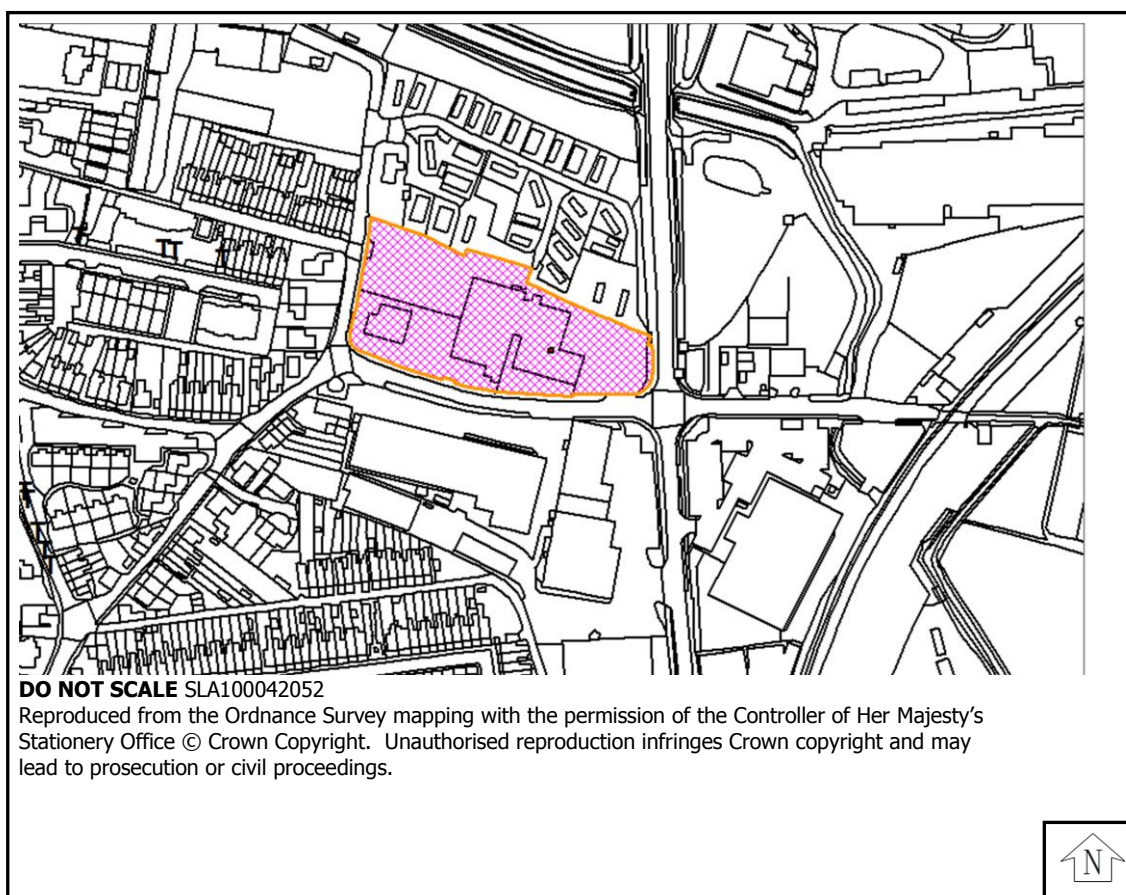


PLANNING COMMITTEE – 17 APRIL 2018**APPLICATION NO** DC/17/4960/FUL**LOCATION**Former Brand Of Beccles, Carcom
Bodyworks And Beccles Car Centre
Site

Common Lane North

Beccles

NR34 9BN

EXPIRY DATE 20 February 2018**APPLICATION TYPE** Full Application**APPLICANT** Lidl UK GmbH**PARISH** Beccles**PROPOSAL** Demolition of existing buildings and redevelopment for an A1 foodstore**1 SUMMARY**

- 1.1 This proposal is for the demolition of existing car sales and vehicle repair buildings within an area allocated for B Class employment use off Common Lane North and replacement by a supermarket for the discount chain Lidl. The proposal is contrary to policy therefore.

Given the balancing benefits of the proposal the recommendation is for approval in principle. There are a number of other unaddressed issues though these are considered capable of being overcome, so the recommendation is to return delegated powers to officers, to progress these matters.

2 SITE DESCRIPTION

- 2.1 This industrial land allocation is to the north of Common Lane backing onto an area of “Park Home” housing, caravans in reality. Currently the land is used as vehicle repair and sales. The repair function is current the sales are a last use. Opposite on Common Lane there are industrial units converted to form B1(a) offices for the NHS trust. The rest of this industrial area is occupied by other industry and some retailing and quasi retail uses. Common Lane at its east end joins onto George Westwood Way, forming the principle access into the town from the A146 by pass. This highway is busy and right hand turns into Common Lane cause some delay to traffic.
- 2.2 The land is within the high risk flood zone 3 and much of Beccles within a “source protection zone” for potable water. The elevated by pass road to the north obscures this site from long views from the Broads Area.

3 PROPOSAL

- 3.1 Demolition of the existing buildings and the erection of a standard portal framed shed offering 1325 square metres of retail floor space at ground floor level associated parking and highway work

4 CONSULTATIONS/COMMENTS

4.1 Neighbour consultation/representations

Objection from 14 Waveney Residential Park

The layout of Residential Park Homes on Waveney Park is incorrectly portrayed, showing 20 and 21 overlooking car park, but this should also show number 15 and number 14 in a row with 21, and 20, rather than at an angle to them.

Will the existing boundary fence be left in situ or removed? If removed what will be the height of the replacement? These 4 properties above are built at a slightly higher ground level, so the homes and rear gardens are approx. 3ft higher than the ground level of the proposed Lidl Car Park

The boundary fence needs to be of a suitable height to maintain privacy.

Comments also received from: The Police DOCO as a local resident, Wrights Motors, a resident of St Mary's Road, 10 Hilltop Rise Worlingham, 24 Old Mill Terrace, Furze Cottage Barsham.

Points raised: (responses summarised, all responses can be viewed in full on the Council's website)

George Westwood Way has a high volume of traffic due to 2 supermarkets and a homeware store and the industrial estate and motor vehicle sales and repair. Accidents have occurred at junctions on this road. The junction onto George Westwood Way is difficult to pull out from presently. Other alternative routes are narrow and unsafe with no footways. These are used by pedestrians accessing the quay and by elderly residents of the residential park next to the proposed site.

A roundabout or traffic lights or other traffic regulation orders may help, including reversing the flow of traffic down Grove Road.

There is higher than average electric vehicle ownership but no public charging points. Lidl's are partners with Podpoint an EV charger supplier. This should be positioned furthest away from the store entrance with associated signage.

- The 2000 homes in Beccles and Worlingham are not close to this site, requiring vehicle use.
- The store would be better built near these housing allocations. There will be abstraction of business from other local stores. Lidl stores sell non food goods; there are 2 other supermarkets, a small supermarket and a home store within a 0.5 mile radius.
- Teenagers have caused disturbance at the Tesco store in the evenings. Similar problems might arise at Lidl.
- Development will create added noise, light and air pollution, including to residents adjacent on Waveney residential park, Pound Road and Old Mill Terrace.
- Air pollution will be seen across the town of Beccles given the increased volume of traffic expected.
- Deliveries will cause noise and disruption to residents of Pound Rd and Old Mill terrace, the delivery bay is a very close proximity to houses on pound rd.

Several letters of support in principle have been received for an affordable supermarket and for redevelopment to tidy up unattractive sites that detract from this approach to the town.

4.2 Parish/Town Council Comments: (précised)

Concerns were raised about the predicted 70% increase in traffic to the site and the poor pedestrian paths on Pound Road, with frequent near misses already being reported for this area. The Mayor and Deputy Mayor had met the applicant and were informed that George Westwood Way would be widened to accommodate a right turn lane into Common Lane North but this road itself could not be widened due to the presence of a gas main.

- Traffic to the NHS office opposite the site was assessed as being at different times of the day to shopper's flows. Other measures such as Traffic Regulation Orders and bollards should be considered, including absolute bans on parking even for disabled users on the road.
- To limit the impact of noise on local residents high acoustic fences and time restrictions are needed. The cycle racks are too far from the store entrance.

- Historically trees lined the edge of Common Lane North and replanting should be considered.
- The proposal should be approved subject to improvements suggested above.

Consultees (responses summarised, all responses can be viewed in full on the Council's website):

4.3 Anglian Water:

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site, AW request an advisory note.

The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it and cannot be easily relocated.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

Wastewater Treatment

The foul drainage from this development is in the catchment of Beccles Marsh Lane Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated however to accept the foul flows from the development with the benefit of planning consent.

The sewerage system network at present has available capacity for these flows. The surface water strategy/flood risk assessment submitted with the planning application as it is relevant to Anglian Water's discrete considerations, is acceptable, providing enacted in compliance.

Discharge of trade effluent to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent a note is requested.

Anglian Water recommends the following surface water disposal planning condition if the Local Planning Authority is mindful to grant planning approval.

Suggested condition:

"No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority".

REASON: To prevent environmental and amenity problems arising from flooding.

4.4 WDC - Economic Regeneration:

Economic Development when formulating a response takes into consideration: Displacement of existing Users, Local Development Framework and Emerging Local Plan, Strategic fit, Suitability of location, Creation of jobs.

The only business currently on site is Carcom Bodyworks, who are to move to the recently approved new premises at Ellough within the next 6 months. A total of 9 FTE staff will be moved.

Economic Development is not aware of any other available commercial land in Beccles which Lidl could consider. Local Commercial Agents were unable to put forward alternative sites.

Lidl intend to create 44 full time positions. Economic Development welcome the job creation and economic value into the local economy.

We support Lidl in their application.

4.5 WDC Planning Policy:

Key issues that need to be considered as part of this planning application are the loss of employment land, town centre impact and the development of a site that is at risk from flooding.

The proposal is located within an existing employment area, as defined by the current Local Plan The Council's Review of Existing Employment Sites (2017) has demonstrated that Common Lane North still contains employment premises and is a valuable employment site to the north of Beccles Town Centre. The draft Local Plan consultation carries some weight when considering planning applications and this application site is still included within the employment area.

This is a serviced site with good connectivity to the road network, which makes it particularly valuable for employment. The applicant must demonstrate that there is no demand to use this site for employment purposes, through a marketing exercise.

Applications for retail schemes outside of town centres need to demonstrate that there are no alternative sites within or adjacent to the town centre boundary. The applicant has produced a sequential assessment that includes two sites: the former Fibrenyle site to the north of the Roy's Store and the new Local Plan allocation at Worlingham (WLP3.1). It is acknowledged that the former site is sequentially preferable but it is discounted on the grounds of poor access and lack of road frontage. The latter site does include retail use but this is discounted because it is only intended to serve the immediate neighbourhood, and so is not a suitable site for a Lidl. However, while the applicant states that no other sites were suitable they do not detail which other sites were discounted.

National Planning Policy Framework requires out of town retail applications over 2500 square metres to be subject to an impact test. The proposal is smaller than this. While the current plan has no locally set threshold emergent policy WLP8.18 of the new Local Plan has a threshold of 350 square metres. There is an impact assessment provided which concludes

that Beccles town centre has a low vacancy rate and is performing well. The case studies provided for other towns which conclude that the new supermarkets do not impact upon any of the town centres featured. Beccles might differ. The applicant identifies trade will be drawn from other nearby supermarkets. We are not confident that this proposal will not have an adverse impact upon Beccles town centre.

It is noted that the Environment Agency has raised an objection to the proposal on the grounds that the sequential test has not been undertaken by the Local Planning Authority.

4.6 WDC Environmental Health – Noise:

The Hoare Lea Acoustics noise impact assessment has identified that: the plant room should be fitted with an acoustic louvre which has a minimum insertion loss of 16dB; and delivery noise will have an adverse impact after 2100 hours.

However, the assessment does not consider the peak sound levels associated with the deliveries and does not assess other source of noise that will be associated with the business, therefore planning conditions are recommended: Control of trading hours and hours of delivery should be conditioned to those requested on the form: Mon - Sat 0800 - 2200 and 1000 - 1600 on Sun and bank holidays. Deliveries should be restricted to 0700 - 1900 Mon - Sat and 0800 - 1800 on Sundays or bank hols. The "Louvres for the plant room must accord with section 9 of the submitted Hoare Lea Acoustics report and provide a minimum insertion loss of 16dB."

As the application includes the demolition of the existing structures and the site is in very close proximity to existing residential dwellings the applicant should be required to submit for approval a demolition and construction environmental management plan, before any works, which should detail mitigation of all emissions (including dust, noise, vibration, water, light etc) from demolition and construction activities.

4.7 SCC Flooding Authority were consulted on the 27 November 2017, any comments will be reported in member's updates ahead of the committee meeting.

4.8 Environment Agency - Drainage

Are raising a holding objection on flood risk grounds. If our objection is subsequently overcome, we request a contaminated land condition. Maps show the application site lies within fluvial and tidal Flood Zone 3a, the high probability zone. The proposal is for the demolition of existing buildings and redevelopment for a food store, which is classified as a 'less vulnerable' development. The application is required to pass the Sequential Test set by the Local Planning Authority and be supported by a site specific Flood Risk Assessment (FRA).

The flood risk assessment (FRA) submitted with this application does not demonstrate that the development will be safe for its lifetime. The FRA also does not comply with paragraph 94 of the NPPF, which requires local planning authorities to adopt proactive strategies to adapt to climate change, taking full account of flood risk and coastal change. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

- Assess the impact of climate change using appropriate climate change allowances. In this instance, according to 'Flood risk assessments: climate change allowances', the allowances that should be assessed are the Basic Allowances of the 1 in 1000 (0.1%) annual probability including climate change allowance level.
- Use the correct flood levels from us.
- Correctly calculate the expected flood depths on site and within the building.
- Provide Finished Floor Levels above the design level with climate change.
- No topographic survey has been submitted.
- Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.

Overcoming our Objection

The applicant can overcome our holding objection by submitting an FRA that covers the deficiencies highlighted above, based on the points outlined below, and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection. More detailed advice on overcoming our objection is provided in an appendix to this letter.

- Please see the Climate Change Guidance in the technical appendix - flood risk climate change.
- Flood levels can be requested from our Customers and Engagement team. Please see the advice to applicant section.
- The applicant needs to compare the flood levels with the site levels and building levels to determine the potential flood depths.
- Please see the advice to applicant section.
- Submit a GPS verified topographic survey.
- The applicant should include a Flood Emergency Plan detailing the actions to take before, during and after a flood.
- Our objection will be maintained until an adequate FRA has been submitted.

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

Advice to Applicant

Our Customers and Engagement team can provide any relevant flooding information that we have available.

We recommend that finished floor levels for the proposed development are set 300 millimetres above the 1% (1 in 100) annual probability with climate change flood level. Or, if the FRA can demonstrate that this is not practical, then it may be acceptable if flood resilience/resistance measures are incorporated up to the 1% (1 in 100) annual probability event level with climate change, providing that floor levels are set as high as possible, flood warnings are available, temporary disruption is acceptable and the local council are

satisfied that it will protect the proposed development and its users from flooding, in accordance with Paragraphs 059 and 060 of the Planning Practice Guidance.

Flood Resilient/Resistant Construction

We recommend that consideration is given to the use of flood proofing measures to reduce the impact of flooding when it occurs. To minimise the disruption and cost implications of a flood event we encourage development to incorporate flood resilience/resistance measures up to the extreme 1 in 1000 year climate change flood level. Both flood resilience and resistance measures can be used for flood proofing. Flood resilient buildings are designed to reduce the consequences of flooding and speed up recovery from the effects of flooding; flood resistant construction can help prevent or minimise the amount of water entering a building. Information on preparing property for flooding can be found in the documents 'Improving the flood performance of new buildings'

Contaminated Land

If our objection to this application is overcome, we would request the following planning condition is included. Without this condition, the proposed development on this site poses an unacceptable risk to the environment. This site is located above Secondary A Aquifer (Aldeby Sand And Gravel Member) and Principal Aquifer (Crag). A Source Protection Zone (SPZ2) is located under the site and the application overlies a WFD groundwater body, and is also in a WFD drinking water protected area and is close to River Waveney. The site is considered to be of high environmental sensitivity. The historic and future use could present potential pollutant linkages to controlled waters.

Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To protect and prevent the pollution of the water environment (particularly the Secondary A and Principal aquifers, Source Protection Zone 2, River Waveney and EU Water Framework Directive Drinking Water Protected Area) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive, Anglian River Basin Management Plan and Environment Agency Groundwater Protection Position Statements (2017) A4 - A6, J1 - J7 and N7.

- 4.9 Suffolk Fire And Rescue Service** Standard note requiring heavier loadbearing capacity for hard-standings than that outlined in the Building Regulations. No hydrant required. Sprinkler systems recommended.

4.2 Suffolk County - Highways Department: (précised) had made a holding objection, but matters are now resolved following further drawing issue.

Improvement has been secured for the junction of George Westwood Way and Common Lane North where southbound traffic turns into the west part of Common Lane North.

The parking provision is below the maximum Suffolk Guidance for Parking (2015) level for the floor space of the store. While the vicinity shows evidence of high parking demand it is close to Beccles town centre and residential areas, so there are opportunities for customers and staff to use sustainable forms of transport. We do not object to the lower level of parking proposed therefore (which is 79% of the maximum recommended). Cycle parking should be roofed.

Further to receiving additional plans relating to highway mitigation, the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the standard conditions that the accesses shall be completed in all respects in accordance with Drawing No. SCP/16126/F06 Rev A; and be completed prior to use. That the footway widening, crossing point and reinstatement on Common Lane North shown on Drawing No. SCP/16126/F06 Rev A have been submitted in full detail and approved in writing by the Local Planning Authority before construction.

Before development full details of the improvements to Common Lane North junction with George Westwood Way shown on Drawing No. SCP/16126/F07 Rev A shall have been submitted to and approved in writing by the Local Planning Authority.

Further details of storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority and the means by which surface water run off is prevented similarly approved.

Space for manoeuvring and parking of vehicles has been provided before use and vision splays improved as specified.

4.3 SCC Travel Plan Officer:

A typical Lidl development does not justify a full Travel Plan being implemented, due to the low number of staff that work on a typical day, as only 20 were identified on the planning application form. This is in addition to the limits of the Travel Plan being able to influence customer travel behaviour, as the majority of customers will need a vehicle to transport a bulky shopping trip home. This is based on the experience and implementation of Travel Plans for two other discount supermarket retailers in Suffolk.

Nevertheless the Travel Plan (dated 29th September 2017) has identified some good measures to encourage sustainable travel which can easily be secured by planning conditions. However, on reviewing the site layout plans and both the Travel Plan and Transport Assessment there seems to be no secure long-term cycle storage staff proposed, with suitable shower, changing and storage facilities for staff. This may result in some security issues for staff, as their bikes may be more vulnerable to theft due to them being left for a considerable amount of time in a public area, in addition to having a suitable provision to allow them to change into their work uniform after cycling a reasonable distance. This mitigation could easily be secured by a suitably worded planning condition.

Electric vehicle charging should also be provided to staff and customers as well to comply with the requirements of the Suffolk Guidance for Parking and paragraph 35 the NPPF to make the site more sustainable.

Conditions are suggested:

That employees are provided with a Travel Information Pack previously agreed as to content, by the Local Planning Authority in consultation with the Highway Authority. Cycle storage and details of changing facilities, lockers and showers shall be agreed.

Before use full details of the electric vehicle charging points shall be submitted and approved.

4.14 WDC Environmental Health - Contaminated Land

The intrusive investigation has recommended that further site investigation and assessment is completed following demolition of the existing structures and floor slabs. I would concur with this. These works, together with a remediation and validation report which may subsequently be required, should be secured using the appropriately worded 5 model conditions.

4.15 Police - Alan Keely Crime Reduction Beccles Police Station

There is no mention of security in the Design and Access Statement. The development should seek to achieve Secured by Design SBD Commercial 2015 V2 certification.

Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority: 'to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

I would be very pleased to work with the agent and/or the developer to ensure the proposed development incorporates the required elements.

- General recommendations are made in the following areas:
- External doors and apertures
- Internal door sets
- Glazing within door-sets and secure vision panels
- Security Glazing
- External lighting
- Boundary treatments.
- Monitored intruder alarm system
- CCTV coverage
- The construction of the roof and shell
- Secure motorcycle, moped and scooter and cycle parking
- A maintenance and management programme should be implemented for the future care of boundary and other proposed planting.
- Commercial safes and strong rooms
- Access control from main entrances to private or restricted areas.
- External bin storage

5.0 PUBLICITY

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

Category	Published	Expiry	Publication
Departure, Major Application,	01.12.2017	21.12.2017	Beccles and Bungay Journal
Departure, Major Application,	01.12.2017	21.12.2017	Lowestoft Journal

6.0 SITE NOTICES : The following site notices have been displayed:

General Site Notice	Reason for site notice: Departure from Local Plan, Major Application, Date posted 29.11.2017	Expiry date 19.12.2017
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7.0 PLANNING POLICY

National Planning Policy Framework, paragraphs 24 and 26; 102
CS02 High Quality and Sustainable Design (Adopted Core Strategy, January 2009)
CS07 Employment (Adopted Core Strategy, January 2009)
DM02 Design Principles (Adopted Development Management Policies, January 2011)
DM08 Existing Employment Areas and Other Employment Sites (Adopted Development
Management Policies, January 2011)
DM10 Town Centre Boundaries (Adopted Development Management Policies, January
2011)
New Emergent Local Plan policy WLP8.12 (Existing Employment Areas)
New Emergent Local Plan policy 8.18 (New Town Centre Use Development)

8.0 PLANNING CONSIDERATIONS

Key issues that need to be considered as part of this planning application are the loss of employment land, town centre impact and the development of a site that is at risk from flooding and highway access improvement.

Potential loss of employment land:

- 8.1 The proposal is located within an existing employment area, Common Lane North, as defined by the current Local Plan in policy DM08. Waveney District council's Review of Existing Employment Sites (2017) has demonstrated that Common Lane North still contains employment premises and is a valuable well accessed employment site to the north of Beccles Town Centre and that there is a need for this allocation. That there are non-employment uses in the designated employment area does not mean that it is no longer needed for employment purposes. Waveney District Council's draft New Local Plan has been published for consultation and so carries some weight when considering planning applications and the application site remains included within the employment area as defined by policy WLP8.12.
- 8.2 The applicant has not demonstrated that the site is no longer required for employment purposes. A marketing exercise would be an appropriate response to this issue given

emergent policy WLP8.12 where: “Marketing evidence is provided which demonstrates the premises have been marketed for a sustained period of 12 months in accordance with the requirements set out in Appendix 6; and the proposed use is compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns”. It is accepted that the current plan does not specifically set this test; rather it simply suggests other uses need exceptional justification. In this instance the presence of existing businesses on the site may have made marketing less commercially viable, in that such an exercise might result in existing businesses seeking to move as a result of “for sale” signs going up, and perhaps harming those businesses currently on the site.

- 8.3 The applicant has contested the need for marketing, in that the emergent Local Plan that only existing B type uses are protected, and where land within employment areas is already in a different use then change is acceptable. In this case around half the site was last used for a “quasi retail” vehicle sales activity not within the B class. The vehicle repairers however are considered a general industrial activity. The existing adopted policy does not cite existing use as significant at all, stipulating that exceptional reasons are required to allow other uses beyond employment use within the B type planning use classes.
- 8.4 The Economic development team have visited the existing site operator involved in the vehicle maintenance activity and established that the proposal does not threaten these existing jobs as there will be relocation within the area. The team supports the application for its employment creation potential.

Sequential test for alternative sites

- 8.5 It is considered that the applicant has sequentially tested other sites. NPPF paragraph 24 requires applicants to demonstrate that there are no alternative available sites within or adjacent to the town centre boundary. The only appropriately sized site close to Beccles Town centre is north of Roy’s Store and is not available as a result of legal constraint or appropriate given the lack of street frontage. It is considered that while no other sites have been specifically identified and evidenced, there are no other sufficiently sized available sites in the town centre so it would be unreasonable to require more detail on this matter.

Retail impact

- 8.6 The proposal is well below retail impact testing requirements defined nationally (2500 sq m). Emergent policy WLP8.18 sets a much lower 350 square metre threshold, and while this carries minimal weight, it is not adopted policy. The applicant has submitted an impact assessment nevertheless that relies on experience elsewhere and demonstrates that abstraction of trade falls primarily on other supermarkets with lesser impact on town centre shops. Planning practice guidance notes that impact might be felt particularly where there are existing high rates of vacancy, and Beccles is performing well in this respect with low levels of empty town centre floor-space. While the assessment provided examines other towns and perhaps cannot be entirely relied upon, Monmouth for example is a market town of similar character, though perhaps set in more remote countryside, it would be very difficult given the current adopted policy situation to conclude that refusal over a lack of information on retail impact was a sustainable stance.

Flooding

- 8.7 The application site is located within the highest risk flood zone 3. The Environment Agency had made a holding objection because the sequential test had not been undertaken by the Local Planning Authority at the time of their initial response. The Local Planning Authority has since sequentially tested the site. Planning Practice Guidance sets the same test of availability for the consideration of other sites sequentially as that applied for the analysis of suitability of location to support an existing town centre. The Local Planning Authority considers that there are no other appropriate “available” sites, and that the use is of no greater harm than current use and that redevelopment offers the prospect of mitigation of risk. The applicants submitted Flood Risk Assessment was considered deficient on a number of points by the Environment Agency. Further details have been provided but at present the Environment Agency are yet to respond. As a result it is considered that resolution is possible and so Members are requested to consider allowing the return of delegated powers to officers in the matter of this technical issue.

Residential Amenity:

- 8.8 The site fringes the Waveney Residential Park, a caravan / park home site. These properties have hitherto been exposed to noise from the current industrial uses. A retail use will introduce high levels of vehicle movement to the frontage; the placement of the store building to the north boundary will offer some sound attenuation to the delivery bay and some parking areas. There is also parking introduced to the east end of the site where this screening effect will not be present so boundary treatment at this point will need further agreement. Further agreement by condition on boundary fence design should ensure a better noise environment than that previously existing.

Highway access:

- 8.9 Further plans have been received and on 22nd March the County Highways officer confirmed these acceptable subject to the conditions outlined in the consultee comment section. The Town Council has asked for improved footways elsewhere on Pound Road. The amended plans do show some improvement to footways. Parking guidance does allow for lesser parking provision on commercial sites, on the basis that this encourages modal shift. The County also observe that proximity to residential areas does indicate that methods of access other than by car are realistic.
- 8.10 It should be noted that the County had modelled the impact on dwell times of other solutions, including a roundabout and consider that the scheme negotiated between the applicant, the LPA and County Highways works better than other options suggested by correspondents.

Contaminated Land:

- 8.11 The Environmental Health Officer is satisfied with the preliminary risk assessment and intrusive investigation, but notes the need for further site investigation and assessment to be secured using the five appropriately worded conditions. It is noted that this requirement exceeds that requested by the Environment Agency.

Noise:

- 8.12 When considering noise impact note the applicant suggests that the plant room should be fitted with an acoustic baffle louvre; and deliveries should cease at 2100 hours. The Environmental Health Officer agrees and suggests restriction by condition as requested (and therefore enforceable) limiting trading and deliveries to the specified hours on the form.

In addition, as the demolition proposed is very close dwellings the applicant should be required to submit for approval a demolition and construction environmental management plan.

Other matters arising from objections received:

- 8.13 The observation that numbers and positioning of the park homes has not been accurately portrayed is not considered of material planning consequence, providing that as requested by the writer, the boundary fence is suitable for privacy and noise reduction. Other suggestions regarding highway system alterations go beyond that considered necessary by the Highway Authority.
- 8.14 The request for electric vehicle charging points is considered appropriate and can be secured by condition.

9.0 CONCLUSION

- 9.1 It is recognised that there is some popular support for this application and the retail offer provided by the applicant, it is however material planning considerations that inform recommendations.
- 9.2 There is lack of submitted marketing evidence that the land is not required for employment purposes. Recent studies by planning policy show that this and other employment land allocated, both locally across the district is needed, but it is considered this is not a serious deficiency, as only part of the land is currently in general industrial use and there is a lot of other allocated employment land at Ellough, and the proposal offers the prospect of economic activity and job creation in the short term, with the support of the Economic Development Team. On balance therefore this edge of centre site offers some broadening of the retail offer in Beccles and positive economic benefit that outweighs the loss of some land for employment but no loss of actual employment given the transference of the sole business currently trading on the site.

10.0 RECOMMENDATION

- 10.1 To return delegated powers to officers to discuss technical matters relating to mitigating economic harms arising from flooding and Source Protection Zone issues, between the Environment Agency, the Local Planning Authority and the applicant and determine the application based on the outcome of these discussions, with the following conditions also applied to secure other matters:

Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be constructed in all respects strictly in accordance with drawings: 7518L 10 site plan, 7518 L11 floor plan, 7518 L12 elevations, 7518 L13 roof plan; received 21st November 2017, for which permission is hereby granted or which are subsequently submitted to and approved in writing by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

3. No part of the development shall be commenced until details of the footway widening, crossing point and reinstatement on Common Lane North shown on Drawing No. SCP/16126/F06 Rev A have been submitted to and approved in writing by the Local Planning Authority. The approved improvements shall be laid out and constructed in their entirety prior to use.

Reason: To ensure that the footway improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of sustainable travel and highway safety.

4. No part of the development shall be commenced until details of the improvements to Common Lane North junction with George Westwood Way shown on Drawing No. SCP/16126/F07 Rev A have been submitted to and approved in writing by the Local Planning Authority. The approved improvements shall be laid out and constructed in their entirety prior to use.

Reason: To ensure that the improvements are designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of mitigating congestion on the highway.

5. Before the development is commenced details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

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

Reason: To prevent hazards caused by flowing water or ice on the highway.

7. The use shall not commence until the area(s) within the site shown on Drawing No. SCP/16126/F06 Rev A for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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

8. Before the accesses are first used visibility splays shall be provided as shown on Drawing No. SCP/16126/F06 Rev A with an X dimension of 2.4 metres and a Y dimension of 43 metres onto Common Lane North and an X dimension of 2.4 metres and a Y dimension of 25 metres onto Pound Road and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

9. Within one month of first occupation, each employee shall be provided with Travel Information Pack that contains the sustainable transport information and measures to encourage the use of sustainable transport identified in the Travel Plan dated 29th September 2017. Not less than 3 months prior to the occupation, a completed Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include up-to-date walking, cycling and bus maps, relevant bus and rail timetable information, car sharing information, and sustainable transport discounts.

Reason: In the interests of sustainable development as set out in the NPPF, and Policy CS15 of The Approach to Future Development in Waveney to 2021 - Core Strategy Development Plan

10. Before the development is commenced details of the areas to be provided for secure covered cycle storage for both customers and employees and details of changing facilities including storage lockers and showers shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: In the interests of sustainable development as set out in the NPPF, and Policy CS15 of The Approach to Future Development in Waveney to 2021 - Core Strategy Development Plan

Note: The employee cycle storage shall be in a lockable facility away from public access to maximise the uptake in cycling among staff.

11. Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with paragraph 3.4.2 of the Suffolk Guidance for Parking and paragraph 35 of the National Planning Policy Framework.

12. Following demolition of the existing structures and floor slabs no further development approved by this planning permission, shall take place until a site investigation, as recommended in section 6 of CAG report number 746-R-01, has been submitted to, and approved in writing by, the local planning authority. All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including BS10175:2011+A1:2013 and CLR11.

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

13. Following demolition of the existing structures and floor slabs no further development approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

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

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

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

14. Prior to any occupation or use of the approved development the RMS approved under condition 13 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
- results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
 - evidence that the RMS approved under condition 13 has been carried out competently, effectively and in its entirety; and
 - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

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

16. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS 10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

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

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

17. The trading hours hereby permitted shall only take place between the hours of 08.00 and 22.00 Mondays to Saturdays and between 10.00 and 16.00 on Sundays or bank holidays.

The delivery hours hereby permitted shall only take place between the hours of 07.00 and 19.00 Mondays to Saturdays and between 08.00 and 18.00 on Sundays or bank holidays.

Reason: To protect the amenities of the surrounding area and residences by minimising disturbance by noise.

18. Louvres for the plant room must accord with section 9 of the submitted Hoare Lea Acoustics report and provide a minimum insertion loss of 16dB.

Reason: To ensure amenity harms from noise is adequately mitigated.

19. Before the commencement of any work including demolition, the applicant shall submit to the Local Planning Authority written details of a demolition and construction environmental management plan, and receive the subsequent approval from the LPA of the plan.

The plan shall detail how the applicant will mitigate all emissions (including dust, noise, vibration, water, light etc) from demolition and construction activities. All work shall proceed in accordance with the plan.

Reason: The application includes the demolition of the existing structures in very close proximity to existing residential dwellings whereby amenity harms arising from demolition require mitigation.

20. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

21. The accesses shall be completed in all respects in accordance with Drawing No. SCP/16126/F06 Rev A; and be completed prior to use. Thereafter they shall be retained in their approved form. At this time all other means of access within the frontage of the application site shall be permanently and effectively "stopped up" in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the approved layout is properly constructed and laid out and to avoid uneven footways which would be detrimental to highway safety.

22. No use of the retail premises here approved shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected on the north boundary adjacent to the park homes. The boundary treatment shall be completed before use. Development shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and the appearance of the locality.

Informatives:

1. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

2. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991

3. NOTE 03

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.

NOTE 05

Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

NOTE 12

The existing street lighting system may be affected by this proposal.

The applicant must contact the Street Lighting Engineer of Suffolk County Council, telephone 01284 758859, in order to agree any necessary alterations/additions to be carried out at the expense of the developer.

NOTE 15

The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification.

The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and

inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

BACKGROUND INFORMATION:

See application ref: DC/17/4960/FUL at
www.eastsuffolk.gov.uk/public-access

CONTACT

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