

Committee Report

Item No: 1

Reference: DC/17/05687

Case Officer: Steven Stroud

Ward: Brook

Ward Members: Cllr Gasper and Cllr Ridley

RECOMMENDATION – GRANT OUTLINE PLANNING PERMISSION

Description of Development

Outline Planning Application [all matters reserved] - Development of an Enterprise Park comprising up to 90,000sqm GIA of employment floorspace (B1/B2/B8), 9,000sqm GIA of motor vehicle sales (sui generis), a local centre (accommodating with up to 1,250 sqm NIA of retail floorspace including local retail and services (A1 and A2) restaurants, pubs and takeaways (A3, A4, A5) together with an 80-bed hotel (C1); new and improved access from Sproughton Road; together with the provision of landscaping, infrastructure (including movement (highways, parking, cycle and pedestrian routes), utilities (including gas, electricity, water, sewerage, telecommunications) and sustainable drainage systems), and engineering works (including demolition of existing structures and buildings, breaking-up and recycling of hardstanding and ground remodelling and enabling works).

Location

Former Sugar Beet Factory, Sproughton Road, Sproughton, Ipswich IP1 5AL

Parish: Sproughton

Expiry Date: 29/11/2018

Application Type: Outline Planning Application (all matters reserved)

Development Type: Major - Large Scale

Applicant: Ipswich Borough Council

Agent: David Lock Associates

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

- i. It provides for the erection of industrial buildings with a gross floor space exceeding 3,750 sqm.

Details of Previous Committee / Resolutions and any Member Site Visit

Members of the Planning Committee undertook an inspection of the site and its surroundings on 14th February 2018.¹

PART TWO – APPLICATION BACKGROUND AND DETAILS

¹ In relation to application references: DC/17/06235 and DC/17/06058.

Relevant Planning History and Context

1. The application site has a long history of use; most notably, as a factory for the production of sugar from beet. That use ceased around the Millennium, with most structures - save for four large concrete silos - being demolished or removed. Most recently, uses across the site have extended to storage and motorcycle training uses, under a temporary permission (which expires in September 2020)².
2. The demolition of the silos (and other associated tanks/structures) was approved in 2017³. Planning permission was also granted during 2017 for the erection of a 30m-tall tower to allow for the nesting of a Peregrine Falcon⁴.
3. The Council has committed to supporting the principle of retaining/expanding employment uses across the site and surrounding land through iterations of the plan-making process; this has culminated in the allocation of the site through the present Core Strategy (Policy CS8): '*Sproughton Strategic Employment Site Allocation*'.
4. The Council's resolve in supporting such an allocation is clear, where the inherent planning principles have been shaped through public engagement and have been democratically approved. An application for a mixed-use (including 1100 dwellings) development was considered at appeal and dismissed by the Secretary of State in 2007⁵. In reaching their decision the Secretary of State noted the considerable tension between allowing such a development to proceed, and the development plan (then Policy EM04) which had expressly allocated the site for employment purposes. Policy EM04 remains extant; however, Policy CS8 is now considered to be the lead policy for determining applications pursuant to the Allocation, as it represents the most recent iteration of the plan-making process.

Sproughton Enterprise Park

5. Members should note that this application is to be considered following the determination of two other applications affecting parts of the site (within the red-lined boundary of this application):
 - i. DC/17/06235 - Erection of a high bay distribution unit (Use Class B8) with ancillary offices (Use Class B1) and gatehouse, together with associated landscape, drainage and parking [hereinafter *the LDH development*];
 - ii. DC/17/06058 - Construction of infrastructure to serve the first phase of development at Sproughton Enterprise Park including highways, parking, cycle and pedestrian routes, utilities and sustainable drainage systems, provision of landscaping and removal/management of existing landscaping and engineering works (including demolition of existing structures and buildings, breaking-up and recycling of hardstanding and ground remodelling and enabling works) [hereinafter *the P1 Infrastructure development*].

² Application reference: DC/18/03532.

³ Application reference: B/17/00955.

⁴ Application reference: DC/17/03406.

⁵ Appeal reference: 2030150.

6. At the time of drafting this report, those permissions are due to be implemented imminently (and are likely to have been implemented by the time this application has been determined). Officers do not consider that the status of those developments should, or would, undermine the ability of Members to determine the application before them on its own merits and based upon the recommendations laid out within this report. It is, however, necessary to understand the relationship between applications and how they are linked; this will be explored in a subsequent section of this report.

Enterprise Zone Status

7. A Government initiative designated new 'Enterprise Zone' sites in April 2016. Sproughton Enterprise Park is one of 10 sites within the New Anglia LEP's *Space to Innovate* Enterprise Zone. The purpose of these newly designated Zones is to fast-track development of land allocated for employment through measures, including:
 - making it more attractive for local authorities to support development, via business rates retention;
 - making it more attractive to future business occupiers by offering them business rates relief (funded by central government);
 - ensuring access to superfast broadband is available for all occupiers; and
 - prioritising funding to EZ sites to secure delivery of employment and economic growth.
8. Delivery partners New Anglia LEP and Ipswich Borough Council (including officers from this Council) are confident that the availability of serviced employment land at Sproughton will help to ensure additional employment and economic growth within the area. On occupation, the return of business rates to the relevant Enterprise Zone partners could be used for reinvestment; for example, funding for site-specific infrastructure.

Site and Surroundings

9. The application site amounts to 51.2ha and is located immediately to the south of Junction 54 of the A14 as it meets Sproughton Road and is presently served by an existing spur from that junction. The Site wholly falls within the parish of Sproughton, though abuts the administrative boundary between the district of Babergh and the borough of Ipswich on its eastern edge; Ipswich town centre lies to the south-east.
 10. The A14 runs parallel to the western boundary of the site and is a major trunk road. Existing commercial areas lie to the east and north-east; the River Gipping is adjacent to the south. The nearest residential properties are located to the south/south-east, with the closest dwellings around 100m from the southernmost site boundary and being separated by the river and vegetation of varying degrees of maturity and thickness.
 11. The site incorporates a mix of mature vegetation along its boundaries and features a number of mature trees and other scrub/shrub within alongside areas of hardstanding features associated with the former sugar factory. A number of tree groups are protected by Tree Preservation Order (TPO) and which are located generally along the western site boundary – where no development is to take place – and along the site frontage, adjacent to Sproughton Road.
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12. The great majority of the site falls within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The southernmost boundary of the site falls within an area at a higher risk of flooding (Flood Zones 2 and 3); however, no development is to take place within that area. The existing nature of the land also means that there is presently considered to be a low risk of surface water (pluvial) flooding.
13. There are no designated heritage assets within the red-lined application area; however, a number of assets are in proximity to the site. Principally, these include: the Grade II Park and Garden of Chantry Park, including its Grade II Gatehouse and Gatepiers, and; the Grade II Red House (and associated, individually listed, Grade II barn). Those assets are located along Hadleigh Road in an elevated position to the valley within which the applicate site lies, being over 500m away and demarcated by intervening hard/soft features.
14. The site is not within, nor adjacent to, a Conservation Area. Nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest (SSSI), Air Quality Management Area, Local Green Space, or Area of Visual/Recreational Amenity. Whilst not affecting any land designated nationally (or internationally) for its environmental quality, a very small portion of land at the south-western corner of the site is designated by the Council as forming part of a Special Landscape Area; however, no development is to be located within that area.
15. The site lies within the 13km Zone of Influence (ZOI) for the Orwell & Stour Estuaries Special Protection Area/Ramsar (SPA), which is of ecological significance. Matters in that regard are considered later in this report.
16. No Public Rights of Way (PROW) run through the site; however, it is within proximity to a local network of footways and other routes associated with 'soft' modes of transport. This includes a river path route (footpath only) running along the River Gipping parallel to, and just inside of, the southern site boundary.

The Proposal

17. The applicant seeks 'outline' planning permission for the development described at the top of this report. The description of development is detailed, though in broad terms the scheme would provide for the following:

Business (B) uses

- i. Employment uses (B1(a), B1(b), B1(c), B2, and B8) comprising up to 90,000sqm Gross Internal Area⁶ (GIA) of floorspace, of which no more than 13,950 sqm GIA will comprise B1(a) floorspace.⁷

Motor Sales

- i. Motor vehicle sales and after sales (*sui generis*⁸), comprising the following elements:

⁶ Gross Internal Area (GIA) refers to the entire area inside the external walls of a building and includes corridors, lifts, plant rooms, service accommodation (e.g. toilets).

⁷ B1(a) use class - Offices, (other than those falling within A2 use); B1(b) use class - Research/Development; B1(c) use class: Light Industry (appropriate in a residential area); B2 use class - General Industrial; B8 use class - Storage/Distribution.

⁸ Whilst the most commonly found uses are contained within the Town and Country Planning (Use Classes) Order 1987 (as amended), there are many uses that are not specifically categorised by the four main use classes of A, B,

- a. Up to 9,000 GIA of floorspace for motor vehicle (car/van) sales and aftersales (itself *sui generis* use);
- b. Provision for car/van valeting (itself a B1 use);
- c. Provision for car/van repair (itself a B2 use);
- d. MOT testing (itself a B1/B2 use);
- e. Body repairs (itself a B2 use); and
- f. Sales office (itself a B1 use).

Retail and Service

- i. A 'local centre' comprising up to 1,250sqm Net Internal Area⁹ (NIA) of floorspace comprising A1, A2, A3, A4, and A5 uses¹⁰.
- ii. An 80-bed hotel (C1 use) with ancillary facilities including parking.

Landscaping

- i. Provision of landscaping comprising soft and hard landscaped areas which may incorporate drainage including swales, and attenuation features.
- ii. Works to existing vegetation include lopping, pruning and removal of protected trees as specified.

Access and Connectivity

- i. Improvement to the existing access from Sproughton Road, accommodating movements by private motorised vehicles, public transport vehicles, cycles and pedestrians.
- ii. A new access from Sproughton Road, accommodating movements by private motorised vehicles, public transport vehicles, cycles and pedestrians.
- iii. The provision of internal circulation routes accommodating movements by private motorised vehicles, public transport vehicles, cycles and pedestrians.
- iv. Wider access and connectivity improvements, including: improved foot/cycleways; crossing points; safeguarding area for future landing points; and improvements to the 'River Gipping Riverside Path' running adjacent to the southern site boundary.

Infrastructure / Enabling Works

- i. Works required to construct and service development including:

C, and D. These are classified as *sui generis* i.e. that they are in a use class of their own. In this instance, and under current legislation, any future proposal for a change of use away from motor vehicles sales would require a planning permission in its own right.

⁹ Net Internal Area (NIA) is commonly referred to as the net lettable or 'usable' area of offices and retail units. It includes entrance halls, kitchens and cleaners' cupboards, but excludes corridors, internal walls, stairwells, lifts, WCs and other communal areas.

¹⁰ Use Classes A1-A5, respectively: Shops; Professional/Financial Services (*not* betting or 'pay day loan' shops); Restaurants/Cafes; Drinking Establishments (*not* nightclubs); Hot Food Takeaways.

- a. The provision and diversion of utilities infrastructure including surface water attenuation;
- b. Temporary access and other related engineering operations or works;
- c. Demolition of existing structures and buildings together with breaking- up of existing hardstanding areas including crushing and backfilling of voids;
- d. Provision for the crushing, grading and stockpiling of demolition and other arisings; and
- e. Ground works including levelling, land raise and land reduction activities and creation of development platforms.

Parameters / Other

Specific controls, including through the Parameter Plan forming part of the planning application, would apply the following development parameters:

- i. Extent of development areas;
 - ii. Points of access;
 - iii. Framework of infrastructure corridors;
 - iv. Areas for green infrastructure and SuDS provision; and
 - v. That buildings would be a maximum height of 28m to ridge.
18. As an outline application, detailed matters relating to access, layout, appearance, scale, and landscaping are reserved for formal determination at a later date, should permission be granted. It is highly likely that, as typical for developments of this nature, reserved matters would be brought forward depending upon the relevant development area/phase or individual occupier. Indeed, it has been agreed with the applicant to structure any planning permission granted to allow for different development areas to be brought forward as the market dictates; this is considered an appropriate means of planning for a coherent delivery outcome.
 19. With 'all matters reserved', Members are tasked with considering the acceptability of the principle of the development applied for, and where controlled by those parameters outlined above. This affords Members a degree of certainty as to the eventual progression of development and its future occupation.
 20. Therefore, whilst all matters are reserved the Parameter Plan demonstrates how the development could be assimilated within the site allocation.

Relationship with Other Relevant Applications

21. Members should note that the submitted details accord with the other 'full' planning permissions that presently affect the strategic land allocation and which are referred to above: the LDH development and the P1 infrastructure development. Those permissions accord with the details submitted in support of this planning application¹¹.
22. The specific delivery timetable and requirements of the first occupier, LDH La Doria, (hence the related full applications for their development and the P1 infrastructure development) has warranted an accelerated timeline in respect of submission, clearance of conditions, and implementation.

¹¹ The LDH development was permitted for a height greater than that proposed under this application. Members considered the LDH development on its own individual merits and found its height to acceptable, when carrying out an appropriate planning balance of material considerations.

The phasing of application submissions was undertaken deliberately; partly due to commercial need where an occupier has been willing and able to progress, and also in order to ensure that the site-wide context could be understood when considering the applications and when framed against the lead planning policy. Therefore, whilst Members are tasked with determining each application on its own merits, the separate submissions have been co-ordinated so as to not prejudice one another or hinder delivery. The Council did not find that approach to be unacceptable when determining the LDH and P1 applications previously, and officers do not consider that there has been any change in that respect, with this outline application remaining to be determined.

23. The application, plans and documents submitted by the Applicant (including consultation responses and third-party representations) can be viewed online at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>. Alternatively, copies are available to view at the Council offices¹².

Relevant Planning Policies

The Development Plan

24. The development plan comprises the policies in the Babergh Local Plan 2011-2031, Core Strategy and Policies (2014) document and those 'saved' policies within the Babergh Local Plan, Alteration No.2 (2006). Due regard has also been paid to the Suffolk Waste Core Strategy (2011).
25. The following policies are considered to be those most important for the determination of this application.

Core Strategy:

- CS1 - Applying the Presumption in Favour of Sustainable Development in Babergh
- CS2 - Settlement Pattern Policy
- CS3 - Strategy for Growth and Development
- CS8 - Sproughton Strategic Employment Site Allocation
- CS12 - Sustainable Design and Construction Standards
- CS13 - Renewable/Low Carbon Energy
- CS14 - Green Infrastructure
- CS15 - Implementing Sustainable Development in Babergh
- CS16 - Town, Village and Local Centres
- CS21 - Infrastructure Provision

Saved Policies in the Local Plan:

- CN01 - Design Standards
- CN04 - Design and Crime Prevention
- CN06 - Listed Buildings
- CN14 - Historic Parks and Gardens – National
- CN15 - Historic Parks and Gardens – Local
- CR04 - Special Landscape Areas
- EM02 - General Employment Areas – Existing and New Allocations
- EM04 - Former 'British Sugar' Sproughton

¹² Details of addresses and opening times are available at: <http://www.babergh.gov.uk/contact-us/>

- EM08 - Warehousing and Distribution
- EN22 - Light Pollution – Outdoor Lighting
- SP03 - Retail Development Outside Town Centres
- TP05 - New Cycle Link – Sproughton
- TP15 - Parking Standards – New Development
- TP16 - Green Travel Plans

The National Planning Policy Framework

26. The National Planning Policy Framework (NPPF) of July 2018 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Other Considerations

27. The following documents are also considered as material for the purposes of determining planning applications and are considered to be applicable to this proposal by officers:
- Highways England - Design Manual for Roads and Bridges (1992 onwards);
 - Department for Transport - Manual for Streets (2014);
 - Suffolk County Council - Suffolk Guidance for Parking (2014), adopted 2015;
 - Suffolk County Council - Waste Core Strategy (2011).
 - The Suffolk Growth Strategy (2013);
28. On the 6th March 2014, a number of Ministerial planning circulars were cancelled by central Government and were replaced by the Government's online national Planning Practice Guidance (PPG). The guidance provided is advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.
29. The PPG is an online reference as 'living document' and is available at the following internet address: <https://www.gov.uk/government/collections/planning-practice-guidance>.
30. The relevant policies referred to above can be viewed online. Please see the notes attached to the Schedule.

Consultations and Representations

31. A Statement of Community Involvement has been submitted in support of the application, identifying that pre-application consultation with a range of interested stakeholders (including Babergh District Council and Suffolk County Council) occurred in order to help shape the proposal. Following masterplanning exercises undertaken on behalf of the applicant, a Landowner Handbook and Design Guide were produced in 2016 and 2017, establishing the high-level intentions for the development of the site as an Enterprise Park. Engagement continued through until application submission. The submitted application has been built upon those principles, and feedback received through consultations with interested stakeholders.
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32. All of those most recent or relevant responses received prior to the completion of this report are summarised or directly quoted below; nevertheless, all responses received are available to view on the Council's website at the address given above. Given the lengthy/technical nature of some of the responses received, Members are directed to consider the original copies of those documents.
33. Any further responses or representations will be reported through the Addendum Paper and/or at Planning Committee.

Summary of Consultations

Sproughton Parish Council

Object, for a variety of reasons summarised as follows:

- Concern over visual impacts and flawed technical assessments.
- 28m height parameter is unacceptable; should be 10/12m.
- Traffic concerns.
- Other environmental concerns.
- Concern that a waste treatment centre will be sited.
- Concern in respect of commitments to provide connectivity improvements/infrastructure.
- EIA Screening Opinion is flawed.
- Concern over tree screening/landscape impacts.
- LVIA is flawed.
- Will negatively impact upon village shop.
- The development could be 800m wide by 28m high.
- Assessments provided are biased.
- A wholesale purchasing facility should be afforded to the village shop.
- Unacceptable impact on residential amenity.
- Road network unable to cope with demand.
- Pollution concerns.
- Concern in respect of archaeological impacts; integrity of 'Devil's Wood'.

Officer comment: Members should note that the main letter of objection received amounts to 17 pages and approximately 11,000 words. It is advised that Members consider the content of that letter in its entirety.

Members are advised that a 'waste treatment centre' is not proposed in relation to this application. Furthermore, it is understood from the Suffolk County Council that whilst the site is identified as a potential location for such a provision in its extant Waste Core Strategy, this is not being actively pursued and does not feature within their new, emerging Plan in that respect. Officers afford a negligible weighting to the theoretical conflict that arises in light of this: partly due to the current view and emerging plan position of SCC; and also where primacy must be afforded to the development plan of the Babergh administrative area, which makes no specific provision for such a facility to be sited within its strategic allocation; only that part of the site may be required for that purpose. This application is to be determined on its own merits, and in respect of the development specifically applied for.

Pinewood Parish Council

- No objection.
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Ipswich Borough Council

- No objection, recommend conditions.

Suffolk County Council (SCC) – Local Highway Authority (LHA)

- No objection, subject to conditions.

SCC – Lead Local Flood Authority (LLFA)

- No objection, subject to conditions.

SCC – Archaeology

- No objection subject to conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Officer Comment: Further comments were received in relation to the site known as 'Devils Wood' (following concerns raised by the Parish Council), as follows:

"My advice remains the same with regard to all planning applications [affecting the application site]. The archaeological site referred to is SPT 018 known as Devils Wood which is fully recorded in the Suffolk Historic Environment Record. The Devils Wood site is of national importance; however, it is on the valley floor and not on the gravel terrace where the main development is taking place. The Devils Wood site is in the area designated as the retained ecological area and as per my advice if any ground works were planned for this area we would request archaeological conditions to be placed upon any planning application."

SCC – Fire and Rescue

- No objection, recommend condition.

Environment Agency

- No objection, subject to conditions.

Place Services – Ecology (BDC appointed consultant)

- No objection, subject to conditions.

Place Services – Landscape (BDC appointed consultant)

- No objection, subject to conditions.

Officer comment: It has additionally been confirmed, in writing, that Place Services accept the findings of the submitted LVIA.

RSA Geotechnics (BDC appointed contamination consultant)

- No objection, subject to conditions.
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Phlorum (BDC appointed air quality consultant)

- No objection, agree with conclusions within technical assessments submitted by the applicant.

BDC – Arboriculture

- No objection.

BDC – Economic Development

- Recommend approval.

BDC – Environmental Health (noise, other issues)

- No objection, recommend condition(s).

BDC – Environmental Health (sustainability)

- No objection, subject to condition.

BDC – Heritage

- No objection; no harm to a designated heritage asset because it would not have material impact on the setting of heritage assets in the Babergh area.

Potential effects upon assets within the IBC administrative area i.e. Chantry Park assets, are considered later in this report.

Historic England

- Do not wish to offer comments.

Ministry of Defence

- No objection.

Highways England

- No objection.

Environment Agency

- No objection, subject to conditions.

Suffolk Wildlife Trust

- No objection, subject to conditions.
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Natural England

- No objection.

Network Rail

- Comments; no objection expressed.

Summary of Representations

Those other representations received are summarised as follows (repeated concerns have been counted, reflected by number in brackets):

- The building height is excessive, unnecessary and overbearing on nearby properties [27].
- Proposal will increase traffic congestion; the proposal further omits responsibility or need for mitigation [24].
- Adverse effect on residential amenity by increasing noise and light pollution [14].
- Proposal would threaten wildlife and disregards the site's status as a Special Landscape Area [5].
- Misleading information regarding energy plant creation [3].
- Wording is ineffective in the Pollution Prevention Measures [3].
- Concerns regarding the maintenance and protection of proposed nature reserve [3].
- Insufficiently addresses issues of pedestrian access [3].
- Inadequate consultation of residents [2].
- Omission of parking provision to serve proposal [2].
- The site should be utilised for institutions or businesses more integrated in the area [2].
- Omission of details addressing a realistic value generated and types of businesses within the proposal, resulting in misleading expectations [2].
- Weight limitation on bridge is often ignored by HGV drivers which should be addressed before development commences.
- Proposal would adversely affect property value.
- Development of the site will result in the loss of flood plain.
- The park would be a valuable asset and could create capacity for a future proposal for affordable housing provision.

34. All consultee responses and representations received to date have been noted and have been taken into account when reaching the recommendations as set out below

PART THREE – ASSESSMENT OF APPLICATION

35. From an assessment of the relevant planning policies, site history and land constraints/designations, representations and consultation responses received and other material planning considerations, the *main* issues in determining this application are considered, as following:

- The Principle of Development
 - Highway Impacts, Access/Connectivity, and Sustainable Transport
 - Economic Impacts
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- Landscape and Visual Impacts
- Residential Amenity
- Heritage
- Resilience to Climate Change: Flood Risk, Drainage and Building Performance
- Ecology and Biodiversity
- Land Contamination
- Planning Balance and Conclusion

The Principle of Development

36. The application site was first allocated for employment uses/development under Policy EM04 of the Babergh Local Plan. It is now included as a strategic employment allocation within the Babergh Core Strategy. Policy CS8 of the Core Strategy is considered to be the lead planning policy (from the development plan) for assessing the in-principle acceptance of proposals affecting the land. It gives clear support to the use of the land for a range of employment related uses and provides a detailed framework to guide the development of the site and is set out as follows:

Policy CS8: Sproughton Strategic Employment Site Allocation

The former 'British Sugar' (sugar beet factory) site, Sproughton (Ipswich Fringe) is allocated for retention in employment related use(s) as shown on Map D. Proposals for redevelopment or re-use of the previously developed site (35.5 hectares) must be planned / approached on a comprehensive basis, with regard to the future of the entire site. Co-ordination of development could be achieved through a Masterplan and / or development brief / concept statement.

Development should comply with other policies in this Core Strategy particularly Policy CS15, and other subsequent documents. Applications will be assessed with regard to:

- i) protection of the biodiversity of the locality and any opportunities for enhancement;
- ii) protection of the wider river environment in the locality and any opportunities for enhancement, including improvement of the River Gipping Riverside Path;
- iii) retention of the natural area known as the island site (a separate 16 hectares approximately) and existing landscape tracts, together with proposals for further measures;
- iv) no material adverse impacts on residential amenity;
- v) production of a satisfactory green travel plan, with regard to provision / upgrading of sustainable transport access between the site, nearby villages and Ipswich town centre as necessary;
- vi) the provision of any necessary measures to address transport impacts off-site, including speed management, remodelled roundabout(s) providing access to the A14 and mitigation of additional development-related traffic generated through Sproughton village;

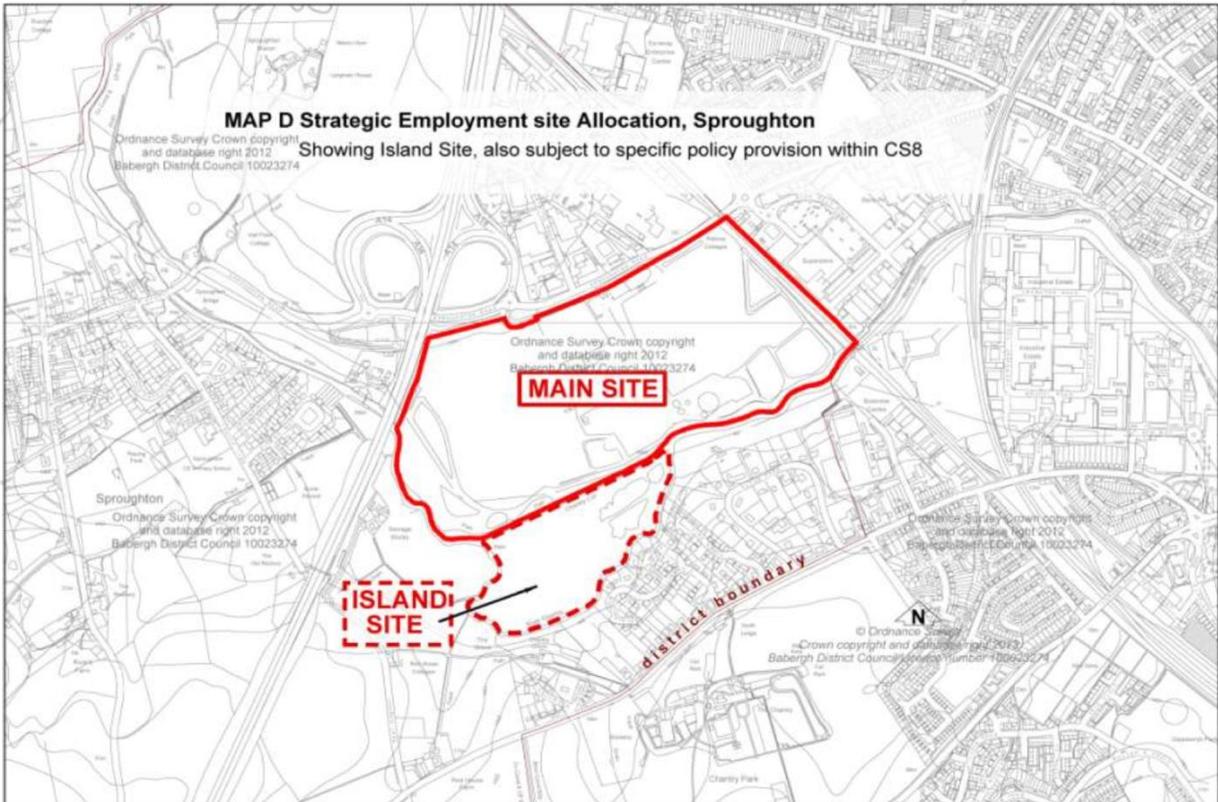
- vii) production of a Flood Risk Assessment; and
- viii) feasibility / viability evidence.

Implementation and Delivery

The Council is committed to the successful redevelopment of this site and will work collaboratively and proactively with the landowner(s) / developer(s) and other interests towards this end. In principle, delivery of the site with the assistance of higher value commercial uses will be acceptable. Part of the site may be required for residual waste treatment use, as provided for by the extant Waste Core Strategy (2011-2026).

As a very large site, the site area may be broken down into different types of employment / commercial uses and redevelopment implemented in phases. In this way, it is anticipated that a consortium of site users / occupiers may be required to achieve redevelopment. The Council is also supportive of port-related development for the site. The Council will also pursue and support in principle initiative(s) aimed at securing external funding for the successful delivery of this site's redevelopment (where justified) or accelerating its timescale if appropriate.

The scale and complexity involved in redeveloping this site means that it is difficult to anticipate when specific phases will align with this Plan period. The Council will continue to work with neighbouring authorities in the Ipswich Policy Area and Suffolk Haven Gateway to promote and encourage redevelopment of this strategic site in the A14 corridor. Progress will be regularly monitored and the latest position reflected in regular employment land reviews and trajectories. If there is no progress with enabling this site to be made available for employment development (i.e. through ownership or other issues) within five years of adoption of this Core Strategy the allocation will be the subject of review (to align with regular monitoring and review of sub-regional and locally strategic employment sites in the A14 corridor with neighbouring (IPA and SHG) authorities / organisations).



37. As a starting point, the following paragraph taken from the policy is of importance:

“Proposals for redevelopment or re-use of the previously developed site (35.5 hectares) must be planned/approached on a comprehensive basis, with regard to the future of the entire site. Co-ordination of development could be achieved through a Masterplan and / or development brief / concept statement.”

38. Following the plan-making process which has already endorsed the allocation of this strategic site for employment purposes and the adoption of Policy CS8, the purpose of the ‘masterplan’ then advised under that policy is to enable the development of a comprehensive scheme to be considered, and approved, where deemed to be acceptable within the confines of that allocated area. Whilst a comprehensive approach to development had not yet been formally agreed when considering the acceptability of the LDH and P1 developments, the Council did not find the absence of such to be unacceptable; rather, in accordance with the associated officer reports/recommendations accepted by the Planning Committee¹³, the key matter was held to relate to the ability to properly plan for, and co-ordinate, the land allocation in its entirety and for such a coherent process not to be compromised.

39. This application not only now represents the entirety of the strategic land allocation but provides a clear masterplan (defined by the Parameter Plan that would be secured by condition) and would run in tandem with the layouts of the LDH and P1 infrastructure developments. The Parameter Plan is a reflection of the coordinated approach envisaged under the lead policy.

¹³ Planning Committee of 4th April 2018. The Minutes of that Committee meeting are available online at: <https://baberghmidsuffolk.moderngov.co.uk/documents/g1173/Printed%20minutes%2004th-Apr-2018%2009.30%20Babergh%20Planning%20Committee.pdf?T=1>

The approval of the P1 infrastructure and LDH applications does not compromise the effective function of the masterplan hereby presented to Members under cover of this outline planning application and as defined by the Parameter Plan; the approach to delivery therefore remains coordinated.

40. The approach taken is consistent with the acknowledgement in Policy CS8 that the strategic allocation is 'very large' and 'complex' and that its development is expected to be brought forward and implemented in phases, requiring collaborative and proactive engagement with landowners and developers in order to achieve its successful redevelopment.
41. Policy CS8 requires that proposals comply with other policies within the Core Strategy; specifically, Policy CS15. Policy CS15 sets out a long list of desirable characteristics for development and which are based upon the principles of what might reasonably be considered to constitute sustainable development; thereby, presenting a momentum to allowing proposals demonstrating compliance in that regard.
42. From the preceding policy context, what now follows is an assessment of this application against the requirements of Policy CS8 and the wider policies within the development plan (including Policy CS15) and the NPPF, grouped under those key material planning considerations identified above (at Paragraph 35 of this report). Officers consider that, subject to positive appraisal against those considerations, the principle of development would be acceptable.
43. Through the following assessment it will be demonstrated that the requirements and criteria set out under Policy CS8 would be satisfied through either: the application as submitted, or; appropriate mitigation and/or controls applied to a grant of planning permission in that regard.

Policy EM08

44. Notwithstanding the above, Policy EM08 remains an extant policy within the development plan and requires due consideration in light of this application.
45. It states that:

“Proposals for warehousing, storage and distribution will be permitted at General Employment Areas and new employment allocations, subject to the acceptability of the location and characteristics of these sites. Proposals that take up an excessive amount of land, or are more appropriately located elsewhere, for example at ports or closer to trunk roads, will be refused.”
46. Policy CS8 is the lead policy for the determination of this proposal and is a land allocation that, through its terms, expressly allocates new employment land for a range of undefined uses. Therefore, in accordance with the first limb of Policy EM08, the provision of warehousing, storage and distribution (Class B8) would be acceptable subject to an assessment of that proposal having regard to its location and impact upon surrounding environs i.e. its individual merits.
47. On that basis, it is noted that the application responds to a clear and specific economic need supported by appropriate evidence and, as will be confirmed in the subsequent section of this report, would be acceptable in highway terms. It is also located directly adjacent to the A14 trunk road. Furthermore, the proposed B8 use/floorspace parameter is not adjudged to take up an 'excessive amount of land'; the allocation of B8 use forms a component part of a range of identified and potential uses but in any event has been found to be acceptable in relation to its own potential impacts.

Highway Impacts, Access/Connectivity, and Sustainable Transport

48. The most important policies to consider from the development plan, in addition to Policy CS8, are CS14 and CS15 of the Babergh Core Strategy and saved policies TP05, TP15 and TP16 of the Babergh Local Plan. Those policies seek to secure development that is well laid out in terms of site access and highway safety, traffic flow and the environment, with the need to secure sustainable travel planning details and ensure that developments are 'connective' in the sense that they could reasonably encourage, and support, transport by means more sustainable than the private motor car. In addition, improvements to the River Gipping Riverside Path should be sought.
49. Paragraphs 108, 109 and 110 of the NPPF, broadly speaking, state that proposals must provide safe and suitable access for all, minimise/safeguard against intermodal conflicts, and that transport networks should be improved in a cost-effective way to limit any significant impact of the development on the surrounding area, whilst taking account of sustainable transport options. A key planning principle within the NPPF is that local planning authorities should support a transition to a low-carbon future through, *inter alia*, planning for the reduction of greenhouse gas emissions.
50. Specifically, in relation to Policy CS8, development is required to provide for:
- *“protection of the wider river environment in the locality and any opportunities for enhancement, including improvement of the River Gipping Riverside Path;*
 - *production of a satisfactory green travel plan, with regard to provision / upgrading of sustainable transport access between the site, nearby villages and Ipswich town centre as necessary; and*
 - *the provision of any necessary measures to address transport impacts offsite, including speed management, remodelled roundabout(s) providing access to the A14 and mitigation of additional development-related traffic generated through Sproughton village.”*

Traffic and Highway Network Impacts

51. Due to the character and nature of the development, traffic flow and highway network impacts have been considered carefully. Members should note that the position taken in respect of such considerations has followed a lengthy process of comment, negotiation, and amplification between the applicant and the Local Highway Authority (LHA) (as well as taking into account the representations of other consultees and the public).
52. That process has resulted in the applicant submitting detailed Technical Notes to amplify the original Transport Assessment and also in light of revisions to the modelling previously used, in order to more realistically reflect the end uses of the development¹⁴. The Technical Notes adequately and robustly address points of clarification that had been raised by the LHA, in two key respects:
53. Firstly, that residual cumulative impacts upon the road network would not be severe, even in the event that the predicted 11% modal shift¹⁵ incorporated within the Transport Assessment – and predicated upon the success of a Travel Plan initiative – were to fail.

¹⁴ The Technical Notes submitted in support of this application are available online.

¹⁵ Modal shift is a term which relates to movement between preferred methods of transport. In this context that would mean the success of a Travel Plan in encouraging users to not rely upon the private motor car for their transport needs.

54. Secondly and in addition to that position, that residual cumulative impacts upon the road network would not be severe in the event that the main bridge (known as 'Crossing A'¹⁶) of the Upper Orwell Crossings Project is delayed or cancelled.
55. The final position of the LHA is endorsed by your officers. It is accepted that, as a matter of planning judgement, the applicant has adequately demonstrated, even accounting for worst-case scenarios, that the development is capable of an acceptable assimilation into the local highway network and without residual cumulative impacts being severe.
56. Highways England have raised no objection to this proposal. This is an additional consideration that sits within the context of the test of severity set out at Paragraph 109 of the NPPF, as described above.

Access and Connectivity

57. Access is a reserved matter for the purposes of this application. However, the P1 infrastructure permission – which is effectively 'phase 1' of the wider development that is now before Members – provides for a point of vehicular access serving the site directly from the Junction 54 roundabout where the A14 meets Sproughton Road (i.e. making use of the existing spur). Details have been secured for the improvement of that junction to make it fit for the uses that permission is now sought for. Those works are currently being progressed through s278¹⁷ procedures with the intention of rapid implementation and would correspond with the details that support this application.
58. In addition, the P1 infrastructure development will also provide pedestrian and cycle crossing points at that site entrance. As above, the Council – in consultation with the LHA – has recently approved an application to discharge the relevant planning condition(s) applied to the P1 infrastructure permission in that respect.
59. The LDH development provides for the construction of a new pedestrian/cycle path west of the main site entrance on the southern side of Sproughton Road, allowing users to avoid crossing the existing A14 slip roads; again, the precise details have also recently been approved by this Council and are due to be implemented shortly, on positive resolution of the s278 process (which is reasonably foreseeable and expected to be forthcoming).
60. As the foregoing makes clear, the acceptability of the western entry/egress point, including those improvement works identified, have already been treated positively by the LHA and this Council. In addition, a second access point is identified on the Parameter Plan, to the east of the access referred above. Where that plan would be secured by condition, this affords a degree of certainty in respect of potential impacts and the general appropriateness of affording an additional point of access in that location. This has also been treated favourably by the LHA.
61. The application has been the subject of significant and positive collaboration between the applicant and the LHA in order to secure further accessibility/connectivity improvements; necessary to secure not least because they mitigate the likely impacts associated with the proposal but also where they meet the requirements of Policy CS8 (and would of course pose wider utility).

¹⁶ A new road crossing to the south of the Wet Dock Island in Ipswich, which would connect the East and West banks of the river and would be available for all road users, including cyclists and pedestrians.

¹⁷ s.278 of the *Highways Act 1980* (as amended).

62. Such committed improvements, in addition to those already referred to above and which would be secured by planning condition, are as follows:
- i. a pedestrian/cycle path along the site frontage between the access roundabouts on Sproughton Road;
 - ii. provision of an enhanced pedestrian/cycle path on the southern side of Sproughton Road towards the Sproughton Road/Europa Way roundabout.
 - iii. Improvement of the River Gipping Riverside Path to an all-weather footpath between the rail bridge and A14 bridge.

River Gipping Riverside Path

63. It is important to consider the two, differing policy requirements of Policies TP05 and CS8 within the development plan.

Specifically, Policy TP05 states that:

“Contributions will be sought towards the implementation of ... a cycle/footpath running alongside the perimeter of the former sugar beet factory at Sproughton”.

Whereas, Policy CS8 requires an assessment as to:

“any opportunities for enhancement [to the wider river environment], including improvement of the River Gipping Riverside Path.”

64. Before forming a judgement in respect of any conflict that might be posed between those two policies, in light of potential improvements to the perimeter of the site where it meets the Riverside Path, it is important to note the following:
65. Firstly, in accordance with s38(5) of the *Planning and Compulsory Purchase Act 2004* (as amended), where there is conflict between two policies within a development plan such conflict: *“must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”*
66. Secondly, and in respect of contributions, the NPPF makes clear that planning obligations should only be used where it would not be possible to use a planning condition (at Paragraph 54).
67. Thirdly, contributions/obligations sought under legal agreement¹⁸ must meet specific legal tests under Regulation 122 of the *Community Infrastructure Levy Regulations 2010*¹⁹. Likewise, the NPPF sets out that conditions should also meet similar tests.
68. In light of the above, Policy CS8 (Core Strategy, 2014) must take primacy over Policy TP05 (Local Plan, 2006) and in any event is held to warrant a greater weight for decision-taking purposes. In accordance with Policy CS8 it is appropriate to assess the extent to which there are opportunities for enhancement to the Riverside Path and where necessitated due to the specific impacts of the development.

¹⁸ Pursuant to s106 of the *Town and Country Planning Act 1990*.

¹⁹ To form a reason for granting planning permission, obligations must be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

69. The significant number of access and connectivity improvements to be secured in response to this application give priority to access via Sproughton Road to the north of the site. This is acceptable given the nature of the site, its location and relationship to the existing local highway network, and the greater opportunities for enhancement; either through controls over land within the application site, or improvements to highway land secured through condition and via the s278 process. Noting the character of the development and employment uses applied for, it should be recognised that the primary access to the site will be from the north and that the River Gipping provides an important recreational and leisure route.
70. On that basis, and in accordance with Policy CS8, the development will improve the existing situation along the river and provide for an all-weather footpath along the Riverside Path route, between the A14 and railway bridge. This has been welcomed by the LHA and can be secured by planning condition.

Bridge Safeguarding – South-East

71. In accordance with the response of the LHA, due to the unique nature of this strategic site it is necessary to adopt an appropriate safeguarding strategy to protect areas of land adjacent to the River Gipping for future bridge construction in order to greatly improve the connectivity of the site within the wider highway network.
72. A pedestrian/cycle bridge to the south-east of the site is considered necessary by the LHA to provide a link between the site and residential areas and public transport access on the south side of the river, through the 'Elton Park' scheme that falls within the administrative area of Ipswich Borough Council. It is accepted that delivery of the bridge would be required at a stage when significant areas of the Enterprise Zone are occupied i.e. that mitigation is provided only once it is necessary to do so.
73. On that basis, the LHA is content that this can be pursued through funding opportunities provided for in connection with the Enterprise Zone status of the site; no planning obligation is sought in that respect.
74. This position is endorsed by officers.

Bridge Safeguarding – South-West

75. Officers have agreed with the applicant that it is appropriate in the interests of strategic forward planning to safeguard land for another potential connection point to the south-west of the site.
 76. In the summer of 2016, the Babergh District Council approved the commencement of the preparation of a new Joint Local Plan across both Babergh and Mid Suffolk districts. This has culminated in several evidence-based documents being produced in respect of needs and capacity, such as: the Strategic Housing Market Assessment (SHMA), and; a Strategic Housing and Employment Land Availability Assessment (SHELAA).
 77. The Babergh and Mid Suffolk Joint Local Plan Consultation Document was approved in the Summer of 2017. Land adjacent to the south-west of the site has been included as a possible area(s) for future allocation. At the present time, due to the very early stage of that document within the current plan-making process, it is considered to carry very limited weight as a material consideration.
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78. However, acknowledging even a limited potential for future growth in that direction – which of course must still be tested through a lawful plan-making process – it is considered appropriate and necessary (and with the agreement of the applicant as landowner) to safeguard land to facilitate a connection point should development be brought forward in those areas adjacent to this employment allocation. To not do so would foreseeably limit potential opportunities for connectivity in the future, should development come forward in a planned manner and such connectivity be considered as necessary as a part of that process.
79. Unlike the south-eastern bridge, however, the degree of uncertainty as to whether such a connection would be required (e.g. in the event that no development takes place to the south-west of the site, where no allocations are made) and the very limited weight afforded to the emerging Joint Local Plan, means that no associated funding strategy needs to be put in place at this time and it would be inappropriate to predicate contributions upon development that has no planning status. In the event that allocations occur, and also noting that Babergh District Council is a CIL charging authority, these are matters that could be addressed through the requirement for specific contributions or delivery as an allocation requisite, or an allotment of other funds, at that time.
80. To be clear, the land reservation is a matter of prudent forward planning and there is presently no need for such a connection and this matter is afforded no weight within the planning balance.

Parameter Plan - Layout

81. The submitted Parameter Plan identifies the extent of built development proposed; comprising seven blocks, and which would be secured by condition. The Plan further identifies the two access points already discussed, along with 'primary infrastructure' routes allowing for circulation between development blocks. A significant quantum of green infrastructure would run around the periphery of the site, enveloping the built-up areas and providing a buffer between the site and surrounding land, including the ecological 'Island Site' where no development would take place. To reiterate, the Parameter Plan would be secured by condition; objections raised that the development could extend from boundary to boundary without relief are not tenable. Officers consider that an acceptable internal layout is capable of being secured through the subsequent reserved matters submission(s) and the submitted details illustrate how this could be brought forward.

Travel Planning

82. The requirement for a Travel Plan is supported by the NPPF at Paragraph 111; other relevant paragraphs of the NPPF include 102, 103, 108, and 181, as well as the 'Travel Plans, Transport Assessments and Statements in Decision-taking' section of the PPG. Securing a Travel Plan is further supported under the development plan, particularly through Policies CS8 and CS15.
 83. In light of local and national planning policy, including Policy CS8, the applicant has provided a Framework Travel Plan and given a commitment to ensuring that, concurrent with occupation of the development, a more detailed Travel Plan will need to be submitted to and agreed with the Council; this is accepted by officers. The mechanism to secure such detail would involve a planning condition as recommended by the LHA.
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Conclusion

84. Officers endorse the views of the LHA who have assessed that, subject to appropriate conditions, the development is capable of adequate assimilation into the local and strategic highway network; it would be well-connected; residual cumulative impacts would not be severe, appropriate Travel Plan measures can be secured, and the access to be provided would be safe and suitable in its presentation.
85. The development is therefore considered to be acceptable in respect of its highway impacts, access/connectivity, and sustainable transport options.

Economic Impacts

86. In addition to the in-principle support of commercial developments presented through the land allocation of Policy CS8 and the storage and distribution planning policy EM08, Policies CS1, CS3, CS15 and CS16 of the Core Strategy, and Policy SP03 of the Local Plan, support the significance of safeguarding and enhancing the District's economy. Those policies are broadly consistent with the aims of Section 6 of the NPPF which seeks to support economic growth as an objective of sustainability. In particular, Paragraph 80 requires decision-takers to place: *"significant weight ... on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*
87. Notwithstanding the preceding assessment and the development plan, there is an inherent imperative to give support to commercial ventures which would provide jobs and give great input into the economy. Building upon this commitment, an additional consideration material to this proposal is that the application site now holds Enterprise Zone status; the purpose of which, is to fast-track development of land allocated for employment through measures, including:
 - making it more attractive for local authorities to support development, via business rates retention;
 - making it more attractive to future business occupiers by offering them business rates relief (funded by central government);
 - ensuring access to superfast broadband is available for all occupiers; and
 - prioritising funding to EZ sites to secure delivery of employment and economic growth.
88. The Suffolk Growth Strategy, which the Babergh District Council has pledged commitment towards, outlines that Suffolk's future prosperity depends upon business growth and the creation of added economic value. That document is not part of the statutory development plan. However, it is wholly aligned with the vision of the New Anglia LEP and the policy context outlined.

Proposed Uses

89. The application proposes, and sets floorspace limits of, the following uses:

Business (B) uses:

- i. Employment uses (B1(a), B1(b), B1(c), B2, and B8) comprising up to 90,000sqm Gross Internal Area (GIA) of floorspace, of which no more than 13,950 sqm GIA will comprise B1(a) floorspace.²⁰

Motor Sales:

- i. Motor vehicle sales and after sales (*sui generis*²¹), comprising the following elements:
 - a. Up to 9,000 GIA of floorspace for motor vehicle (car/van) sales and aftersales (itself *sui generis* use);
 - b. Provision for car/van valeting (itself a B1 use);
 - c. Provision for car/van repair (itself a B2 use);
 - d. MOT testing (itself a B1/B2use);
 - e. Body repairs (itself a B2 use); and
 - f. Sales office (itself a B1 use).

Retail and Service:

- i. A 'local centre' comprising up to 1,250sqm Net Internal Area (NIA) of floorspace comprising A1, A2, A3, A4, and A5 uses²².
 - ii. An 80-bed hotel (C1 use) with ancillary facilities including parking.
90. The above uses have been shaped by current market indications and in agreement with officers the application is supported by a Town Centre Impact Assessment. Whilst any assessment undertaken can only represent a snapshot in time, officers nevertheless consider that the mix outlined is wide enough to allow for market fluctuations. The layout and building height parameters are set to encourage as many potential occupiers and investors as possible and in that regard the applicant states the following, which officers endorse:

"Whilst industry standard currently favours clear span heights of up to around 20m, we are increasingly seeing proposals which require clear-span heights of 25m. In order to then provide for roof structures, a further allowance of 3m in height has been provided. Thus, in our view, the proposed overall 28m maximum building height will provide flexibility to accommodate both current and emerging industry standard clear-span height standards."

Retail/Town Centre Impacts and the Sequential Test

91. Policy CS8 is positively-worded in the sense that it does not prescribe any particular requirements or limits in respect of employment uses. Nevertheless, the appropriateness of B8 uses has already been considered within this report (Paras. 44-47).

²⁰ B1(a) use class - Offices, (other than those falling within A2 use); B1(b) use class - Research/Development; B1(c) use class: Light Industry (appropriate in a residential area); B2 use class - General Industrial; B8 use class - Storage/Distribution.

²¹ Whilst the most commonly found uses are contained within the Town and Country Planning (Use Classes) Order 1987 (as amended), there are many uses that are not specifically categorised by the four main use classes of A, B, C, and D. These are classified as *sui generis* i.e. that they are in a use class of their own. In this instance, and under current legislation, any future proposal for a change of use away from motor vehicles sales would require a planning permission in its own right.

²² Use Classes A1-A5, respectively: Shops; Professional/Financial Services (*not* betting or 'pay day loan' shops); Restaurants/Cafes; Drinking Establishments (*not* nightclubs); Hot Food Takeaways.

It is therefore reasonably expected that any employment-generating use within the site allocation is capable of in-principle support, subject to a careful assessment as to its likely impacts.

92. New retail, leisure, and similar service uses, including the potential for evening and night-time uses, are assessed under Policy CS16 with particular regard to the vitality and viability of existing centres. The Policy further states that extension or intensification of retail uses will not be supported within the Ipswich Fringe (which the application site falls within) in order to safeguard the town centre vitality of Ipswich and/or Hadleigh²³.
93. Policy SP03 sets out criteria for the consideration of new retail proposals which are of a significant scale and not located in defined town centres. No definition is provided as to what 'significant' means in practice, and so this falls to be considered as a matter of reasonable planning judgement when paying due regard to the nature of the proposal and the individual circumstances that are relevant and material to the decision-taking process. As noted within the preceding section, however, Policy CS8 remains the primary policy for determining this application and must find favour where any conflict is posed with a Local Plan 2006 policy i.e. as an historic development planning document.
94. As noted, the application provides for up to 1,250sqm of retail floorspace comprising small retail units accommodating shops, financial and professional services, restaurants and cafes, drinking establishments and hot food take away (A1-A5 use); and an 80-bed hotel (C1) with ancillary facilities including parking.
95. Paragraphs 86 and 87 of the NPPF are of particular relevance with respect to the retail and service provision proposed, which state:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

[emphasis added]

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

96. The trigger for the requirement of the Sequential Test therefore comprises three limbs, where a development must be:
 - i. For a main town centre use²⁴; and
 - ii. Outside an existing centre; and
 - iii. Not in accordance with an up-to-date development plan.

²³ Ipswich Borough Council does not object to this application and due to the degree of separation applicable, Hadleigh is not considered to be materially affected by this application.

²⁴ Defined within Annex 2 of the NPPF as being: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

97. The second limb is satisfied given that the site is outside of an existing centre.
98. In respect of the first limb, the overwhelming majority of proposed uses would fall within Class B (up to 90,000sqm), which are not main town centre uses (being instead patently of the sort commonly and reasonably expected to be found on business/enterprise parks). By contrast, only up to 1,250sqm of Class A uses are allotted, alongside a single hotel proposal.
99. Although the application proposes small elements of what may be considered to be main town centre uses, they are by no means predominant and it is reasonable to draw inference that the development is not for main town centre uses. Within their Planning Statement, the applicant states that:

“The level of retail and related service uses provided for are proposed as complementary and secondary to the proposed employment related uses which will substantially fall within Use Classes B1-B8. The proposals therefore allow for local centre scale retail in support of the new Enterprise Park and the immediate locality.”

100. Officers accept this position. It would be hard to describe such a small proportion of ‘main town centre uses’ to be of the sort that would cause the development as a whole to be inconsistent with, or damaging to, the objective of preserving the retail health and vitality of the main centres (Ipswich, in this instance). In any event, there is nothing inherently unusual in making limited provision for complementary uses such as restaurants and cafes (A3), drinking establishments (A4) and/or hot food takeaways (A5) in or around commercial enterprise parks. In fact, the same could be argued as contributing to both the vibrancy of the enterprise park and its sustainability by reducing car journeys to and from it; for example, during lunch breaks. It is also for these reasons, noting in addition the proximity of the site to the Morrisons supermarket to the north-east, that the development is not considered to unacceptably compromise the retail offer already provided within Sproughton, and which is not so closely-related; competitive and/or convenient choice is nevertheless capable of being afforded to the consumer.
 101. Even if one were to disagree with the above i.e. that the development is in fact for main town centre uses, then the third limb remains to be considered in order to establish whether a sequential test would need to be satisfied.
 102. In this respect, the development plan is considered to be up-to-date and its strategic policies – and noting the strategic policy allocating the application site for employment development – are less than five years old. Furthermore, and as reflected within the recommendation of this report, the development is considered to adhere to the development plan when taken as a whole and when considering the specific allocation policy affecting the application site.
 103. In light of the above, the need for a Sequential Test has not been triggered. For those same reasons and noting that the proposal is not inherently a retail or leisure development, the need for an Impact Assessment (Paragraph 89 of the NPPF) has also not been triggered.
.....
 104. Notwithstanding the above, on the basis that the development policy allocation for the site does not specifically provide for complementary main town centre uses, the planning application is still supported by a Town Centre Assessment. This provides assessment of, and justification for, the suitability of the proposals. The Assessment demonstrates that the proposal will not harm the vitality and viability of existing centres having regard to Policies CS16 and SP03.
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105. Whilst Policies CS8 and CS16 fall within the same development plan it is not unexpected that some policies within a development plan or even the same development plan document (i.e. the Core Strategy in this instance) might pull in slightly different directions: Policy CS15 being positively-worded and setting no exclusion to retail provision; Policy CS16 implying a restriction in that respect.
106. Officers consider that this proposal would neither propose an ‘intensification’, nor an ‘extension’, of retail use within the Ipswich Fringe in this instance, where the application represents a new development on a site which is not presently subject to retail use and is specifically allocated for employment uses. In addition, it is considered that Policy CS8 should be afforded a dominant weighting in view of its direct, rather than tangential, relevance to the proposed development. Policy CS8 is an allocation policy allowing for undefined employment uses to be brought forward; the application directly treats that allocation and lead policy.

Conclusion

107. The allocation is a key employment provision within the development plan, and the proposed development would deliver on that allocation. The mix of uses proposed are those which are reasonably expected and commonly found on business/enterprise parks and, in any event, the retail and service offer is not considered to be significant.
108. Subject to controls to prevent future intensification or the amalgamation of units²⁵, the development would not undermine the retail vitality of Ipswich, nor is it reasonably expected to pose unacceptable detriment to the village shop at Sproughton.
109. Where the proposal would comply with a development plan which is up-to-date, the sequential test of the NPPF should not apply. Even if applied, the submitted assessments on behalf of the applicant demonstrate that the proposal would not harm the vitality and viability of existing centres having regard to Policies CS16 and SP03. The application is therefore considered positively in light of its likely economic impacts.
110. The development is considered to pose substantial economic benefits, to be revisited within the planning balance and conclusion of this report.

Landscape and Visual Impacts

111. The NPPF states that the intrinsic character and beauty of the countryside should be recognised in decision-taking. Policy CS15 of the Core Strategy requires development proposals to protect the landscape of the District. In addition to the requirements of Policy CS8, Policy CS14 also seeks to protect and enhance existing green infrastructure and states that on larger sites it will be central to the character and layout of the development.
112. Policy CR04 specifically relates to Special Landscape Areas (SLA). This is a local, non-statutory designation used to categorise sensitive landscapes. The policy states that:

“Development proposals in Special Landscape Areas will only be permitted where they:

- *maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal; and*
- *are designed and sited so as to harmonise with the landscape setting.”*

²⁵ As recommended by Ipswich Borough Council; this approach is endorsed by officers.

113. Further, Policy CS8 requires applications be assessed with regard to:

“Retention of the natural area known as the island site (a separate 16 hectares approximately) and existing landscape tracts, together with proposals for further measures.”

Arboriculture

114. The site incorporates a mix of mature vegetation along its boundaries and features a number of mature trees and other scrub/shrub within alongside areas of hardstanding features associated with the former sugar factory. As described earlier within this report, the site is located on the western edge of Ipswich, adjacent to the A14 and within the valley of the River Gipping.
115. A number of tree groups are protected by Tree Preservation Order (TPO) and which are located generally to the western site boundary – where no development is to take place – and along the site frontage, adjacent to Sproughton Road. In this respect, the application is supported by an Arboricultural Impact Appraisal (AIA) and where certain trees have been identified for felling, notwithstanding that landscape is a matter reserved for future determination.
116. The Council’s Arboricultural Officer has considered the application/AIA and raises no objection; noting that although a number of trees have been indicated for removal, some of which are subject to TPO, they are generally of limited amenity value and/or poor condition. On that basis, their loss would not have a significant impact upon the character of the area and the majority of the best trees are scheduled for retention in any event.

Landscape and Visual Impacts

117. The planning application is in outline and matters such as scale and building design are reserved. However, the layout of the development would be controlled through the submitted Parameter Plan and a maximum height limit of 28m would be imposed by condition; this sets an appropriate ‘envelope’ for the purposes of assessing likely visual effects.
118. A number of comments have been received in relation to both the perceived ‘need’ of a 28m limit, and also in respect of the concern that this would give rise to a significantly prominent and adverse development; potentially 28m high by 800m wide, as suggested by the Sproughton Parish Council.
119. Taking those matters in turn: an overall 28m maximum building height would provide flexibility to accommodate both current and emerging industry standard clear-span height standards; it is appropriate that the enterprise park is as attractive as possible to attract investment and individual reserved matters applications would be adjudged accordingly at the appropriate time²⁶. Secondly, the layout that would be secured by the Parameter Plan would ensure that development is confined solely to the blocks or areas identified therein. Moreover, accounting for the broad range of uses that permission is sought for, alongside the very clear elements of green and hard infrastructure and circulation routes that would be needed to support the development, it is extremely unlikely that the completed development would see built development of 28m-high across those defined development areas. For example, it would be most unlikely that fast-food or motor vehicle sales operations would require a building of such scale; likewise, any future occupiers would have requirements for parking, the manoeuvring and turning of vehicles etc.

²⁶ The particular end-user requirements of LDH La Doria informed their own application for a building that was c.40m-high on ‘Plot A’ of the site; that application was determined on its own individual merits (the LDH development) and where supported by its own technical assessments and evidence base.

120. No development is proposed to take place within the area designated as SLA and this can be secured in accordance with the submitted Parameter Plan. On that basis, Policy CR04, in strict terms, is not engaged. Nevertheless, the impact of built development upon its landscape setting and, in this instance the adjacent SLA, requires careful treatment in light of Policy CS15 and national planning policy.
121. Notwithstanding the physically constrained nature of the site – it is not considered to present itself as being ‘open’ countryside – it is inevitable that developing the land will pose an impact upon the character of the site and the local area, where it falls within the wider valley landscape and SLA designation. However, the key question, acknowledging the planning policy context, is whether the visual impact of the development can be reasonably assimilated or mitigated as it relates to the wider landscape setting and public amenity (which in many cases will accord with private views afforded to nearby residents south of the river and to the west of the A14).
122. In that respect, a Landscape and Visual Impact Assessment (LVIA) has been submitted by the applicant and which has assessed the impacts of the development from a number of previously agreed public viewpoints; those considered to be most sensitive to visual change.
123. Although it is unlikely that each development plot would be wholly occupied at the highest maximum height, the LVIA has been based on worst-case scenarios. This means that its assessment has assumed that each plot would be fully occupied by 28m-high built form. Officers consider this to be a robust approach; tending to overestimate likely impacts but setting a very clear ‘envelope’ of assessment that Members can take comfort from. The LVIA has been compiled in accordance with best-practice guidelines²⁷.
124. The findings and conclusions have been accepted by the Council’s appointed landscape consultant and are summarised as follows:
- Landscape effects would be largely contained, and localised.
 - There are other visual detractors (the A14, electricity pylons) within the immediate study area and setting.
 - Landscape sensitivity to the type of development proposed varies across the study area, ranging from Medium to Low.
 - There would be no effects upon the SLA that would be incompatible with its designation; there would be Moderate impacts within the local area but impacts upon the SLA as whole would be Minimal.
 - Residents and visitors to the eastern part of Sproughton would experience localised Major-Moderate²⁸ effects in locations where the development would be visible above the A14; such effects would be permanent and landscaping within the site is unlikely to soften this.
 - Other visual receptors located immediately adjacent to the development, would all experience Moderate visual effects on a permanent basis.
 - Effects would generally be contained within a 1km radius, extending to just under 1.5km on higher, more open ground to the south west.
 - There would be permanent Major-Moderate effects upon the River Gipping Riverside Path, between the A14 and the railway line.
 - All other visual effects would be of Low to Negligible magnitude.

²⁷ Landscape Institute (2013) *Guidelines for Landscape and Visual Impact Assessment (GLVIA3)*.

²⁸ Importance of effect ranges through: Negligible, Minor, Moderate, and Major.

125. It is considered that landscaping around the site – as identified on the Parameter Plan – would assist in softening the development to a degree; however, officers have adopted a cautious approach in considering the impacts of the development on its own merits and it is considered to be unlikely that even the most dense landscaping could ameliorate the adverse visual effects associated with the development, given its potential scale.
126. Nevertheless, appropriate landscaping secured by condition/reserved matters and as part of a wider site strategy could mitigate the urbanised aspects of the development at a ground-amenity level. The Parameter Plan also provides for an acceptable quantum of green infrastructure, satisfying the objectives of local planning policy.

Conclusion

127. In light of the above and albeit on worst-case principles, the proposal is considered to pose a degree of harm to the landscape, public amenity and the character and appearance of the area, albeit within a localised context. This is due to the visual impact of the development, proximity to sensitive receptors, and its long-term and irreversible duration. Careful treatment of the appearance of built development at reserved matters could limit overall prominence but ultimately would not mask the localised impact of the proposal in the event that a 28m-high occupier comes forward. The harm identified, which has been agreed by the Council's appointed consultant, would be mostly Moderate within the spectrum of importance; though, from certain perspectives and at close proximity, this is likely to fall between Moderate and Major. The tension that this therefore poses in light of local and national planning policy is considered within the planning balance at the conclusion of this report.
128. Further acknowledging Policy CS8, important landscape areas within the site would not be physically affected by the development, which includes the 'Island Site'. As this limb of the policy would not be prejudiced, the development would remain in accordance with the lead policy in that respect.

Residential Amenity

129. It is a widely-held and accepted principle that the planning system operates to control private development in the public interest and not in the private interest. Examples of public-interest considerations include standards of privacy, adequate lighting, and freedom from the nuisance of emissions. The preservation or 'right' to a view across another party's land is a matter of private interest that the planning system is not intended to protect. Nor does visibility automatically equate to harm.
 130. One of the core planning principles within the NPPF is that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and this is also required by policy CN01 of the Local Plan. Policy EN22 of the Local Plan relates to lighting and aims to minimise light spill and pollution to safeguard residential amenity, as well as the character of an area and highway safety. Policy CS8 is clear that applications are expected to pose "*no material adverse impacts on residential amenity*".
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131. As such, and in respect of the nature of the application submitted, consideration needs to be given as to whether the proposal would be likely to give rise to any material harm to the amenity of neighbouring residential occupants, by reason of impacts including loss of light, outlook²⁹, or other potential impacts associated with the operation of the proposed development and its construction; such as emissions of noise, light or dust. This needs careful treatment, where officers note the significant levels of objection received in relation to perceived amenity impacts that might be posed by the development.
132. In relation to the consideration of amenity impacts, the nearest residential properties are located to the west (over 300m from the westernmost site boundary) and the south/south-east (over 100m from the nearest boundary). Views between those properties and the application site are disrupted by intermediary features such as the A14 to the west, and heavy, mature vegetation around the river to the south and mature vegetation along the western boundary of the wider land allocation. These views have also, until recently, been affected by the presence of four, large silos on the site. The presence of the A14, the local highway network, and other development adjacent to the site contribute to the baseline noise levels in the environs.

Loss of Light

133. A number of comments have been received raising concern that the development could overshadow properties and/or lead to an unacceptable loss of light. Officers have considered this matter carefully and have consulted best-practice guidance published by the Building Research Establishment (BRE)³⁰.
134. Taking into account the theoretical maximum scale of any forthcoming built development (28m) and even allowing for development to be sited up to the boundary of the allocation (which would be contrary to the Parameter Plan in any event) the overall height would need to be around 3 times greater before meeting the distance between it and the nearest residential property, which makes overshadowing highly unlikely. Acknowledging that there is a degree of separation, along with topography, intermediary features, and the fact that all 'affected' properties are either south or west of the development site, officers cannot detect any likely adverse influence on daylight afforded to those nearby receptors. All nearby properties would continue to receive adequate levels of sunlight and daylight.
135. The development would pose no material adverse impact in this respect.

Noise, Light, and other Emissions

136. In respect of noise, the applicant has provided a comprehensive assessment taking into account expected noise emissions associated with the proposed development of the site from road traffic and operational activity from processes, plant and machinery. The methodology and findings of that assessment have been accepted by the Council's Environmental Health Officer; officers endorse this view.

²⁹ 'Outlook' is differentiated from matters relating to private views, where impacts upon outlook relate to the living conditions of residents, to be protected in the public interest. For example, where cramped development and restricted views give rise to an overbearing sense of enclosure. Impact upon public views are considered elsewhere in this report. Impact upon property value is a private interest consideration and is not treated as relating to the amenity afforded to residents.

³⁰ Littlefair, P. (2011) *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. Watford: BRE.

137. As typical for developments of this nature, conditions to secure an acceptable construction and lighting strategy having regard to amenity/environmental impacts is recommended.
138. There are no Air Quality Management Areas (AQMA) within the Babergh administrative area that would be affected by this proposal. Within the borough of Ipswich, there are a total of five designated AQMA; the nearest being AQMA 'Number 4', which encompasses the junctions of Bramford Road, Yarmouth Road and Chevalier Street, and is located approximately 1km east of the Site.
139. In response to this the Applicant has provided a detailed Air Quality Assessment which has been considered by a suitably-qualified consultant appointed by this Council. Following the satisfaction of technical points of clarification, the Consultant has confirmed that they accept the findings of the Applicant's Assessment in concluding that the impacts posed by the development would be negligible and with insignificant effects; no mitigation is therefore necessary, and the proposed development is considered to be acceptable in that respect.

Loss of Views, Property Values, and Outlook

140. A significant number of objections and comments received through the consultation process have centred upon the potential visual impacts of the development and consequent effects upon the living conditions of neighbouring residents and land/property values. As noted at the beginning of this section (and at Footnote 29), it is important to differentiate matters of public interest i.e. outlook, from private matters relating to views across other private land and property value. In respect of decision-taking, both the RTPI³¹ and Government's Planning Portal advise that loss of views and property values are *not* material planning considerations.
141. The PPG defines material planning considerations as follows:
- "A material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).*
- The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations."*³²
142. Taking this into account, officers would nevertheless exercise caution in strictly following that guidance, in stating that the significant views presented from residents in relation to a loss of view or property value are not material to the decision to be taken; materiality might extend to taking into account private interests as well as public ones, despite the intention of the planning system to operate in the public interest. Specifically, in a case involving private interest, the question to be asked is whether that matter requires protection in the public interest. On that basis it is right that Members bear this in mind, especially given that so many members of the public have raised those matters as an issue, along with re-iterating that a positive treatment against Policy CS8 requires there to be *"no material adverse impacts on residential amenity"*.

³¹ Planning Aid, *Material Planning Considerations*. Available at: <http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf>

³² Paragraph: 008 Reference ID: 21b-008-20140306.

143. Having regard for the above, officers have considered the relationship between the development site, the layout proposed through the Parameter Plan, and neighbouring properties carefully. Adopting worst-case principles, it is not disputed that buildings erected at the 28m limit would be highly conspicuous to nearby residents (notwithstanding the likely forthcoming implementation of the LDH development). However, due to the degree of separation between the defined built development areas and neighbouring dwellings, officers cannot conclude that the outlook from affected properties would be undermined to the extent that the development would pose any undue sense of enclosure; nor would it be so oppressive or overwhelming that it would materially undermine the amenity afforded to affected properties. It should also be noted that until recently there were four, large silos on the site which were prominent and of no visual amenity value.
144. Again, it must be reiterated that ‘outlook’ is different to a ‘view’. Officers do not suggest to Members that the current views afforded to certain residents could be impinged by the development with a site-wide 28m height limit; because they likely would be in the event that a significant number of future occupiers operate within that limit. Rather, the outlook afforded to properties would not suffer material adverse impact, within the wording of Policy CS8; residents would not be enclosed by the development and adequate lighting, including access to skylight, would remain.
145. In consideration of the specific circumstances of this application and noting that the impacts of the development would only give rise to detriment of private interests in respect of residential amenity (private views and a perception that nearby property values would decrease), officers do not afford any materiality or weighting to those considerations. In light of the above, the application is considered acceptable and would accord with the requirements of the development plan and Policy CS8 in respect of residential amenity.
146. Comments in relation to private views and property values do have wider relevance, however, as they relate to the impacts of the development upon the public amenities of the area. Those public interest matters are considered in the preceding section and the planning balance at the conclusion to this report.

Heritage

147. With reference to the overall treatment of the submitted application, the Council embraces its statutory duties and responsibilities, notably; Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to have “*special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses*”.
148. The ‘*special regard*’ duty of the Act has been tested in the courts on numerous occasions and has been confirmed to require that “*considerable importance and weight*”³³ should be afforded by a decision taker to the desirability of preserving a listed building along with its setting i.e. having special regard to the desirability of keeping designated assets from harm. Furthermore, the identification of harm gives rise to a strong presumption against planning permission being granted³⁴.

³³ See, for example: *Barnwell Manor Wind Energy Ltd v East Northants DC, English Heritage and National Trust* [2014] EWCA Civ 137.

³⁴ *R (on the application of Lady Hart of Chilton) v Babergh DC* [2014] EWHC 3261 (Admin).

149. The revised NPPF of 2018 builds upon and transposes the statutory duty and associated legal principles into national planning policy. Policy CS8 notwithstanding, Policy CS15 of the Core Strategy and Policies CN06, CN14 and CN15 of the Babergh Local Plan seek to secure the preservation or enhancement of the historic environment.
150. Despite being an outline application with details matters relating to access, scale, layout, appearance, and landscaping all reserved, the submitted details and agreed parameters do provide adequate opportunity to make an assessment as to the potential impacts of the development upon the historic environment. The assessment of whether there is likely to be harm to a designated heritage asset is a matter for the LPA's own planning judgement, having regard for the facts and details before them.
151. In this case, there are no designated heritage assets within the red-lined application area; however, a number of assets are in proximity to the site. Whilst Historic England have expressed that they do not wish to provide any comments in response to the application, those assets are: the Grade II Park and Garden of Chantry Park, including its Grade II Gatehouse and Gatepiers, and; the Grade II Red House (and associated, individually listed, Grade II barn). Those assets are located along Hadleigh Road in an elevated position to the valley within which the development would be sited, being over 500m away and demarcated by intervening hard/soft features. No other assets would be impacted by the proposal having regard for the significant demarcation and separation/disturbance between those assets (in the centre of Sroughton, for example) and the proposed development.
152. The Council's Heritage team have identified that the development would pose no harm to any designated heritage assets within the Babergh administrative area because it would not pose any material impacts. In respect of those assets related to, and including, Chantry Park (within the administrative area of IBC), careful consideration has also been paid to the potential for them to be affected by this development.
153. Accounting for the nature of the development and its defined characteristics; its relationship to adjacent development; separation distances, and; intermediary features involved, officers are satisfied that those identified assets within the vicinity would not be 'harmed' by this proposal. That is to mean that there would be no material impact upon, nor detriment to, the significance of nearby heritage assets, having regard to statutory duties and within the context of guidance provided by Historic England guidance³⁵ and the policies of the development plan and NPPF.

Archaeology

154. Policy CS15 of the Core Strategy seeks to secure the conservation and/or enhancement of the historic environment. The Policy further states that "*...Proposals for development must ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets...*". This is consistent with Paragraph 189 of the NPPF.

³⁵ English Heritage (2008) *Conservation Principles, Policies and Guidance*; Historic England (2015) *Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment*; Historic England (2017) *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2nd Ed.)*.

155. The Site lies in an area of archaeological potential recorded on the County Historic Environment Record, in close proximity to finds relating to Mesolithic and Palaeolithic occupation. There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, any permission granted should be the subject of a planning condition(s) to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
156. In light of the above, conditions are recommended in-line with the requirements of the County Archaeological Service, in order to make the development acceptable in planning terms.

Conclusion

157. The application is considered as acceptable with regard to its impacts upon the historic environment.

Resilience to Climate Change: Flood Risk, Drainage and Building Performance

158. Adaption to, and resilience against, climate change is a key consideration of sustainable development within the NPPF. Policy CS8 notwithstanding (which requires an assessment of flood risk), this is echoed throughout the Core Strategy, primarily through Policies CS1, CS12 and CS15, which require that development should be designed to a high sustainable development standard.

Flood Risk and Drainage

159. An issue when considering 'resilience' is whether the development has been designed to adapt to issues presented by climate change, such as an increased risk of flooding from heavy rain. The site wholly falls within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land also means that there is presently considered to be a low risk of surface water (pluvial) flooding. Nevertheless, the scale and nature of the development poses urbanising effects that would undoubtedly impact upon the way that the land copes with drainage and run-off. The NPPF requires that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Concerns in relation to flood risk were a key part of local comment.
160. In a Written Ministerial Statement dated 18th December 2014, the Secretary of State for Local Communities and Local Government (as then was) made it clear that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate. The PPG underlines this by stating that on major developments it is expected that SuDS for the management of surface water run-off are put in place, unless demonstrated to be inappropriate³⁶. Further, local planning authorities should consult the relevant Lead Local Flood Authority (LLFA) (in this instance, SCC) on the management of surface water. Such principles have since been enshrined in national planning policy: at Paragraph 165 of the NPPF.
161. To support the proposal, and acknowledging the aforementioned guidance and policy direction, a detailed flood risk and drainage assessment has been submitted by the applicant; this has been accepted by the LLFA. The submitted detail proposes a suitable surface water drainage strategy (based on the Parameter Plan) to drain the site and reduce flood risk overall, based on SuDS principles.

³⁶ Paragraph: 079 Reference ID: 7-079-20150415.

162. Consequently, the LLFA has raised no objection to the scheme and is content that based on the evidence provided and assumptions made, a viable SuDS strategy is securable to support the development, and that the development would not lead to an increased flood risk off-site. Planning conditions imposed upon the outline planning permission would ensure that this is the case.

Building Performance

163. Policy CS12 states that all new non-residential developments will be expected to achieve, as a minimum, the BREEAM 'Excellent' standard or equivalent. As an expectation, it is not then unacceptable *per se*, for development not to meet that target; however, this does not obviate the need for commercial developments to make an acceptable case as to why that target cannot be met if that is the case.
164. Policy CS13 requires that all new development minimise dependence on fossil fuels and make the fullest contribution to the mitigation of climate change, through adopting a sustainable approach to energy use. Specifically, development within the Strategic Land Allocations will be required to use on-site renewable, decentralised, or low carbon energy sources with the aim of achieving a 10% reduction in the predicted carbon dioxide emissions of the development.
165. In this instance, no built development is yet proposed and so it is not possible to undertake assessments pursuant to the above. However, where careful consideration has been given to the comments of the Council's Sustainability Officer, planning conditions are capable of controlling and setting requirements for future occupiers and the development of the site in that respect: the development is capable of supporting renewable and low-carbon approaches through the detailed proposals which will emerge at reserved matters stages. The development is capable of meeting the appropriate national standard at the point of permission. The proposal is therefore capable of meeting the objectives of Policies CS12 and CS13.

Ecology and Biodiversity

166. In assessing this application due regard has been given to the provisions of the *Natural Environment and Rural Communities Act 2006*, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15, in particular, requires new development to safeguard ecology and Policy CS8 seeks the "*protection of the biodiversity of the locality and any opportunities for enhancement.*"
167. Officers consider that there is sufficient ecological information available to understand the impacts of development; the likely impacts of development have been adequately surveyed and assessed, particularly relating to Priority Habitats and Protected and Priority Species. In relation to the detailed considerations set out within Policy CS8, the proposal provides for the protection of biodiversity through the retention of key landscape features which are excluded from the development parcels as detailed on the Parameter Plan. This includes the adjoining 'island site' which lies to the south of the Chantry Cut as an ecological area. Together with the strategic green infrastructure areas excluded from the development parcels, this will provide for the creation of new, better maintained species-rich grassland in the open spaces, planting of native scrub/trees, and the protection of the wider riverside environment including the riverside path.
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168. The site lies within the 13km Zone of Influence (ZOI) for the Orwell & Stour Estuaries SPA/Ramsar (SPA). The potential for recreational disturbance to the SPA due to the hotel proposal has been considered carefully. In light of the specific circumstances of this application, including the complementary nature of the hotel to support the enterprise park and recently updated guidance from Natural England, it is not considered that the development would pose any likely significant effects upon the SPA such that any mitigation would be required in respect of potential disturbance and recreational impacts.
169. On that basis, the application is considered favourably in respect of impacts upon ecology and biodiversity, subject to appropriate conditions.

Land Contamination

170. The applicant has submitted assessments that provide an evidenced baseline of the existing contaminative risks associated with the development of the site and demonstrate how these can be adequately managed. It is considered that the details submitted are sufficient to identify that there would be no unacceptable risks from contamination, subject to standard conditions to ensure the safe development and future occupancy of the site. As such, the proposal is considered to comply with Policy CS15 insofar as it relates to land contamination, and the NPPF.

PART FOUR – CONCLUSION

Planning Balance and Conclusion

171. This application brings about a number of issues which require careful attention when taking a decision. What follows, therefore, is a balancing of those matters in light of the assessment carried out within the preceding sections and paragraphs of this report.
172. At the heart of the balancing exercise to be undertaken by decision takers is Section 38(6) of the *Planning and Compulsory Purchase Act 2004*; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.
173. Core Strategy Policy CS8 specifically relates to the Strategic Employment Land Allocation upon which the application corresponds. In light of this, it is acknowledged that certain aspects of the development plan may well support the proposal, notwithstanding Policy CS8, and that other considerations might pull in a different direction; it is natural that not every development will accord with every policy within a development plan. Officers have nevertheless undertaken to review the merits of this proposal framed against the entirety of the development plan and in respect of those policies which are most important for the determination of the application.
174. After careful assessment, your officers consider that the application poses limited conflict with Policies CS8 and CS15; however, it nevertheless meets the wider thrust of the suite of planning policies that comprise the development plan, when considering the proposed development and its likely impacts and effects.
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175. Applications are expected to comply with CS15 in order to satisfy CS8 and in this respect the adverse impact to the landscape, albeit localised, is afforded a moderate weighting where the development would pose minor conflict with that Policy. Whilst attraction to and flexibility for future investment is important in the circumstances, the 28m height limit naturally poses the potential for landscape harm. A moderate, negative weighting is afforded to this consideration because the adverse impacts are unlikely to be wholly 'Major' within understood and accepted guidelines. Whilst generally localised, they are still likely, however, to fall between Moderate and Major magnitudes. This warrants an appropriate weighting in the planning balance. Officers do, nevertheless, accept the justification provided by the applicant for the harm that has been identified.
176. In respect of the impact upon private views and impacts upon property values, as purely private interest matters officers afford those considerations no weighting despite perceived significance and materiality. Officers have been careful to state that such matters are not material in the context of Policy CS8; however, even adopting a cautious approach and acknowledging them as "*material adverse impacts on residential amenity*" this would not affect the weighting attributed to the tension already identified with that Policy. The public interest matters concerned – which are nevertheless linked to the private issues highlighted i.e. the impact of the proposal upon the visual amenities of the area – are, however, are afforded a commensurate weighting as noted above.
177. Conversely, the benefits that would accrue in allowing development to proceed are considerable and compelling. The socio-economic benefits to be derived from the enterprise park are afforded a substantial positive weighting. The application would, in locational and use terms, meet with the policy expectations of Policies CS8 and EM08. The application would also satisfy CS15, among other policies, in relation to its contribution to the economy, the safeguarding of ecology, the preservation of heritage, the support of green travel planning, connectivity, and ensuring that flood risk is adequately managed. The application would further satisfy the development plan in respect of its impact upon the local and strategic highway network. The development would also safeguard residential amenity in respect of impacts upon light, outlook, and emissions. It has been accepted that the development would not harm the viability of Ipswich town centre and the retail/service provision proposed would be appropriate in the circumstances.
178. In light of the above, officers consider any harm posed to be at worst moderate and limited only to visual and landscape impacts, which are themselves localised, and nevertheless considered justified in light of the evidence submitted. On that basis, and noting the substantial benefits presented, officers consider that the benefits identified would outweigh any harm posed, and that the development would meet the wider thrust of the development plan alongside meeting the specific requirements of the allocation policy, CS8.
179. The allocation is a key employment provision within the development plan. The proposed development will deliver on that allocation and will accord with the development plan. As such, and as supported by appropriate evidence, the proposed development is considered to represent sustainable development, and should be approved without delay.
180. Notwithstanding the development plan, the proposed development is nevertheless considered to align with the planning policies contained within the NPPF and would provide for net gains to the objectives of sustainability, with the adverse impacts identified not outweighing the benefits of allowing development to proceed. Of itself, this is a material consideration that adds further momentum to securing the development as proposed.
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181. In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no material considerations which would give rise to unacceptable harm.
182. A positive recommendation to Members is therefore given below.

RECOMMENDATION

That authority be delegated to the Acting Chief Planning Officer to grant planning permission subject to conditions to his satisfaction and including:

- Requirement for approval of reserved matters and timing; commencement limit.
 - Agreed development areas/phasing plan(s).
 - Development to accord with Parameter Plan.
 - No buildings to be greater than 28m from ground level.
 - Floorspace/use class parameters.
 - No amalgamation of retail units.
 - Construction management plan.
 - Contamination safeguarding.
 - Ecology/biodiversity safeguarding.
 - Lighting.
 - Archaeology.
 - Drainage.
 - Off-site and access highway improvements; relevant highway approvals and other measures including Travel Plan.
 - Bridge safeguarding.
 - Landscape management and planting/aftercare.
-