

## **Development Control Committee**

### **3 November 2021**

#### **Planning Application DC/21/0614/FUL – The Cold Store, The Street, Stradishall**

<b>Date registered:</b>	22 March 2021	<b>Expiry date:</b>	5 November 2021
<b>Case officer:</b>	Charlotte Waugh	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Stradishall	<b>Ward:</b>	Clare, Hundon and Kedington
<b>Proposal:</b>	Planning application - change of use of agricultural storage building to (class B8) storage and distribution as amended by plans received 25th August 2021 specifying a new access driveway		
<b>Site:</b>	The Cold Store, The Street, Stradishall		
<b>Applicant:</b>	Clopton Estates Ltd		

#### **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:**

Charlotte Waugh

Email: [charlotte.waugh@westsuffolk.gov.uk](mailto:charlotte.waugh@westsuffolk.gov.uk)

Telephone: 01284 757349

**Background:**

- 1. The application is referred to Development Control Committee at the request of the Delegation Panel. The Parish Council object to the application which is recommended for APPROVAL.**

**Proposal:**

- The application seeks planning permission for change of use from an agricultural store to a storage and distribution unit. The use is already in operation therefore the application is retrospective. Since submission of the application amended plans have been submitted which detail a new access driveway to the rear of the building allowing HGV access and space to manoeuvre. A new door is proposed on the rear elevation enabling all activity to be concentrated at this end of the building.

**Site details:**

- The application site contains an agricultural building historically used as an apple store. Open countryside bounds the site to the south and west with a line of residential dwellings to the east. These dwellings sit within the housing settlement boundary and conservation area, with the site itself just outside of both. To the north is a recent development of five detached dwellings. Access to the site is from The Street (B1063) to the south with the access driveway shared by several adjacent dwellings that front on to it.

**Planning history:**

- The site has extensive planning history which can be viewed online. Below are the most recent and relevant.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Received date</b>	<b>Decision date</b>
DC/15/1477/FUL	Planning Application - (i) Demolition of former warehouse and replacement with 5 no. detached dwellings and garages (ii) associated access and landscaping	Application Refused – Appeal Granted on adjacent site	23 July 2015	30 December 2015
E/95/2556/P	Planning Application - Renewal - Continued use of part of fruit packing station for	Application Granted	4 October 1995	7 February 1996

storage, packaging,  
assembly,  
manufacturing and  
distribution of  
vehicle lamp lenses  
on a permanent  
basis

## **Consultations:**

### **5. Parish Council**

*(To original plans)*

Stradishall Parish Council objects to this application due to concerns about the impact on the residential amenity of neighbouring properties (DM2Gv). It is clear from the neighbours responses that there is a noise impact, and that the operation appears to be taking place outside of the hours of 8am - 4pm stated in the application. The cold store activity was very seasonal whereas this activity seems to be more constant. Lorries are parking overnight and generating noise which is not compatible with the facility being so close to residential properties. Noise impact should be monitored and restricted to 8 - 4pm weekdays only. A noise impact assessment should also be carried out before a decision is made by West Suffolk.

The Parish Council supports the recommendation by Suffolk Fire and Rescue to install a sprinkler system.

*(To amended plans)*

Stradishall Parish Council appreciates that attempts have been made to address the issues raised previously, but does not feel that all their concerns have been resolved and therefore cannot support the application in its current form:

The remaining concerns are:

- Increased heavy vehicle movements through the village.
- Fire safety. Installing a sprinkler system should be a requirement of any future approval due to the fire risk as the building contains a lot of flammable materials.
- Enforcement of hours of operation and ensuring that there are no breaches.
- The impact of the noise from forklifts moving inside the building.

### **6. Ward Councillor**

Councillor Nick Clarke requests that the application be considered by the Development Control Committee.

### **7. Environment & Transport - Highways**

*(To original plans)*

The Highway Authority have reviewed this application and have some concerns about the proposal. We object to this application in this form. We note that in some of the comments provided, there are some objections about HGV's using the track. We understand that the track provides residential access to a number of properties. Clarification is required about how many dwellings use the track for vehicular and pedestrian access.

The Highway Authority requires evidence on how the HGV will be able to turn on plot and if they are able to manoeuvre within the site. We have concerns about HGV's reversing back down the track as this would cause highway safety concerns with any oncoming vehicles and may obstruct neighbouring accesses.

We would like clarification on the condition of the access onto the highway to ensure no loose surfacing is coming onto the road.

*(To amended plans)*

Further to the Highway Authority's letter dated 4 May 2021 in which we outlined some aspects of the proposal for further review. We have now reviewed the additional documents and note the revised vehicle access road for HGV and distribution vehicles and the provision of a turning area. Also noted is the provision of car and cycle parking spaces. These are in accordance with Suffolk Guidance for Parking 2019 (SGP) standards.

The Planning Statement provides useful clarification about the proposed vehicular movements. The Highway Authority is satisfied that there will be no significant change between the existing use and the proposed. It is noted that no works are proposed to the main access onto the highway.

No objection subject to conditions regarding the implementation and use of the access and parking spaces on site.

## **8. Ecology comments**

No objection subject to securing ecological mitigation and enhancement measures.

We have reviewed the Planning Statement (Brown and Co, March 2021) and the Biodiversity Checklist supplied by the applicant, relating to the likely impacts of development on Protected & Priority habitats and species and identification of proportionate mitigation.

We note that no ecological documents have been submitted as part of this application. A desk survey on the Multi-Agency Geographic Information for the Countryside (MAGIC) map identifies that no European Protected Species licence have been granted within approximately 2km of the development, nor are there any Site of Special Scientific Interest (SSSI) within 2km. There are several Priority habitats, including deciduous woodland and wood-pasture and parkland within 1km of the site. However, given the scope of the development, the proposed change of use will not functionally affect the ecological value of the site. We are therefore satisfied that there is sufficient ecological information available for determination.

This provides certainty for the LPA of the likely impacts on Protected and Priority species and, with appropriate mitigation measures secured, the development can be made acceptable.

We recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, if any change in external lighting is proposed, a technical specification should be submitted prior to beneficial use, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.

- Warm White lights should be used at <2700k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g. cowls, hoods, reflector skirts or shields.

This will enable the LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170[d] and 175[d] of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. We recommend that this could include the provision of bird or bat boxes affixed to the façade of the building, or the inclusion of wildlife friendly native species planting.

Impacts will be minimised such that the proposal is acceptable subject to the conditions based on BS42020:2013. In terms of biodiversity net gain, the enhancements proposed will contribute to this aim.

No objections subject to conditions regarding wildlife friendly lighting strategy and biodiversity enhancement strategy.

## **9. Public Health and Housing**

Public Health and Housing raised an objection to this application due to the noise impact to residential occupiers in the vicinity from deliveries and dispatches as a result of HGV movements, fork lift truck movement and the associated activities occur when loading and unloading vehicles.

The proposed new access road goes some way to address these concerns. It is not entirely clear if this is proposed as the location for all deliveries and dispatches and loading of vehicles but I would strongly recommend that it is and certainly that all HGV movements are required to use this new access road and entrance.

The noise arising from vehicle reverse alarms will still occur and is still likely to be audible; particularly as every vehicle will have to reverse to move into position adjacent to the new access. The frequency of proposed deliveries and dispatches does help to mitigate this however it is not unreasonable to expect all on site vehicles to be fitted with white noise alarms, particularly the fork-lift trucks.

As the business develops, the number of vehicle movements and subsequent deliveries and dispatches is likely to increase above those currently stated. Controlling noise from on site vehicles will ensure their impact is reduced.

The proposed operating hours as specified in the planning statement are reasonable however I am mindful future occupants of the premises may wish

to expand on these. As such I recommend these are included within the planning permission.

I also note that this is a retrospective planning application and that until the proposed access road is built disturbance as a result of business activity is likely to continue to impact the amenity of neighbouring residents until the proposed works have been completed. I recommend works proposed are required to be undertaken within a reasonable timeframe or activities cease in the interim.

The construction of the new road is likely itself to result in some disturbance, which should be controlled.

Public Health and Housing recommend conditions regarding hours of construction works and operation, use of proposed access driveway for all deliveries, despatches and collections, use of white noise alarms for doors and vehicles on site.

## **10. Suffolk Fire and Rescue**

Offer guidance to applicant.

### **Representations:**

11. Letters of objection were received from 6 local residents raising the following summarised concerns:

- Subjected to unauthorised use for 8 months
- Loss of residential amenity – noise, disturbance
- Large amount of pallets kept on concrete apron – visible and fire risk
- Hours of use not in accordance with planning statement
- Overlooking from HGV drivers
- Impact on Conservation Area
- Impact on wildlife
- Portaloo visible from private gardens

12. Following receipt of amended plans additional letters were received from 2 local residents making the following summarised comments:

- Moving the access door is a visual improvement but won't remove noise impact
- Noise from forklifts bleeping, pallets being dropped, workmen, radios
- Concern regarding fire safety
- Intruder alarm or cctv should be installed
- Asbestos and potential impact
- Access for emergency services
- Owners public liability insurance
- Concerns regarding timescales and costs associated with new access

### **Policy:**

13. 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.

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 DM33 Re-Use or Replacement of Buildings in the Countryside

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS13 - Rural Areas

Vision Policy RV1 - Presumption in favour of Sustainable Development

NPPF 2021

### **Other planning policy:**

14. The National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 2021 NPPF that full weight can be attached to them in the decision making process.

**Officer comment:**

- 15.The key considerations are:
- Principle of development
  - Impact on Visual Amenity
  - Impact on Residential Amenity
  - Other Issues

**Principle of Development**

- 16.The building was originally used as a cold store for apples in association with the local farm. This use ceased 2-3 years ago and since this time the building has been used sporadically for agricultural storage. The current occupants, a flat pack furniture business, moved into the unit at the end of January and the storage and distribution use has since been unauthorised.
- 17.The site abuts the housing settlement boundary but is within the countryside for policy purposes. Policy DM5 allows proposals for economic growth in the countryside which recognise the intrinsic character and beauty of the countryside, as well as ensuring it will not result in the loss of best and most versatile agricultural land, will have no significant detrimental impact on the historic environment, character and visual amenity, biodiversity or the local highway network.
- 18.Policy DM33 allows the re-use of redundant buildings in the countryside for alternative employment uses subject to various criteria, including: the use would not generate significant levels of traffic, particularly lorries on rural roads, any alterations would not harm its appearance or affect the rural setting of the building, the intensity of the use would be compatible with its rural location and it will not result in a loss of amenity.
- 19.In this case, the business employs 1 full time and 1 part time member of staff with up to 4 additional seasonal workers. Up to 3 HGV deliveries are expected a week. During the high season (summer months of June-August and winter months of November-January) there are 1-2 despatches per day, either on an HGV or a transit van. In the low season, this reduces to 1 despatch every 2-8 weeks.
- 20.As such, during the busiest months there is the potential for up to 3 vehicle movements a day for deliveries and despatches plus employee movements. Whilst the policy seeks to limit additional lorry movements on rural roads and it is noted that this is also a concern of the Parish Council, the activity generated is not unreasonable given that the site previously had an unrestricted agricultural use.
- 21.Policy DM33 further highlights that businesses which employ a high number of people should be positioned in sustainable locations. The number of employees on this site is considered modest and given the moderate number of vehicle movements and close proximity of the A143 this element is considered acceptable.

22. Consideration of visual and residential amenity is found below, subject to these impacts being acceptable, the principle of development would accord with policy DM33.

### **Impact on Visual Amenity**

23. The building itself will not change in appearance, except for the insertion of a door on the rear elevation. Whilst the vehicular access on to the highway will also remain, a new driveway is proposed which allows HGV's to access the rear of the building and turn before exiting. This driveway will involve a degree of engineering given the change in levels and space required for manoeuvring. Undoubtedly this will have an impact on the appearance and character of the area. Landscaping is proposed and this will help to soften its appearance and offer some screening from the opposite dwellings. The new driveway is considered essential to protect the amenity of nearby occupants and therefore, whilst in terms of appearance retaining the existing access is preferred, the amended scheme is not considered so harmful to its acceptability given the residential amenity benefits.

### **Impact on Residential Amenity**

24. Residential amenity is considered within policy DM33 as well as DM2 which seeks to ensure that residential amenity is not significantly adversely affected by development. At present the access road used by vehicles is immediately adjacent to a number of residential dwellings, several of which share this driveway. It is understood that the movements on site have not been in accordance with those suggested in the planning statement and residential amenity has suffered as a result.

25. The proposed private access will provide a greater separation distance to these dwellings and focus activity at the rear of the building where it will be screened from view. Public Health and Housing are satisfied with this arrangement subject to the inclusion of conditions which restrict lorry movements, loading and unloading of vehicles or deliveries to the hours of 08:00 - 17:00 Monday to Friday. In addition, all deliveries and despatches must take place at this rear door once the driveway is in place, which will be time limited. All doors and vehicles on site, including forklifts should also be fitted with broadband white noise alarms to reduce noise impact.

26. It must be noted that this building is not newly erected, it has stood on this site for years and whilst its agricultural use has sometimes been sporadic or seasonal it could have had and is capable of being used in the future as a continuous agricultural use with farm machinery accessing it on a regular basis with no time constraints. Nonetheless, the current situation is sought to be regularised and the conditions suggested by Public Health and Housing when combined with the new driveway should remove any noisy activities and vehicle movements from within such close proximity of residential dwellings. On this basis, it is considered that this represents an acceptable relationship.

### **Other Issues**

27. The ecology consultants are satisfied that the development will not have an adverse impact on protected species but have recommended conditions to

ensure that any future lighting is sensitive to ecology as well as securing ecological enhancements in accordance with DM12 and the NPPF.

28.The site sits adjacent to the conservation area and as such, views of the development will be visible from within it. The majority of the driveway will be sunken due to the change in land levels and combined with the proposed landscaping it is unlikely that views will differ much from existing. On this basis, it is not considered that the conservation area or its setting will be adversely affected, in accordance with DM17.

### **Conclusion:**

29.Both local and national planning policies support the reuse of rural buildings for economic purposes, indeed paragraph 84 of the NPPF states that *planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas*. Paragraph 85 notes that this development must be sensitive to its surroundings and this caveat is expanded upon within local policy. At present, the intimate relationship between the store (access and entrance) and adjacent residential properties creates a conflict in terms of activity and disturbance. Amended plans demonstrate that an alternative access driveway will remove activity from the boundary with residents, creating a larger separation distance, which will be further aided by landscaping.

It is considered that with the inclusion of the below conditions and the installation of the new access driveway, vehicle movements will not only be limited but will be almost entirely out of sight from dwellings in the area. Whilst it is appreciated that the use is unauthorised a period of 6 months has been allowed as a reasonable time frame, given the engineering works required, to complete the new accessway.

On this basis, the proposal to re-use an existing agricultural storage building for a B8 use is considered acceptable and in compliance with the development plan and the NPPF.

### **Recommendation:**

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

1. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

2. Prior to commencement of the access driveway, including any works of demolition, a Dust Management Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be implemented and maintained in accordance with the approved details.

Reason: To protect the amenity of occupiers of adjacent properties from dust, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact nearby occupiers.

3. No lorry or HGV movements, loading and unloading of vehicles or deliveries shall be taken or despatched outside the hours of 08:00 - 17:00 Mondays to Fridays and no deliveries shall be taken or despatched on Saturdays, Sundays and Bank Holidays unless 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, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. The new access driveway as shown on plan no. 21.070.K0001 C received 25<sup>th</sup> August 2021 shall be installed in its entirety within 6 months of the date of this decision. After which all deliveries and dispatch operations, including collections, shall only take place on this access from the new rear access door shown on plan no. 21.070.K0003 A received 25<sup>th</sup> August 2021.

Reason: To ensure the appropriate use of the site and 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, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. All audible alarms to all doors and vehicles kept on site, including fork-lift trucks requiring audible alarms shall be fitted with broadband (white noise) alarms or broadband (white noise) reversing alarms respectively, within 3 months of the date of this permission and retained as such.

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, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

6. A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority within 6 months of the date of this decision.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans;
  - d) persons responsible for implementing the enhancement measures;
  - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details within 6 months of the planning application decision date and shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species/habitats and allow the Local Planning Authority to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

7. Prior to any lighting being installed on site a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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

Reason: To allow the Local Planning Authority to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended, s40 of the NERC Act 2006 (Priority habitats & species)

8. Within 6 months of the date of the decision a soft landscaping scheme (detailing the grass mix and planting on the bund, trees on the western side of the bund along with the line of trees around the access ramp as shown on drawing number 21.070.K0001\_C) drawn to a scale of not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the access road (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To assimilate the development into its surroundings and protect the character and appearance of the area, in accordance with policies DM2, DM12 and DM13 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.

9. Development shall be carried out in accordance with the approved plans:

Plan type	Plan number	Date received
Existing site plan	21.070.S0001 A	25.8.2021
Location plan	21.070.L0101 A	25.8.2021
Existing elevations	21.070.S0002 A	25.8.2021
Proposed site plan	21.070.K0001 C	25.8.2021
Proposed site plan – detail	21.070.K0002 F	25.8.2021
Proposed plans and elevations	21.070.K0003 A	25.8.2021
Proposed access	21.070.K0006 D	25.8.2021
Proposed access	21.070.K0007 D	25.8.2021

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

**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=documents&keyVal=QQ7UB4PDIIC00>