

**Parish:** SUDBURY

**Location:** Lait Storage and Distribution Ltd, 5 Northern Road, Sudbury

**Proposal:** Erection of non-food retail warehouse (Class A1) and external project centre with associated access and servicing arrangements, car parking and landscaping

**Applicant:** c/o Agent - RPS Planning and Development Ltd

**Case Officer:** Stuart McAdam

**Date for Determination:**

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### THE SITE

1. The application site (0.82ha in size) is situated on the north side of Northern Road, Sudbury to the north of the town centre. The site lies on an elevated position at the top of a grass bank which slopes down to Northern Road.
2. A single storey distribution warehouse owned by Lait Distribution currently occupies the site. The unit is currently used for storage of Nestle products. The building is surplus to requirements and is coming to the end of its useful life.

### THE PROPOSAL

3. The proposal is to demolish the warehouse and replace it with a new retail warehouse (Class A1) to be occupied by the DIY retailer 'Wickes' who supply materials to local builders, tradesmen and the general DIY market. An associated external garden project area is also proposed on the site.
4. The warehouse would measure 50.5m x 36.2m with an eaves height of 6.1m and incorporates a pitched roof (highest point 9.1m). The main building will be micro-rib composite cladding panels with facing brickwork up to 2.25m. The entrance to the store will have an enclosed lobby with atrium feature which will bring visual relief to help reduce the mass of the building.
5. The warehouse will have a total gross internal floor area of 2,320 m<sup>2</sup> comprising the following elements:-
  - Ground floor retail – 1,856m<sup>2</sup>
  - Retail Mezzanine – 325m<sup>2</sup>
  - Ancillary office accommodation – 139m<sup>2</sup>
6. The external garden project area is 464m<sup>2</sup>
7. The area to the front of the unit will be used for car parking and a goods delivery and load/unload area is positioned to the north west side of the store. Vehicle access will remain as existing and a new pedestrian link will be constructed from Northern Road.
8. Landscaping will be incorporated into the design in a scheme to be agreed with the local authority.

9. The application is accompanied by the following documents:-
- Design and Access Statement
  - Planning and Retail Statement
  - Tree survey and Assessment
  - Energy Statement
  - Environmental Desk Study
  - Transport Assessment
10. The Planning and Retail Statement has been subject to an independent assessment by Colliers CRE commissioned by the Council.
11. The planning application has been screened under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). It was concluded that the proposal is not 'EIA development' and an Environmental Statement was not required.

### **RELEVANT HISTORY**

12. 1972 – Erection of warehouse and construction of access – approved Ref. S/72/1265/M

### **NATIONAL GUIDANCE**

13. **PPS1** (Delivering Sustainable Communities)
14. **PPS6** (Planning for Town Centres)
15. **PPG13** (Transport)
16. **PPG16** (Archaeology and Planning)
17. **PPS23** (Planning and pollution control)

### **PLANNING POLICIES**

18. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

#### **East of England Plan - 2008**

- **SS1** Achieving Sustainable Development.
- **ENV7** Quality in the Built Environment.
- **ENG1** Carbon Dioxide Emissions and Energy Performance

#### **Babergh Local Plan (Alteration No.2) 2006**

- **LP01** Planning Obligations for Services, Facilities and Improvements
- **EM02** General Employment
- **SP03** New Retail Development
- **TP03** Provision of New Cycle Routes
- **TP04** New Cycle Links
- **TP15** Vehicles Parking Standards
- **CN01** Maintaining Local Distinctiveness

**The relevant documents can be viewed via the internet. Please see Page 4 for details.**

## CONSULTATIONS

19. PC – Sudbury Town Council resolved to approve the application but have concerns over possible traffic congestion in the area and recommend looking into the use of traffic lights at peak times using s106 money and widening the access road to improve access to the site.
20. Adjoining PC – Chilton Parish Council has no objection to the application and welcomes the increased employment opportunities. However they would like officers and the Development Committee to take into account the following points:-
  - The site should have a separate entrance as damage has been caused to the Resource Centre side of the entrance regularly. There is a potential conflict with the shared access with Sudbury Resource Centre as a result of increased traffic
  - Increased traffic flows in and out of a new Wickes Store will cause added congestion on Northern Road between MacDonald's roundabout and Shawland's roundabout especially at peak times. In particular, vehicles turning right into the site from Shawland's roundabout will cause a back up of vehicles.
  - Is the mix of cars and lorries on one way site parking advisable given the small parking area?
  - It is unclear whether the large tank to the rear of the site is within the site boundary and if it is needed
  - The byway/footpath running between the two Lait buildings from Northern Road to Churchfield Road could do with upgrading/re-planting. We would suggest that a modest amount of s106 money should be allocated for improvements to encourage more use by walkers and cyclists
21. LHA – The concerns of Sudbury Town Council, Chilton Parish Council and the Sudbury Resource Centre were noted and the Traffic Assessment carefully assessed. Capacity and accident data checks have confirmed that the priority junction proposed is satisfactory to serve the development and the access width/internal layout is acceptable to cater for the HGV movements likely. In respect of the latter, these are likely to be less than that generated by the current use, and with a dedicated loading area set back at the side/rear of the building.
22. There is no objection to the proposal subject to conditions to address access and parking (as per drawing submitted).
23. The contents of the Travel Plan are satisfactory. However, the need for improved cycle links along this section of Northern Road has been identified by this Authority and in view of the increase in such movements likely to be generated a contribution of £7,500.00 is requested towards such improvements.
24. EA - No objection subject to conditions relating to contamination issues and pollution control and informatives.
25. SCC Footpath Officer – No objection subject to informatives notes being attached to any permission granted to safeguard the footpath.
26. SCC (Archaeology) - This application lies immediately to the south of an area of archaeological importance, recorded in the Suffolk Historic Environment Record as site CHT 015. This was excavated in 2002 and revealed part of an Iron Age enclosure together with some burials and signs of Roman activity. There is a high probability of associated archaeological deposits extending into this application area. Groundworks causing significant disturbance have the potential to damage any archaeological deposit that exists.

27. There are no grounds to consider refusal of planning permission in order to achieve preservation *in situ* of any important archaeological deposits. Any permission granted should, however, be the subject a PPG 16, paragraph 30 condition, to ensure that an adequate record is made of any archaeological features or finds which would otherwise be destroyed by development:-

“No development shall take place within the area indicated [the whole site] until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority”.

28. SWT – We have records of viviparous lizard from the vicinity of this proposal. Reptiles are protected from killing or injury under the Wildlife and Countryside Act 1981. The nature of the site makes it unlikely that there will be any reptiles present but should permission be granted those involved in the development should be aware of their possible presence on site. If any protected species are discovered during the course of development, work should cease immediately and further advice be sought. As a precaution, if work is undertaken out side the winter hibernation period, debris should be cleared from the site as soon as possible to prevent reptiles occupying it.
29. AW – No response.
30. BDC – Economic Development Officer supports this application; the proposal will provide additional local employment opportunities and significant investment to Sudbury. During the past year Sudbury and its surrounding areas has seen a number of business closures, this investment provides a boost in confidence to the area and should be welcomed.
31. Whilst the proposal is retail, the nature of the business would be difficult to locate in the town centre. It would support our smaller local builders and tradesmen by enabling them to source materials closer to home; it would also help strengthen our local economy.
32. BDC Policy – Supportive of the application. However, advised that further advice was required from external consultants
33. EH – No response

## **REPRESENTATIONS**

34. A letter has been received from the Manager of the adjacent Sudbury Resource Centre expressing concern about the access and highway safety. This relates largely HGV movements and damage to property caused by them.

## **PLANNING CONSIDERATIONS**

35. The main issues in relation to this application are:-
- Retail policy and the out-of centre location of the store
  - Traffic and highway safety issues
  - Employment Uses
36. Policy EM02 identifies the Chilton Industrial Estate as an area for General Employment where planning permission will be granted for employment related development in principle. Supporting information indicates that the Wickes store will create 28 FTE jobs, (a net increase of 24 jobs) as a result of the development.

## **Retail Policy**

37. Retail policy guidance is contained in PPS6 (Planning for Town Centres) and Policy SP03 of the Adopted Local Plan. Key considerations include:-
- The need for the development
  - Impact on vitality and viability on existing town centres
  - Accessibility by a choice of transport methods
  - Effect on overall travel patterns and car use
38. The applicant has submitted a 'Planning and Retail Statement'<sup>\*</sup>, prepared by RPS, which demonstrates the retail need for additional shopping floorspace in Sudbury. The need is based upon Babergh District Council's Retail Study which was commissioned to inform the Local Development Framework. This study was published in July 2008.
39. The supporting statement also contains a sequential test assessment and an assessment of the impact of the store on Sudbury town centre.
40. The Council commissioned 'Colliers CRE' to undertake an independent review of the Planning and Retail Statement which has reached the following conclusions:-
- The Colliers report pre-dates the 'credit crunch' and this has had a major effect on forecasts. Colliers adopted the latest expenditure growth assumptions which are more realistic. The revised figures conclude that there will be sufficient available 'surplus' expenditure at 2011 to support the proposed 'Wickes' store
  - Colliers accept that Wickes operates at the heavy-end of the DIY market and will extend consumer choice to Sudbury residents. This will help reduce the number of trips made to larger centres such as Ipswich and Colchester
  - While there may be more bulky comparison goods floorspace (and DIY floorspace) in Sudbury town centre than suggested by RPS, the overlap between the offer of Wickes and that in the town centre will be limited. As such the Wickes store is unlikely to have a material adverse impact on the vitality and viability of the town centre. The scale of the store is also considered to be appropriate
  - A thorough sequential assessment has been undertaken and common sense would suggest that the confines of Sudbury town centre is unlikely to be suitable for a heavy end DIY store. Furthermore, sites within the town centre should ideally be made available to support no-bulky comparison goods floorspace.
41. For all the above reasons, Colliers conclude that there is no material reason why the application for a Wickes store at Sudbury should be refused on retail grounds. On this basis, Colliers recommend that the Council grant consent, subject to the proposal satisfying all non-food criteria.

## **Highway Issues**

42. Many of the comments received relate to issues of Highway safety and traffic. Members will note from the consultation responses that the Local Highway Authority has given detailed consideration to the concerns raised.

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<sup>\*</sup> Note – The above documents can be viewed on the Council's website or by arrangement with the Case Officer.

43. The applicant's agent has confirmed that the current building (gross floor area 4,069m<sup>2</sup>) could attract approximately 40 HGV movements per day (i.e. approximately 20 arrivals and 20 departures) The Wickes proposal will receive a maximum of 1 HGV delivery per day on 4 to 6 days per week which is a significant trip reduction. Furthermore, the building will have a dedicated loading bay.
44. The Local Highway Authority is satisfied that the arrangements are fully satisfactory (including the details contained in the 'green travel plan' and the and has not objected to the proposal. Members are advised that the applicant has agreed to make a financial contribution of £7,500.00 towards cycle links.

#### **Other considerations**

45. Policy ENG1 of the East of England Plan requires that all new non-residential development in excess of 1000m<sup>2</sup> must have at least 10% of their energy from renewables or low carbon sources. As such, an Energy Statement has been submitted to indicate how the building can achieve renewable energy and local carbon technologies. This will result in the predicted annual energy consumption being reduced by more than 17% which is in excess of the requirement in the East of England Plan. Methods will include air source heat pumps, improvements to building fabric, etc.
46. The use of the site for a DIY store is an acceptable form and scale of development in this location, which in the words of the Council's consultant's is unlikely to have a material impact on the vitality and viability of Sudbury Town Centre. It will be necessary to ensure that the site does not become an unfelted A1 retail use which would be unacceptable in this location and contrary to Planning Policy Statement 6 (Town Centres). This can be dealt with by the imposition of a planning condition to restrict the use of the premises, to that of DIY and bulky goods within the Use Class.
47. The recommendation to members therefore is one of approval.

#### **REASON FOR APPROVAL**

48. The proposals for the erection of a non food retail warehouse (Class A1) complies with the provisions of policies SS1, ENV7 and ENG1 of the East of England Plan, 2008 and policies LP01, EM02, SP03, TP03, TP04, TP15 and CN01 of the Babergh Local Plan, 2006. These policies seek to retain employment uses while ensuring that such development is in an appropriate location and minimises potential adverse environmental effects. In particular, the policies seek to secure (inter alia) high quality designs and layouts which maintain local distinctiveness, protect amenity, secure appropriate car parking, drainage and landscaping and maximise opportunities for pedestrians. The proposed development complies with the objectives and criteria of the aforementioned policies and the Local Planning Authority is satisfied that the development can proceed in an acceptable manner without significant having a significant material impact on the vitality and viability of Sudbury Town Centre. The layout, scale and design of the scheme is acceptable and the proposal would not be harmful to highway safety or traffic convenience. Furthermore, appropriate mitigation has been secured for the provision of improved cycle ways.

#### **RECOMMENDATION**

- (1) That the Solicitor to the Council be authorised to secure a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 towards improved cycle links

- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above, to the satisfaction of the Solicitor to the Council, the Chief Planning Control Officer be authorised to grant planning permission subject to the conditions, including:
- Restriction of goods to be sold
  - Samples of Materials
  - As recommended by the Environment Agency
  - As recommended by the Local Highway Authority
  - Energy efficiency
  - Landscaping Archaeology
  - Boundary Treatment
- (3) That in the event of the Planning Obligation referred to in Resolution (1) above not being secured the Chief Planning Control Officer be authorised to refuse planning permission for the following reasons:-

The development would not make sufficient provision for improved cycle links in accordance with Policies TP03 and TP04 of the Babergh Local Plan Alteration No. 2 (2006).