

Committee Report

Item No: 3

Reference: DC/18/02200
Case Officer: Vincent Pearce

Ward: Brook

Ward Member/s: Cllr Nick Ridley

RECOMMENDATION – GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Description of Development

Planning Application - Erection of 7 new commercial buildings providing 24 business units (B1 B2 and B8), 1 new general agricultural store with associated access following demolition of existing buildings. Creation of parking areas, landscaping, SuDS and a new access road.

Location

Park Farm Barns, Vicarage Lane, Wherstead

Parish: Wherstead

Application Type: FUL - Full Planning Application

Development Type: Major Large Scale – Offices / R&D / Light industry

Applicant: Tidal Hill Ltd

Agent: Armstrong Rigg Planning.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to Committee for the following reasons:

It is a “Major” application on land currently not allocated for development in the Adopted Local Plan. It is therefore a limited ‘Departure’ from the Adopted Local Plan.

Details of Previous Committee / Resolutions and any member site visit

None

Abbreviations used in this Report

ALC	Agricultural Land Classification
AONB	Area of Outstanding Natural Beauty
DVSVPC	Dedham Vale and Stour Valley Project Committee
LVIA	Landscape and Visual Impact Assessment
NPPF	National Planning Policy Guidance 2018

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Relevant Policies

Core Strategy [Adopted February 2014]

CS1: Applying the Presumption in Favour of Sustainable Development

CS3: Strategy for growth

CS7: Strategic Site Allocation– Babergh Ipswich Fringe **[NOTE site not in defined Fringe]**

CS9: Wherstead Strategic Employment Site Allocation **[NOTE site not allocated]**

CS17: The rural economy

Local Plan Alteration No2: 2006

EN01: Impact on existing designated sites

EN08: Orwell estuary

EM01: Employment related development not covered by other policies

EM20: Expansion of existing employment use

CR01: Protection of the landscape quality and character of the countryside

CR02: AoNB

CR07: Landscaping of development in the countryside

CR17: Farm diversification

CR18: Converting redundant under used buildings in the countryside

CN01: Appropriate design

CN04: Design and safety

CN06: Development within the setting of a listed building

CN08: Development and conservation areas

TP01: Safe routes

TP15: Parking

TP16: Travel Plans

Also of relevance is the NPPF 2018

Relevant SPD includes:

Suffolk Guidance for Parking [Adopted November 2014 - Second Edition November 2015]

Weight to be Afforded to the Adopted Development Plan Documents & the NPPF [2018]

The planning system continues to be plan-led and S38 of the Planning and Compulsory Purchase Act 2004 [PCPA] restates the requirement that “determination must be made in accordance with the plan unless material considerations indicate otherwise”

The Council’s Adopted Development Plan comprising the Adopted Local Plan [2006] and Core Strategy [2014] is the Council’s primary planning document and within the context of S38 [PCPA] provides the ‘Plan-Led’ basis for determining planning applications in the District.

The NPPF sets out the circumstances where the ‘Presumption’ applies; this includes, and presents the ‘tilted balance’, where the policies which are the most important for the decision are out of date.

The issue in such cases is to what extent are relevant individual policies within the Adopted Development Plan considered absent, silent [about the issue/circumstances at hand] or out-of-date and therefore how much relative weight can they be given compared to those in the NPPF [2018]. In other words which needs to take precedence. As with many things in planning ascribing weight is generally a matter of judgement in the light of evidence at hand and the context of a case.

The Core Strategy February 2014 is less than five years old and is therefore considered to be up-to-date in terms of the NPPF[2018].

The NPPF [2018] makes 10 different references to the need to take cumulative impacts into account. In particular:

- paragraph 49 in relation to prematurity in the context of emerging local plans
- paragraph 109 in relation to highway impacts

This report will also explore this theme where it is considered appropriate to do so.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. Full details of comments received and reported can be viewed on-line.

These are summarised below. [please note: these generally provide a summary of the issues raised. The full text of all submissions is available on the Council's website]

Wherstead Parish Council welcomes the employment that would be created but raises concerns when it states:

“The Parish Council welcomes the move to increase employment opportunities within our area but has concerns about this proposal on a number of counts.

1. During initial consultations with the landowner, we understood that the proposal would be for B1 and B2 purposes, with no additional B8 usage however this proposal does include additional B8 facilities and this would bring more heavy goods vehicles onto the already congested and narrow surrounding country lanes.

2. This proposal increases the footprint of the existing barn area by encroaching on the countryside, and the Coasts and Heaths AONB. This is not in accordance with Babergh's existing planning policies and we would expect that the proposal would be refused on these grounds, perhaps with a recommendation to maintain the existing size for the re-development. Should the application be approved, this would set a dangerous precedent for other parts of our AONBs.

3. The access roads will not be able to manage increased volumes of traffic both during and after construction activities. The Transport Statement inaccurately states that Vicarage Lane is a two way carriageway * it is not possible for two vehicles to pass on this road. Additionally, 20 metres to the north of the site access, Vicarage Lane meets with The Street at slightly less than 90 degree angle. There is an existing issue with heavy goods vehicles negotiating this angle, with residents suffering damage to their boundaries. Tyre marks can clearly be seen climbing the kerbs and marking the pathways. Photographs can be supplied to support this.

4. The proposal states that the new access lane would solve the access issue (via The Street) to the Co-op site at Wherstead Park. The Parish Council does not agree with this, as the issues at the junction of Vicarage Lane and The Street would not be resolved and in fact would be compounded.

5. The proposal plans that the existing access lane between Vicarage Lane and the A137 at the A137 junction would be improved to provide better visibility during Phase 2. The Vicarage Lane end of the lane however is not aligned with the access points into the site and thus very large articulated vehicles will have a sharp 90 degree turn onto a single track country lane regularly shared by pedestrians, cyclists and wheelchair users (remembering we have a Nursing Home situated on Vicarage Lane).

6. The Travel Plan suggests that tenants of the site would make use of the existing travel links, and would be encouraged away from using cars. However, the footpaths in the area do not serve the site directly, and there are no footways alongside the carriageways * both on Vicarage Lane and The Street. Pedestrians and cycle users from the Ipswich direction would have to share the carriageways with motor vehicles. No doubt the current bus service (1 bus every two hours) could be improved.

Overall the Parish Council would need re-assurance that all the above issues are considered, that the Planning Committee have seriously considered the impacts of any encroachment on AONB areas or areas designated as Countryside, and that more sustainable solutions are found to the issues around access and transport before a final decision is made.”

BMSDC Economic Development: supports the application stating:

In the March 2018 draft NPPF changes¹, chapter 6 ‘Building a strong, competitive economy’ is clear when it sets out “*Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*”. the NPPF continues to support rural growth, development, diversification and well-designed new buildings.

The Council’s Open For Business Strategy 2018 sets out the aims and objectives of the Council towards economic prosperity. The Council seeks to:

“c) Help to deliver 10,000 new jobs and nearly 18,000 new homes** by 2036*

d) Deliver a range sites of different types, sizes and locations of employment land and premises to meet both identified business sectoral needs as well as general employment sites.

g) Raise the quality of local jobs, the value of our businesses, increase average wages, and support gender pay equality

h) Support local businesses to survive, thrive and grow and in doing so recognise that our local economic bedrock is micro and SME businesses/enterprises and these support, and build identity, within our local communities

“To enable the delivery of the above, we will

g) Support the creation of additional commercial floorspace and premises”

The Strategy commits the Council to

e) ... Our Economic Development Strategy offers another layer which supports this growth and provides opportunities for change. Our aim is to link people to jobs, not trying to steer business, industry and markets, but respond to and champion their needs and help them to grow. The Councils, and in particular our planning and our built environment related services can facilitate and enable sustainable growth rather than seek simply to control it without consideration of the bigger picture.

f) Foster a culture of encouraging proposals for economic development, with applications being assessed on their detail in the context of the Local Plan. Where that detail needs careful scrutiny, we’ll keep that culture in the forefront of our consideration if we need to find solutions that aren’t on the table.”

Local Plan context

The Babergh District Local Plan sets out the objectives that drive the policy basis. The stated objectives are:

1. To provide opportunities for the development of the local economy, by which employment can be sustained and new jobs created.

2. To accommodate the growth requirements of the local economy by providing an adequate supply of land and buildings for all employment purposes throughout the Plan period. This needs to be based upon a robust assessment of both quantitative and qualitative need/ demand.
3. To regularly monitor and review the employment policies and establish a rolling programme of land supply.
4. To continue to make the main provision for employment in Sudbury and Hadleigh, and on the south-west fringe of Ipswich.
5. To support the use of redundant and under used buildings including those in the countryside where appropriate, and to ensure that suitable sites or buildings providing employment potential are not lost through demolition or re-development.
6. To encourage the development of appropriate new business “clusters” allowing businesses to benefit from proximity to each other and in particular, from sharing expertise in their own type of business.
7. To facilitate and promote a range of economic initiatives, such as the Haven Gateway partnership. This initiative has strategic importance to Babergh District by virtue of its proximity to the region’s transport gateways and its ports and the economic potential of these. This aim is a key priority of the Regional Economic Strategy (RES).

General need for premises.

The Council’s main evidence is established in the Lichfields *Ipswich Economic Area (IEA) Sector Needs Assessment 2017*. (<https://www.babergh.gov.uk/assets/Strategic-Planning/Current-Evidence-Base/Ipswich-Economic-Area-Sector-Needs-Assessment-Sept-2017.pdf>)

This identifies a need for 8 hectares of B1a/b Office space. It is assumed that 70% of new floorspace would be in lower density, business park developments with a plot ratio of 0.4, with 30% in higher density town centre locations at a plot ratio of 2.0. This reflects the existing pattern of office development in these areas which are characterised by limited town centre office markets and a greater prevalence of edge/out of town business parks.

This supports the Local plan objectives 1-3.

Location

The Babergh Core Strategy 2014 states in para 2.6.2.2 *“The Council recognises the importance of the Babergh Ipswich Fringe in respect of its value for employment development and commercial activity. The location has a number of important inherent advantages offering opportunities to both local authority areas. These cross-boundary considerations have helped shape the approach being proposed. It is recognised that: i) Jobs in the area will be available and of benefit to residents of both districts; ii) Such jobs will play an important part in promoting the economy of Ipswich itself and the wider area, also in ensuring the sustainability of Ipswich’s future development plans; iii) That new housing provided here will function similarly, also helping to meet needs or demands arising in the Borough itself.”*

The Lichfield evidence states:

“Going forward, well connected locations on the fringes of the Ipswich urban area are considered to provide good opportunities for future office development to accommodate business and professional services related growth...”

“For larger firms, proximity to the area’s strategic routes (most notably the A14) is key ... and good accessibility is also an important factor for attracting and retaining staff. “

“the focus of provision of accommodation for business and professional services activity going forward will also need to be placed upon good quality, modern space within a range of out of town and semirural locations that benefit from strong connectivity and also proximity to key settlements across the IEA.”

The subject site is well served by the A14, is on the fringe of Ipswich urban area and set in attractive surroundings which format and requirements identified in the Council's evidence base. This supports the Local plan objective 4 (above).

The Local Plan identifies a site for employment use in policy EM05 at Wherstead Park. That allocation has not been developed – partly due to the highway conditions and for heritage impact reasons, amongst others. It can be said that the principle of employment use in this broad location is therefore acceptable, and that the subject site is a substitute for the undeliverable site in Policy EM05.

Policy EM08 states “*EM08 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.*”

Policy EM10 states: “*Office development, as defined in Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be permitted at General Employment Areas, new employment allocations and other industrial areas. Proposals in designated Mixed Use Areas will also be permitted subject to their acceptability in relation to: • residential and environmental amenity; • traffic generation; • car parking; and • the suitability of the building for the proposed use.*”

Both these general policies require a high quality of sustainable design, layout and location. EM08 in particular directs employment development to land in the vicinity of trunk roads – such as this subject site only metres from the A14 Junction 56.

Babergh Core Strategy Policy CS17 (rural economy) states inter alia “*The economy in the rural area will be supported through a number of measures including: a) through the encouragement of: i) proposals for farm diversification; ii) the re-use of redundant rural buildings; iii) sustainable tourism and leisure based businesses (including those offering a diverse range of visitor accommodation, activities or experiences); iv) businesses involved in the renewable energy / low carbon industry at an appropriate scale for the location; v) rural ‘business parks’, and workshops, rural and community business ‘hubs’ that share facilities and other innovative rural enterprises, and innovative business practices such as co-operatives or microbusinesses based on shared facilities / services; vi) and where appropriate, farm shops and farmers markets; and b) support for / promotion of rural businesses.*”

There is broad support for this type of proposal throughout the planning policy suite of documents.

High-value – high tech

The Council's evidence base notes that

“...as with other sectors, the IEA will need to adapt to the gradual replacement of more traditional agricultural related activity with higher value, higher tech activity which builds upon the area's existing strengths. This is likely to place an increasing emphasis upon provision of high quality business accommodation within those key areas of market demand across rural areas of Babergh, Mid Suffolk ...”

The proposed development addresses the main challenges identified in the evidence base by providing high quality, efficient, modern space, re-using redundant farm buildings and expanding an established, successful existing business park. This supports the Local Plan objective 5 and 6.

“Many of the IEA's existing industrial estates are long established, and much of the space is dated and of secondary quality. To an extent, the availability of space in these locations has historically attracted manufacturing businesses here, albeit they may not represent the ideal location for modern occupiers.”

Businesses are frequently image-conscious and there is a natural demand for new, up-to-date, efficient premise. This supports “churn” and allows other businesses to occupy older stock at lower rental values, thus enabling new start-ups to get established. There are few options for businesses to develop, so the proposed development will assist in the whole District’s business growth.

“A key challenge that will need to be overcome in order to support the sector to grow is access to high speed (next generation access) broadband. This is especially important for the ICT sector, most notably for digital technology companies, but impacts on all businesses and their ability to carry out day-to-day operations. “

There is clearly a need for the type of premises proposed. The subject site features very high speed/capacity broadband through an existing on-site hub. Policy EM19 states *“Proposals for high technology employment provision will be granted planning permission. If it can be demonstrated that a company’s needs cannot be met on allocated sites, by other Local Plan policies, or where there is a demonstrable need for a company/organisation to co-locate with an existing high technology company/organisation, the proposed development will be considered as an exceptional “departure” from normal planning policy. In considering potential departures of this kind, the following factors will be taken into account: • the characteristics, needs and business development plans of the company/ organisation; • the impact on the environment, landscape, wildlife and residential amenity; • employment potential and potential benefit(s) to the local economy; • the quality of the environment to be created; • the accessibility of the site by a variety of transport modes; and • access and traffic generation issues.”* Accordingly, development on this site can be considered to meet the needs of high tech businesses and should be supported.

The site is not allocated or defined under policy EM02, however Policy EM01 states that *“Employment related development proposals which are not covered by other policies will be judged, in particular, against the expected job creation, the potential effect on residential amenity, environmental quality, traffic generation and road safety, and site accessibility by a range of transport modes.”*

Although no job creation figures have been submitted as occupiers have not been identified at this stage, there are 24 units proposed over 4472sqm of floorspace (not including retention of existing units). As a broad indicator, the *HCA Employment Density Guide 2015* suggests that that quantum of floorspace could deliver the following job numbers across the site (subject to the nature of the occupiers):

Use type	Sqm/employee ratio	Potential jobs on site
B1a general office	8 – 13	559 - 344
B1b R&D	40 - 60	111 - 74
B1c light industrial	47	95
B8 Storage & distribution	70 - 95	63 - 47
Mixed B-class	10 - 60	447 - 74

This would be a significant number of jobs created whichever combination of occupiers occurs.

Policy EM20 states *“Proposals for the expansion/extension of an existing employment use, site or premises will be permitted, provided there is no material conflict with residential and environmental amenity or highway safety.”* The similar Policy EM22 states: *“Proposals involving the establishment of businesses (or other employment generating development), either in existing premises or on sites in Towns and Villages, or which are well related to them, will be permitted, provided there is no material conflict with residential and environmental amenity or highway safety.”* Given the existing adjacent Peninsula Business Park, the subject site could also be considered an extension to that facility, and as such should be viewed positively. It is unclear from the Proposals Map whether the AONB covers the site or is adjacent to it. In any regard, it is considered that the existing buildings and structures establish Park Farm in the AONB, and that the proposed development is largely a replacement of those existing.

They are of an improved quality of design and construction, and should therefore be acceptable in the location. The proposed additional landscaping is significant and comprehensively designed to create a visually stimulating environment that will sit well within the site context.

Access improvement – benefit to existing businesses

The proposed upgrade and realignment of the existing link to the A137 to improve visibility and provide an alternative route for existing traffic will directly positively benefit the numerous existing businesses at Wherstead Peninsula Business Parks, as well as the general traffic conditions for residents of Wherstead. This itself is a positive benefit beyond the immediate business premises development – in support of Local Plan objective 6.

Conclusion

The quantitative need for premises is not being fulfilled in Ipswich Borough nor Babergh District, and the opportunities for local rural businesses in Wherstead and the wider Shotley Peninsula are limited through a low supply of potential premises. There is also a generally low quality of existing premises across the region which restricts the development of high quality businesses, and hinders productivity growth.

The proposed development is of the type and in the location that is envisaged by the Council to come forward to meet business trends – as set out in both the 2006 Local Plan and the evidence base that underpins the forthcoming Joint Local Plan.

It would form a natural extension to the well-established Wherstead Park Business Centre and Peninsula Business Centre. With an established strong identity, excellent A14 access, premium broadband and modern attractive and efficient premises, the development would be desirable to a wide range of potential quality occupiers.

The Open for Business Team fully supports the proposal and recommends that planning permission is granted.

BMSDC Heritage: “has no comment to make”

BMSDC Air Quality: no objection

BMSDC Land Contamination: no objection based on submitted phase 1 investigation and low sensitivity of proposed use but request they be contacted in the event of unexpected ground conditions being encountered during construction.

BMSDC Arboricultural Officer: no objection subject to protection measures described in arboricultural report being employed

BMSDC Environmental protection: no objection but condition demolition hours and evening working for B2 & B8 uses.

BMSDC Sustainability officer: requests that electric vehicle charging points be provided and that the development meet the 10% reduction in energy requirements by means of renewable technology and sustainable construction measures in CS3

Place Services for BMSDC Ecology: no objection subject to securing mitigation and enhancement measures

Place Services for BMSDC Landscape: re-consultation response 18 September 2018. “Overall the proposal will not have a significant effect and the negative effects can be mitigated subject to the implementation of the mitigation and recommendations from the LVIA report”



SCC Highways: [12 September 2018] no objection subject to conditions (i) site splay requirements (ii) in accordance with approved drawings (iii) storage and recycling facilities and (iv) deliveries management plan during construction

SCC Flood and Water: [11 October 2018] recommend approval subject to conditions (i) implementation as approved of surface water FRA (ii) approval of SuDS components before occupation of 4th building (iii) Construction Surface water Management Plan

SCC Archaeology: no objection subject to conditions

SCC Fire and Rescue: comment to encourage the use of sprinklers and recommend that fire hydrants be installed. They also comment that access construction needs to meet the relevant Building Regulations

Highways England: “offer no objection”

Historic England: “do not wish to offer any comments”

Natural England: no relevant comment made

Anglian Water: no comment to make as it is not proposed to connect to AW network

Dedham Vale and Stour Valley Project Committee:

“Summary

Overall while the AONB is not objecting to the principle of replacing the existing older farm buildings with more modern efficient buildings for BI, B2 & B8 uses at Park Farm we do have concerns with the layout j scale of the development as proposed as it encroaches into the AONB. The AONB team also have concerns about the urbanising effect of some elements of the proposal, namely at the entrance to the site and the office blocks, from lighting and glazing and from additional traffic arising from this development that could result in increased disturbance within the AONB. Please therefore treat this response as a holding objection.”

Neighbours

6 letters of objection have been received. (none in support or expressing a neutral position)

Objection scan be summarised thus (figure in brackets represents frequency with which that view has been expressed)

- a. site is NOT in the Babergh-Ipswich Fringe [5]
- b. proposal in expansion in the AONB where landscape should be protected [4]
- c. sharp bend The Street/Vicarge lane is already hazardous this will make it worse [4]
- d. increase in traffic (number of vehicles and size) unacceptable [3]
- e. Vicarage Lane has pinch points and no footways which means vehicles cannot pass safety issues will be worsened [3]
- f. proposed new access road needs to be part of phase 1 and not phase 2 to avoid more problems on The Street and Vicarage Lane [3]
- g. more traffic will increase noise and pollution for residents [2]
- h. this is new building in the open countryside contrary to policy [2]

and then [1] for each of the following:

possible further damage to garden hedges from articulated hgv's

despite the site already having a private access road most traffic still uses the Street swept path of hgv's crosses centre line [hazardous]
increased hgv traffic will increase risk of collision and damage of telegraph pole
better signage needed to direct traffic to alternative access road
important that the site's existing boundary hedgerows (incl. conifers) be retained

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 This 3.87ha. site lies on the east side of Vicarage Lane immediately to the south of the Peninsula Business Centre.
- 1.2 The site is accessed from the A137 via The Street [a narrow country road with no footways that passes residential properties and then swings sharply around a 90 degree bend to become Vicarage Lane. Sprouting from this bend is the vehicular access road to Wherstead Park the designated business park [EM05]. Vicarage Lane eventually provides access along the south bank of the River Orwell.
- 1.3 To the north-east, east, south-east and south lies open farmland (mixed arable and cattle).
- 1.4 Immediately to the north is the Peninsula Business Park [using some converted traditional farm buildings] and Park Farm House - a grade II* listed building.
- 1.5 The site is generally flat on its western edge but slopes to the east reflecting the Orwell valley setting.
- 1.6 The site is currently occupied by an assortment of some 14 'non-heritage' former farm buildings that are now largely in commercial uses although some agricultural storage occurs in parts. [some of which are sub-divided]. The buildings range in size. Some are relatively recently built but all are industrial style sheds.

2.0 The Proposal

- 2.1 This is a full planning application for new B1 [business: light industry, R&D, office], B2 [general industry] and B8 [warehouse and distribution] buildings with the provision of a new access road connecting the site with the A137.
 - 2.2 The application form describes floorspace details as follows:

1	Existing [gross internal]	5754 sq.m.
2	Existing to be lost	4527 sq.m.
3	New [gross internal incl CoU]	5432 sq.m.
4	Net additional	905sq.m.
 - 2.3 The proposed split of uses is described as 4472sq.m. [light industry] and 1323sq.m. [other] = 6337sq.m. [total floorspace derived from 3 + 4 above].
 - 2.4 This represents a relatively modest overall increase in floorspace of 10.1%.
 - 2.5 The proposal is accompanied by the supporting documentation that includes:
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- Flood Risk Assessment
- Framework Travel Plan
- Ground Investigation Report
- Preliminary Ecological Appraisal
- Landscape and Visual impact Assessment
- Transport Statement
- Arboricultural Assessment
- Archaeology and Heritage assessment
- Design & Access Statement

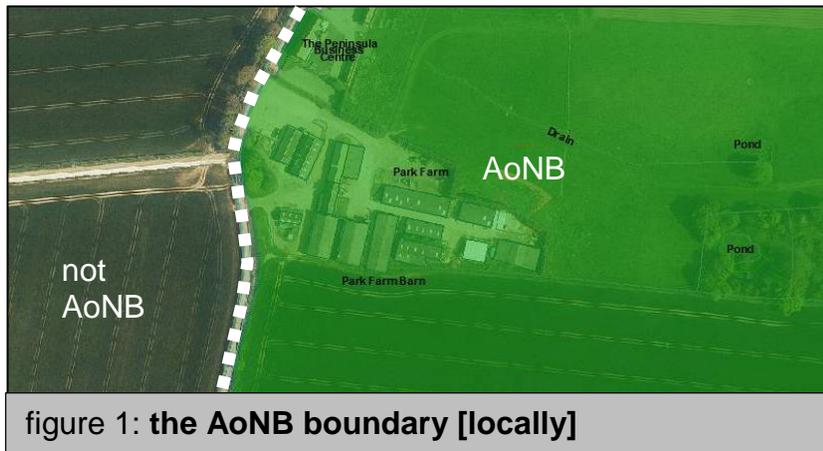
3.0 Land Use Allocation and Constraints

3.1 The site is not allocated for development in the Adopted Local Plan [2006] and is shown on the Proposals Map as countryside. As many of the local respondents have stated the site is not within the defined Babergh-Ipswich Fringe. [inset 18].

3.2 It is important to acknowledge this because whilst Wherstead is included within the Ipswich cluster and is on the edge of Ipswich and Babergh and does in many ways benefit from the proximity to Ipswich it is not within the formally defined Fringe - where the majority of new development in the District is expected to be directed.

3.3 The site is:

- on the very edge [western] of but inside the AoNB [Orwell – Suffolk Coast]



- not occupied by any listed building/s. Within the wider area however there are a number of listed buildings.
- within Flood Zone 1.
- not affected by any designated public footpath/s
- not subject to any TPO/s
- farmland in the immediacy of the site is classified as Grade 3 Agricultural Land.

4.0 Relevant Planning History

- DC/17/02710 construction of vehicular access **approved 01/09/2017**

- B/16/00860 erection of grain store with associated vehicle hardstanding and landscaping **approved 27/09/2016**
- B/15/00570 Prior notification agricultural to B1 [business] approved **26/06/2015**
- B/13/01294 CoU of barn to office and extension to road approved **08/01/2014**
- B/01/00464 CoU of buildings from agricultural to light industry and storage **approved 21/08/2001**

5.0 Assessment of the Merits of the Proposal

- 5.1 Council's are advised by the Government in paragraph 8 of the NPPF [2018] that the planning system has three overarching objectives:

"Paragraph 8:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) ***an economic objective***

to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) ***a social objective***

to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) ***an environmental objective***

to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy."

- 5.2 Consequently these themes will be repeatedly explored throughout this report as they deliberately form what is described by the Government as the 'golden thread' that runs throughout the planning system, holding it together, giving it shape and glinting to attract admiring attention.

- 5.3 In determining this application [*and all others*] the Council must have at the heart of its deliberations appropriate regard to the advice contained in paragraph 11 of the NPPF where the all-important '**Presumption in Favour of Sustainable Development**' is described for decision takers:

"Paragraph 11:

Plans and decisions should apply a presumption in favour of sustainable development.

.....for **decision-taking** this means:

c) approving development proposals that accord with an up-to-date development plan without delay;
or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

5.4 This report will give very careful consideration to what is set out in paragraph 11 above because in determining this application the Council is currently in the position described by (c) above and therefore the starting point for the consideration of the merits is that planning permission should be approving development proposals that accord with an up-to-date.

5.5 The main planning issues in this case are considered to be: the extent to which:

- the proposed development can be adequately accommodated within the AONB [and countryside] from a visual and ecological impact perspective; and,
- the proposal can be said to conform with the Council’s employment policies/strategies and the weight to be afforded to the creation of new jobs; and,
- traffic generated by the proposal can be safely and efficiently accommodated on the local highway network; and,
- the proposed development can be accommodated without giving rise to unacceptable impacts on the residential amenity currently enjoyed by nearby dwellings; and,
- the proposal constitutes sustainable development

5.6 The NPPF at paragraph 84 states that “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).”

5.7 With regards to the Local Plan, the application site is outside of any defined settlement boundary and outside of any employment area designation. It is within an AONB.

- 5.8 Whilst Core Strategy Policy CS2 states that in the countryside development will only be permitted in exceptional circumstances subject to a proven justifiable need, Core Strategy Policy CS3 goes on to provide further policy for proposed employment development, stating that “Employment and housing growth will be accommodated within Babergh's existing settlement pattern and in new mixed and balanced communities on the edges of the towns...”
- 5.9 The Core Strategy adopted in 2014 expressly anticipated, and stated within the document, that the District settlement boundaries would be reviewed and sites allocated for development following the adoption of the Core Strategy. The Local Development Scheme (LDS) produced in 2012 advised that a new combined LDS would commence in autumn 2012 and stated it was not possible to provide an up to date programme for site specific allocations. It is noted that in the original LDS in 2007 it was anticipated that the Site Allocations document would be adopted within 6 months of the Core Strategy having been adopted. This has not to date happened. The current LDS, published in July 2018, now indicates that the Joint Local Plan, including site allocations, will be adopted in February 2020.
- 5.10 The exceptional circumstances test at Policy CS2 applies to all land outside the settlement boundary. This blanket approach is not consistent with the NPPF, which favours a more balanced approach to decision-making. The NPPF does contain a not dissimilar exceptional circumstances test, set out at paragraph 79, however it is only engaged where development is isolated. For the reasons set out in this report, the development is not isolated. Paragraph 79 of the NPPF is not engaged.
- 5.11 Having regard to the material delay in the review of settlement boundaries and in the allocation of sites, and the absence of a balanced approach as favoured by the NPPF, the statutory weight to be attached to Policy CS2 is reduced. The fact that the site is outside the settlement boundary is therefore not a determinative factor upon which the application turns.
- 5.12 The presumption in favour of sustainable development and the need for a balanced approach to decision making are key threads to Policy CS1, CS15 and CS17 of the Core Strategy. Unlike Policy CS2, these policies are consistent with the NPPF, carry full statutory weight and provide the principal assessment framework applying to the subject application.
- 5.13 Furthermore Core Strategy CS3 states that “Proposals for employment uses that will contribute to the local economy and increase the sustainability of Core Villages, Hinterland Villages and the rural economy will be promoted and supported where appropriate in scale, character and nature to their locality.”
- 5.14 The location of the site within the AONB does not in principle [NPPF 2018 paragraph 172] preclude development, the requirement being subject to specific criteria which will be explored later in this report.
- 5.15 In the light of the above policies and the requirements of the NPPF it is not considered that the principle of the proposal is unacceptable, subject to consideration of the impacts of the proposal as detailed in the relevant policies.

6.0 The Area of Outstanding Natural Beauty [AONB] [extent of encroachment]

6.1 Policy CR02 states:

“The landscape of the [DVSCH AONB] will be safeguarded through the strict control of development. Unless there is an over-riding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not normally be allowed. Due regard will be given to the provisions contained within the [DVSCH] Management Strategies”

- 6.2 From this we can see that the 'in-principle' Local Plan Policy presumption is against permitting development in the AONB. That said we also need to assess how this policy stance sits with the relevant sections of the NPPF [2018] because the Framework starts with a policy presumption of 'sustainable development should be approved....' As decision takers the Committee will need to understand the interplay between CR02 and paragraph 172 of the NPPF [2018] if appropriate weight is to be applied to relevant material planning considerations in determining this application. Accepting that 'weighting' is always a matter of informed judgement.
- 6.3 Paragraph 172 NPPF [2018] states:
- "Great weight should be given to conserving and enhancing landscape and scenic beauty in...Areas of Outstanding Natural beauty., which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight, *and should be given great weight in National Parks and The Broads*. The scale of development in these areas should be limited. Planning permissions should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy
 - b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and,
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."
- 6.4 Comparing the requirements of paragraph 172 [NPPF 2018] with those of CR02 it would appear that the former is less restrictive in that some development within an AONB may be possible which is consistent with the NPPF's [2018] commitment to supporting sustainable development. It would appear that CR02 is not fully consistent with the NPPF [2018] in so far as it appears to preclude all but national important development as an exception and then only in very rare circumstances. The NPPF [2018] leaves the door open to development of a limited scale. [subject to defined criteria].
- 6.5 It is therefore necessary to carefully consider the scale of the proposed development and its physical extent if the Committee is to properly consider whether it constitutes a major incursion into the AONB or can be said to represent development that is of a limited scale.
- 6.6 It must be accepted that:
- the current mixed use [commercial/agricultural storage] already exists over much of the present application site.
 - The present use of the site currently in mixed use benefits from planning permissions over time. It is therefore an authorised use.
 - The parcel of land within the application site that is currently in agricultural use could be the subject of further agricultural development in the form of new buildings. Such buildings would in reality almost certainly be large modern barns.
-

- 6.7 As described in section 2 of this report the actual overall net increase in floor space is just 905sq.m. [albeit the total amount of new floorspace [including replacement floorspace is larger] which is below the threshold for the Governments definition as a 'major'. [which for commercial development is set at above 1000sq.m.]
- 6.8 The overall net increase represents a relatively modest 10% increase in overall floorspace from the current position. Whilst this level of increase is considered modest by officers this is a question of judgement but a deviation of +/- 10% is usually held not to be statistically significant.
- 6.9 Members may share the view that for the purposes of paragraph 172 [NPPF 2018] this level of gross increase is indeed **'limited'**.
- [*clearly were Members to accept this it would be on the basis that wider impacts which have yet to be assessed within this report may or may not have an impact that is higher than limited and that such wider consideration may prove decisive when applying the final planning balance].*
- 6.10 The application does not only involve a net increase in overall floorspace. It includes a physical increase in site area over that currently in mixed use.
- 6.11 That increase is some 1.41ha and does represent new encroachment into the designated AONB and its farmland character hereabouts. It should be noted that the cluster of employment uses [part of which is designated employment area] to the north of the application site are all within the designated AONB.
- 6.12 This level of encroachment into the AONB is judged by officers to be *physically* 'limited' and so in terms of paragraph 172 [NPPF 2018] consideration must now turn to wider impacts.

7. AONB - Landscape and ecological impact

- 7.1 Members will have noted the comments received from the DVSV Project when they said:
- “Overall while the AONB is not objecting to the principle of replacing the existing older farm buildings with more modern efficient buildings for BI, B2 & B8 uses at Park Farm we do have concerns with the layout j scale of the development as proposed as it encroaches into the AONB.....”
- 7.2 Understandably they have expressed concern [holding objection] on the basis that the new buildings and associated activity within the AONB are likely to have an unacceptable urbanising effect.
- 7.3 If the limited encroachment was unmitigated that would certainly be true and as such would run counter to the Local Plan and NPPF [2018] objectives of protecting the intrinsic character of the AONB.
- 7.4 However as recognised by Place Services [ecology & landscape] the proposal does include sufficient mitigation to satisfactorily moderate the impact of the new development on the character and quality of the landscape and ecology of this part of the AONB.
-

- 7.5 Place Services required additional visual impact analysis and the proposal has been amended to include substantial additional planting and habitat creation on the sites southern and eastern boundaries where the site abuts open countryside. [currently that part of the site which represents new expansion into the AONB is open farmland which affords unfiltered views of the existing building.
- 7.6 On the basis that the proposal has now been amended to incorporate stronger mitigation considered acceptable by Place Services [ecology and landscape] and in view of the fact that proposed materials have been modified to include traditional clay pantiles and black boarding within the palette [appropriate within a countryside setting] and as Natural England have chosen not to comment the proposal is judged to be sympathetic with this AONB location and is likely to be of a scale and character that will not urbanise the landscape hereabouts -rather the proposed new landscaping is likely [over time] to soften the impact of the built form when compared to the existing situation.
- 7.7 The site is already relatively well screened from the A137 by intervening hedgerows and it is the exposed AONB side (towards the River Orwell) where the proposed softening will be most effective. [the western edge of the AONB hereabouts being defined by the line of the A137].

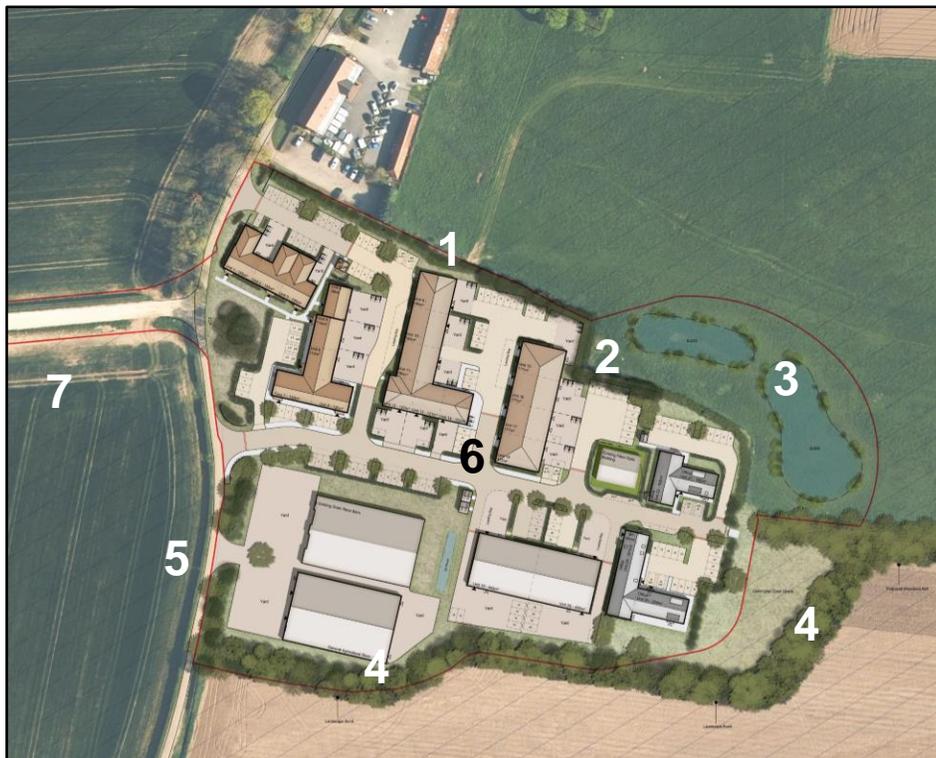


figure 3: the main proposed landscape features

7.8 Landscaping features include:

1. Native planting along northern boundary
2. Retention of existing conifer hedge [as requested by PC]
3. Proposed ponds
4. Proposed native woodland buffer
5. New planting

- 6. New tree planting within site
- 7. New native hedge planting

and the site's biodiversity will be enriched by the inclusion of bird boxes, sparrow terraces, barn owl boxes, bat boxes, log piles, stag beetle boxes and the wetland area.

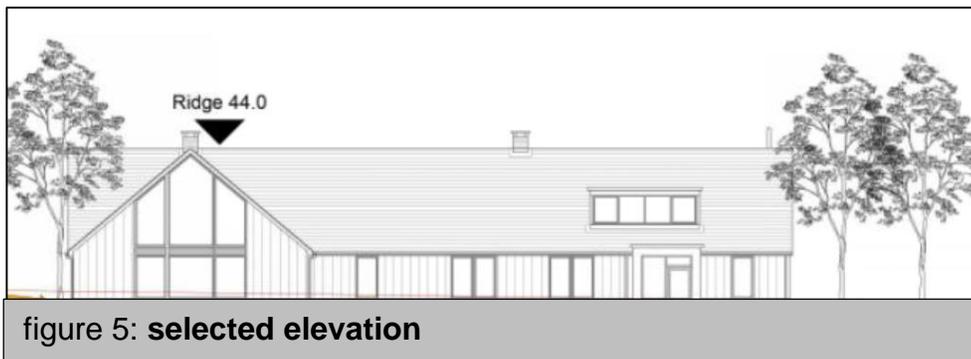
7.9 It is considered appropriate and reasonable to attach conditions designed to control external lighting, external storage, boundary treatment details and the installation of external plant and equipment in the interest of safeguarding the character of the AONB.

8.0 Design and layout

8.1 The buildings on the northwest side of the site have been designed [form, scale and appearance] to be sympathetic with those found on the existing business park to the north [Peninsula Business Centre] which have traditional barn forms and appearance.

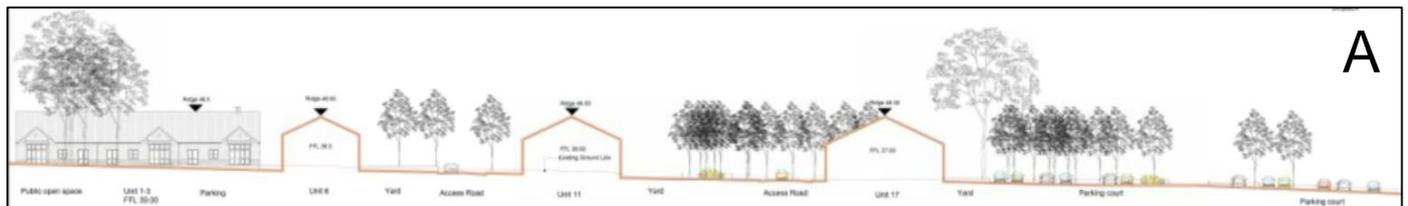


8.2 Those at the eastern end of the site which nudge furthest into the countryside are low level narrow plan inconspicuous forms with a contemporary twist that is not inappropriate as colours are appropriate.



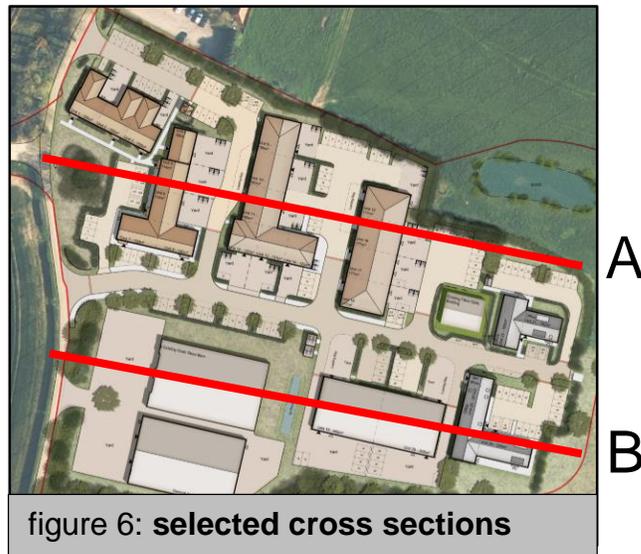
8.3 Others are larger modern sheds but even these are treated sensitively in terms of materials and colours schemes. The architect has taken great care to work with the Development Management Service to design buildings that will meet the expectations of today's occupiers but at the same time harmonise with this very sensitive setting.

8.4 In terms of scale and massing the proposed cross-sections demonstrate that with the planned landscaping, materials and proposed building profiles the visual impact of the buildings is softened.





Note: key on following page



9.0 Heritage

9.1 No relevant specialist 'heritage consultee' has raised an objection and therefore it is concluded that the proposed development does not have any adverse impact on the character or historic significance of any nearby listed building/s or its/their setting.

10.0 Highway Impacts

10.1 Of the local residents who have commented on the proposal [all objected] highest on the list of their concerns is highway and pedestrian safety.

10.2 The Street is narrow in places and has no footway [and nor is there sufficient width to retro-fit one] and it is acknowledged there is a difficult right-hand bend where it meets Vicarage Lane. That corridor is already well used by traffic accessing and egressing Wherstead Park and the Peninsula Business Centre, as well as travelling to and from the direction of the River Orwell [and the Suffolk Food Hall]

10.3 Whilst the proposed development if approved will generate an increase in traffic on this part of the local highway network which may intuitively seem undesirable from a safety point of view it does include its own solution to improving safety.

- 10.4 Currently Park Farm Barns can be accessed from the A137 via a private road across an adjacent field which is also in the applicant's ownership/control. Currently that road is gated and is often closed with the gate shut. The current proposal involves the improvement and realignment of the road and the provision of adequate site splays onto the A137. That road will not be closed and will provide an alternative and more attractive access point for vehicles which will reduce the pressure on the Street.
- 10.5 Suffolk County Council does not object.
- 10.6 Local people make the good point in their representations that having the new road will not provide the benefit and relief if, as initially proposed it, is not built until the start of the second phase of development at Park Farm Barns. The applicant has described the proposal one that is likely to be built-out in four distinct phases. Therefore phase 1 [three buildings] could be completed, occupied and in use without any highway mitigation.
- 10.7 Officers accept the point made by residents and have therefore negotiated an amended timetable for provision of the road with the applicant. If Members are minded to approve the development it is suggested that a condition be attached which requires completion of the proposed new access [and it being available for unobstructed use and so used] before completion of phase 1 of the development [which will be defined] or within 18 months whichever is the sooner.
- 10.8 This provides an unambiguous and early end-date for delivery of the new road. It does not leave its delivery as a 'hostage to fortune' dependent upon later phases commencing.

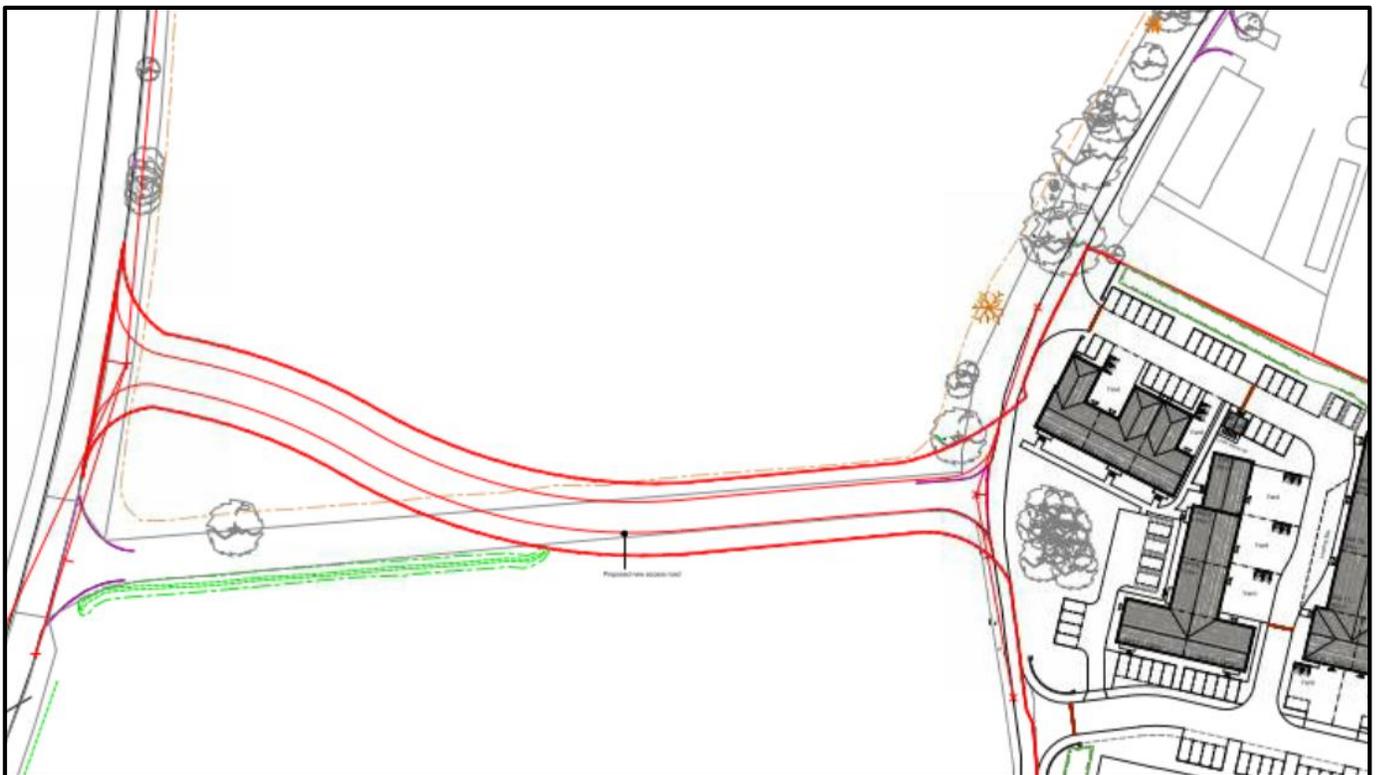


figure 7: **new access**

- 10.9 TP01 of the ALP requires that priority be given to the needs of pedestrians and as we have seen local residents are concerned about the issue of pedestrian safety in the Street as a result of there being no footways.

- 10.10 This proposal has the benefit of providing a new alternative route to Vicarage Lane that by-passes the residential properties in The Street and this represents a benefit to pedestrians using the Street. The local highway authority has not objected to the proposal and they could if they felt it appropriate require a footway alongside the new access road via a S278 Agreement under the Highways Act. The drawing above suggests that this would be possible. That said the A137 has no footway and the highway authority has not required any new footway along the A137. The A137 in the vicinity of this site is devoid of any footway and so there appears little sense in requiring a short section associated with this development when it would connect only to roadside verges.
- 10.11 The site is served by public transport in that there is a bus stop [serving northbound and southbound travellers within easy walking distance. [on the A137].
- 10.12 The development will satisfy TP15 [parking] and TP16 [travel plans].

11.0 Employment

- 11.1 It is acknowledged that this site is not allocated for employment use in the Adopted Local Plan or come to that any other built development - it being countryside. Whilst that may be so it must also be recognised that this proposal can be considered to represent the expansion of an existing authorised employment related site in which case Policy EM20 is relevant. That states:
- “Proposals for the expansion/extension of an existing employment use, site or premises will be permitted, provided there is no material conflict with residential and environmental amenity or highway safety.”
- 11.2 In terms of EM20’s consistency with the NPPF [2018] it is judged to be in perfect harmony encouraging as it does sustainable employment development. [a key driver within the NPPF [2018] for ensuring a buoyant national and local economy] [and potentially a major commitment to investment within the District at a time when Brexit is almost upon us and we look to supporting home grown business] The applicant has already shown a willingness to support and provide start-up and grow-on business space within existing buildings. This appears to be a logical step along the road of planned expansion.
- 11.3 The current buildings are beginning to outlive their usefulness and the current proposal represents the chance to upgrade the quality of floorspace on the site and provide modern facilities for tenants many of whom are expected to stay and businesses new to the site.
- 11.4 The site benefits from easy access to the A14 and the strategic network that lies beyond.
- 11.5 The proposed development is fully supported by the Council’s Economic Development Team and this should carry significant weight as the creation of job opportunities is a Council priority.
- 11.6 Therefore whilst the site is not allocated for employment use it is considered to fully comply with Policy EM20 in that it represents the expansion of an existing employment site/uses and is therefore supportable in land use terms. [subject to satisfying the other criteria detailed in that policy in terms of its wider impacts]

12.0 Drainage matters

- 12.1 All relevant drainage consultees have now expressed their conditional support.
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13.0 Impacts on residential amenity [adjacent dwellings]

- 13.1 With the agreement of the applicant to delivery of the new access within 18 months of commencement and the support of the highway authority the principle issue likely to result in perceived nuisance and disturbance to residents has been ameliorated in so far as traffic related problems described previously are concerned.
- 13.2 It is considered the site is sufficiently distant from residential properties in the vicinity for the activity likely to occur within buildings on the site not to pose a direct threat to amenity. That said conditions have been suggested by environmental health in terms of construction hours and operational delivery times that appear reasonable to attach in the interest of safeguarding amenity.

14.0 Impact on supply of agricultural land

- 14.1 The overall area of farmland that will be lost if this development is approved is so small as not to pose a strategic [or even locally significant] threat to the overall stock of moderate-good quality farmland available in the District to support a buoyant agricultural sector. The applicant will continue to own and operate a large agricultural holding. This diversification of an existing mixed use will continue to underpin the primary agricultural [and related] business of the applicant.

15.0 Archaeology

- 15.1 Whilst the site may be of archaeological interest Suffolk County Council Archaeology has indicated that archaeological interest can be safeguarded by condition

16.0 Cumulative Impacts

- 16.1 The application must principally be judged on its individual planning merits but the NPPF [2018] does make it clear that cumulative impacts may also be a material consideration in particular instances.
- 16.2 Of particular relevance here is paragraph 109 of the NPPF [2018] where such impacts are referred to in the context of the road network. The fact that the local highway authority has not objected as previously described and discussed suggests that a reasonable for refusal based on an unacceptable cumulative highway impact would not be sustainable
- 16.3 Similarly paragraphs 156 and 180 identify the need to assess cumulative impacts in respect of flooding and pollution neither of which have been identified as a likely issue here by the relevant drainage authorities.

PART FOUR – CONCLUSION

17.0 Planning Balance and Conclusion

- 17.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposal would offer public economic benefits.

- Construction-related benefits would be temporary Therefore, it is suggested that these be afforded low weight.
- The provision of new purpose-built employment floorspace in a range of unit sizes and formats will, as identified by the Economic Development Team, represent a substantial opportunity to create new employment and safeguard existing employment. The project represents a substantial financial investment in the local economy. It will allow local businesses to expand and will allow the applicant to improve the offer that can be made to local businesses [and or even attract new businesses to the District] It is considered that such benefits should be afforded substantial weight
- The development will deliver a significant enhancement to traffic relief in the Street/Vicarage Lane area as a result of providing a new purpose-built vehicular access direct to/from the site directly off/onto the A137 -thereby by-passing local residential properties and the awkward right hand bend where the Street meets Vicarage Lane. It is considered the benefits should be given substantial weight because the existing employment at Park Farm Barns already generates local traffic and this new road will mitigate not just that but also the additional impact from increased floorspace
- The fact that the proposed development will not harm any designated built heritage assets is also a matter that should be afforded substantial weight
- The impact of the development on the character of the AoNB is one where relevant judgements are not in unanimous accord. Officers are however satisfied based on the advice of Place Services and Natural England that the proposal will have a limited impact on the character and quality of the AONB and that this impact can be suitably mitigated . It is acknowledged that the Project Group are concerned that the proposed development will introduce built urbanising form into the AONB but as has been demonstrated officers believe the amended proposal will actually soften the impact of the current employment use and therefore represents a benefit in its own right. It is however accepted that this is a question of judgement. On this basis it is suggested that members give significant weight to the question of impact upon the AONB but recognise that in this particular case that impact will be moderate as a result of the limited scale of development and the level of mitigation provided.

17.2 The public benefits associated with granting permission for this development will significantly and demonstrably outweigh the harm caused by the proposal.

17.3 The proposal is considered to comply with relevant Adopted Local Plan Policies and is considered to conform with the requirements of the NPPF [2018] [as described].

17.4 As such, the proposal constitutes sustainable development and, therefore scores positively against other material considerations. The fact that the proposed development is considered to comply with paragraph 172 of the NPPF [2018] means that the presumption against granting permission contained in paragraph 11 {NPPF 2018} is not triggered.

RECOMMENDATION

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

1. Time limit (3 years)
 2. To be built in accordance with approved drawings
 3. Use restricted to those applied for [including agricultural for agriculture only]
 4. No mezzanines to be inserted without further pp
 5. Removal of B class pd + O etc
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6. Details required of actual materials
 7. No outside storage
 8. Provision of landscape buffer within an agreed timescale + management plan
 9. Provision of new access road [phase 1 or 18 months from commencement]
 10. No external lighting ducting telecoms apparatus etc without pp
 11. Removal of agricultural pd on new barns/site
 12. Waste storage arrangements to be agreed
 13. Signage strategy to be agreed
 14. Code of construction statement required
 15. Travel plan required
 16. electric charging points required and sustainability statement
 17. Bat boxes & bird boxes and other ecological mitigation
 18. Staff picnic area to be provided as part of initial phase
 19. Control on evening delivery and operational hours for B2 & B8 uses
 20. As required by SCC Highways
 21. As required by relevant drainage authorities
 22. archaeology
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