

## Committee Report

**Item No: 2**

**Reference:** DC/18/04059

**Case Officer:** Brad Heffer

**Ward:** Debenham

**Ward Member:** Councillor Kathie Guthrie

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### RECOMMENDATION – GRANT FULL PLANNING PERMISSION WITH CONDITIONS

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#### Description of Development

Full planning application – Erection of a process building, loading bay canopy and sub-station, including the relocation of existing storage tanks and construction of new concrete pads to allow the installation of new storage tanks, gantry and other ancillary equipment.

**Location:** Cyder House Aspoll Green Aspoll Stowmarket

**Parish:** Aspoll

**Expiry Date:** 17th January 2019

**Application Type:** Full planning application

**Development Type:** Minor Manufacture/Ind/Storage/Warehousing

**Applicant:** Plandescil Ltd. on behalf of Aspalls.

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### PART ONE – REASON FOR REFERENCE TO COMMITTEE

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The application is referred to committee for the following reason:

It is deemed to be locally controversial and therefore should be considered by Members.

#### Details of Previous Committee/Resolutions and Member Site Visit

Members are scheduled to undertake a site visit on 9<sup>th</sup> January 2019. It is also intended that on the same day a visit would be made to an objector's property in order that the impacts of the proposal can be considered at this location.

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### PART TWO – POLICIES AND CONSULTATION SUMMARY

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#### Summary of Policies

Relevant policies in the Core Strategy Focused Review 2012 and Mid-Suffolk Local Plan 1998:

Core Strategy Focused Review – December 2012

- FC1 – Presumption in favour of sustainable development
- FC1.1 – Mid-Suffolk approach to delivering sustainable development
- FC3 – Supply of employment land

#### Core Strategy Development Plan Document – September 2008

- CS2 – Development in the countryside and countryside villages
- CS3 – Reduce contributions to climate change
- CS4 – Adapting to climate change
- CS5 – Mid Suffolk's Environment
- CS6 – Services and infrastructure

#### Mid Suffolk Local Plan – September 1998

- GP1 – Design and layout of development
- HB1 – Protection of historic buildings
- CL5 – Protecting existing woodland
- CL8 – Protecting wildlife habitats
- CL9 – Recognised wildlife areas
- E6 – Retention of individual industrial and commercial sites
- E8 – Extensions to industrial and commercial premises
- E12 – General principles for location, design and layout of industrial and commercial development
- T9 – Parking standards
- T10 – Highway considerations in development
- SC4 – Protection of groundwater supplies

### **Supplementary Planning Documents**

Suffolk Guidance for Parking – Second Edition - November 2015

### **Consultations and Representations**

#### **A: Summary of Consultations**

#### **Aspall Parish Meeting has commented as follows:**

'Aspall community does not have a Parish Council but a Parish Meeting. There is no Parish Clerk as a result of which it falls to the District Councillor to deal with communications.

There are 20 houses in Aspall and I hand delivered notification of this application and asked for comments. Those who objected did most strongly. The objections are:

Increase in traffic and poor response from SCC Highways - many requests for 30 mph speed limit has been refused or dismissed. The corner where Walnut Cottage and Hill Crest are located next to the B1077 is dangerous and not wide enough for the HGV's to negotiate and are often on the wrong side of the road. The bridge at the bottom heading towards Aspall Cyder has a crack in the brickwork. Is this bridge sufficiently strong to take the weight of these lorries? When they get to the top of the Hill to turn into Aspalls they have to negotiate a left turn by going over to the righthand side of the road which is on a blind bend for those vehicles coming from Debenham. What can be done to alleviate this?

Can the community have a clear calculation on how there is to be a reduction in traffic whilst an increase in production is envisaged.

Is there a limit for working please? Local residents can hear clanking and lorry movements at all times of the night thus disturbing sleep particularly with this last summer and windows open.

Visual impact of the number of Vats moving along the Skyline – Although it is proposed the Vats will be painted a dull matt green it still extends the skyline with these vats. Could they not all have been positioned behind those already there of which a few are being relocated? Where has water gone from the pond that the new building would be sited?

Potential pollution in the tributary of the River Deben – whilst it is appreciated there are weekly ‘testings of output’ from the site what do these tests look for and what impact is the outfall on wildlife please? What would one have expected to ‘live’ in the ditches – rare newts perhaps and what is there now? Has any testing been done further down stream to ensure water quality is flowing freely and cleanly?

With a potential increase in production and output what safeguards are in place to stop flooding further downstream? Debenham has enough problems with flooding and recent attenuation ponds upstream have tried to alleviate this but with extra capacity from this site will all advantages be lost?

This has been written as a ‘Parish Clerk’ on behalf of the community from those who contacted me’.

### **Bedingfield Parish Council has commented as follows:**

‘Bedingfield Parish Council have no objections to this application.’

### **SCC Highway Authority**

When originally consulted the Highway Authority advised that it did not wish to restrict the grant of permission. However, in response to concerns raised locally with regard to highway impacts, the Highway Authority was asked to comment further, and the following was received:

‘Suffolk County Council, as the highway authority, takes into account a number of issues when making a decision on the level of impact on the highway from new or extended developments:

- The type of development
- Hierarchy of road
- Levels of existing and expected traffic and extent of existing congestion
- Visibility splays for access on to the highway
- Accident data
- History of complaints regarding traffic volumes

The application is for erection and alteration of the existing development. Previous planning permission to extend the site was granted in 2016 but the works were not completed. Our records show we were not consulted on this application.

The highway adjacent to this site is the B1077, Aspell Road, which is the main rural secondary distributor road. Its classification shows it is a link between larger villages and includes HGV routes to strategic and main distributor highway network. The site already generates traffic for staff, deliveries and distribution alike.

SCC has data showing the traffic counts for this section of the B1077; the 2-way flows show 2829 vehicles in a 24 hour period. At present, there is 2% HGVs using B1077 which equates to less than 3 per hour (and if you condense the sums to a 12 hour period, then its less than 5 per hour). These numbers are typical for a B class road. The Design and Access statement provided with the application indicates that HGV movements will be reduced by the construction of a weighbridge; ‘eliminating HGV movements between the Aspell site and Bedingfield where the current Weighbridge Aspell use is located’. At present, the B1077 is part of the Suffolk Lorry Route Network to the site.

There has been 4 slight injury accidents on the B1077 within a mile of the site access. Only one was adjacent to the site where a car had parked adjacent to the site entrance and a vehicle was trying to manoeuvre around. Therefore we do not consider the site to be a hazard with regard to highway safety.

Our database only show 2 customer complaints regarding HGV traffic in the area.

Suffolk Growth Strategy highlights food, drink and agriculture as important industries in Suffolk. Aspell is named as a major employer and has potential growth driven by international demand. Taking all the above

into account, it is our opinion that this development would not have a severe impact (NPPF para 109) therefore we do not object to the proposal.'

## **BMSDC Heritage**

The Council's Heritage Team has advised that the proposal would cause a '...moderate level of less than substantial harm to a designated heritage asset because the proposal would intensify the industrial development on the site and bring inappropriate structures into the immediate setting of Aspoll Hall..'

The following commentary has also been received:

'The proposal is for the erection of a new process building and the relocation of storage tanks, as well as the installation of new storage tanks, within the grounds of Aspoll Cyder, which includes the Grade II listed Old Cyder House, and is adjacent to the Grade II\* listed Aspoll Hall. The heritage concern relates to the impact of the proposed development on the setting of the listed buildings which is considered to contribute to their significance.

The Aspoll Cyder site is an established industrial site, which has grown around the Old Cyder House and all along the eastern boundary of the moated site of Aspoll Hall. While this industry is connected to the site and to the history of the listed buildings, the large industrial structures detract from their setting. Therefore, it has to be acknowledged that there is a certain degree of harm already associated with the existing modern industrial buildings and structures on the site. The proposed development would intensify this inappropriate development, and it would bring industrial buildings into the immediate setting of the Hall, on its northern boundary.

The proposed expansion of industrial structures on the site would further erode the setting of the Grade II\* listed Hall, diminishing the contribution it makes to its significance. Therefore, the Heritage Team considers that the proposal would cause a moderate level of less than substantial harm to the significance of Aspoll Hall.

Should this harm be considered to be outweighed by public benefits as stated in para. 196 of the NPPF, we would recommend that further mitigation efforts are made to reduce the impact of the proposed development on the setting of Aspoll Hall, perhaps in terms of additional screening along the northern boundary of the Hall.'

## **Historic England**

The following text is taken from the consultation response provided by Historic England (the full text may be viewed on the Council's website):

'This application seeks permission for the erection of a process building, loading bay canopy, relocation of existing storage tanks and the construction of new storage tanks at The Cyder House, Aspoll, Stowmarket. Historic England has previously provided comments on a similar scheme (ref 1990/16) in our letter of 25 May 2016 where we raised concerns that a new intake building to the northern boundary could result in harm to the grade II\* listed building. We remain of the position that building in this location would further erode the significance of the Aspoll Hall through development within its setting. We have concerns regarding application and suggest that an alternative location is sought. Aspoll Hall is a late 16th and 17th century manor house, with early 18th and 19th century alterations. The hall is located at the centre of an oval moated site (not scheduled). Aspoll Hall is listed at grade II\* in recognition of it possessing more than special architectural and historic interest, and it therefore sits within the top 5.8% of listed buildings nationally... The proposed scheme would bring large scale, industrial development closer to the grade II\* listed building and would also result in previously open land being developed. In addition to the new process building this application also includes 33 new storage tanks and the relocation of 25 storage tanks from elsewhere on site which would result in an intensification of industrial buildings on previously undeveloped land. We consider this would result in harm to the setting of the

grade II\* listed building through development within its setting, especially when experiencing the house from the northern edge of the moat.

The National Planning Policy Framework (NPPF) identifies that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184). Paragraph 192 of the NPPF states that when determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of harm. Paragraph 194 states that any harm to, or loss of, significance of a designated heritage asset (from its alteration or development within its setting) should require clear and convincing justification. Finally, where development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the scheme (paragraph 196).

In line with our previous advice we would suggest your Council consider the possibility of alternative sites for these new buildings, such as moving some of the storage tanks away from Aspoll Hall. If this proves to be impractical the Council should weigh the harm to the significance of the grade II\* listed building which would be caused by this development against any public benefits of the scheme as required by paragraph 196 of the NPPF before determining the application.

#### Recommendation

Historic England has concerns regarding the application on heritage grounds. The proposed development would bring industrial buildings closer to the grade II\* listed building further eroding its setting to its northern boundary. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 192, 193, 194 and 196 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.'

#### **Suffolk Wildlife Trust**

The Trust notes that Great Crested Newts were relocated when the lagoon previously located on the site was filled in as part of a previous planning permission and identified that fencing was agreed to be installed, to ensure that recolonisation did not take place. Comments were also made in regard to surface water drainage and the discharge resulting from the increased production processes on the site – ensuring that it is of appropriate quality.

#### **Place Services (Ecology)**

It has been confirmed that no objection is raised to the proposal, on the basis that the application contains appropriate information relating to ecological issues – and sufficient ecological enhancements have been provided within previous applications on this site.

#### **Natural England**

Natural England has advised that it has no comment to make on this application, but draws attention to its standing advice in relation to protected species, ancient woodland and veteran trees.

### **Environment Agency**

The Environment Agency initially raised a holding objection to the proposal because ‘...the applicant has not supplied adequate information to demonstrate that the risks of pollution to water quality can be safely managed...’ The applicant liaised with the Agency and additional information was submitted.

Subsequently, the following comment has been received:

‘Details have been provided regarding investment and upgrades that will be made to the existing on-site treatment works, and we are working with the applicant to ensure that these upgrades will allow effluent to be discharged that will meet the requirements of an installations permit.

The applicant must ensure they comply with their current discharge permit (PRENF/1180) until it is incorporated into an installations permit. The installations permit will ensure adequate limits are imposed on the discharge to ensure the receiving watercourse is protected.

Although we are satisfied that our holding objection to this application can be removed, the applicant should be aware that future upgrades to the treatment works may require additional planning permission.’

### **County Archaeological Service**

The Archaeology Officer has identified that there would be no significant impact on known archaeological sites or areas with archaeological potential, and it is considered that archaeological mitigation is not required in this case.

### **BMSDC Land Contamination**

It is confirmed that there is no objection to the proposed development from the perspective of land contamination. It is requested that contact is made with the officer, in the event of unexpected ground conditions being encountered during construction and that the developer is made aware that the responsibility for the safe development of the site lies with them.

### **BMSDC Environmental Protection**

The officer confirms that there is no objection to the proposal, subject to the imposition of conditions on a grant of planning permission. These would include a requirement for the submission of an assessment in relation to noise, odour and lighting impact, together with mitigation. It is also recommended that conditional controls are imposed regarding a construction management plan, controls over the hours of site preparation and construction works, measures for the control of waste and dust, and controls over the provision of security lighting or floodlighting.

### **BMSDC Economic Development**

No objection is raised to the proposal. The following comment is also made:

‘An on-site weighbridge will reduce the amount of traffic movements required for this operation and the other proposals will improve efficiency for the business and safeguard existing local jobs.’

### **SCC Flood and Water**

When originally consulted, the Officer recommended a holding objection, on the basis that ‘...the application has failed to demonstrate that the proposed discharge point is either within the applicant’s

ownership or that it flows into a OS mapped watercourse and therefore they have a viable method for the disposal of surface water in line with national and local policy/guidance...'

Following liaison between the Officer and the applicant's agent additional information was submitted and, subsequently, the Officer confirmed that no objection was raised, subject to the imposition of conditions on a grant of planning permission.

### **Arboricultural Officer**

The Arboricultural Officer has no objection to the proposal, subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report.

### **B: Representations**

As a result of local notification, a total of 13 representations have been received, raising objections and concerns in relation to the application proposal. These may be summarised as follows:

- The development will generate additional trade effluent and pollution problems have occurred in the past. The application does not include proposals to deal with this issue.  
*Officer comment: Members will note from the report that ongoing liaison has taken place between the applicant's agent and the relative authorities, and an agreed position reached.*
- Significant HGV traffic generation will result from the development and the local road infrastructure is unable to cope. Serious highway safety problems occur at present and the proposal will make matters worse. Damage is occurring to the roads at present.  
*Officer comment: The issue of highway impact and safety has been considered by SCC Highway Authority and that authority does not object to the proposals.*
- The use will result in additional traffic impacts and noise nuisance throughout the day and night.  
*Officer comment: the Environmental Control team has not raised an objection to the proposal on these grounds.*
- The additional storage tanks will be an eyesore, detrimentally impacting on visual amenity and the proposed screening will be ineffective. Existing trees and hedges are in a poor condition.  
*Officer comment: the impacts of the relocated and new tanks in the landscape has been considered as part of the overall development proposals and while the appearance of the site will alter, it is considered that this would not be unacceptably harmful to justify a refusal on these grounds.*
- The development would have a detrimental impact on the setting of the nearby listed buildings.  
*Officer comment: given the existing site context in relation to the listed buildings, and the perceived public benefit arising from the development proposal, it is considered that the scheme is acceptable in this regard.*
- The proposals (and the existing use) is better suited to an allocated employment zone location.  
*Officer comment: the application site forms part of a long-established rural industrial site and development proposals must be considered on their individual merits having regard to the development plan and material considerations.*
- Employment opportunities are likely to reduce as a result of increased automation at the site. How many new jobs are proposed.  
*Officer comment: the application submission advises that the proposal would safeguard existing jobs and as part of ongoing process improvements an increase in employment is envisaged by 2020.*

- It is understood that a new weighbridge is to be installed at the site, and further information should be made available.  
*Officer comment: the applicant's agent has advised that construction of the weighbridge is advanced and should be operational early in the new year.*
- A speed limit should be imposed along the road adjacent to the factory site in order to improve highway safety problems.  
*Officer comment: the imposition of a speed limit is a decision for Suffolk County Council as highway authority.*
- Suitable restrictions should be imposed during the construction phase of the development, if approved.  
*Officer comment: the construction phase of the development, if permitted, would be controlled through condition.*

The full text of the representations received may be viewed on the Council's website.

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1.0 The Site and Surroundings**

- 1.1 The site for the application proposal currently forms part of the overall Aspalls site, which has a long-established use for the production of cider and vinegar products. It is a relatively level, irregularly-shaped site, with a given area of 7957 square metres. It currently contains a number of storage tanks, an extensive area of undeveloped land (formerly the site of a lagoon), and some hardstanding areas that are utilised for storage purposes and vehicular manoeuvring space. The remainder of the 'red line' application site extends to the vehicular access to the site from the adjacent main road, the B1077.
- 1.2 To the south and southwest of the application site is a collection of industrial buildings, utilised as part of the authorised manufacturing use. To the southeast is Aspell Hall, a grade II\* listed building, set in landscaped grounds including a moat feature. Another listed building, the Cyder House, which has a grade II listing, is located some 65 metres west of the Hall. The creation of a 'Cyder House' in this building (a former barn) is understood to have taken place in the 18<sup>th</sup> century. This building now sits within the industrial site and reads as an intrinsic part of it.  
To the north, west and east of the overall Aspalls site, and Aspell Hall, are extensive tracts of rural land, some utilised for agricultural purposes, punctuated by sporadic residential development.

### **2.0 The Proposal**

- 2.1 This planning application seeks full permission for the erection of a process building, the relocation of existing storage tanks and the provision of new concrete pads to allow the installation of new storage tanks, pipe bridge and other ancillary equipment, including a 3no. chiller units, a refrigerant storage building and a sub-station.
- 2.2 The main element of the development is considered to be the proposed process building, which would have dimensions of 27 m length by 17 m width, and an overall height of 10 m to ridge height. It would be constructed using profiled steel cladding (coloured Olive Green). Internally, the building



would contain a ground, first and second floors providing office, storage and canteen/mess room facilities.

Other elements of the development can be listed as follows:

- Erection of a loading bay canopy having dimensions of 10.5 m length, 5 m width and 5.8 m height. Part of this building would be clad in materials to match the proposed canopy building. This development would be associated with a new lorry loading bay area.
- Erection of a group of ancillary buildings (including chillers and refrigerant storage facility - on a new concrete apron) and a sub-station, located adjacent to the northern boundary of the site.
- Provision of a new area for tank storage, immediately to the north-east of the proposed process building. This area would contain both relocated and new tanks. In addition, two rows of new tanks (one row with associated bunding) are proposed between the process building and the loading bay canopy, and immediately to the south-east of an existing row of tanks on the site.
- The provision of a utilities gantry and walkway that would run through the new tank area, adjacent to the process building, and terminating at the southwest corner of the application site.

2.3 As part of the application submission, a Design and Access Statement has been submitted. In order to provide Members with context, the following extracts are included as part of this report:

‘...The Applicant has operated from premises at Aspull since 1728. The do not operate from any other sites, although some warehousing and distribution operations are currently undertaken off-site on a contract basis. Due to the extensive history of Site and consumer importance on provenance, the Applicant is committed to remaining at Aspull and the proposed works are critical to the sustainability and expansion of the business.

In 2018 Aspulls was acquired by Molson Coors, one of the world’s largest brewers, employing over 2000 people in the UK alone. Molson Coors is looking to invest in the existing Aspull site to help support its planned increase in cider production, which will create employment opportunities while reducing traffic and disruption to the local community...Since the acquisition of Aspull by Molson Coors, the requirements of the site have been re-evaluated. It has been agreed that a Process Building will be better suited to the Applicant’s long-term growth plans, also improving working conditions, and operational standards...The proposal comprises of 1 no. Process Building which will house equipment required for the cleaning and maintenance of process pipework which transport liquids around the site. In addition, within the Process Building there will e a control room and facilities from which the Cider fermentation process will be operated, allowing existing outdoor processes to be moved inside into a more suitable environment. It is proposed to increase the storage capacity of the site by adding additional storage tanks and re-locating existing tanks to improve the efficiency of the current process...No new activities will take place on site because of the proposed development. Administration and office facilities, cider and vinegar making, bottling and keggering, dry goods warehousing and the loading and unloading of vehicles will continue as they do at present. The development will not increase the day to day vehicle movements coming in and out of site...’

2.4 The full text of the Design and Access Statement is available to view on the Council’s website, as are the other supporting documents submitted with the application which include a Landscape Visual Impact Assessment, Flood Risk Assessment, Geology/Ground Conditions report and an Arboricultural Report.

### **3.0 Policy Background**

3.1 The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying three overarching, interdependent objectives; these being economic, social and environmental. Importantly, the NPPF makes clear that these objectives are not criteria against which every decision can or should be judged. It goes on to state:

‘...Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area...’

3.2 In addition, the NPPF identifies the requirement to attach significant weight to the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In respect of the rural economy, the NPPF inter alia states that ‘...Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings...’

3.3 At the Local Plan level, Core Strategy Focused Review (CSFR) policies FC 1 and FC 1.1 reflect the aims of the NPPF insofar as the Council’s approach to sustainable development in Mid-Suffolk is concerned. Specifically, policy FC1 identifies that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise. Furthermore, policy FC1.1 identifies that development proposals must conserve and enhance the local character of the different parts of the district. Within Policy FC 3 of the CSFR it is identified that provision will be made for development that aims to deliver at least 8 000 additional jobs in the district by 2026.

3.4 In the adopted Local Plan, policy E8 identifies that applications for industrial development involving new buildings within an existing industrial curtilage will normally receive favourable consideration provided that the development is properly related to the character and appearance of its surroundings, would not create unacceptable environmental or traffic problems, and would not conflict unduly with neighbouring residential amenity. The range of elements identified in this policy are considered to be directly applicable to the consideration of this application. Leading on from this policy E12 identifies the general principles applicable to the location, design and layout of industrial development within the district. Within the identified criteria the policy notes that issues of building design, impact on the surrounding land, retention of landscaping/additional landscaping provision and traffic generation are elements to be considered.

3.5 Having regard to the above policy base it is the case that the application site forms part of an established industrial use on the overall Aspalls site. The overall site has a clear commercial appearance and therefore the addition of further industrial development on the site would not appear out of context. The application submission advises that the development would enable productivity rationalisation and expansion to take place. It is also stated that the scheme would assist in safeguarding employment at the site. The location of the application site is closely associated with the remainder of the Aspalls site, and new development in this location would not, it is felt, conflict with the context that is established on this site. Therefore it is considered that the proposal meets the identified policy requirements.

### **4.0 Sustainability**

4.1 As identified above the NPPF identifies three strands to achieving sustainable forms of development sustainability – Environmental, Social and Economic. In considering these elements in relation to the application proposal, in the case of the Environmental objective the NPPF requires that

development contributes to protecting and enhancing the natural, built and historic environment, including the making effective use of land. In the case of the development proposal the site forms part of an established industrial use and is clearly available. There will be impacts within the environment but it is considered that these can be properly mitigated where necessary without an unacceptable degree of harm being created. In relation to the social objective this relates primarily to support for communities by the provision of sufficient homes. Nevertheless, it is considered that the proposal would assist in safeguarding employment opportunities, which does have a social benefit. Lastly it is considered that the proposal does achieve the NPPF's economic objective of sustainable development by enabling the established business on this site (which provides employment opportunities) to continue.

- 4.2 In relation to the issue of employment, the applicant advises that the site currently employs 114 staff. In addition, the application submission identifies the applicant company's intention that employee numbers increase by 10% by 2020.
- 4.3 In conclusion, the proposal is considered to be sustainable under all of the three headings set out by paragraph 8 of the NPPF.

## **5.0 Site Access, Parking and Highway Safety Considerations**

- 5.1 As will be noted by representations made by local residents, the issue of the traffic impacts arising from the development, in addition to the impacts already experienced, is a fundamental cause for concerns and objection in this case. These concerns are fully acknowledged and appreciated. In this regard, officers have been led by the advice received from Suffolk County Council as the highway authority. Whereas the initial consultation response received from the Highway Authority simply identified no objection to the proposals, given the objections that have been raised in this regard, the further comments of that authority were sought, and a more detailed response received. Members will note these in the relevant section of this report. It is clear that the Highway Authority does not consider the development to be unacceptable, in terms of the resultant impacts on the highway infrastructure in the area. Furthermore, mitigation of impact is not proposed through recommended conditions.
- 5.2 Post submission of the planning application, the applicant's agent has provided further background information in relation to the issue of vehicle movements that are generated as a result of the use of the site.

The following comments are made:

'Since Molson Coors purchased Aspall in January 2018, we know it's important to the community to reduce the number of vehicle movements to and from our site. Although we are planning to produce more cyder by 2020, our plans to improve site efficiency, coupled with our logistics expertise means that the number of vehicles that enter and leave the Aspall site will be reduced significantly.

We estimate that we will reduce vehicle movements into site by up to 25% by 2020 and we have already taken a significant number of steps to act on this, including:

- Moving our point of sale to a separate fulfilment handling house off site requiring no travel to and from our site.
- Committing to a new on-site weighbridge, ending the use of the public weighbridge in Bedingfield, halving the number of local journeys required for most of our weighed deliveries.
- Focussing on producing more crafted cyder in place of bulk produced apple juice, which will contribute to a 10% reduction in vehicle movements alone in 2019.'

- 5.3 Members are advised that planning permission was granted for the on-site weighbridge under planning application ref. DC/18/03043 via notice dated 16<sup>th</sup> August 2018. The applicant's agent has confirmed that the permission has been implemented, and the applicant hopes to have the facility completed by the end of December, with operational commencement in early to mid-January.
- 5.4 It is the case that the impact of HGV traffic on the local road network generally is of fundamental concern to local residents and obviously the use of the Aspoll site does contribute to the numbers of vehicles on the road. That said, the Highway Authority does not object to the proposal on the grounds of detrimental impact on highway safety, inadequate infrastructure etc. and therefore it is considered that a refusal of planning permission on these grounds cannot be justified by the Council as local planning authority, notwithstanding the strong concerns expressed.
- 5.5 In relation to the issue of parking provision, this development would not take place on land currently utilised for this purpose, and the amount of parking available on the site would be unaltered. Members are advised that a staff parking area is available adjacent to warehousing to the south east of the application site.

## **6.0 Design and Layout**

- 6.1 The design of the development, as noted elsewhere in this report, is clearly of a functional nature - it being required as part of established industrial use on the site. Its appearance expresses this functionality and, as a planning judgement, it is considered that the development would be visually-appropriate within the setting of the factory. Issues in relation to wider visual impact are discussed elsewhere in this report.
- 6.2 As regards the layout of the proposed development, this would, primarily, meet the functional requirements of the applicant company as part of their re-assessment of the site and the aim to improve productivity and the way that the site works. Again, as a planning judgement it is considered that the layout of built form etc. as proposed under the scheme would reflect that already in place on the site and would not be harmful in the context of the established use.

## **7.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 7.1 Considering first the issue of landscape impacts, it is the case that the planning application submission is accompanied by a Landscaping Visual Impact Assessment. This document has considered the regional and local landscape character and the impacts of the development in this context. Overall, the landscape quality in the area is considered to be good with a medium sensitivity and the Assessment identifies that there are likely to be two types of visual effect; these being views into the operational area; and changes in landscape character of the vicinity during operations.
- 7.2 Furthermore the Assessment identifies that the nearest dwellings (apart from Aspoll Hall) are located approximately 150 metres to the northwest, and the impact of the development on the views from these dwellings would be moderately adverse. Importantly, this impact is judged *before the proposed mitigation is taken into account*. Further north is another group of dwellings that the Assessment advises are approximately 490 metres distant from the site. Again, it is acknowledged that '...There are likely to be some views toward the new development on the opposite side of the valley, set against the backdrop of the existing woodland and the prominent processing plant of the existing development...' The existence of a public footpath on the opposite side of the valley to the application site is noted in the Assessment, and views of the site are available from this feature, in particular the metal tanks currently associated with Aspolls site.

- 7.3 It is the case that the main landscape visual impact resulting from the proposal would be from the north of the site, and as noted, extensive views of the site are available from this direction, both from the road and from the local right of way network. The existing Aspalls site has an impact within the area and, clearly, were the current development proposal not to go ahead, this impact would continue. Therefore, the key consideration is whether the additional development proposed would, in addition to that currently on site, render the cumulative visual impact of the development to be unacceptable. To this end it is the case that the tallest new structures proposed would be some of the relocated and new storage tanks within the proposed new tank storage area. The highest of these would be 13.8 metres tall. The application submission states that the new/ relocated tanks on the periphery of the site would be 'jacketed' in Olive Green cladding – in order to reduce their overall impact in the landscape. At an overall height of 10 metres, the process building would clearly be lower than the highest tanks. In addition, this building would in effect be surrounded to the east, north and west by existing and proposed tanks and, is therefore unlikely to have a significant impact on visual amenity in the surrounding area. This building would also be finished in Olive Green cladding to reduce its overall impact further. It is noted that this colour has been used on buildings elsewhere on the site.
- 7.4 By way of mitigating the visual impacts of the development, the application submission advises that additional landscaping would be provided along the north-western boundary of the site. This is described as follows '...There is a 6 metre wide strip of rough low growing vegetation on the far side of an existing boundary fence along the north western boundary where landscaping will be installed. A new native hedgerow is to be installed along this strip running approximately 64 metres to the west and 23 metres to the east of the existing gateway into the adjoining field. Hedgerow trees will be planted within this hedge line every 10 metres with an additional row of trees staggered planted on the field side...The storage tanks that front the northern boundary should be colour graded to blend into the landscape with a dull/matt finish to help to reduce the visual impact...' The submission also advises that the trees to be introduced in this location would be between 2.5 – 3.5 metres high at time of planting.
- 7.5 As a planning judgement it is considered that whilst views of the site (primarily but not exclusively from the north) would change, this alteration would be experienced against the 'backdrop' of the existing, established industrial development and, as such, its prominence would not be so great as if the proposal were to introduce new storage tanks into an otherwise undeveloped location. In combination with the mitigation measures proposed under the application (including the use of an Olive Green finish, and additional planting – including the introduction of standard-sized trees) it is considered that the impact of the development in this location would be reasonable.
- 7.6 In relation to the issue of impacts on ecology, it is noted that the Council's retained ecological consultants, together with Natural England and Suffolk Wildlife Trust do not object to the proposal. Members are advised that as part of a previous planning permission granted on this site, under application ref. 1990/16, the infilling of the lagoon formerly on the site was permitted, and this work has taken place. In allowing this work various mitigation measures were conditioned, including works whereby any impact on Great Crested newts could be properly mitigated. As part of its initial consultation response on the current proposal, Place Services (Ecology) and Suffolk Wildlife Trust requested confirmation that the agreed measures to prevent re-colonisation of the site had taken place, and this has subsequently been confirmed in writing. While no additional mitigation has been requested by Place Services (Ecology) in relation to the current scheme, clearly conditional controls in relation to lighting etc. would mean that impacts could be controlled to a satisfactory extent.
- 7.7 In relation to trees, it is noted that the Arboricultural Implications Assessment submitted with the application identifies that one tree (a dead elm tree) would have to be removed in order for the development to take place – this to allow the provision of replacement planting. The remainder of the trees identified as being affected by the development would be protected a suitable means of

fencing. In this regard, it is noted that the Council's Arboriculturalist does not object to the proposal, on the basis that the development is carried out in accordance with the submitted information.

## **8.0 Heritage Issues**

- 8.1 Clearly a key consideration in this case is the impact of the proposals on the setting of the nearby listed buildings. The consultation responses that have been received from Historic England and the Council's own Heritage Team have raised concerns in relation to this issue; identifying that a moderate level of less than substantial harm would be caused to the setting of Aspoll Hall, which has grade II\* status. It is noted that a specific concern is not raised to the impact on the setting of the Cyder House, which is positioned closer to the proposed development, but does have established industrial buildings located immediately adjacent to it.
- 8.2 Within the Planning (Listed Buildings and Conservation Areas) Act 1990 paragraph 66 (1) states that '...In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses...' Leading on from this the NPPF states at para. 196 that '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use...'
- 8.3 Leading on from this, policies FC1 and HB1 of the Mid Suffolk development plan seek inter alia the preservation or enhancement of the historic environment. In accordance with the NPPF, due weight must be given to policies of the development in according to their degree of consistency with the NPPF. The aforementioned policies are considered to be consistent with the NPPF.
- 8.4 In the case of the application site, clearly a significant degree of industrial and commercial development has taken place over time, and this has impacted on the setting of Aspoll Hall and the Cyder House. The Council's Heritage Team has acknowledged that the setting of these buildings has been adversely impacted by development that has already taken place. It is also pertinent to the consideration of heritage impacts that the proposed site of the new development is currently unoccupied by built form, being previously the site for a lagoon that has now been filled in. That said, the immediate surroundings do have a strong industrial character. To this end, it is considered that the proposed new development would (within the context of existing development on the site) be of similar size and would have a similar functional appearance.
- 8.5 In the case of Aspoll Hall the building is located within its own landscaped grounds and is constrained by established vegetation bordering its curtilage. It is considered that this acts as a natural screen and indeed a visual buffer that clearly divides the curtilage of Aspoll Hall from the remainder of the established industrial site. It is estimated that the proposed process building would be located some 68 metres away (to the northwest) of the Hall, with the new/relocated tanks being nearer at approximately 62 metres. The intervening space is punctuated by established hedgerow and trees.
- 8.6 Both comments received from the Council's Heritage Team and Historic England identify that the onus is on the Council as local planning authority to determine whether the public benefits that arise from the proposal outweigh the moderate level of less than substantial harm that is judged to result from the development proposal. In this case it is considered that safeguarding existing jobs and encouraging employment growth are a public benefit that weighs in favour of the development proposal. It is noted that this aspect of the proposals has been identified by the Council's Economic Development Team. Furthermore, it is noted that if the benefits of the scheme were deemed to outweigh the concerns expressed regarding setting. The Council's Heritage Team has suggested

that additional screening provision is made along the northern boundary where the application site meets the boundary of Aspoll Hall. This additional landscape element could be considered as part of an overall scheme that could be secured through the imposition of a suitably-worded condition.

- 8.7 On the basis of the above, it is considered that a positive recommendation in relation to heritage impacts can therefore be made having had regard to the development plan, other material considerations including the NPPF, and imposed statutory duties and responsibilities.

## **9.0 Impact on Residential Amenity**

- 9.1 The nearest dwelling to the application site is Aspoll Hall, which is located to the southeast. It is considered that the main impact that would be experienced by this dwelling would arise from the introduction of the proposed built form on land that is currently undeveloped. Notwithstanding this change, it is considered that due to the separation distances involved, the proposal would not result in undue detriment to residential amenity of this dwelling, or the dwellings in the wider area; this comment is made bearing in mind the application proposal is for new buildings clearly linked to an established industrial use.
- 9.2 In relation to suitable controls to be imposed on a grant of planning permission, to address possible amenity impacts, it is noted that the Environmental Health Officer has requested conditions that would address impacts arising from noise, odour and lighting. Controls over the construction phase of the development have also been recommended. The imposition of this range of conditional controls is supported by officers.

## **10.0 Flooding and Drainage**

- 10.1 Members will note that concerns have been expressed by local residents with regard to the potential impacts of the development on drainage in the area, including the impacts from effluent arising from the processes that are carried out on the site. These comments are fully acknowledged and appreciated. In this regard, officers have been guided by the comments received from the Environment Agency and also Suffolk County Council as Lead Local Flood Authority (LLFA) in this case.
- 10.2 Members are advised that following on from the initial submission of the application, both the Environment Agency and the LLFA identified that insufficient information had been submitted in order that the drainage impacts of the proposal could be considered properly. The applicant's agent was asked to provide the additional range of information as requested by the identified authorities. Material subsequently received included a revised outfall route plan. In addition, the applicant's agent advised that the development proposed meant that the Aspoll site moves into the next threshold of Environmental Permit and the applicant company is working with the Environment Agency in this regard. The applicant's agent also advised that '...in accordance with the Plandescil Flood Risk Assessment, which accompanied the planning application, the surface water runoff from the Process Building roof will be contained in a drainage system designed to contain up to and including the 1 in 100-year event plus a 40% Climate Change increase factor. The construction of the drainage features will result in the risk of flooding from instantaneous runoff from the existing site onto the surrounding land being reduced.'
- 10.3 Subsequently it is noted that both the Environment Agency and the LLFA have lifted their holding objections to the proposals. In the case of the Environment Agency, it advises that discussions have taken place with the applicant and details provided of the investment and upgrades that would be undertaken to the existing on-site treatment works and '...we [the Agency] are working with the applicant to ensure that these upgrades will allow effluent to be discharged that will meet the

requirements of an installations permit. The applicant must ensure they comply with their current discharge permit (PRENF/1180) until it is incorporated into an installations permit. The installations permit will ensure adequate limits are imposed on the discharge to ensure the receiving watercourse is protected...' The Agency also advises that the applicant should be aware that future upgrades to the treatment works may require planning permission. It is considered that the above comments could reasonably be added as an informative on a grant of planning permission.

- 10.4 Similarly, the LLFA has advised that it now recommends approval of the planning application, subject to the imposition of conditions on a grant of planning permission. These would include the development being carried out in accordance with details included in the submitted Flood Risk Assessment, details of all SuDS to be submitted and details of a Construction Surface Water Management Plan being submitted and agreed.

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## **PART FOUR – CONCLUSION**

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### **11.0 Planning Balance and Conclusion**

- 11.1 Central to the balancing exercise to be undertaken by decision makers is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that determination of planning applications must be made in accordance with the development plan, unless material considerations indicate otherwise.
- 11.2 When taken as a whole, and as a matter of planning judgement, the proposal as submitted under this planning application is considered to adhere to the requirements of the development plan, other material planning considerations including the NPPF, and imposed statutory duties and responsibilities. The proposal is therefore considered to represent a sustainable form of development, where there exists a presumption in favour of such development.
- 11.3 It is considered that the development proposed under this application is acceptable in planning terms, and there are no material considerations that would give rise to unacceptable harm.



## **12.0 RECOMMENDATION**

**(1) That Members grant planning permission for the development as submitted under this planning application.**

**(2) conditions as summarised below and those as may be deemed necessary by the Acting Chief Planning Officer:**

- Time limit
- Approved plans
- Final approval of a landscaping scheme, including investigation of additional tree planting at the boundary of the site with Aspoll Hall
- Requirement for a construction management plan
- Control over hours of site preparation/construction works/measures for the control of dust and waste and provision of security lighting or floodlighting
- Development being carried out in accordance with submitted Arboricultural report
- Development being carried out in accordance with the Flood Risk Assessment and details of SuDS
- Agreement of a Construction Surface Water Management Plan and method statements

**(3) And the following informative notes as summarised and those as may be deemed necessary by the Acting Chief Planning Officer:**

- Future upgrades to the treatment works may require planning permission
- Responsibility for the safe development of the site lies with the developer
- Works to a watercourse may require consent under section 23 of the Land Drainage Act
- Discharge to a watercourse or groundwater needs to comply with the Water Environment Regulations 2003