

Committee Report

Item No: 1

Reference: DC/18/02836

Case Officer: Gemma Pannell

Ward: Lower Brett

Ward Member: Cllr John Ward

RECOMMENDATION – GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Description of Development

Planning Application - Erection of extension to existing production premises, associated car parking, landscaping and drainage infrastructure

Location

Hill Farm, Stoke Road, Polstead, Sudbury Suffolk CO10 5NY

Parish: Polstead

Expiry Date: 28.02.2019

Application Type: Full Planning Permission

Development Type: Major Small Scale – Manufacturing/Industrial/Storage/Warehouse

Applicant: Konings Juices and Drinks UK Ltd

Agent: Boyer Planning

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The Acting Chief Planning Officer considers the application to be of a controversial nature.

Details of Previous Committee/Resolutions and Member Site Visit

A panel of members visited the site on 20th September 2017 in connection with the earlier application DC/17/03117. This comprised the following members:

Cllr. S Ayres
Cllr. S Barrett
Cllr. P Beer
Cllr. D. Busby
Cllr. D. Davies
Cllr. A. Ferguson
Cllr. K. Grandon
Cllr. M Holt
Cllr. S Plumb
Cllr. N Ridley
Cllr. R Smith

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF National Planning Policy Framework 2018

Babergh Core Strategy 2014:

- CS1 Applying the Presumption in favour of sustainable development in Babergh
- CS3 Strategy for Growth and Development
- CS11 Strategy for Development for Core and Hinterland Villages
- CS15 Implementing Sustainable Development in Babergh
- CS17 Rural Economy
- CS21 Infrastructure Provision

Saved Policies in the Babergh Local Plan (2006):

- CN01 Design Standards
- EM20 Extension of Employment Sites
- CR02 AONB Landscape
- TP15 Parking Standards – New Development
- TP16 Travel Plans
- EN22 Light Pollution

The following documents are considered as material for the purposes of determining this planning application:

- Suffolk Guidance for Parking (updated 2015)
- Dedham Vale AONB and Stour Valley Management Plan 2016-2021
- New Anglia Economic Strategy

Planning History

The planning history relating to the site is extensive. The last decade has seen various permissions granted to facilitate the expansion of the production operations. It is not necessary to outline in detail the planning history, two applications are however noteworthy:

- Permission to extend the operations was issued in 2007 (B/07/01590) and amended in 2010 (B/10/01137). These approvals are relevant because one of the permitted buildings approved pursuant to the 2007 permission and the 2010 amended permission sits on the same footprint as that currently proposed. The building height was previously approved at 10m. [The height of the development subject to this proposal is 15m.]
 - An application to substantially extend the operations was made in 2017 and subsequently withdrawn (B/17/03117).
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Consultations and Representations

During the course of the application consultation and representations from third parties have been received as follows.

A: Summary of Consultations

Polstead Parish Council

Object on following grounds:

The proposed industrial building at 15 meters high would, by reason of the siting, design and external appearance of the building appear visually intrusive, appearing dominant against the skyline and would not be sympathetic to the character or landscape quality of the Dedham Vale and Stour Valley AONB.

The location of this type of facility with materials being imported from abroad, and products then being transported out of the area would be better located on an industrial site on the A12 / A14 rather than creating a bigger industrial site within the AONB.

The exceptional circumstances required to be demonstrated for this scale of development in the AONB have not been proven by the applicant.

The proposed bund and screening for the building facing the AONB are not fit for purpose and will certainly not conceal a building of this scale and height.

Evidence from local residents of low water pressure being experienced, because of the water usage by the existing facility, will only be exacerbated with the larger facility. Anglia Water's views on this issue need to be explored.

Concerns over the Environment Agency's issues over drainage of the site.

No mitigation is proposed by the applicant for the issues faced by residents living along the Stoke Road by the HGV traffic travelling to and from the A134.

The reliance on data from 2007 for the traffic analysis.

Concern over biosecurity as there are a number of diseases and bugs that have a higher risk of being brought to the region as fruit imports increase, such as Asian Hornet and European Foulbrood, both of which would devastate the local bee population.

Should the LPA be minded to approve the application, the councillors would ask that a fit for purpose screening plan is a condition of the permission which should protect, from the start of development, the view of the site from the AONB. In PPCs opinion this should include a bund with mature planting of native deciduous shrubs and trees.

Assington Parish Council

Object on following grounds:

The proposed industrial building would, by reason of the siting, design and external appearance, be visually intrusive, dominant against the skyline and would not be sympathetic to the character or landscape quality of the Dedham Vale and Stour Valley AONB (National Planning Policy Framework - NPPF), conserving and enhancing the natural environment para 109 to 125 and is contrary the Local Plan CS11, that all development proposals will be required to be of appropriate scale, form, details design and construction materials for the location.

The additional HGV traffic with materials being imported from abroad, and then products being transported from the site, would be better located on an industrial site on the A12/A14 rather than the B1068 which is a rural road, which does not have the width in places for HGV's to pass and through Leavenheath, the HGV's regularly mount the pavement to pass and therefore the additional HGV's would increase the hazard to pedestrians. Additional traffic generation and highway safety is a material consideration.

The exceptional circumstances required to be demonstrated for development in the AONB have not been proven by the applicant.

The employment argument presented by the applicant appear ambiguous. It is clearly possible to develop elsewhere on a brown field site outside the AONB, thus obtaining the employment benefits and the NPPF requires this to be assessed.

No mitigation is proposed by the applicant for the issues faced by the residents living along the B1068 or A134, which is the road which goes through Assington by the additional HGV traffic.

Boxford Parish Council

Boxford Parish Council objects to this application for the same reasons as the original application. The changes do not address the very significant concerns surrounding the proposed expansion.

Previously members weighed up the benefits of further employment against the harm experienced with the current level of HGV movements (which would increase due to expansion) and the impact in the AONB. They decided at the 18th September 2017 Meeting to object to the previous application.

This was backed up by their comments at the 2nd October 2017 Parish Council Meeting in response to the re-consultation at that time. They maintained their objections and at the time commented about the disruption caused by HGV's attempting to travel to the Konings premises along Stone Street. This causes huge delays and upset to other road users and assistance is needed to help the HGV driver reverse. This is a safety issue for all concerned and is on-going.

If the Planning Authority is minded to approve this application, it is essential that stipulations are made to prevent these vehicles entering Stone Street in the first place.

Leavenheath Parish Council

Object on the following grounds:

The extra water extraction and proposed discharge is unknown, with the Environment Agency currently having a holding objection until this is, known. What effect will this have on local residents?

The proposed height increase to 15m would be a visually dominant structure in the AONB skyline that could be seen from miles around. The agreed height of any permitted building does not automatically permit a higher increase. Bad lighting would only exacerbate the situation behind the proposed bund.

The 'consolidated' car park, appears to be more parking than is required under the proposed requirements, and seems tactics of incremental creeping expansion. An apparent fear of wider consultation shows that the description of the applicant as 'relatively straightforward' is misleading.

Traffic movement, although had previous approval, should not stand any validity in this present application. The out of date (2017) traffic survey should be conducted again independently, taking into account the issues faced for the B1068 residents, and along the A134, not just at Leavenheath but adjoining villages as well. What means will be put in place to monitor not only traffic movement increase, but air quality as well?

Although this application is in the adjoining parish, it is Leavenheath that will take the brunt of any extra traffic on a B class road that is totally inadequate for the amount of traffic proposed. We urge that you consider this application to be moved to a site with better road infrastructure suitable for it and expansion if required.

Our AONB is one of the smallest in England and in the modern world given it has the highest status of protection on par with National Parks we need to be alert to keep the countryside in the parish and surrounding area a cherished place to live.

The proposed application clearly does not comply with local and national policies including:

- NPPF;
- Babergh DC Local Plan - Policy CR02;
- Babergh Core Strategy 2014;
- Dedham Vale AONB Land Management Plan;
- Babergh and Mid Suffolk District Council Landscape Guidance 2015;
- S.85 CROW Act;

Having considered all the applicant's material we take the view this is still a major development. It will not enhance the areas natural beauty and will have a severe negative visual impact on the AONB.

As stated Incremental planning creep is of great concern and this application appears to be the first step in such creep.

We have specifically requested a meeting with the applicant to discuss the application and obtain answers to some of our concerns, but the applicant has steadfastly refused to meet. For all the reasons set out above we oppose this application. In taking the decision we ask that Babergh properly applies the planning policies and reject the application.

Dedham Vale AONB and Stour Valley Project Team

The AONB team consider that there is a material conflict with regards environmental amenity, and consider that the proposal therefore does not fully accord with policy EM20.

Policy CRO2 (AONB Landscape) seeks to safeguard the landscape of the Dedham Vale AONB and the Suffolk Coast & Heaths Areas of Outstanding Natural Beauty through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed.

We do not consider that there is an overriding public need for this development at this location to justify the harm to the nationally designated landscape. No evidence appears to have been provided to demonstrate that there are no alternative suitable sites where the proposed development could be delivered. If evidence has been provided the LPA should be satisfied that the information sets out robustly why the development must specifically be located at this site, and that the reasons given about why any available alternatives sites reviewed were considered being unsuitable are sound and justifiable.

Policy CR02 also states that due regard will be given to the provisions contained in the Dedham Vale AONB Management Plan.

The AONB Management Plan is a statutory document, and as such, is a material consideration when determining this application.

The Countryside Policies in the Dedham Vale AONB & Stour Valley AONB Management Plan seek to:

- support development that contributes to the appropriate economic development and contributes to the conservation and enhancement of the AONB and Stour Valley;
- protect the area, including its setting, from developments that detract from its natural beauty and special qualities, including its relative tranquillity;
- maintain the local distinctiveness of the AONB and Stour Valley

Due to the scale of the proposed project which will be highly visible from viewpoints north of the site, within the AONB, we consider that the above proposal will detract from the natural beauty and special qualities of the AONB, and will not contribute to the conservation and enhancement of this designated landscape. We therefore consider that the proposal conflicts with policy CRO2.

Policy CS3 Strategy for Growth and Development in the 2014 Core Strategy and Development Management DPD seeks to support and encourage economic growth and employment opportunities and to ensure that a continuous range and diversity of sites and premises are available across the district. Proposals for employment uses that 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.

Policy CS15: (Implementing Sustainable Development in Babergh) requires proposals for development to respect the local context and character of the different parts of the district, and where relevant demonstrate how the proposal addresses key issues and contributes to meeting the objectives of this Local Plan. It requires all new development within the district, to demonstrate the principles of sustainable development when assessed against the presumption in favour of sustainable development. Under this policy, where appropriate the scale and nature of the proposal, should:

- i) respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;
- ii) make a positive contribution to the local character, shape and scale of the area;

Under Policy CS15 proposals for development must ensure adequate protection, enhancement, compensation and / or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation, such as AONBs, Conservation Areas, etc. In particular proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest. Adaptation or mitigation will be required if evidence indicates there will be damaging impacts if a proposal is otherwise acceptable and granted planning permission.

We do not consider that the above proposal constitutes sustainable development as defined in the NPPF. Proposals should be socially, economically and environmentally sustainable. Given the harm that this development will have on the local landscape character and the natural beauty of the AONB, the proposal cannot be considered environmentally sustainable and therefore the proposal cannot be defined as delivering sustainable development. It fails to respect the landscape character, it does not make a positive contribution to that local

character and the scale of the building is considered too large, therefore the proposal conflicts with the objectives of policies CS15 and CS3.

AONB Team Position

While the current proposal is much smaller in terms of floorspace than the 2017 proposal (DC/17 03117) at 2060sqm, it is 15m high, 5m taller than the building previously proposed for this part of the factory. The AONB team considers that this constitutes major development within the Dedham Vale AONB and as such triggers the requirement to satisfy the tests in paragraph 172 of the 2018 NPPF.

Para 172 states the following - Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and 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 in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission 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

Para 5.5 of the Planning Statement states that the site is located within the countryside, where development will only be permitted in exceptional circumstances, subject to proven justifiable need. The AONB team do not consider that there are exceptional circumstances to justify the current proposal within the AONB, nor do we consider the public interest aspect as significant. Whilst Konings UK is an important local employer (the business currently employs 89 people) this particular proposal will not create any new jobs. We therefore question whether the economic /employment benefits and the need for the development at Hill Farm has been adequately justified.

Paragraph 5.15 of the Planning Statement states that both imported fruit and fruit from the surrounding orchards are processed on site. No information has been provided about the breakdown between the amount of imported fruit and the % of locally grown fruit that will be processed at this site. This is of relevance with regards the need to build the extension at this location within the AONB. If the majority of the fruit used on site is imported, then this raises the question about whether the new building needs to be constructed at Hill Farm.

In the same paragraph of the Planning Statement the applicant suggests that expansion focused on the existing factory buildings represents the most viable option. It is not evident from the information submitted what alternative sites were considered during the process of identifying the most viable location for the construction of the new building.

While Paragraph 5.30 in the Planning Statement recognises the requirement to conserve and enhanced the landscape and scenic qualities of the Dedham Vale AONB, overall it concludes that the development could be delivered, with mitigation , in such a way, that would not harm the landscape character or natural beauty, scenic beauty and special qualities of the AONB (see para 5.30, 5.33, 5.35 and conclusion). The overall landscape effect of the proposals was assessed as 'minor adverse' on an area of recognised landscape

quality with a negligible impact on local landscape character within a very narrow sphere of influence.

The Landscape and Visual Impact Assessment (LVIA) also stated that as this part of the AONB is already degraded due to the existing factory development and pylons that the proposed development could be delivered at this location without much additional harm to the landscape and AONB. While we acknowledge that this part of the AONB has been altered by the above developments, we do not accept that this is sufficient justification to support major development at this location which would further degrade the natural beauty of the nationally designated landscape.

The AONB team is not opposed to the development and expansion of sustainable and appropriate rural business within the AONB as evidenced by the objective in the Countryside Policy of the AONB Management Plan. Our main concern with the current application relates to the scale of the proposed extension in terms of its height and mass. The new building at 15m will be taller than any other buildings currently on the Konings UK site and considering the topography, this means that it will be visible in both close and longer views as demonstrated in the LVIA.

In the LVIA, the visual impact effects on sensitive listed residential receptors (Peyton Hall and Brick Kiln Hill Cottages) were assessed as slight/negligible. Other viewpoint assessments resulted in judgements ranging from slight to moderate. The viewpoints receiving a moderate assessment were linked to receptors along Brick Kiln Hill, though these will be fleeting glimpses, screened by the existing hedgerows and topography as road users pass by. Residential properties along Assington Lane were also deemed to be affected in a moderate way by proposed development. Impacts from views from the settlements across the Box Valley, Whitestreet Green and Calais Street, were considered slight as these receptors are some distance from the proposed development i.e. between 1.25 and 1.8km away with existing plant and buildings between the viewer and the proposed development.

The AONB team consider that the extension building will be extremely visible from viewpoints 6 (Brick Kiln Hill) and 12, 13 and 14 (Assington Road). The extension will also be visible publicly from viewpoints 3, 10 & 11 and 27. While mitigation in the form of tree and shrub planting has been proposed we do not consider that this will satisfactorily mitigate the visual impacts of the development particularly from Assington Lane. As such the development will harm the natural beauty of this western part of the AONB.

The Dedham Vale AONB and Stour Valley Project team therefore object to this application. We consider that that the application conflicts with national (para 172a) and local plan policies (EM20, CRO2, CS3 and CS15) with regards the protection of the AONB and consider that if permitted, the development would further alter and damage the character, visual amenity, natural beauty and special qualities of the nationally designated landscape.

Dedham Vale Society
Object on following grounds:

This application is merely the most recent of numerous applications for the expansion of this site in the 21st century. All, except that withdrawn earlier this year, have been approved by your Council. In every earlier case it has been the economic argument which has been used to justify further disfiguring the Dedham Vale AONB. - If we do not approve we endanger much needed local jobs. As Konings' own figures now show this argument is very dubious. Very few of the current employees are genuinely local nor ever will be. Only two live within five miles of the factory, and almost half live more than ten miles away, which excludes much of Colchester and all of Hadleigh and Sudbury (Travel Plan submitted with application DC/18/03731).

What is now proposed, all be it less than its withdrawn predecessor, remains in our opinion a major development in the AONB. The revised(July 2018) National Policy Planning Framework (NPPF) does not define “major” but leaves it (at note 55) to your Council to exercise planning judgement, taking into account the nature of the proposal, its scale and setting and whether it could have a significant adverse impact on the purposes for which the area has been designated an AONB. We contend that the creation inter alia of a very large 15m high building with regular extensive HGV traffic movements to and from this remote factory site would unquestionably have a major adverse impact on the AONB both in terms of its appearance and its tranquillity.

Given the existing case law in what constitutes a major development in terms of the NPPF, where as few as 15 houses in an AONB was deemed a major development, it would be prudent for your Council to conclude that this application is a major development. Otherwise, were it to be approved on the basis that it is not major, it would leave the impression that it could not pass the tests associated with a major development and would be liable to provoke legal challenge.

Accepting that what is proposed is a “major” development in an AONB the NPPF (at para 172) states that planning permission should be refused “other than in exceptional circumstances and where it can be demonstrated that they are 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.
- c. Any detrimental effect on the environment, the landscape..... and the extent to which that could be moderated”

There is nothing in the application to indicate exceptional circumstance or to explain why it is in the public interest. There are clearly no national considerations which would justify the proposals. There is also nothing to suggest that allowing it or refusing it would have any significant effect on the local economy, apart from the implied threat to shut the place down if permission is refused. No additional jobs are proposed. As with the previous application there is no attempt to justify the threat of closure and it remains implausible. If the business depended on this project Konings would not have bought it without the necessary permissions. If the applicant is really suggesting that if this application is not approved he will consider closure he has, in accordance with para 172 of the NPPF, to demonstrate, not merely assert, why. The application makes no attempt to do this.

Our attempts to seek an explanation for the very damaging increase in height of the principal building have met with an entirely negative response from Konings’ local representative and there appears to be nothing in the application to explain why it could not be broader rather than higher or why excavation could not be used to reduce the intrusive height of this building. This refusal to engage with reasonable questions from local stakeholders is incompatible with the spirit of the NPPF (see eg para 40 thereof). Your Council would be well advised to encourage the applicant to “engage constructively” with the local community to use the wording of the NPPF.

The revised NPPF (at para 180) further states that “Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

.....

b. identify and protect tranquil areas which have remained relatively undisturbed by noise.....”

The extensive HGV traffic proposed clearly offends against this provision of the NPPF, which was not extant when an even larger number of movements was accepted in approving the 2007 application. Adding another large, very high building to this factory also has a very real adverse effect on the natural environment.

Even if you were to determine that this is not a “major” development the objections, to another very high, large building in the AONB and an operation that involves a regular and extensive number of HGV movements to and from this remote site, remain valid. This site is a large factory in an AONB which is in itself fundamentally wrong. There is no justification for increasing its intrusion into what should be, by definition, a beautiful and tranquil place.

This application offends both the letter and the spirit of the NPPF. If your Council were to grant permission you would also be ignoring your own Development Plan (particularly your saved policy CR02) and The Dedham Vale Management Plan (particularly section 3.1.5).

Natural England

Natural England objects to this proposal. As submitted, we consider it will have a significant impact on the purposes of designation of the Dedham Vale Area of Outstanding Natural Beauty (AONB).

As you will be aware, Natural England objected to the previous planning application at this location (your ref: DC/17/03117, our ref: 227048, letter dated 23rd November 2017) on the basis that it would have significant landscape/visual impacts on the Dedham Vale Area of Outstanding Natural Beauty (AONB) within which it was proposed. That application comprised extensions to the existing production premises in the form of a canning line (12,611sqm by area, 13.5 m in height), warehouse space (7,100sqm by area, 13.8 m in height) and additional apple processing and juice storage areas (3,100sqm by area, 17 m in height).

Following the withdrawal of planning application DC/17/03117, we welcome that the current application for an additional apple processing and juice storage area only (with associated car parking for 68 vehicles, drainage and landscaping) represents a reduction in terms of both scale and height (2,060sqm by area, 15 m in height).

Nevertheless, the current proposal remains wholly within the AONB which is a protected landscape of national importance and paragraph 172 of the revised National Planning Policy Framework (NPPF) states that:

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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 scale and extent of development within these designated areas should be limited.

The conservation and enhancement of the AONB also requires further consideration in the context of various local plans and policies including:

The Babergh Local Plan (2006) – see Policy EM20 and Policy CRO2
The Babergh Core Strategy (2014) – see Policy CS3 and Policy CS15
The Dedham Vale AONB & Stour Valley Management Plan 2016-2021

The current planning application should also be considered in the context of planning application B/10/01137 for an extension on the same site with a floorspace of 2,060sqm and height of 10m; it is our understanding that permission for this extension was granted in 2010 but that the building has not been constructed. As outlined in the Planning Statement, the current proposals are within the same footprint as the approved development B/10/01137 and so the principle change in the current proposal is the increase in height from 10m to 15m.

Having reviewed the current planning application submission documents in light of the above, and our observations from a site visit conducted on 2nd November 2017, Natural England advises that the proposed development would have significant landscape and visual impacts on the Dedham Vale AONB for the following reasons:

The proposal would add additional industrial buildings which would be significantly taller than many of the other existing buildings in the complex and add additional 'clutter' in an already cluttered location which includes 400kV electricity lines overhead, pylons, existing factory buildings and two anaerobic digesters; whilst these various developments have altered the landscape in this area to a degree, we advise that the AONB must still be afforded the necessary protection from unacceptable current and future development to prevent further degradation of its natural beauty and special qualities.

The factory site is on the highest ground in that part of the AONB, so the proposed extension would 'break the skyline' and be clearly visible from surrounding higher ground in the landscape (which is gently undulating): as we have previously advised, it should be noted that all parts of the AONB are considered to be of equal value and that the value of this particular site within the AONB is not lessened because of its location near to the boundary.

The height of the proposed extension means that it cannot be effectively screened: as acknowledged in the LVIA (Figure 5), the extension will be prominent from viewpoints 6, 12, 13 and 14, visible from viewpoints 1, 4, 5, 10, 11 and 27 and slightly visible from viewpoints 2, 3, 7, 9, 16, 17, 18, 19, 21, 22, 23, 25, 26, 28, 29, 30 and 32. We note that mitigation is proposed in the form of boundary planting but it is our view that this will not satisfactorily mitigate the visual impacts of the extension, meaning that it will be visible in close and longer views, both in the short and long term for some of the viewpoints. There may be scope for amendments to the location and/or design of the proposal that could avoid or mitigate the environmental harm described above. This might include changes to the design and layout of the development that reduce or otherwise mitigate effects on the key views described above.

In line with the NPPF, your authority should consider refusal of planning permission for major developments in AONBs except in exceptional circumstances and where it can be demonstrated they are in the public interest. It is our opinion that this proposal represents major development within the AONB and, as such, your authority should apply the provisions of paragraph 172 of the NPPF (often referred to as the 'major development test') when determining this application. This sets out three criteria to determine whether a major development scheme should be permitted within an AONB, as follows:

Planning permission should be refused for major development¹ 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

Furthermore, Natural England supports the Dedham Vale AONB and Stour Valley Management Plan (2016-2021) which we advise is a material consideration for planning authorities in decision making. The Plan includes policies to “Support development that...contributes to the conservation and enhancement of the AONB and Stour Valley” and “Protect the area, including its setting from developments that detract from its natural beauty and special qualities, including its relative tranquillity”. In this context, we consider that the proposal does not conserve and enhance the special qualities of the AONB as listed in Section 2.5 of the Plan.

SCC Highways

No objection subject to standard conditions.

Environment Agency

No objection.

BMSDC – Heritage

No objection.

SCC - Flood and Water

No objection.

SCC Archaeology

No objection. No archaeological mitigation required.

Environmental Health - Land Contamination

No objection.

SCC Fire Officer

No objection.

Place Services – Landscape

No objection.

Place Services - Ecology

No objection subject to securing biodiversity mitigation and enhancement measures.

BMSDC Environmental Health – Noise/Odour/Light

No objection.

Norwich Airport

No objection.

BMSDC Economic Development

No objection.

The New Anglia Economic Strategy recognises the food and drink sector as important to the economic diversity of the area, with job growth in food processing helping to offset the decline in traditional agricultural jobs. Advanced Agriculture food and drink are a key sector for the NEW Anglia LEP and the role of the national and internationally known brands

including this site, as important local employers but also of significance to the local supply chain businesses that service them.

The Lichfields Ipswich Economic Area Sector Needs Assessment Sept 2017 identifies the IEA as having real strengths and competitive advantage in the agri-tech and food and drink sub sectors with these being likely to provide local growth in future, but with an anticipated requirement to deliver higher value, higher tech activity that can build on the areas

We welcome the additional investment in the facilities at this site. This business has a strong brand that is closely linked with the area, it provides essential local employment, together with spend and investment in local producers and services that provides a wider economic benefit.

By adapting the existing permissions to improve processing and production facilities at the site to make them fit for current and future business requirements, it is anticipated that this will support a viable future for the business at this location thereby safeguarding the current economic benefit to local suppliers and services, protecting the current employment and creating potential for a small increase in employment in the future.

The Open for Business Economic Development team supports the proposed development.

B: Representations

189 objections and one supporting submission have been received in response to consultation. The grounds of objection are summarised as follows:

- Insufficient highway capacity
- Traffic noise impacts
- Highway safety
- Unsuitable local roads for HGVs
- Excessive lorry movements
- Unacceptable landscape and visual impacts on the Dedham Vale AONB
- Excessive building height
- Negative impacts on local character and AONB tranquillity
- Operator does not employ locals, no local economy benefits
- Business should be sited at an industrial park
- Air pollution
- Overdevelopment of the site
- Precedent for further development at the site
- Drainage issues
- Negative wildlife effects
- Increased light pollution

All comments received have been fully taken into account in the consideration of this application. However, due to the volume of comments received and the significance and technical nature of responses members are advised to read all comments received and full copies are available on the website at the following link:

<https://planning.baberghmidsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PANVILSHH7J00>

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The site is located on the eastern side of Stone Street, midway between the villages of Boxford and Leavenheath. The 4.1ha site comprises land occupied by a collection of production buildings and ancillary infrastructure utilised previously by Copella Fruit Juices Ltd. at Hill Farm.
- 1.2. North of the site are buildings and car parking areas relating to Boxford Suffolk Farms, a separately owned and operated business to that of the subject operation. Two residential properties, Old Farm House and Langlands, are to the north-east and north-west respectively, both connected to Boxford Farms.
- 1.3. A residential property is located west of the access at the junction between Stoke Road and Stone Street. Stoke by Nayland Golf Club is southeast of the site. An earth bund is located west of the production buildings, with areas of screen planting present to the north, east and west along Stone Street.
- 1.4. Orchards surround the site on all sides. Two sets of overhead electricity lines run east-west immediately south of the site, traversing the site access.
- 1.5. An anaerobic digestion plant is located beyond the eastern boundary of the site, comprising two large tanks/digesters, with planning permission in place for erection of a third which is currently under construction.
- 1.6. The site is in the Dedham Vale AONB. The site is not in a Conservation Area or Special Landscape Area. The nearest listed buildings are the Grade II listed Peyton Hall, located approximately 530m northeast of the site, and the Grade II listed Brick Kiln Hill Cottages approximately 900m north of the site.
- 1.7. The site is in Flood Zone 1.

2. The Proposal

- 2.1 Full planning permission is sought for the expansion of the former Copella fruit juice production operation, now owned by Konings UK, to allow for additional processing, production and blending.
- 2.2 Proposal details are as follows:
 - A proposed 15m high, 2,060sqm building extension attached to the southern elevation of the existing factory building. The 15m height is a functional requirement, required to house an aseptic juice storage tank and associated processing plant.
 - The building incorporates dual (shallow) pitched roofs and is to be finished in Kingspan side wall and roof cladding. Colour finishes are not specified. The LVIA states that wall materials should generally be 'dark green or brown, or black, grey green in colour, depending on the particular siting'.
 - An additional 68 space car parking area is located south of the proposed extension and west of the main access road. It will provide spaces for approximately 68 cars.

- Access to the site is continued from the existing point of access from Stoke Road.
- Additional Landscaping

2.3 The application is supported by a suite of technical supporting documents, as follows:

- Planning Statement prepared by Boyer Planning
- Transport Statement prepared by Richard Jackson Ltd
- Flood risk assessment prepared by Richard Jackson Ltd
- BREEAM Report prepared by MLM Ltd.
- Ecology Report by Betts Ecology Ltd.
- LVIA by Wynne-Williams Associates
- Construction Management Plan prepared by Stanley Bragg Architects
- Design and Access Statement prepared by Stanley Bragg Architects
- Landscape Layout Plan

3. Sustainability of the Proposal

3.1 The presumption in favour of sustainable development and the need for a balanced approach to decision making is the key tenet of the 2014 Core Strategy. Policy CS1 clearly articulates this presumption, consistent with and in support of the underlying thrust of the NPPF. Policy CS15 sets out a long list of desirable characteristics for development and states that all new development will be required to demonstrate the principles of sustainable development and will be assessed against the presumption in favour of sustainable development. This policy is also considered to be consistent with the NPPF. The policies carry full statutory weight and provide the principal assessment framework as it applies to the subject application. Paragraph 213 of Annex 1 of the NPPF advises that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework. The permitted building that has not been constructed is a material consideration. The previously permitted existing built development on and near the Site is a material consideration when considering the current application. The floor space of the elements of the existing built development extends to approx. 7,401sqm. Elements of the existing built development extend to over 16 metres in height, with the tallest structure on the site being the cooling tower at a height of 16.5m. In general terms the majority of the existing buildings have pitched roofs with a central ridge, the heights of which range between 8m and 10m. This is an important part of the context in which the current application must be viewed.

The earlier grant of permission for the extension of the operation (B/10/01137) is also a material consideration. The built development under that permission consists of:

- a. Extension A – Apple Processing Plant which would have a floorspace of 2,492sqm, and measures 10m in height⁹. The building extension which forms part of this current Proposal sits wholly within the footprint of Extension A
- b. Extension B - A cold store and palleting area on the western side of the existing building would have floorspace of 1,556sqm with a maximum height of 11m
- c. Extension C – A cold storage facility¹⁰ which would have a floorspace of 3,280sqm and a height of 11.5m. The facility has been constructed and is in use by Boxford Suffolk Farms.
- d. Extension D - Extension to Filling Hall which would have a floorspace of 490sqm, and would be 11m high.
- e. Extension E – Extension to Offices which would have a floorspace of 304sqm and height of approximately 11m.

In total there is an additional 3,520sqm of floor space which has been permitted on the Site, but which has yet to be built out (extensions A, B, D and E). Although we understand that this permission is extant, this is not a 'fallback option' *per se*. Nevertheless, it is a material consideration that the Council have previously granted permission for an extension to the existing built development on the Site, having regard inter alia to the importance of consistency in decision-making and as a material part of the history.

In particular it is relevant that the Council have previously granted permission for an extension of the existing built development which: (a) would significantly increase the overall floor space, significantly beyond that proposed as part of the current extension; (b) would permit a building (Extension A) with a footprint within which the current proposal sits in its entirety; and, (c) includes buildings with a maximum height of up to 11.5m, including Extension A which would have been 10m in height and 11.75m to right height.

It is noted that the approvals in 2007 and 2010 were made prior to the adoption of the 2014 Core Strategy and the introduction of the NPPF in 2011. It is therefore important to assess the current proposal having regard to the differing policy background. Further, whilst the extant permission and historic context is noted, the current proposal has been assessed on its individual merits.

- 3.2 Policy CS1 requires development proposals to be considered in line with the presumption in favour of development outlined within the NPPF. Development that improves the economic, social and environmental conditions in the District will be approved where possible.

4. Economic and Social Objectives

- 4.1 A strong competitive economy is a key tenet of the NPPF. Paragraph 80 is very clear in its direction regarding economic growth, stating that decisions should 'help create the conditions in which businesses can invest, expand and adapt'. It places 'significant weight' on supporting economic growth and productivity 'taking into account both local business needs and wider opportunities for development'. Paragraph 83 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas. In respect to local policy, Policy CS3 seeks to support and encourage economic growth and employment opportunities.
- 4.2 The benefits the Konings business to the regional economy are substantial. In this regard the consultation response provided by Council's Economic Development Team is particularly relevant and is endorsed by officers. The response references the New Anglia Economic Strategy (April 2014), which recognises the importance of the food and drink sector to the regional economy, with job growth in food processing helping to offset the decline in traditional agricultural jobs. The expansion of the operations are considered by the applicant as needed to ensure the ongoing success of one of Suffolk's most recognised brands.
- 4.3 As noted by the Economic Development Team, the existing business provides essential local employment (current staffing level is 89) and provides a significant wider economic benefit through the spend and investment in local producers and services. The applicant places the current contribution to the local economy at £3.6M. The goods and service suppliers in local postcodes benefit annually with

around £0.6M of spend. These substantial economic benefits will be retained through the extension proposal and provide continued support for local businesses.

- 4.4 Saved Policy EM20 permits proposals for the expansion/extension of existing employment sites provided that there is no material conflict with residential, environmental amenity and highway safety matters. These matters are assessed below. The supporting text to Policy EM20 sets out a 'strong presumption' in favour of permitting the expansion of an existing firm or other employer.
- 4.5 Policy 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. The proposed extension will enable the business to be retained in Suffolk, increasing security for 89 employees bringing benefits to the local economy. The proposed expansion will significantly strengthen the local economy, in support of the competitive economy aspirations set out at Paragraph 80 of the NPPF and consistent with saved Policy EM20. The scheme directly furthers Paragraph 83 of the NPPF and Policy CS3, enabling sustainable growth and business expansion.

5. Environmental Dimension

Landscape Impact and the AONB

- 5.1 Section 85(1) of the Countryside and Rights of Way Act 2000 provides that "in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty." Due regard has been paid to this statutory duty.

The site is in the Dedham Vale and Stour Valley Area of Outstanding Natural Beauty (AONB), the edge of which is less than 200m west of the proposed development. It is within the character area of 'Ancient Rolling Farmland'.

- 5.2 Paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty. It goes on to state that planning permission 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. The footnote (55) to this statement states that 'whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'. For the reason(s) set out below, as a matter of planning judgement the scheme is not considered to constitute major development.

Having regard to the four specific considerations set out in footnote 55 (which supports paragraph 172) of the NPPF, (a) its nature; (b) its scale; (c) its setting; and, (d) whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. the following principles apply:

- a. **Nature** – There are at least two important considerations to take into account in relation to the nature of the proposal. The first is that the proposal does not involve any change in use of the site. Indeed, the existing use of the site is long established and, as is evident from the grants of recent permission, the principle of such use is

acceptable. The second consideration is that the only new building which is being proposed on the Site is an extension to an existing building.

b. **Scale** – the scale of the proposal must be viewed in the context of the existing site and broader area of built development:

i. In terms of increase of total floorspace, the proposal would constitute a contextually modest increase when compared to the built development already on site. Moreover, the only proposed building sits entirely within the floorspace of Extension A consented under the 2010 permission and so in an area where the principle of built development has been accepted as appropriate. Indeed, considered properly in the context of the existing planning permissions and the additional nearby wider 'off site' existing built form - including the Boxford Suffolk Farms structures – the scale of the proposal falls short of constituting major development.

ii. In terms of maximum height, the proposed building at 15m high would be lower than the tallest existing structure on the Site, the cooling tower at 16.5m and also the utility building. It would be taller than the majority of the existing buildings, but it would be reasonable to conclude that the proposed building is not significantly taller than the existing.

iii. In terms of HGV movements, the Proposal would typically generate one additional arrival and one departure per hour daily (assuming that all movements occur over a 12 hour period). (see Transport Assessment, para 5.15) The expert transport material submitted with the application does not identify any capacity issues for the adjacent road network.

c. **Setting/Local Context** – it is necessary to view the proposal in its setting and local context in order to come to an informed view on whether it constitutes 'Major Development'. There is in this case an overlap with issues highlighted under 'scale' above. This context is particularly important in this case, given that the wider complex includes the adjacent Boxford Farm Buildings, the Anaerobic Digestion Plant, as well as a double line of electricity pylons running to the southern part of the site. The setting is one of rural agriculture and industry. Moreover, when compared not merely to the existing development on the site, but also the existing built development in the wider complex, it would be a reasonable planning judgement to characterise the Proposal as being minor.

d. **Whether the Proposal could have a significant adverse impact on the purposes for which the area has been designated** – The Dedham Vale AONB Management Plan 2016-2021 ("the Management Plan") explains that the "*primary purpose is to conserve and enhance natural beauty with secondary purposes to meet the needs of recreation, safeguarding agriculture, forestry, and other rural industries and of the economic and social needs of local communities.*". It goes on to identify nine special qualities of the Dedham Vale AONB which contribute to its 'natural beauty'. The Landscape and Visual Impact Assessment ("LVIA") submitted with the application considers the impact of the proposal against each of these special qualities. It concludes that the Proposal "*when examined in relation to the primary purpose of AONB designation, does not have a detrimental effect on the natural beauty of the area...[and] "that the proposed development does not present a risk to the special qualities of the AONB"*". Indeed, unsurprisingly, it also concludes in relation to the 'secondary purpose' of designation that the proposal would in fact help to "*safeguard agriculture..... and other rural industries and of the economic and*

social needs of local communities". Therefore the impact is not considered significant.

Officers are of the view applying the proper approach to the question, and taking account of the relevant considerations outlined above, it would be reasonable to conclude that the proposal does not constitute "major development" for the purposes of paragraph 172 NPPF. Accordingly it would not be necessary for the Council to consider the matters set out in (a) – (c) in paragraph 172 NPPF in the context of an 'exceptional circumstances/public interest test'.

- 5.3 Policy CS15 requires development proposals to ensure adequate protection, enhancement, compensation and / or mitigation are given to distinctive local features which characterise the landscape and heritage assets of Babergh's built and natural environment within designated sites covered by statutory legislation, including AONBs. In particular proposals should protect and where possible enhance the landscape and heritage areas including habitats and features of landscape, historic, architectural, archaeological, biological, hydrological and geological interest.
- 5.4 Saved Policy CR02 applies, requiring development proposals to be assessed in terms of their landscape impact. It states "The landscape of the Dedham Vale and the Suffolk Coast and Heaths Areas of Outstanding Natural Beauty will be safeguarded through the strict control of development. Unless there is an overriding national need for development having a significant impact in the particular location and no alternative site is available, such developments will not be allowed. Due regard will be given to the provisions contained within the Dedham Vale and Stour Valley, and the Suffolk Coast and Heaths Management Strategies". In this instance officers are of the opinion that the development will not result in a significant impact and therefore the policy does not bite and there is no conflict with it.
- 5.5 Whilst there is no requirement under policy CR02 or para 172 of the NPPF to consider whether alternative sites are available and the proposal does not result in a significant impact, the Dedham Vale AONB and Stour Valley Project Team is critical of the lack of evidence regarding the consideration of alternative suitable sites. Officers do not consider that to be reasonable in this instance. The proposal constitutes an extension of an existing business, therefore it would not be practical, efficient or feasible to locate an extension of the operations that are integral to the existing operations elsewhere. Locating the operation elsewhere would not represent an effective use of land, contrary to Chapter 11 (Making Effective Use of Land) of the NPPF. The proposal seeks to extend an existing enterprise, not create a new enterprise. The co-location benefits of siting expanded operations alongside a well-established business, one of very substantial scale, are obvious. Officers consider it unreasonable for the applicant to have to provide evidence regarding the consideration of alternative sites where it is obvious that co-location is an essential requirement for operational reasons, and when regard is had to the thrust of Chapter 11 of the NPPF which seeks to make effective use of land. This is confirmed by the comments from Economic Development which state that adapting the existing permission will improve the processing and production facilities at the site to make them fit for current and future business requirements supporting a viable future for the business.
- 5.6 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which has been reviewed by Council's Landscape Consultant. The LVIA assesses the development's impact on the AONB landscape qualities as well as the much broader area that extends well beyond the western AONB boundary, with the likely

visual effects of the development assessed as far out as the A134. The LVIA also assesses the performance of the development against the *Dedham Vale AONB and Stour Valley Management Plan 2016-2021*.

- 5.7 The LVIA assessment uses 32 photographic viewpoints which officers consider represents a comprehensive evaluation. The consultant's judgements in respect to visual impact range from slight to moderate. The viewpoints receiving a moderate assessment relate to locations along the road west of the site, Brick Kiln Hill. Residential properties along Assington Lane were also deemed to be affected in a moderate way. Settlements across the Box Valley, Whitestreet Green and Calais Street, are set a distance away from the site, in the order of between 1.25 and 1.8km, which significantly mitigates the visual impact. The LVIA assesses the overall landscape effect as 'minor adverse.' The report recommends mitigation measures, largely in the form of landscape planting and carefully selected colour finishing (of the building), to ensure it presents as inconspicuous as possible. Dark colours are recommended, with a darker roof than the walls a recommendation to limit the building height impact.
- 5.8 The LVIA lists the eight special qualities of the AONB outlined in the *Dedham Vale AONB and Stour Valley Management Plan 2016-2021* and assesses the impact that the scheme will have on them. In the main, the identified special qualities will not be adversely impacted in a significant way. Some qualities will not be impacted at all, including established traditional field boundaries, the River Stour and historic villages (none are visible from or have views of the proposed development). There will be impacts on qualities such as tranquillity, as there so often is with any development of scale, and this must be weighed in the planning balance. An assessment in respect to noise impacts on the tranquillity of the AONB is provided at sections 5.33 – 5.35 of this report.
- 5.9 The Council's Landscape Consultant agrees with the assessment methodology and the report findings and concludes that if the recommended mitigation measures are implemented fully as per the submitted proposal the negative effects on the character and quality of the surrounding landscape will be reduced to 'acceptable levels'. There is no doubting that, at 15m tall, the building will be visible from vantage points within and outside the AONB. However the Landscape and Visual Impact Assessment provides a number of viewpoints which demonstrate how the building will be viewed against the backdrop of the cluster of built form features, where established factory buildings and power lines are prominent. Also of real prominence and dominating the local landscape is the 'sea' of man-made orchard structures that surround the site. The extent of these existing structures is substantial, extending across many acres, and these significantly undermine the intrinsic natural landscape qualities of this part of the AONB.
- 5.10 The development, merely by virtue of its scale, cannot be wholly concealed. It is, by virtue of its function, commercial in appearance and therefore contrasts with the rural character of the countryside. Landscape harm is therefore inevitable, heightened by its sensitive AONB setting. However, officers do not judge the landscape harm as severe. The LVIA judges the effect as being 'minor adverse'. For the reasons above officers judge the adverse landscape effect as slight to moderate and that the impact on the character and quality of the surrounding landscape can be mitigated to acceptable levels; it would not be significant within the context of Policy CR02, nor would it warrant the development as being considered as major within the context of NPPF paragraph 172. This assumes the colour finishing is appropriately resolved, noting that officers agree with the suggested range of hues offered in the LVIA – dark green, or brown, or black or grey green. This will be agreed by the submission of

details to be required by condition. It is important that the proposed additional planting is implemented to offer a positive landscape character outcome.

Therefore in conclusion it is considered that the development does not result in a significant impact on the AONB and that the findings indicate that any impact is within the slight to moderate range. In addition, the development, as a matter of reasoned planning judgement and considering the development in its own merits, irrespective of the previously permitted development, is not considered major within the terms of the NPPF.

Heritage Impact

- 5.11 The Council's Heritage Officer has concluded that they do not wish to make comment on this scheme due to its distance from heritage assets and officers are confident that the development will not result in any harm to heritage assets, nor any erosion to the significance of their setting. The nearest designated heritage asset is set some 530 metres from the site to the northeast (Peyton Hall). Most critically, as noted in the LVIA, this building is completely screened from the site by intervening dense woodland. The listed building to the north fronting Brick Kiln Hill (Brick Kiln Hill Cottages) is 900m away. The existing plant buildings are located between the proposed building extension and the northern listed building.

Vehicle Access and Traffic

- 5.12 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.13 Paragraph 108 (b) and (c) of the NPPF requires development proposals to ensure that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.14 The existing vehicle access remains physically unaltered by the proposal. The development will however clearly result in an intensified use of the access. It is noteworthy that the heavy goods vehicle (HGV) traffic routes associated with the site are long established, with no new HGV traffic routes proposed as part of the development proposal. An 18-tonne weight restriction applies to the B1068 east of the site access. This results in all larger vehicles having to use the B1068 west to the A134, noting that Brick Kiln Hill/Stone Street is unsuitable for HGVs due to road widths.
- 5.15 The application is supported by a Transport Statement, in order to fully consider the likely highway impacts resulting from the proposed development. There is nothing in the Transport Statement to suggest that the existing access has capacity or safety issues based on its existing or proposed use.
- 5.16 The Statement includes data from a traffic survey carried out in January 2017, which has been assessed by Suffolk County Council as part of the consideration of the application. which forms the traffic baseline for the traffic impact assessment. The survey recorded traffic at the A134/B1068 Stoke Road junction and Automatic Traffic Counts (ATCs) over one week on the A134 to the north and south of the B1068, on the B1068 west of Brick Kiln Hill/Stone Street Road junction and east of the site access, and on Brick Kiln Hill/Stone Street.

- 5.17 The Transport Statement assesses the capacity of the A134 and B1068 with predicted modelling of development traffic at 2024. The assessment is based on proposed additional goods movements comprising one arrival and one departure per hour. It assumes 44 tonne vehicles are used at the peak hours and that the movement is a right turn at the A134/B1068 junction. The Statement concludes that no capacity issues are expected at this junction as a result of the development. Officers agree with the Transport Statement which contends that regular operational HGV movement would not use the A131, through Cross Street in Sudbury, noting it is subject to an Air Quality Action Plan.
- 5.18 The Transport Statement contends that capacity improvements are not required to the local road network. The Statement recommends that road markings and additional signage is placed on the approach to the B1068 / Brick Kiln Hill junction which has reoccurring accidents and noting that there is potential for staff to use this junction. The Transport Statement contends that the recommended improvements would reduce vehicle speeds and improve the stopping sight distance. The highway comments include a condition requiring the mitigation works as outlined in the Transport Statement to be carried out.
- 5.19 The Transport Statement considers construction traffic and the assessment concludes that local routes do not show any apparent constraints to large vehicles that may restrict routing, other than along the B1068 between the A134 and the B1068, where a banksman would be appropriate to coordinate traffic the short distance from the A134 to access the site. The Highway Authority have suggested a condition requiring a Deliveries Management Plan for the construction period which will enable this to be fully considered and agreed in conjunction with the Highway Authority and District Council.
- 5.20 The Highways Authority has reviewed the Transport Statement and does not raise an objection to the scheme. Officers acknowledge the significant community opposition and the concerns raised regarding highway safety and in particular comments regarding the suitability of the local road network to carry an increase in heavy vehicle movements. However there is not any technical evidence before Council to suggest the expansion of operations at the site as proposed will unacceptably impact highway safety or that the capacity of the road network is unable to cater for the anticipated increase in traffic movements as set out in the Transport Statement. As noted above, the HGV routes associated with the business are long established, are predominantly outside the AONB, and no new HGV routing is proposed.

On-Site Vehicle Parking

- 5.21 Policy TP15 requires new development to provide on-site parking in accordance with standards adopted as Supplementary Planning Guidance. The SCC Advisory Parking Standards is the adopted Supplementary Planning Guidance. For a B2 (industrial) use the standards specify a maximum of one space per 30sqm. The proposed floor area is 2060sqm, generating a requirement of not more than 68 spaces. The scheme proposes 68 additional on-site car spaces, policy compliant. Many are critical of the quantum of spaces being provided, which is more than the demand that will likely be generated by the anticipated increase in staffing level. This may be the case, but it is not for officers to question the motive or intention behind the provision. The relevant test is whether a sufficient supply of on-site spaces is provided to meet the anticipated demand. It is clear the development proposal meets this test. In the absence of a significant adverse landscape effect created by

an additional parking area, it would be unreasonable to refuse a development application of the type proposed on grounds of an over-supply of on-site parking.

- 5.22 Existing cycle stands at the site are under-utilised. This is not unsurprising given the distances to neighbouring settlements. Additional cycle stands are therefore not proposed and this is deemed acceptable.

Travel Plan

- 5.23 Paragraph 108(a) of the NPPF requires development proposals to ensure that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location.
- 5.24 Owing to the scale of the existing operation, saved Policy TP16 applies. This policy requires the implementation of a Travel Plan with targets set around reducing car usage and increasing use of public transport, walking and cycling, reducing traffic speeds and undertaking more environmentally friendly delivery and freight movements including home delivery services.
- 5.25 The Transport Statement outlines sustainable transport initiatives, such as posting public transport timetables in the staff areas, however they are unlikely to offer any real benefits in a sustainability sense given the locational context of the site and functional needs of staff, including shift working patterns. For example, walking is unlikely to be an attractive commuting option for employees. Home delivery systems is not an option owing to the nature of the business.
- 5.26 Conflict with saved Policy TP16 and Paragraph 108 (a) of the NPPF does not, in its own right, result in an unsustainable proposal. It is however an outcome of site-specific circumstances, including the operational requirements of the business and the site's locational context. The weight attached to this policy tension is also moderated in light of paragraph 84 of the NPPF, which states that planning decisions should recognise that sites to meet local business 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.

Residential Amenity

- 5.27 Policy CS15 of the Core Strategy seeks to ensure development makes a positive contribution to the local area. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, securing a high standard of amenity for all 'existing and future users'.
- 5.28 The development site is not in proximity of established residential areas. Its relative isolation, set well away from residential areas, ensures residential amenity impacts are sufficiently mitigated. The nearest residences are to the north and are associated with Boxford Suffolk Farms, where residential amenity level expectations must be tempered. The intervening factory buildings ensures the sensitivity of the amenity interfaces to these properties is limited. The usual indicators of adverse residential amenity outcomes, such as visual bulk, overshadowing, daylight/sunlight loss and overlooking are not in evidence. Noise impacts are considered further below. Subject to noise being appropriately managed, a condition controlling operating hours is not deemed necessary or reasonable given the above conclusions.

- 5.29 Conditions are recommended regarding the supporting Construction Management Plan - see further commentary below.
- 5.30 Policy EN22 requires any application for planning permission involving outdoor lighting to be considered against any impact on (of relevance to this application) landscape characteristics and residential amenity. Some local residents raise concerns regarding light pollution.. This is an understandable concern given the nature and scale of the business and its rural location. Lighting details have not been provided as part of the application. Lighting is an important consideration but one that can be adequately managed by planning condition, as per standard industry practice. A condition requiring the submission of external lighting details is therefore recommended.
- 5.31 It is concluded that the existing levels of residential amenity enjoyed by neighbouring residents will not be compromised to an unacceptable extent by the development proposal. In this regard it is noteworthy that Council's Environmental Health Team does not oppose the scheme.

Noise

- 5.32 Many of the objections received are concerned with the loss of tranquillity associated with the AONB that will result if the expansion proceeds. Advice received from Environmental Health indicates that there is no complaint history on the site with regard to noise from the existing factory and the extension, proposed for the storage fruit juice is not considered to result in any concerns relating to noise. The plans do not include any external plant or equipment and therefore it is not considered that there will be any significant impact on noise climate. They do not consider it would be necessary, reasonable or enforceable to require a condition relating to noise.
- 5.33 Noise emanating from the proposed building extension is unlikely to have an adverse effect on neighbouring residents given the separation distances. Noise associated with additional HGV movements will have some effect on the living conditions of occupiers of properties fronting the travel routes leading to and from the site, however set against the context of existing traffic noise experienced along the B1068 and A134, it would not result in unacceptable harm. Any impact on the tranquillity of the AONB associated with increased HGV movements will be limited to areas very near to the existing roading network. Only a very short stretch of the B1068 is located in the AONB. The majority of the established HGV route is outside the AONB. For these reasons the effects of HGV traffic noise associated with the proposed business expansion on the AONB will not be significant.

Flood Risk and Drainage

- 5.34 The land is located in Flood Zone 1. The application is supported by a Flood Risk Assessment (FRA) which has been reviewed by SCC – Flood and Water. They raise no objection subject to standard conditions regarding the submission of details in respect to the sustainable urban drainage system that is to be used. A Construction Surface Water Management Plan is also recommended by SCC. This too is a matter that can be addressed by planning condition. A conditional approach to servicing matters is consistent with standard industry practice.
- 5.35 In the absence of an objection from SCC Flood and Water or the Environment Agency, flood risk and drainage matters are deemed acceptable.

Wastewater Management

- 5.36 It is noted that the Environment Agency does not object to the scheme in respect to wastewater arrangements, concluding that there will be minimal impact on wastewater generation and there will be no need to vary the current discharge permit that is in place.

Archaeology

- 5.37 The County Archaeological Service (CAS) does not raise any concerns, observing that archaeological mitigation is not required.

Biodiversity

- 5.38 Policy CS15 seeks to safeguard biodiversity values. Regulation 9(5) of the *Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010)* requires all 'competent authorities' (public bodies) to 'have regard to the Habitats Directive in the exercise of its functions.' For a Local Planning Authority to comply with regulation 9(5) it must 'engage' with the provisions of the Habitats Directive.
- 5.39 An ecology report supports the application which has been reviewed by Council's Ecology Consultant. The consultant raises no objection subject to conditions, which focuses on ensuring the ecological enhancements outlined in the ecology report are implemented.
- 5.40 As the Ecology Report states, there are few wildlife opportunities as the majority of the nearby land is covered by netted fruit trees inaccessible by birds during spring and autumn and largely unsuitable for invertebrates due to the lack of niche habitats and pesticide spraying. There is only one feature on the site that is of particular ecological value - the western hedgerow - which is to be retained and supplemented with additional planting. This represents a biodiversity gain.
- 5.41 A protective buffer zone adjacent the hedgerow is recommended during the construction phase and this can be conditioned accordingly. Two of the three ponds within 500m of the site were surveyed and both were found to be of 'poor' suitability to support great crested newts. The scheme proposes pollution control measures that will form part of a new piped stormwater system and this will limit pollutants entering drainage channels or ditches that may flow towards water-courses and nearby ponds. This includes the River Box to the north-east where the ecology report observes there are recent records of water voles, grass snakes and otters.
- 5.42 On the whole, the proposal will deliver biodiversity gains, in line with the aim of paragraph 170(d) of the NPPF.

Land Contamination

- 5.43 Council's Environmental Protection Team raises no objection in respect to ground contamination and this position is endorsed by officers.

Construction Management Plan (CMP)

- 5.44 As noted above, Council's Environmental Health Team does not object to the proposal. The submitted CMP states construction hours and associated deliveries will be restricted to 08.00 – 18.00hrs Monday – Friday, 09.00 – 13.00hrs Saturdays,

with no working on Sundays or Bank Holidays. These hours are acceptable noting the separation distance between the proposed construction site and nearest neighbouring dwellings. The CMP states there will be no burning of material at the site during construction.

- 5.46 It is recommended that a condition requires the construction phase of the development be implemented in accordance with the supporting CMP. No revisions are required to the CMP.

PART FOUR – CONCLUSION

6. Planning Balance

- 6.1 The starting point for decision-taking purposes remains the development plan with the National Planning Policy Framework a material consideration in this decision. The policies of the Core Strategy generally conform with the aims of the Framework to promote proposals for employment uses which contribute to the local economy and that these will be supported where appropriate in scale, character and nature to their locality. This is encompassed within Chapter 6 of the NPPF “Building a strong, competitive economy” and set out within para 83 where planning decisions should enable the sustainable growth and expansion of all types of business in rural areas through well-designed new buildings. The NPPF requires decision makers to recognise that sites to meet local business needs in rural areas may not be adjacent to or beyond existing settlements and in locations that are not well served by public transport. It recognises that development must not have an unacceptable impact on local roads and be sensitive to its surroundings. This is seen within the development plan through policies CS3 and CS15.
- 6.2 The adverse effects resulting from the scheme can be largely attributed to factors that contribute some form of environmental harm. On review of (a) the supporting LVIA; (b) comments provided by the Dedham Vale AONB and Stour Valley Project Team and Natural England; and (c) the referral response received from Council’s Landscape Consultant, officers consider the landscape harm and effect on the valued AONB setting resulting from the proposed development to be slight to moderate. This assumes the adoption of an appropriate external colour palette, which can be secured by condition. A 15m tall building will be conspicuous in any countryside location where existing landscaping cannot conceal the building. The building’s commercial appearance will contrast with the rural character of the countryside. Moderate landscape harm, including an adverse effect on the setting of the AONB, albeit somewhat localised, is not considered to result in any conflict with policy CR02 as the impact is not deemed to be significant. Furthermore as set out within the report the development is not major in terms of its definition under para 172 of the NPPF. Therefore there is no need to consider whether there are exceptional circumstances for the development and the public interest test has not been engaged.
- 6.3 Officers do not find the landscape harm to be more than slight to moderate because considerable weight is placed on the moderating effect that the backdrop of the established commercial buildings play in mitigating landscape harm. Physically integrating the development with the existing commercial site offsets landscape harm. The visually intrusive pylons immediately to the south, together with the ‘sea’ of man-made orchard structures surrounding the site, compromise the intrinsic natural landscape qualities of this part of the AONB. The site does not make a positive contribution to the landscape character of the area. Regard must also be had to the site’s location on the AONB periphery, and the reduced landscape

sensitivity that results. A close examination of the special qualities of the AONB, as outlined in the *Dedham Vale AONB and Stour Valley Management Plan 2016-2021*, indicate that much of the valued AONB qualities will be unaffected by the proposal. Where detriment may be evident it will be less than significant.

- 6.4 Also weighing negatively in the planning balance is the proposal's limited ability to give good effect to the travel plan aims set out at paragraph 108(a) of the NPPF and saved Policy TP16. However the weight attached to this policy conflict is moderated in light of paragraph 84 of the NPPF, which recognises that sites seeking to meet local business 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'. Nonetheless, the identified harm is a planning disbenefit.
- 6.5 Weighing positively in the planning balance are the substantial economic benefits that will accrue from the scheme, noting it will significantly strengthen the regional economy. The application enjoys significant local and national policy support, namely from saved Policy EM20 (which sets a 'strong presumption' in favour of permitting the expansion of an existing employer), Policy CS3 and positively geared paragraphs 80 and 83 of the NPPF. It also enjoys support from the New Anglia Economic Strategy (April 2014). Officers attach significant weight to this substantial policy support.
- 6.6 The vast majority of the resident submissions received, of which there are a substantial number, object on traffic grounds. A recurring concern is the capacity of the existing road network to absorb the HGV movements associated with the proposed expansion. The HGV traffic routes associated with the site are long established, with the application not proposing any new HGV traffic routes. The Highways Authority does not oppose the scheme. In the absence of an objection from the Highways Authority, a refusal based on highway safety grounds is not sustainable. The proposal in transport terms meets the aims of paragraph 108 of the NPPF. There is no technical evidence before officers demonstrating the proposal results in an unacceptable highway safety outcome or the residual cumulative impact on the road network will be severe. The proposal is therefore not in conflict with paragraph 109 of the NPPF. Highway safety does not weigh negatively in the planning balance.
- 6.7 The significant economic benefits of the scheme, outweigh the moderate harm that has been identified, which principally relates to environmental harm associated with AONB landscape effects. Any additional harm resulting from a departure from local policy, such as TP16, is slight and is not afforded significant weight. The conclusions above do not point to any other factors that indicate significant environmental harm.
- 6.8 This application brings about a number of issues which require careful attention and a balancing of statutory responsibilities with those development plan and material considerations in which the weighing of relative considerations is central. It is concluded that the development will not result in material harm to designated or non-designated heritage assets and in this it is notable that there is no objection from Council's Heritage Team. Moreover biodiversity gains are anticipated through the implementation of ecological enhancements recommended in the ecology report. These gains have received the acknowledgement of the Council's Ecology Consultant and they have agreed with the recommendations made. There are moreover no nearby SSSI, Special Areas of Conservation or Ramsar sites impacted by the proposal. The development does not propose the removal of any vegetation of note and the proposed landscape planting will offer a reasonable softening

landscape effect over time, with the added benefit of complementing the ecological enhancements which are set out in the supporting Ecology Report.

- 6.9 As to amenity considerations any harm to the residential amenities of nearby occupiers is not considered to be at an unacceptable extent. It is nevertheless proposed to include a planning condition to ensure that operational noise emanating from the proposed building would not cause unacceptable harm to the local AONB environment or local residents at a level that would be deemed significant.
- 6.10 Turning to more technical matters the scheme does not increase flood risk. SCC Flood and Water team and the Environment Agency do not oppose the application and there will moreover be an environmental gain in relation to local groundwater quality as the scheme proposes a new piped surface water system with additional pollution control mechanisms. These are considered to be a positive benefit.
- 6.11 Other key issues include archaeology which is considered acceptable mindful that mitigation measures are not recommended by the County Archaeology Service. As regards farming interests it can be concluded that there would not be a loss of productive agricultural land nor would fragmentation of existing farmland will result. As regards on-site car parking provision it is considered that the proposal is standard compliant. Any over-supply of on-site parking that may result will not give rise to a negative consequence or cause unacceptable harm in planning terms.

Conclusion

Taken in the round the proposed development is considered to align with the planning policies contained within the NPPF and broad compliance with policy CS3 and CS15, including the safeguarding of existing jobs and the expansion of an existing business in a rural location which will support a prosperous rural economy as set out in para 83 of the NPPF. The development would provide for net gains to the objectives of economic growth and sustainability with the adverse impacts identified not outweighing the benefits of allowing development to proceed. Of itself, this is a material consideration that adds further momentum to securing the development as proposed in addition to compliance with the development plan when taken as a whole. In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no material considerations which would give rise to unacceptable harm.

A positive recommendation to Members is therefore given below.

RECOMMENDATION

(1) That the Corporate Manager - Planning for Growth be authorised to grant Planning Permission subject to conditions including:

- Standard time limit
- External colour finishing details
- Highways – HGV movements during construction
- Highways- provision and retention of manoeuvring and parking areas
- Highways - parking for loading and unloading
- Highways – exit signage HGV weight limit
- Construction Management Plan implemented as approved
- Flood Risk Assessment and surface water disposal strategy implemented as approved
- Sustainable Urban Drainage System details
- Construction Surface Water Management Plan
- Western hedgerow protective buffer zone details - construction phase
- Landscaping – implemented as approved
- Fire hydrants
- Secure mitigation and ecology enhancement measures
- Lighting scheme details to be submitted

NOTES

Highways - Section 278 of the Highways Act 1980

SCC Flood and Water:

Any works to a watercourse may require consent under section 23 of the Land Drainage Act 1991 Any discharge to a watercourse or groundwater needs to comply with the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003.

Any discharge of surface water to a watercourse that drains into an Internal Drainage Board catchment is subject to payment of a surface water developer contribution.

Any works to lay new surface water drainage pipes underneath the public highway will need a section 50 license under the New Roads and Street Works Act.