It is, however, noted that, even without such a condition, the site could only be utilised for the purposes of designing and development opto-electronic, electronic and mechanical systems. Nonetheless, this does not prevent a prior notification coming forward for the site, which could change the use of that building.

33. As such, in the balance of this application, it is considered that any weight afforded to these conditions should therefore be substantially reduced. The application site is currently subject to a number of historic conditions, including, particularly, conditions regarding noise limits on the site (50db(A) Monday to Friday and 40db(A) on Saturday). This was imposed to protect the amenity of nearby properties. An outstanding application on the adjoining Bakery (reference DC/16/1810/VAR) involves varying the approved permission (reference E/89/1085/P) to allow longer working hours. As part of that application officers have also considered the conditions relating to noise. Such a condition is considered to be unenforceable and would likely be surpassed by any single car arriving at the site, notwithstanding that some 20 employees could currently utilise the site without requiring planning permission. It is therefore considered that, while the noise limit remains in effect, and would continue to do so under planning permission reference E/88/3870/P, these conditions should be allocated very little, if any, weight.

34. The GPDO makes provision under Class 3 Part T for the change of use of certain existing uses, including those falling within Use Class B1. In itself, this is the grant of planning permission, subject to a less stringent

notification period, and would provide a fall back position that would only consider specific, albeit important, technical issues. It is considered that the weight attached to this should be similar to that attached to a lapsed planning permission.

35. In this instance, it is considered that reduced weight should be afforded to the position of policy, and greater weight given to other material planning considerations, with particular regard to contamination risks, noise impacts, and transport and highway impacts, as being the factors that Part T requires consideration of.

### **Economic Considerations**

36. As noted above, the site would lead to a loss of potential employment accommodation, though not of a substantial nature and it is not considered that this would have a materially adverse impact to the availability of employment uses noting the wider context. There are, however, other economic considerations that are factors to be weighted in determining this application.

37. The application site currently comprises a vacant unit within the business park. The proposal would bring this vacant unit back into use. It is not known how long the unit was available for prior to the applicant taking control of the site, and there is no knowing how long it might take another business to seek to utilise the unit. That said, very little weight is attached to this specific benefit, as it is largely speculative and there could be a substantial level of interest in a site so close to a large town with good access to the A14.

38. Planning application DC/16/2483/OUT proposes up to 1,250 dwellings, amongst other uses, located approximately one kilometre from the application site at its closest point. This application has not yet been determined, and any weight allocated to it is therefore limited, but it would create an influx of occupants. These occupants would need access to services, including child care, and the proposed nursery is considered well positioned to serve this future area of growth.

39. Policy DM5 supports the rural economy and growth and expansion of all types of business that recognise the intrinsic character and beauty of the countryside. Proposals should not result in the loss of the best and most versatile agricultural land, harm the historic or natural environment and character and should not lead to significant adverse impacts to the local highway network. The proposal is for a change of use only, and does not affect land in agricultural use or include built development. As such, it is considered that there is support in this policy for the proposed development subject to its impact to the highway network.

### **Parking Standards and Highways Impacts**

40. The site is currently served by a large area of hardstanding to the front of the building that provides parking for all the units. To the front of the



application property, parking here serves both the neighbouring bakery, and the offices at first floor. Additional parking for the Bennett Homes offices to the north of the application building is available in a car park that serves just this particular building.

41. Policy DM45 requires that proposals for major development, or where there is likely to be significant transport implications, submit a transport assessment and travel plan. Such documents are intended to provide a contextual answer to issues of traffic generation and movement. In this instance, the highway authority has not requested a transport assessment, though have required a travel plan to be submitted in order to fully consider the implications of the proposal.
42. Policy DM46 sets out the guiding force behind parking standards, currently following the adopted Suffolk County Council Guidance for Parking (2015). Provision is made within this policy that, where sites are well served by public transport or located within town centres, reduced parking facilities may be considered acceptable. This is extended to rural areas where satisfactory evidence and justification is provided, including an appropriate transport assessment or travel plan, demonstrating why an exception out to be made for a specific development proposal. However, noting the use of not one commensurate with public transport or walking, it remains the opinion of the Highway Authority and officers that full parking provisions should be sought.
43. The application proposes an alteration of the existing parking arrangements, utilising additional hardstanding already in situ to fulfil parking requirements of 12 spaces while maintaining a number of parking spaces for the other units located on the site (approximately seven each). The existing parking area is to be substantially altered, making use of the hardstanding in place to increase parking requirements. In considering parking requirements, the existing office use could enable up to 20 employees, which could very well create a greater demand for parking than the proposed use here, notwithstanding visitors to any hypothetical continuing office use. A representation submitted in respect of this site (from Parkside Properties) indicates that at some point the site was utilised by an office of approximately 20 employees, with a further 10 customers visiting at a time.
44. The proposal incorporates cycle storage and a drop-off area to the front of the building that would alleviate some requirement for parking and provide an opportunity for sustainable transport, particularly for staff. Such measures also help ensure a more free-flowing movement of vehicles, rather than a haphazard and unsafe 'free-for-all' approach to parking. In addition, it is unlikely that parents dropping children off would be there for an excessive length of time, as they would be on their way to work or other destinations. It is considered that there would be a high turnover of vehicle movement that would lessen the impact of cars building up in an otherwise finite space. However, full details of this have yet to be received, though officers consider that it is highly likely a satisfactory arrangement could come forward.

45. A travel plan has been included in the application that seeks to promote more sustainable forms of travel, such as walking, and to manage parking and vehicle movements within the site. The travel plan makes allowances for discounts for those who travel more sustainably and who bring second children to the nursery or for staff who use the nursery. It may also be the case that employees of other businesses in the site make use of the nursery, though this cannot be counted on and so little weight is given to this.

### **Ecology & Landscape**

46. The Conservation of Habitats and Species Regulations (2010) requires that Competent Authorities (of which the Local Planning Authority is explicitly considered one) have regard to biodiversity in carrying out its statutory duties. Regardless of the legislative provisions of the GPDO, this is still a relevant consideration for all applications and prior notifications, and sits as separate, but still relevant legislation.

47. Policies DM11 and DM12 seek the protection of important species and their habitats, or the satisfactory mitigation where development would have an impact. Such mitigation should reduce disturbance of protected species to a minimum and either maintain the population on site or provide suitable alternative locations for their relocation.

48. The site is also located within a Special Landscape Area (SLA), and the provisions of Policy DM13 are engaged by this. This policy seeks the protection of identified areas where development is more harmful to the landscape character and condition of an area. All proposals, however, will be assessed on an individual basis for their effects on the SLA.

49. As stated, the site is within an SLA, and there are noted protected species within the area, as well as nearby sites that might support such species. However, this application is not for built development, only a material change of use. In addition, it has been demonstrated that no remediation works would be required in terms of land contamination, and therefore there would be very little groundworks occurring. Officer's concerns in this regard are satisfactorily allayed, as ground works are considered to have been the only likely interference with protected species that would have long term impact on their occupation of the site.

50. It is noted that, as part of the planning statement, mention is made to the erection of a covered play area. The applicant has confirmed that this is not being applied for at this time, and would either be applied for at a later date, or it may fall within permitted development rights for schools and registered nurseries. In any event, this is not a consideration of this application and cannot be weighted in this determination.

### **Impact on the Listed Building**

51. Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving a listed building, its setting or any features of special architectural or

historic interest which it possesses. The proposal is located in a reasonable proximity to the Grade II listed building of 3 Low Green. While there are other listed buildings in the vicinity, these are either exceptionally well screened, in the case of The Lodge Cottage, or are separated by intervening development in the case of Nowton Lodge Farmhouse, and are not considered to be impacted by the development.

52. While the proposal is in a reasonable proximity to 3 Low Green, the proposal is for a change of use, with any built development taking the form of ancillary boundary treatments and de minimus alterations to the position of windows and doors. It would not result in the loss or harm to the listed building, nor would it alter the setting of the building, which would still appear as set in an open, green area surrounded by smaller scaled planting and boundary treatments. The conservation officer has raised no objection to the proposal, and it is not considered that the proposed change of use would have an adverse impact on the setting of the heritage asset.

### **Impacts on Amenity (including noise)**

53. The site is located in close proximity to the residential dwelling of 3 Low Green. Other residential properties in this area are located at a sufficient distance, or have substantial screening from the proposed application site, such that impacts of amenity are considered to be sufficiently, if not completely, mitigated. The area is otherwise generally quiet.

54. The application proposes no additional built development. As such, it is not considered that the proposal would give rise to any material impacts by way of overbearing, loss of light or overshadowing. There is a reasonable separation between the nearby dwelling and the existing building that would reduce harm that might arise from these particular points. The proposal does include the provision of a fence, though one could be erected up to 2 metres in height given that the site is not adjacent to a highway used by vehicular traffic. Full details of this fence, and any other boundary treatment, would be required by condition.

55. Of particular concern here are the impacts of noise, noting the scale of operation and the utilisation of outdoor space in a relatively quiet location. The proposed nursery caters for up to 42 children between 3 months and 5 years of age, which has the potential to generate significant levels of noise and disturbance through day to day use of the site. Additional noise and disturbance would also be likely to be generated by the movement of vehicles and cars during the more intense morning and evening drop off and pick up times, though it is considered that this particular element would not be prolonged but may be intense and therefore potentially harmful. Some incidental noise would likely be in effect prior to opening times as staff set up for the day, though it is considered that this would be wholly minor and not materially detrimental to the amenity of nearby occupants.

56. The NPPF, in considering policies and decisions where noise matters are a factor, states that policies should aim to avoid noise from giving rise to

significant adverse impacts on health and quality of life and mitigation measures should be imposed, including through the use of conditions. It is also recognised that development will often create some noise, and that existing businesses wanting to develop should not have unreasonable restrictions imposed because of changes in nearby land uses. This is reflected in policy DM2 which reinforces the protection of amenity space from impacts of noise. Matters of noise are a consideration that would need to be considered as part of a notification under Class T of the GPDO (as discussed above), and extra weight is therefore given to such matters, and the associated paragraphs of the NPPF, by officers in considering this application.

57. The NPPF considers that harm from noise should not be 'significant' (Paragraph 123) or 'unacceptable' (Paragraph 109). As such, it is clear that development that creates noise is not unacceptable just because the development creates noise. While the local plan does not include this wording specifically, its NPPF compliancy is predicated on a consideration that, where the NPPF is more specific in its wording, this would take primacy. This proposal involves a noise generating activity, and consideration must therefore be whether the activity would lead to 'significant' or 'unacceptable' harm.
58. The use of the outside space during operating times is particularly likely to give rise to noise impacts, due to the number of children and the behavioural traits of such an age group. As discussed, noise arising from vehicle movements and associated activity relating to the dropping off and collecting of children is also an important consideration. As part of the application, a noise mitigation plan has been submitted in order to seek to reduce the impacts of the proposal on the surrounding residents. This mitigation plan proposes that use of the outside space would be restricted outside of the hours of 9am to 5.30pm. Noting that the majority of nearby residents might reasonably be at work during this time officers consider that this goes a substantial way to reducing the adverse impacts that might arise from unhindered access to and use of the external space.
59. In addition, the application also includes a behaviour management policy that would be adopted for the business. This takes steps to ensure that positive behaviour is promoted and anti-social behaviour would be handled consistently by staff. It is accepted that, despite this, incidents are still likely to occur, though it is not possible to predict frequency of occurrence. In considering the proposal, officers consider that there would be a noise impact on the occupants of the nearby properties and the mitigation measures proposed are considered by officers to do much to reduce these impacts.
60. In addition, noise is likely to be generated by the movement of vehicles from people using the site, and from the increased vehicle movements along the road. The travel plan includes details of predicted numbers of drop offs, which indicate that the majority of activity would be between 8am and 9am. That said, some modest amount of car sharing is likely to occur, and staff whose children also attend the site would also reduce the overall level of vehicle movements that would occur in this area.

61. The movement of vehicles, however, is highly unlikely to occur in one cohesive swoop, that is, 42 cars would not appear immediately at 7am. The travel plan provides an indication as to likely times of drop-off, with the greatest concentration between 8am and 9am. Even during this time, there would be some stagger of drop-off times, as parents or guardians would not all need to be at the site immediately at 8am, given the reasonable assumption of different travel distances to work or elsewhere. It is also unlikely that cars would be remaining in situ for any length of time as parents or guardians would have elsewhere to be. This would further reduce any build-up of vehicles that could occur from a large proportion of users appearing at the same time. It is considered that the impacts of noise arising from vehicle movement would not give rise to significant adverse impacts to amenity at a level that would withstand the scrutiny of an appeal.
62. Officers consider that there would be some adverse impact to amenity of neighbouring property. The proposal incorporates mitigation measures as discussed above which would seek to reduce the impacts on, particularly, the neighbouring property. It is considered, therefore, that the harm that arises from the development would not be significant or unacceptable.

### **Cumulative Impacts**

63. As noted above, the neighbouring bakery is currently subject to an application to extend the working hours. The combination of extending the operating hours and the proposed use of the site for a nursery has potential to compound adverse impacts to amenity. Individually, these two applications have been considered acceptable, and there is no direct convergence, as the extension to the opening hours of the bakery does not overlap with the time the nursery would be open. It is considered that the proposals, taken cumulatively, would not be materially worse than taken separately.

### **The Planning Balance**

64. In determining this application, there is a fine balance to each of the considerations involved. Due to the provisions of the GPDO it is considered that more weight should be given to matters of noise, land contamination and highway safety, as well as those points of the NPPF relevant to those matters. With this in mind, the weight afforded to the policies of the local plan is considered to be consequentially reduced.
65. Matters of land contamination are considered to have been satisfactorily allayed, but issues of noise are finely balanced. Matters of noise are subjective in their consideration and have been extensively discussed above. While there are outstanding matters to be considered with respect to highways, officers considered that drop-off area and cycle storage could reasonably be accommodated within the site. The NPPF indicates that the stance for development should be positive and, unless material considerations indicate otherwise, proposals should be approved.

## Conclusion

66. In conclusion, it is considered that, given the supportive stance of the NPPF, the presumption in favour of sustainable development and the mitigation measures proposed, the benefits of the scheme marginally outweigh the harm that would arise from the proposal, particularly in considering the long-term benefits in the context of the increased development that is likely to come forward in the wider area.

## Recommendation:

It is **RECOMMENDED** that the subject to the satisfaction of the Highway Authority on the points outlined above, planning permission be **granted** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

Reference No:	Plan Type	Date Received
(-)	Application form	06.07.2016
(-)	Biodiversity report	06.07.2016
(-)	Land Contamination Questionnaire	13.07.2016
(-)	Existing Floor Plans	27.06.2016
(-)	Land Contamination Assessment	30.08.2016
(-)	Proposed Floor Plans	10.08.2016
(-)	Environmental Report	06.07.2016
(-)	Planning Statement	06.07.2016
(-)	Planning Statement	06.07.2016
(-)	Acoustic Report	14.10.2016
(-)	Parking Layout	14.10.2016

3. Notwithstanding the details submitted within this application, prior to the commencement of the use hereby permitted a scheme shall be submitted and approved by the local authority that details the boundary treatments to be erected. Such a scheme shall include details of the materials, siting and design of the boundary treatments and any details of species and size of any planting that might be included. The scheme shall be implemented in its entirety prior to the use commencing and shall thereafter be

retained in its approved form.

Reason: To minimise the impacts of noise on the neighbouring dwellings

4. The outside space shall only be used by children between the hours of 9:00am and 5:30pm.

Reason: To minimise the impact of noise on the surrounding

5. The premises shall not be open for customers outside the following hours:

7:30 – 18:00 Monday - Friday

The premises shall not be open at any time on Saturdays, Sundays or Bank or Public Holidays.

Reason: To ensure the appropriate use of the site and to protect the amenities of occupiers of properties in the locality.

6. Notwithstanding the information previously submitted, prior to the use commencing, an external layout plan shall be submitted at a scale of not more than 1:200. Such a plan shall include details of the activity levels and use of the space across the garden area and any planting not forming part of Condition 3. This plan shall be implemented and thereafter retained in its approved form.

Reason: To minimise the impacts of noise on the neighbouring dwellings.

7. Other reasonable conditions recommended by the Highway Authority.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O9TZ2EPDI3R00>

Case Officer: Aaron Sands

Date: 15 December 2016