

Appeal Decision

Site visit made on 8 March 2022

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH March 2022

Appeal Ref: APP/W3520/W/21/3280966

Rushbrook Mill, Paper Mill Lane, Bramford, IP8 4BF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Equity Group Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/21/01835, dated 23 March 2021, was refused by notice dated 24 May 2021.
 - The development proposed is the erection of an office building of 666 sqm.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. Firstly, the effect of the proposed office building on sustainable development objectives, including sustainable transport, in the rural area; secondly, the effect of the proposed development on highway safety with respect to car parking provision and visibility at the proposed access; and thirdly, the effect of the proposed development on flood risk with respect to the resistance and resilience to flooding of the office building.

Reasons

3. The appeal site comprises land currently used as a car park serving residential units at the former Rushbrook Mill. There are 22 apartments in the former mill building, and a large extension, previously used as offices, was given prior approval in 2017 for a change of use to six townhouses with five currently completed and occupied.
 4. The site lies in a rural area to the north west of Ipswich, adjacent to the River Gipping, a main river. Access is via Paper Mill Lane which narrows in places, especially immediately to the south of the site where it passes between buildings. Paper Mill Lane to the north of the site has an open and rural character. To the south, travelling towards Ipswich, there is more development including derelict industrial land, Acorn House which is residential, and offices at the Acorn Business Centre. This development then gives way to open countryside with farm buildings and sporadic roadside dwellings. The villages of
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Claydon and Bramford are about 1.5 – 2 km to the north and south respectively.

5. The proposed offices would comprise a 3.5 storey building located close to Paper Mill Lane. The ground floor would provide an arched entrance to the site, utilising the existing access, a lobby and plant room and five car parking spaces in an undercroft. The offices would be arranged over the three upper floors. Overall, the building would provide a floorspace of some 666 sqm. The building has been designed to reflect the architecture of the original mill building and is considered acceptable.
6. The appellant accepts that the development conflicts with Policies E9 and E10 of the Mid Suffolk Local Plan 1998, Alterations 2006 (LP) which controls new industrial and commercial development in the countryside. These policies generally resist new offices unless they are small scale and an overriding need for the development in the proposed location is demonstrated which cannot be met within nearby settlements. I agree with this view since the proposed office is not small scale and no compelling evidence of an overriding need that cannot be met in nearby settlements is provided.
7. Nevertheless, the appellant argues that these policies are inconsistent with the National Planning Policy Framework, 2021, (NPPF) and therefore may be considered out of date. In particular, paragraph 89 is cited. This makes clear that the sequential approach to town centre uses, such as offices, should not be applied to applications for small scale rural offices. However, as noted above, the 3.5 storey office building providing a floor area of 666 sqm is a sizeable development and clearly within the rural area, some distance from settlements, albeit adjacent to the residential conversions in the former mill and office buildings. Therefore there is no material inconsistency in this case and the sequential test should apply.
8. NPPF paragraphs 84 and 85, also cited by the appellant, support the sustainable growth and expansion of all types of business in rural areas and recognise that sites to meet local business needs in rural areas may need to be found beyond existing settlements. However, no evidence of a specific need is provided, either for the growth or expansion of an existing local business or for a new local business that needs accommodation in this location. Although the appellant provides evidence from the Ipswich Economic Sector Area Needs Assessment, 2017, of localised demand in Mid Suffolk District as a whole there is no evidence of a need in this location. On the contrary, the Council suggests that there is ample office space available nearby in more sustainable locations. I have no evidence to refute this.
9. For the reasons set out above, I do not find that the proposed development is supported by Policy FC3 of the Mid Suffolk District, Core Strategy Focused Review (CSFR), 2012, which supports proposals that cannot be more sustainably located closer to existing settlements and where the proposal is restricted in size, scale and type appropriate to a rural setting.
10. The appeal site is not served by public transport and there is no footway on Paper Mill Lane in the vicinity of Rushbrook Mill. Although the site could be reached within easy cycling distance of nearby villages and parts of Ipswich, the majority of arrivals at this location are likely to be by car. I am therefore not

satisfied that the proposed development would be sustainable in terms of transport.

11. The appellant suggests that the Council is inconsistent in its application of policy because an extension was permitted to the offices at the nearby Acorn Business Centre in 2017 and was supported by the Council's Economic Development Officer. However, the extension of an existing office building is not readily comparable with the appeal proposal for a new, standalone office block.
12. It is concluded on the first main issue that the proposed office development would conflict with sustainable development objectives, including sustainable transport, in the rural area. In consequence, it would be contrary to Policies CS1 and CS2 of the Mid Suffolk Core Strategy (CS), 2008, LP Policies E9 and E10 and with the NPPF which, taken together, direct most new development to towns and key service centres and resist unsustainable employment development in the rural area unless there is a strategic, environmental or operational justification in the locality and the development is small scale.
13. Turning to car parking provision, the appellant considers there are currently 56 car parking spaces at the site whereas the Council suggests that there are 36 (plus spaces in the double garages serving five of the town houses). The Highway Authority (HA) suggest a total figure of 48 residential spaces. The difference between the appellant's and Council's estimates appears to arise partly because the appellant suggests that there are ten spaces available to the south of the apartments. However, this is a small area that is shown on the 2005 approved plan as being for cycles, refuse and fire service vehicles only. At the time of my site visit, communal refuse bins were stored in this area which also provides vehicular access to a garage on the far side of the mill pond, the ownership and occupation of which is not clear. The remaining area does not appear large enough to accommodate ten vehicles and even a smaller number would make it difficult or impossible for a refuse vehicle to enter and turn on site so as to exit in a forward gear. Thus, I do not find on the basis of the evidence that this area is either permitted as or available for car parking.
14. The remaining discrepancy appears to arise because an area at the northern end of the north car park is laid out as parking but was not shown as such on the approved 2005 plans which show 36 spaces, although it was within the red line at the time. Some of these spaces on the Paper Mill Lane side of the car park were occupied at the time of my site visit and appeared to be reserved for occupiers of the dwellings. However, it is not clear from the evidence who owns or controls this land. Overall, it appears that the number of available spaces is lower than assessed by the appellant but is probably higher than suggested by the Council.
15. In any case, applying the standards for parking set out in the Suffolk County Council adopted Technical Advice, Suffolk Guidance for Parking 2019, the Council calculates that the permitted apartments and town houses would require some 39 spaces, not including visitor spaces. Of these up to ten would be in the five townhouse garages. Some 30 spaces would therefore be required in the car park. These figures are broadly similar to ones calculated in other representations, including from the Highway Authority. It is agreed between the parties that the parking requirement for the proposed offices would be 22 spaces. Thus, there would be a need for some 52 spaces plus visitor spaces in

the car park. Three existing spaces would be lost to the footprint of the proposed building. Even if there are more car park spaces available than suggested by the Council this would thus indicate a significant shortfall.

16. There is no on street parking available on Paper Mill Lane and I agree with the Council that the location is highly car dependant. This shortfall would therefore be likely to lead to material parking stress at the site and potentially unsafe parking on the highway. This would conflict with Policy T9 of the LP which normally expects development proposals to provide for parking and manoeuvring of vehicles in accordance with the parking standards adopted by the Council.
17. The appellant seeks to justify the undersupply by pointing out that the site previously served the 22 apartments and some 1,400 sqm of office space and that this situation was approved by the Council in 2005. That may be so. However, it is clear from the evidence that this resulted in significant parking pressure, to the extent that the NHS who occupied the offices acquired an overspill car park on the opposite side of Paper Mill Lane. A historic parking shortfall would not therefore provide a justification for allowing a significant new shortfall at the site by permitting the proposed development.
18. The access to the proposed development utilises the existing site access. This appears to have been laid out with visibility splays although it is unclear what "Y" distance is achieved. The Highway Authority objects to the proposed development not only due to the lack of parking but also because no evidence has been submitted to show that appropriate visibility splays exist or could be provided. I agree with the Council that the ariel photographs submitted by the appellant are inadequate to demonstrate this. The appellant argues that as the access was previously permitted and used more intensively it should meet standards. However, the difference in intensity of use is unlikely to alter the visibility requirements at the access and I have no evidence to demonstrate that these were either previously provided or could now be achieved.
19. It is concluded on the second main issue that the proposed development would have a materially harmful effect on highway safety with respect to inadequate onsite car parking provision to serve the existing and proposed development and that it has not been demonstrated that adequate visibility at the proposed access could be provided. In consequence, the proposed development would conflict with Policy T9 of the LP and the Suffolk Guidance for Parking, 2019, and it has not been demonstrated that it would comply with paragraph 111 of the NPPF which seeks to resist development that would have an unacceptable effect on highway safety.
20. Turning to the third main issue, the site lies adjacent to the River Gipping and, according to the submitted Flood Risk Assessment dated July 2021, is located within Flood Zones 1 and 2. The appellant seeks to argue that the vast majority of the building footprint would be in Flood Zone 1. However, the Environment Agency Flood Zone Map extract submitted is not sufficiently detailed to demonstrate this. Although offices are classified as less vulnerable the NPPF expects the sequential test to be applied where development is proposed on unallocated sites in Flood Zones 2 or 3a. The sequential test seeks to ensure that development is located on land least at risk of flooding and therefore it is necessary to demonstrate that there are no more suitable alternative locations

for the development. The appeal proposal has not been subject to a sequential test. In consequence there is no evidence that suitable alternative sites do not exist.

21. Although the Environment Agency (EA) does not object to the proposed development it makes clear that it is required to pass the sequential test. Moreover, its response is caveated by stating that whilst the upper floors would provide refuge in the event of flooding, the proposed development does not have a safe means of access to an area outside the flood plain (up to a 1 in 100 annual probability including climate change event). The EA therefore states that further assessment of the submitted Emergency Flood Plan and the flood resistance/resilience measures for the proposed building is necessary to ensure the safety and sustainability of the proposed development and safety of future occupiers. I have no evidence to show that any such assessment has taken place.
22. It is concluded on the third main issue that in the absence of a sequential test, the proposed development would conflict with paragraphs 159 - 162 of the NPPF. Moreover, adopting the precautionary principle, it has not been demonstrated that the development would be appropriately resistant and resilient to flooding or that wider sustainability benefits to the community would outweigh the flood risk. It would therefore conflict with NPPF paragraph 163.
23. For the reasons set out above and having regard to all other matters raised, including objections from Suffolk County Council as Lead Local Flood Authority, Bramford Parish Council and local residents, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR