

## **Development Control Committee** **8 July 2020**

### **Planning Application DC/20/0094/RM –** **Land adj Haverhill Business Park,** **Bumpstead Road, Haverhill**

**Date Registered:** 17.01.2020      **Expiry Date:** 17.04.2020 – EOT  
10.07.2020

**Case Officer:** Kerri Cooper      **Recommendation:** Approve Application

**Parish:** Haverhill Town Council      **Ward:** Haverhill South East

**Proposal:** Reserved Matters Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Units 1, 2 and 3 (Plots NE1 and NE2) for Class B1, B2 and B8  
Application to Discharge Condition 6 (surface water drainage), 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDS) of DC/15/2424/OUT

**Site:** Land Adj Haverhill Business Park, Bumpstead Road, Haverhill

**Applicant:** Trebor Developments LLP

#### **Synopsis:**

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

#### **Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

#### CONTACT CASE OFFICER:

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## **Background:**

**The application site was allocated in Policy HV9 of the Haverhill Vision 2031 as part of one of the designated General Employment Areas in Haverhill.**

**This reserved matters application follows from:**

**(i) outline planning permission (with means of access) DC/15/2424/OUT for 'Development of up to 46,000 sq m of floor space for uses within Classes B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant(s), Class (A3/A5), car dealerships (sui generis), builders merchants (sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.'**

**and**

**(ii) reserved matters application DC/19/1010/RM for submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use.**

**During the course of the application amendments have made to include changes and alterations to unit 3 and additional information was submitted regarding noise and parking.**

**The application is before the Development Control Committee, at the request of the local Ward Member, Councillor Tony Brown due to concerns that he and local residents share in respect of the proposed scheme.**

**A Committee site visit took place on Monday 30th September 2019 prior to application DC/19/1010/RM being presented to Members.**

## **Proposal:**

1. The reserved matters application seeks consent for the appearance, layout, scale and landscaping for the development of Units 1, 2 and 3 (Plots NE1 and NE2) for Class B1, B2 or B8, in association with the continuation of Haverhill Business Park, which was approved under outline planning permission DC/15/2424/OUT as part of a wider application.
2. This application follows on from the approval of reserved matters application DC/19/1010/RM 'Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use', which was a speculative scheme for 5no. units in total.
3. The proposal comprises changes to the appearance, layout, scale and landscaping in respect of Units 1, 2 and 3 that were approved under DC/19/1010/RM. The units are to be used for industrial uses falling under Class B1, B2 or B8 purposes. The main changes to the scheme are the increase in size of unit 1, the reduction in size of unit 2 and alterations to the fenestration of the building, service yard and parking to unit 3.

Unit 1 - 9,296sqm

Unit 2 - 2,055sqm

Unit 3 - 4,768sqm

4. Within this application, the applicant is also seeking to discharge conditions 6 (surface water drainage), 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDs) of outline planning permission DC/15/2424/OUT.

### **Application Supporting Material:**

5. Information submitted with the application as follows:
- Application Form
  - Design and Access Statement
  - Planning Statement
  - Tree Survey
  - Noise Reports
  - Drainage Details
  - BREEAM Pre-Assessment
  - Ecological Report
  - Landscape Details
  - Site Location and Layout
  - Elevations, Floor Plans and Sections
6. The full list of plans and documents, which are relevant to the proposed development are detailed in full within Condition 1 in the recommendations section of the report.

### **Site Details:**

7. The application site is located within Bumpstead Road General Employment Area, as defined within Policy HV9 of the Haverhill Vision. The wider site as a whole measures 7.4hectares in area and is situated in the south eastern part of Haverhill. The site is located approximately 1.5km from Haverhill Town Centre.
8. Bumpstead Road runs along the west of the site, with the former railway line located along the eastern boundary. A designated County Wildlife Site runs directly along the northern boundary. Residential properties are situated to the north of the site along Bumpstead Road, with a range of commercial and industrial units located to the east and south. Beyond the most southern part of the site lies the A1017.

### **Planning History:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
DC/13/0766/OUT	Outline Planning Application - Provision of new accesses & scale for up to 200 dwellings.	Application Withdrawn	01.05.2015
DC/15/1947/EIASC R	EIA Screening Opinion under Regulation 5 (1) of	EIA Screening/Sco	02.10.2015

	the Environmental Impact Assessment Regulations 2011 on the matter of whether or not the proposed development is an EIA development - erection of up to 46,000 sq m of floorspace for uses within B1, B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant), car dealerships (sui generis), together with landscaping, car and HGV parking and associated works and facilities including access	ping Opinion Issued	
DC/15/2056/FUL	Planning Application - Cross Boundary Application - construction works involving earth moving and ground profiling together with the creation of retaining structures. Temporary access from Phoenix Road and Icen Way for construction vehicles and the formation of development platforms.	Application Granted	08.01.2016
DC/15/2424/OUT	Outline Planning Application (Means of Access included). - Cross Boundary Application - Development of up to 46,000 sq m of floor space for uses within B1,B2 and B8 of the Use Classes Order, road side uses (petrol filling station and restaurant/s, Use Class (A3/A5), car dealerships (sui generis), builders merchants (sui generis), ancillary lorry park for Business Park occupiers, together with landscaping, car and HGV parking and associated works and facilities including access.	Application Granted	29.09.2016
DCON(A)/15/2056	Application to Discharge Conditions 3 (Retain walls) 4 (Watercourse), 5 (Wheel washing) and 6 (Construction Method	Application Granted	20.05.2016

	Statement) of		
DC/15/2056/FUL	Reserved Matters	Application	12.05.2017
DC/16/2426/RM	Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - erection of site security fencing	Granted	
DC/16/2453/RM	Reserved Matters	Application	15.02.2017
	Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout, parking and scale) and the Discharge of Condition 6 (surface water), Condition 8 (manoeuvring and parking) and Condition 10 (soft landscaping) for the development of plot SE1 builders merchants.	Granted	
DCON(A)/15/2424	Discharge of conditions 7- HGV traffic movements,,13 -Landscape Management Plan and 21-Sustainable Urban Drainage Scheme of DC/15/2424/OUT	Condition(s) Part Discharged	31.03.2017
DC/19/1010/RM	Reserved Matters	Application	02.10.2019
	Application - Submission of details under Outline Planning Permission DC/15/2424/OUT - Matters Reserved by Condition 2 (appearance, landscaping, layout and scale) for the development of Plots NE1, NE2 and SE2 for Class B1, B2 and B8 use	Granted	
DCON(B)/15/2424	Application to Discharge of Conditions - 6 (surface water), 7 (deliveries management plan) 8 (manoeuvring and parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination report), 18 (verification report) and 21 (sustainable urban drainage strategy) of	Condition(s) Part Discharged	27.11.2019

	application DC/15/2424/OUT - Plots NE1, NE2 and SE2		
DCON(A)/19/1010	Application to Discharge Conditions 2 (Materials - Samples/Details) and 7 (Acoustic Fence) of DC/19/1010/RM	Application Granted	18.05.2020
NMA(A)/19/1010	Non Material Amendment to DC/19/1010/RM - relocation of loading docks and minimal extension of service yard to northeast corner with new retaining wall - unit 3	Application Withdrawn	05.05.2020
SE/06/1998	Submission of Details - Road infrastructure, earthworks and landscaping, Phase 2 (outline permission E/97/2834/P) as supplemented by the Archaeological Evaluation received on 11 September 2006, the Landscape Management Plan received 19 September 2006, the Reptile Survey received on 27 September 2006, the Flood Risk Assessment received on 30 October 2006 and letter specifying soakaway proposals and accompanying drawing 7185/H/108 Rev D received on 21 December 2006.	Application Granted	25.01.2007
SE/04/3587/P	Outline Application - Residential development and access	Application Withdrawn	07.01.2005
E/97/2834/P	Outline Planning Application - Industrial and warehouse development (Classes B1, B2 and B8), petrol filling station, road users restaurant and hotel and vehicular access as amended by revised Planning Statement received 3rd September 1999	Application Granted	19.04.2002

**Consultations:**

9. The following consultation responses have been received, which are summarised below. Full consultation responses are available to view online:

Natural England

No comments to make.

Anglian Water

No comments received.

Environment Agency

Comments 19th February:

- Unable to recommend discharge of condition 6 and 17, additional information required

Comments 15th April:

- Further information in respect of contamination is required

Suffolk County Archaeological Service

No comments received.

Suffolk County Council Highway Authority

Comments 6th February:

- This application does not comply with the previously approved Reserved Matters DC/19/1010/RM which included parking which met the required levels within the Suffolk Guidance for Parking;

- We consider, due to the above mentioned problems caused by inadequate parking, that the proposed layout would not comply with the requirement for safe access and minimising conflict between vehicles and pedestrians, as detailed in NPPF paragraph 108 (b) and paragraph 110 (b). Therefore, we do not recommend discharge of Condition 2 and Condition 8;

- The information provided is satisfactory to allow discharge of Condition 7.

Comments 23rd April:

- The revised layout for B2 parking as shown on drawings 6502-SK19H and 6502-SK26C conforms to the Suffolk Guidance for Parking and, therefore, we withdraw our objection and recommend that conditions 2 and 8 can be discharged with regard to highways matters;

Comments 1st June:

- On drawing 6502 SK 19 J it appears that accessing the western loading bays of Unit 3 would be difficult if the car parking is all occupied. It may be possible by using the turning circle and then reversing into position. Can the applicant confirm swept paths confirm this is possible, otherwise we would be concerned several car parking spaces would have to be removed.

Comments 10th June:

- The Highway Authority confirm, on the basis of the submitted drawings 2018-294 SK212 P4 & 6502 SK19 REV K, that the applicant can provide a satisfactory parking layout for B2 use.

- Therefore, withdraw my previous comment, and have no objections to the current application for discharge of conditions, with regard to any effect on the public highway.

Suffolk County Council Rights of Way

As the Applicant is aware, the proposed site does contain a public right of way (PROW): Footpath 13 Haverhill. We accept this proposal, however we refer the applicant to guidance and requirements outside of planning controls.

Suffolk County Council Floods and Water

Comments 25th February:

- Additional information is required to be submitted detail drainage, easements and latest landscaping proposals on one plan

Comments 27th April:

- Condition 10 and 21 are now satisfied.

Comments 28th May:

- No further comments to make.

Suffolk Wildlife Trust

No comments received.

Ramblers Associations

No further comments to make on this site.

Environment Team

Condition 17 is acceptable and can be formally discharged.

Public Health and Housing

Comments 7th April:

- The application has been supported by further noise reports based upon the revised layout/alterations;
- Additional details and mitigation measures deemed necessary will be confirmed once known, however this only be known when details are submitted in accordance with previous recommended conditions under application DC/19/1010/RM.

Comments 1st June:

Whilst Public Health and Housing would not wish to object to this application, we would recommend that conditions are included in any consent granted, in accordance with Conditions 3 and 4 of DC/19/1010/RM.

**Representations:**

**Neighbours:**

10.46no. nearby addresses were notified of the application via post and 2no. site notices were displayed.

11. During the course of the application, representations have been received by the owners/occupiers of 2no. properties, which are summarised as follows:

27 Bumpstead Road

Comments received 12th April:

- the original orientation of the proposed industrial units, detailed in the above planning application, has been arbitrarily reversed;
- no major concerns to original layout;

37 Bumpstead Road

Comments received 6th April:

- Impact from surface water drainage;
- Proposed scheme does to comply with highway standards/policy and should be amended;
- Impact on noise as a result of development - local residential properties are now open to 'significant disruption' from these activities;



- Local residents will be affected by external lighting;
- Landscaping will offer little or no protection to properties along Bumpstead Road

Comments received 20th April:

- The height of unit 1, will be one of the tallest buildings in the town;
- The amount of parking spaces shown could generate a significant volume of vehicular movements - a vehicle management plan should be required

Comments received 26th May:

- The revised application to include unit 3, with an addition noise report increase noise levels as noise levels from dock levellers is more than noise levels from level access loading bays - result is increase noise levels to our property;
- Condition 3 of DC/19/1010/RM is going to be contravened due to unit 3 being proposed as B8 use;
- Restrictions should be placed on operating hours of units;
- Adverse impact on residential amenity - Policy DM2;
- The plans submitted are not very clear;
- Impact on highway safety - the amount of parking spaces shown could generate a significant volume of vehicular movements;
- The layout should have remained as originally proposed;
- A number of conditions should be imposed to control all of the concerns raised.

12.All representations can be viewed online in full.

### **Town Council:**

Comments 19th February:

*Haverhill Town Council welcomes this application and continues to be supportive of development of this site but wish to raise the following concerns:*

- *Insufficient car parking provision, the Town Council echo Highway's concerns;*
- *As agreed in Planning application DC/19/1010/RM, applicant must ensure acoustic fencing is placed around the entire Northern edge of the site.*

Comments 8th April

*Whilst the Town Council still support the development site, we reiterate our previous comments regarding the acoustic fencing which must surround the entire Northern section of the site. In the absence of further comments from Highways on the amended design, we emphasise our concerns about parking and would request further comments from Highways.*

Comments 2nd June:

*Haverhill Town Council has no objections to this application, but would request the following conditions;*

- i) Construction Management Plan must include times of operation;*
- ii) Developers mitigate noise, dust and full consultation at further stages*

*The Town Council suggests that a Community Reference Group is set up to report back any issues during the construction phase.*

### **Ward Member:**

13.Cllr Tony Brown requested that the application was called in to go before the full planning committee, as he and residents are concerned that the amendments proposed are at major variance to the original application.

**Policy:**

14. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single Authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by Regulation. The Development Plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both Councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

15. The following policies of the Joint Development Management Policies Document 2015, the St Edmundsbury Core Strategy 2010 & Haverhill Vision 2031 have been taken into account in the consideration of this application:

**Joint Development Management Policies Document 2015**

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM7 Sustainable Design and Construction
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM44 Rights of Way
- Policy DM45 Transport Assessments and Travel Plans
- Policy DM46 Parking Standards

**St Edmundsbury Core Strategy 2010**

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS9 - Employment and the Local Economy

**Haverhill Vision 2031**

- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV9 - General Employment Areas - Haverhill

### **Other Planning Policy:**

16. National Planning Policy Framework (NPPF) (2019)

17. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2019 NPPF that full weight can be attached to them in the decision making process.

### **Officer Comment:**

#### Principle of Development

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the policies set out in the Joint Development Management Policies Document (adopted February 2015), the Core Strategy Development Plan Document (adopted May 2010) and the Haverhill Vision Document (2014). National planning policies set out in the National Planning Policy Framework (The Framework) are also a key material consideration.

19. Given the outline permission and allocation, the principle of the proposed development is an acceptable one. The acceptability or otherwise of the application therefore rests on the detail of the proposal as assessed against the relevant Development Plan policies and national planning guidance, taking into account relevant material planning considerations.

20. The key issues to be considered in the determination of this application are therefore:

- Flexible and Alternative Use - Class B1, B2 or Class B8;
- Design, Layout and Amenity;
- Landscaping, trees and ecology;
- Highway safety; accessibility, sustainable transport links;
- Discharge of conditions DC/15/2424/OUT;
- Other Matters

#### Flexible and Alternative Use - Class B2 or Class B8

21. As part of the outline planning application, the permission allowed the application site to be developed for Class B1, B2 or B8 purposes. Due to the users of the units being speculative and therefore it not being known what specific Class B use is to be implemented within any unit, the applicant has

presented a scheme in the alternative whereby the units could be implemented for B2 or B8 use as defined above.

22. Part 3, Class V of the Town and Country Planning (General Permitted Development) Order 2015 permits 'Development consisting of a change of use of a building or other land from a use permitted by planning permission granted on an application, to another use which that permission would have specifically authorised when it was granted.' Guidance states that the alternative uses to which the planning unit/application site may be used, must be specified in the planning permission. Any one of those specified uses can then be implemented, subject to any necessary conditions and the overall terms of the permission itself. In addition, Class V provides further comfort in relation to the suitability that the change to the alternative specified uses would not be lawful if under paragraph (d) of the conditions if it would result in the breach of any condition, limitation or specification contained in that planning permission in relation to the use in question.
23. Given that the outline permission has established the acceptability of the uses, in this reserved matters application it is important to assess and understand any layout and design implications of the units being Class B1, B2 or B8 use. The only implication and difference relate to the layout of the parking and turning areas. Use Class B1 and B2 require a different level of on site parking to Class B8 and it is a much greater level than that required for Class B8 use. The scheme has been positively designed as to produce a development whereby no other aspect or part is affected other than the formation and specific layout of the areas that are defined for parking and turning area. As such, two proposed site plans have been submitted; one showing the development with parking and turning area provision for each unit suitable for Class B1/B2 and the other showing the development with parking and turning area provision for each unit suitable for Class B8.
24. In this case, two conditions are to be imposed to control the potential for alternative use. If any of the units (1, 2, or 3) are to be used for Class B1/B2 purposes the car parking and loading / circulation space associated with that unit shall be laid out in accordance with drawing 6502 SK19 Rev K prior to the first use for Class B1/B2 purposes. In the eventuality that any of the units hereby approved (1, 2, or 3) are used for Class B8 purposes the car parking and loading / circulation space associated with that unit shall be laid out in accordance with drawing 6502 SK26 Rev D prior to the first use for Class B8 purposes. The car parking and loading / circulation space shall thereafter be retained as so installed for each of the uses implemented. This then ensures sufficient space for the on-site parking of vehicles is provided on site for each individual unit and safeguards the character and appearance of the area.
25. This is the same approach and method of control used under reserved matters application DC/19/1010/RM.

#### Design, Layout and Amenity

26. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually

attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms at paragraph 130 that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

27. Policy DM2 requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.
28. An indicative site layout plan was submitted at outline stage to show how a development could be achieved on site. No weight can be attributed to the previously submitted site layout plan, as it was purely indicative and layout is a reserved matter.
29. The wider scheme, as a whole, comprises 5no. units in total, 4no. units located on the northern side of Icen Way and 1no. unit located on the southern side of Icen Way. This section of the report will focus on the changes proposed to units 1, 2 and 3. The proposed changes include the increase in footprint and height of unit 1, the reduction in size of unit 2 and alterations to the fenestration of the building and service yard and parking to unit 3.
30. Unit 1 as approved under DC/19/1010/RM measured approximately 15metres in height, 76metres in depth and width. It is now proposed within this application for unit 1 to measure approximately 17metres in height, 63metres in depth and 137metres in width. Whilst unit 1 has increased significantly in width and will appear prominent and large in the street scene, the proposed building is of a similar scale and footprint to the building immediately opposite occupied by Culina. The increase in footprint of unit 1 has also been balanced out by the reduction in scale of unit 2, to ensure that there is adequate separation between the buildings and that they have been appropriately positioned. The physical changes to unit 3 are considered minor in nature, however the impact of those changes are required to be carefully considered in respect of noise and parking, which is explored in further detail in the following sections.
31. The buildings have been positioned within the site as to relate to Icen Way and the development that sits immediately adjacent, Culina and MKM Builders Merchants. Parking and turning areas are situated to the side and rear of the buildings. In terms of the design of the buildings, though they vary in heights from approximately 11-17metres and footprint, they are similar in architectural form and incorporate pitched roofs so as to reduce the overall bulk of the buildings. The buildings are utilitarian and simple in form, and are of a typical scale for commercial and industrial buildings. Glazing elements have been designed into the buildings at entrance points. To ensure the buildings are finished to a sufficiently high standard and that the design features shown are retained, the external materials of the buildings are to be conditioned.
32. The footpath which runs parallel with Icen Way along the entire frontage of the site which serves units 1-4 is to be unaffected by the proposed changes. The on-site footpath to be provided will connect with the existing footpath to the east of the site, which is the former railway line. Good connectivity within the site still remains, with opportunities being made to create wider

connectivity and integrate the site and development into the area and existing development and infrastructure it surrounds.

33. As with the previous scheme, the proposed layout has been well designed and thought out, and allows the buildings to be occupied for either B1, B2 or B8 purposes, in accordance with the above section. It is considered that the design approach is appropriate for the nature of development.
34. Policy DM2 of the Joint Development Management Policies Document also seeks to safeguard residential amenity from potentially adverse effects of new development. The protection of residential amenity is a key aspect of good design, endorsed within the NPPF that planning policies and decisions promote health and well-being with a high standard of amenity for existing and future users.
35. One of the main objections throughout this application and the previous reserved matters application (DC/19/1010/RM) received by neighbours, the Town Council and Ward Member was in respect of the location of the parking and turning areas, including the noise and disturbance generated and the relationship between that aspect of the site and the residential properties along Bumpstead Road.
36. The buildings are set away from the northern boundary of the site, with parking and turning areas located to the area of the site with a landscaping buffer. Residential properties are situated beyond the north of the site along Bumpstead Road, with no. 37 Bumpstead Road being closest. In between the rear of the residential properties and the rear of the application site lies Bumpstead Road County Wildlife Site. The distance between the rear boundary of the application site, taken from where unit 3 is proposed, and the rear boundary of no. 37 Bumpstead Road measures approximately 76 metres. This is the minimum stand-off distance between the residential properties and where a unit and associated parking and turning area is proposed. The maximum distance between the residential properties and where a unit and associated parking and turning area is proposed is approximately 100 metres. Acoustic fencing is to be installed along the entire northern boundary of the parking and turning areas and part of the eastern and western boundaries of the site.
37. The outline application was supported by an Environmental Noise Assessment undertaken by Sharps Redmore in October/November 2015, Ref: 1515442. The noise assessment was based on the Framework Plan which indicated 8 no. units across the outline application site including three units on land to the west, backing onto Helions Bumpstead Road. The report concluded that noise could be sufficiently attenuated in the service yards with the installation of acoustic fencing to exposed rear boundaries, whilst noise from fixed plant and equipment could be conditioned so as to prevent disturbance to local residents. The report clearly states in Section 4.1, that the predicted noise levels are based on the indicative layout only.
38. As set out within the previous application, levelling works have been carried out on site since outline planning permission has been approved and therefore the impact on noise transmission across the site and any noise mitigation/attenuation which may have been afforded due to the topography of the site was required to be understood and reassessed. As a result of the above, the previously submitted noise assessment and predicted noise

levels at outline stage could therefore not be relied upon to ensure that the proposed development would not adversely impact on the residential properties within the vicinity of the site.

39. During the course of application DC/19/1010/RM, the applicant submitted a further noise report from Sharps Redmore, Reference: 1919017 dated 18th July 2019 following a noise survey undertaken between 8th and 15th July 2019 to determine the existing noise levels at the site. Further noise reports from Sharps Redmore have been submitted (received on 17th January, 16th March, 23rd April and 7th May) with this current application being considered to take into account the changes to the design and layout of units 1, 2 and 3. These reports submitted across both applications have been assessed alongside each other in detail by Public Health and Housing (the full formal comments are available on the public file).
40. The car parking area serving unit 1 is now approximately 15 metres closer to the nearest residential property (Mayville) in Bumpstead Road, resulting in a 1 dB increase in the LAeq1hr. Whilst the car parking area to Unit 2 is around 5 metres closer, Public Health and Housing considers the overall predicted noise levels from the car park activities at all of the units, will be as previously calculated. In respect to Ashlea Road, the car parking areas for units 1 and 2 will now be further away from residential premises and the overall predicted noise levels from the car park activities at all units, will be slightly lower than previously calculated.
41. The Environmental Noise Report, Project No: 1919017 dated 4 May 2020 provided by Sharps Redmore looks at the proposed changes to unit 3 and the impact of these changes to the nearest residential occupiers to the north of the site along Bumpstead Road. The main external activity at Unit 3 will be from car parking activity and servicing. The operating hours for unit 3 are not known at this stage but it has been assumed for the purposes of this analysis that it will operate 24 hours a day, 7 days a week. There are no proposed changes to the B8 layout and whilst the layout of the car parking spaces has been reconfigured, the overall number of spaces is the same as shown in the B2 layout, Drawing No: 6502 SK19 Rev K. The reconfiguration of the car park layout is not however considered to affect the overall noise level at the residential properties in Bumpstead Road.
42. The main sources of noise from servicing activities will include vehicles manoeuvring, unloading, use of forklift trucks and movement of trailers. To ensure a robust assessment, the predicted noise levels have again been based on the assumption that unit 3 will be used as a warehouse distribution unit, Class B8, operating on a 24-hour basis. The calculated noise levels, based on the typical noise levels from servicing activities, as used in previous assessments, and the new configuration of the level access and dock levelling bays, indicate that the night-time noise levels will be marginally higher, by 1dB than that previously predicted.
43. Public Health and Housing considers that an increase of 1dB would however not be noticeable and the report concludes that subject to the existing Planning Conditions, the proposed changes to Unit 3 will not give rise to an increased impact during the daytime or night-time period, compared to the existing approved scheme.

44. The area is surrounded by industrial units and there is also some noise from loading and unloading activities and vehicle movements to and from Culina to the south of the proposed development, nevertheless noise levels from this development will still need to be controlled. Public Health and Housing consider however that the noise generated from the scheme can be mitigated via the imposition of suitable conditions (detailed in full in the recommendations section), which are the exact same conditions in respect of noise imposed on reserved matters application DC/19/1010/RM.
45. There are two conditions (14 and 15) imposed on outline planning permission DC/15/2424/OUT regarding noise. These relate to plant and equipment and audible alarms. Details are required to be submitted and approved in writing prior to installation of the equipment and occupation of the buildings.
46. For the reasons cited above, it is not considered that the proposed development will result in an unacceptable level of impact on residential amenity to the properties along Bumpstead Road by reason of being physically overbearing or through creating any other form of disturbance as to cause significant harm, such that this application should be refused.

#### Landscaping, Trees and Ecology

47. The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to protect safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts and enhancements commensurate with the scale of the development.
48. The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) imposes a duty on every public authority in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.
49. Policy DM13 states that proposals will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.
50. Whilst landscaping is a reserved matter, as part of the outline planning permission conditions were imposed regarding submission of a landscaping scheme, its implementation and the associated management. As such, the proposed landscaping scheme for the development is being currently considered under this application with the reserved matters element and discharge of conditions aspect.
51. Where possible, a sufficient amount of on-site landscaping should be provided. However, given the nature and use of the development, achieving the best use of the land takes greater priority over landscaping. Whilst landscaping has been lost to the front of the site due to the increase in



footprint of unit 1, the buildings have been positioned within the site as to provide meaningful landscaping along the western and northern boundaries of the site, which are considered to be key areas. The wide landscape buffer to the north provides continuation to the existing off site landscaping, between the application site and the residential properties along Bumpstead Road. The large area of landscaping along the corner of Icen Way and Bumpstead Road helps to assimilate the development, unit 3 in particular, into the street scene. Soft landscaping is proposed throughout the whole of the site as to enhance the development itself, whilst being in keeping with the wider area. It is considered that landscaping has been effectively incorporated into the scheme as to make a positive contribution.

52. With regard to ecology, this was considered at outline stage when establishing the principle of the proposed development and any ecological impacts arising. As part of this application, an up to date preliminary ecological appraisal has been submitted which concludes that there will be no adverse ecological impact arising and recommends ecological enhancements that could be provided, through the provision of bat and bird boxes in the design of the buildings.

#### Highway Safety; Accessibility and Sustainable Transport Links

53. The NPPF advises that development should provide for high quality walking and cycling networks (paragraph 104), and also emphasises in paragraph 108 that in assessing applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the types of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

54. It further goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

55. Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM46 which promotes more sustainable forms of transport.

56. The access serving the site is located off Icen Way. At present, Icen Way serves 2 no. industrial units (Culina and MKM Builders Merchants). As part of the outline planning permission, access was the only matter which was considered. This established Icen Way to serve the Haverhill Business Park units to the east of Bumpstead Road. Units 1-4 are to be served via a new access off Icen Way, with unit 5 sharing the existing access which serves MKM Builders Merchants.

57. As detailed within the report, the users of the site and individual units are still speculative and therefore the applicant is seeking for the units to either

be implemented for Class B1, B2 or B8 use in accordance with the outline application. The initial proposed site plan submitted demonstrated sufficient vehicle and cycle parking and turning areas if the units were to be occupied as Class B8, however the level of parking was insufficient for Class B1 or B2 use. Office and general industrial use require a higher level of on-site parking due to their nature. In order to overcome this, two proposed site plans have been submitted which show how the layout of the parking and turning areas can be adapted/amended as to provide enough on-site parking if the units were to be implemented and occupied for Class B1 and B2 purposes. As such, it has been demonstrated that sufficient on-site parking can be provided in accordance with Suffolk Parking Standards. To ensure this is adequately controlled, conditions are to be imposed, which are set out in full in the recommendations section of the report.

#### Discharge of conditions DC/15/2424/OUT

58. Within this application, the applicant is seeking to discharge conditions 6 (surface water drainage) , 7 (HGV traffic movements and deliveries management plan), 8 (loading manoeuvring parking), 10 (soft landscaping), 13 (landscape management plan), 17 (contamination) and 21 (SUDs) of outline planning permission DC/15/2424/OUT.

59. A number of the conditions that are sought to be discharged have been dealt with alongside the consideration of the main reserved matters application which include landscaping, parking and traffic movements.

60. The relevant statutory consultees have assessed the information and documents submitted in respect of the remaining conditions which include drainage and contamination. The Lead Local Flood Authority and Environment Team are satisfied with the information submitted and consider that the conditions can be discharged. At the time of writing this report, the Local Planning Authority were awaiting comments from the Environment Agency in respect of condition 17. Whilst additional information may still need to be submitted in respect of this matter, it is important to note this will not change the overall appearance, scale, layout and landscaping of the scheme that is being considered.

61. Before the reserved matters application can be implemented or occupied, all of the conditions imposed on outline planning permission DC/15/2424/OUT will need to be submitted to and approved in writing by the Local Planning Authority where required or adhered to in so far it relates to the implementation of the reserved matters application.

#### Other Matters

62. During the course of the application, concerns have been raised in respect of light pollution from the rear of the buildings and parking and turning areas. The position of lighting was secured by condition 16 on outline planning permission DC/15/2424/OUT.

#### **Conclusion:**

63. In conclusion, subject to the imposition of conditions which are considered both reasonable and necessary, the principle of the development has already been established through the outline consent and detail of the

development is considered to be acceptable and in compliance with relevant Development Plan Policies and the National Planning Policy Framework.

**Recommendation:**

64.It is recommended that planning permission be **APPROVED** subject to the following conditions:

- 1 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.

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
19-50-01	Tree Constraint Plan	16.01.2020
19-050-05 Rev B	Landscape Plan	15.04.2020
19-050-06 Rev B	Landscape Plan	15.04.2020
19-050-07 Rev B	Landscape Plan	15.04.2020
6502-61	Cycle plans	16.01.2020
6502-703 D	Site Location Plan	07.05.2020
6502 37 - unit 3	Proposed Elevations	07.05.2020
6502 36 - unit 3	Proposed Floor Plans	07.05.2020
6502 SK26 Rev D - B8 parking provision	Proposed Site Plan	07.05.2020
6502 SK19 Rev K - B2 parking provision	Proposed Site Plan	08.06.2020
2018 294 SK212 P4 - unit 3	Tracking Plan	08.06.2020
2018 294 SW	Drainage Strategy	15.04.2020
2018 294 122	Drainage Plans	15.04.2020
6502 P 210 - unit 2	Proposed Elevations	26.03.2020
6502 P 200 - unit 2	Proposed Floor Plans	26.03.2020
6502 P 203 - unit 2	Proposed Roof Plan	26.03.2020
6502 P 212 - unit 2	Proposed Sections	26.03.2020
6502 P 110 - unit 1	Proposed Elevations	26.03.2020
6502 P 100 - unit 1	Proposed Floor Plans	26.03.2020
6502 P 103 - unit 1	Proposed Roof Plan	26.03.2020
6502 P 112 - unit 1	Proposed Sections	26.03.2020
6502 63	Street Scene Elevations	17.01.2020
(-)	Biodiversity report	17.01.2020
BREEAM PRE-ASSESSMENT Deliveries Management Plan	Other	17.01.2020
(-)	Design and Access Statement	07.05.2020
(-)	Noise Report	17.01.2020
(-)	Noise Report	13.03.2020
Letter from Nolan Associates	Noise Report	16.03.2020
(-)	Noise Report	23.04.2020
(-)	Noise Report	07.05.2020
(-)	Land Contamination Assessment	07.05.2020

- 2 No development above slab level shall take place until samples/details of the facing and roofing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 3 Further to the proposed noise levels contained in the Environmental Noise Report - Reserved Matters submitted by Sharps Redmore on the 18th July 2019, Project No. 1919017, the combined noise level emitted from any external mechanical plant and internal operations, at each Unit, installed or operated in connection with the carrying out of this permission, shall be enclosed and/or attenuated and maintained so as to ensure that the noise generated by this permission shall not exceed:-
- 35dB(A) LA90 (1 hour daytime 07:00 -23:00) at the boundary of the nearest residential property (that being -10dB(A) below the daytime noise level measured as 45dB(A) LA90 (1 hour daytime 07:00 - 23:00 hours) and;
  - 25dB(A) LA90 (15 minute night time 23:00 - 07:00) at the façade of the nearest residential property (that being -10dB (A) below the night time background noise level measured as 35dB(A) LA90 (15minute night time 23:00-07:00).

No plant, machinery and equipment, including any proposed sound proofing, shall be installed until details have been submitted to the Local Planning Authority for approval in writing.

Noise measurements for the purposes of this condition shall be pursuant to BS 4142:2014.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 No phase or unit of the development shall be occupied until a Management Plan for that phase or unit, including hours of operation, hours of deliveries, full details of loading/unloading arrangements and any noise mitigation measures have been submitted to and approved in writing by the Local Planning authority. The Management Plan shall be implemented in full on occupation of each phase or unit and complied with thereafter unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 Prior to the occupation of any of the units hereby approved for Class B1/B2 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502 SK19 Rev K. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.

Reason: To ensure sufficient space for the on-site parking of vehicles is provided on site for each individual unit and to safeguard the character and appearance of the area, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Prior to the occupation of any of the units hereby approved for Class B8 use, the car parking and loading/circulation space associated with the unit shall be laid out in accordance with drawing 6502 SK26 Rev D. The car parking and loading / circulation space shall thereafter be retained as installed and used for no other purpose.

Reason: To ensure sufficient space for the on-site parking of vehicles is provided on site for each individual unit and to safeguard the character and appearance of the area, in accordance with policy DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 7 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/20/0094/RM](https://www.westsuffolk.gov.uk/DC/20/0094/RM)