

Committee Report

Item 6C

Reference: DC/20/05137

Case Officer: Katherine Hale

Ward: Hadleigh South.

Ward Member/s: Cllr Kathryn Grandon. Cllr Mick Fraser.

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Outline Planning Application. (Access and **Structural** Landscaping to be considered).
Employment land for use as Class E Business buildings up to 1900m² and Classes B2 and B8
buildings up to 4200m²

Note:

Whilst the applicant has described the total level of floorspace being proposed as 6,100sq.m. Members are advised that if they are minded to grant planning permission and they have considered the merits of the proposed based on a ceiling of 6,100sq.m. then the floorspace ceiling should be conditioned. This will ensure that there is no confusion later and that the implications of additional floorspace and the principle can be properly assessed via a new application.

Location

Land at Cobbolds Farm, Ipswich Road, Hadleigh, Ipswich Suffolk IP7 6BG

Expiry Date: 30/06/2021

Application Type: OUT - Outline Planning Application

Development Type: Major Large Scale - Manu/Ind/Storg/Wareh

Applicant: Mr Philip Munson

Agent: Mr L Short

Parish: Hadleigh

Site Area: 2.33 hectares

Details of Previous Committee / Resolutions and any member site visit: None

Has a Committee Call In request been received from a Council Member: No

Has the application been subject to Pre-Application Advice: Yes DC/20/03006

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

- Contrary to the Development Plan
- Potentially this is effectively a land/use swap with concurrent application reference DC/20/04615 a report in respect of which is also on this agenda.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

The Adopted Development Plan for Babergh District Council comprises the Babergh Local Plan (Alteration no. 2) 2006 and the Babergh Core Strategy 2014.

The following are considered the most relevant to the determination of this proposal

Babergh Local Plan (Alteration No.2) 2006

CN01 - Design Standards
CN04 - Design & Crime Prevention
EN22 - Light Pollution - Outdoor Lighting
CR07 - Landscaping Schemes
CR08 - Hedgerows
TP15 - Parking Standards - New Development
EM01 - General Employment
EM20 - Expansion/Extension of Existing Employment Uses
EM24 - Retention of Existing Employment Sites

Babergh Core Strategy 2014

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS15 - Implementing Sustainable Development
CS16 - Town, Village and Local Centres

Draft Joint Local Plan Submission Document. 2021 [Reg 22]

Policy SP03 – Settlement Hierarchy

Policy SP05 - Employment Land

Policy SP09 – Enhancement and Management of the Environment

Policy SP10 – Climate Change

Policy LP12 – Employment Development

Policy LP13 – Safeguarding Economic Opportunities [land swap context]
Policy LP19 – Landscape
Policy LP25 - Sustainable Construction and Design
Policy LP26 - Design and Residential Amenity

Now that the Draft Joint Local Plan has reached Reg 22 stage (Submission) it begins to carry some weight as a material planning consideration. In part that weight depends upon the nature of and degree of conflict over issues that are to be explored at the Examination.

The National Planning Policy Framework (NPPF)

The National Planning Policy Framework (NPPF) 2019 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Particularly relevant elements of the NPPF include:

Section 2: Achieving Sustainable Development
Section 4: Decision Making
Section 6: Building a Strong, Competitive Economy
Section 12: Achieving Well-Designed Places
Section 15: Conserving and Enhancing the Natural Environment

The National Planning Practice Guidance (NPPG)

The National Planning Practice Guidance (NPPG) provides guidance and advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.

Other Considerations

- BMSDC 'Open for Business' Economic Strategy 2018
- Suffolk County Council- Suffolk's Guidance for Parking (2014 updated 2019)

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Hadleigh Neighbourhood Plan is however at a very early stage with little progress since Area Designation in 2015. There appears to have been little consultation and there is currently no draft plan. There is therefore nothing of relevance or of any weight in respect of the determination of the application currently before Members

Consultations and Representations

During the course of the application, Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Town/Parish Council

Hadleigh Town Council

“This planning application relates to the industrial units being developed on the land next to Wolf’s Wood, which is a green field site, with houses on the opposite side of the road being developed a brown field site. Councillor McLeod advised that with industrial units dotting the side of the road it was having a ribbon effect and was there sufficient demand for these types of units to warrant this development. It appears that the application has not met all of the requirements other organisations have requested, and as the site is not on the main drainage system, any water would run off the car parks into a natural area, potentially with contaminants. The impact of the lighting in the local area would be intrusive, transport links were poor with no pavements or cycling links, and it would be visually intrusive on the approach to Hadleigh. Hadleigh Society were not supporting the application and it was felt that the application needed to be reworked to meet all the criteria which are currently not satisfied. Proposed by Councillor Bayliss, seconded by Councillor McLeod it was agreed to object to the application on the grounds that the proposed scheme is contrary to the Council Policy CS15; there is over development in the area, a need has not been established for this type of development and transport links are not in place, and Hadleigh Town Council support the comments of the Hadleigh Society.”

Chattisham and Hintlesham Parish Council

“Chattisham & Hintlesham Parish Council Object to this planning application on the following grounds:-

- Increased traffic levels on an already busy road A1071
- Environmental impact
- noise & light pollution
- Industrialisation of a rural setting
- Increase in class to B2 from B1 and Class E retail”

Aldham Parish Council

“Thank you for your letter of 18th November. The parish council has considered this application and its only concern is that of light pollution and possible future ribbon development along the A1071 from the edge of Hadleigh. The land concerned is opposite the Wolves Wood RSPB reserve and was, until your council granted permission for the Beeston’s bus park and HGV holding area, in an area of open countryside.

The night-time darkness of the area has already been spoiled to some extent by the security lights of that development and the parish council is concerned that similar lights on the development now proposed will exacerbate this. The spread of industrial development must not mean that local people should automatically accept after working hours the glow of lights shining upwards or even

laterally. Any lights which really do need to remain switched on during darkness should be kept to a minimum and, at the very least, be pointed downwards.

Councillors also expressed concern that the temptation will arise for street lighting to be extended from the A1071/B1070 roundabout to the new development. This would only add to the increased urbanisation of this open countryside.”

Officer comment: Officers share the concerns of the Town Council and Parish Councils about the intrusion of environmental impacts of built-form along the A1071 in the form of ribbon development into the countryside.

The report will fully explore this and other issues.

National Consultee

Natural England

SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

“As submitted, the application could have potential significant effects on Hintlesham Woods Site of Special Scientific Interest. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- Natural England advises that an initial screening for air quality impacts should be completed prior to determination of this application. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal.
- A Wildlife Sensitive Lighting Design Scheme.
- A Construction Environmental Management Plan (CEMP).
- A condition which limits the hours, volume and nature of noise following construction, or a noise assessment.

Without this information, Natural England may need to object to the proposal.”

RSPB

“Thank you for the opportunity to comment on this application. As neighbours at RSPB Wolves Wood nature reserve, we have reviewed the application to determine whether the proposals are likely to have a measurable ecological impact on the reserve and Hintlesham Woods SSSI.

Having read the Ecology Report, we are satisfied with the findings of the consultant that, provided the recommended mitigation and compensation measures are taken forward, there will be no measurable ecological impact. We also support the proposed biodiversity enhancements to achieve Biodiversity Net Gain. We request that all of the mitigation, compensation and biodiversity enhancements set out in the report are made a condition of planning consent to ensure their full implementation, and also make further suggestions below.

We make particular note of the presence of turtle dove *Streptopelia turtur* in the surrounding landscape, with recent records within 2km of the site. The turtle dove is Britain's fastest declining breeding bird, and therefore any opportunity to provide suitable nesting and feeding habitat is considered a priority for the RSPB. With this in mind, we endorse the recommendations set out in Table 5.1 of the Ecology Report for native hedgerow planting to include a high proportion of thorny species (including hawthorn) and a mixture of wild clematis and honeysuckle to be planted at regular intervals along the hedges. Where possible these hedges should be managed to grow to at least 3 metres tall and 4 metres wide, and that once established with a dense scrubby structure, that they are cut on a rotational basis (around one-fifth every three years) to keep them in optimum condition as a nesting habitat. This will have many other benefits for wildlife as described in the Ecology Report.”

Suffolk Wildlife Trust

“Thank you for sending us details of this application, we have the following comments: We have read the Ecology Report (MHE Consulting, November 2020) and we are satisfied with the findings of the consultant. We request that the recommendations made within the report are implemented in full, via a condition of planning consent, should permission be granted. We also note that the Ecology Report states that a Biodiversity Enhancement Strategy and Wildlife Sensitive Lighting Scheme are required for this development. We recommend that these are secured as a condition of planning consent, should permission be granted. Please do not hesitate to contact us should you require anything further.”

East Anglia Drainage Board

“Thank you for your consultation on planning application DC/20/05137. Having screened the application, the site in question lies outside the Internal Drainage District of the East Suffolk Internal Drainage Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make.”

County Council Responses

SCC Archaeology

“Thank you for your email, we had seen the consultation on the planning lists and in our opinion, there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.”

SCC Travel Plan

“Thank you for consulting me about the proposed commercial development at Cobbolds Farm on Ipswich Road in Hadleigh. I will be providing a response to the Travel Plan that was submitted as part of the planning application; however, these will be included as part of the formal Suffolk County Council Highways response that Sam Harvey is leading on to comply with internal protocol.”

SCC Public Rights of Way

“The proposed site does contain a public right of way (PROW): FP25 Hadleigh. The Definitive Map for Hadleigh can be seen at <https://www.suffolk.gov.uk/assets/Roads-and-transport/public->

rights-of-way/Hadleigh.pdf. A more detailed plot of public rights of way can be provided. Please contact DefinitiveMaps@suffolk.gov.uk for more information. Note, there is a fee for this service.

We object to this proposal on the basis that, while FP25 is shown on the Applicant's Structural Landscaping Masterplan, unfortunately it is not depicted on the legally definitive route. We would suggest that the Applicant contacts the Definitive Map Team for information about the legally definitive route of the footpath, and that they then discuss any plans or issues which may affect it with the appropriate Area Rights of Way Officer via PROW.west@suffolk.gov.uk.

The Applicant MUST also take the following into account:

1. PROW are divided into the following classifications:

- Public Footpath – only for use on foot or with a mobility vehicle
- Public Bridleway – use as per a public footpath, and on horseback or by bicycle
- Restricted Byway – use as per a bridleway, and by a 'non-motorised vehicle', e.g., a horse and carriage
- Byway Open to All Traffic (BOAT) – can be used by all vehicles, in addition to people on foot, mobility vehicle, horseback and bicycle.

All currently recorded PROW are shown on the Definitive Map and described in the Definitive Statement (together forming the legal record of all currently recorded PROW). There may be other PROW that exist which have not been registered on the Definitive Map. These paths are either historical paths that were not claimed under the National Parks and Access to the Countryside Act 1949 or since, or paths that have been created by years of public use. To check for any unrecorded rights or anomalies, please contact DefinitiveMaps@suffolk.gov.uk.

2. The applicant, and any future owners, residents etc, must have private rights to take motorised vehicles over a PROW other than a BOAT. To do so without lawful authority is an offence under the Road Traffic Act 1988. Any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy. We do not keep records of private rights and suggest that a solicitor is contacted.

3. The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. To apply for permission from Suffolk County Council (as the highway authority for Suffolk) please see below:

- To apply for permission to carry out work on a PROW or seek a temporary closure – <https://www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk/rights-and-responsibilities/> or telephone 0345 606 6071. PLEASE NOTE that any damage to a PROW resulting from works must be made good by the applicant. Suffolk County Council is not responsible for the maintenance and repair of PROW beyond the wear and tear of normal use for its classification and will seek to recover the costs of any such damage it is required to remedy.

- To discuss applying for permission for structures such as gates to be constructed on a PROW – contact the relevant Area Rights of Way Team <https://www.suffolk.gov.uk/roads-andtransport/public-rights-of-way-in-suffolk/public-rights-of-way-contacts/> or telephone 0345 606 6071.
- To apply for permission for a PROW to be stopped up or diverted within a development site, the officer at the appropriate borough or district council should be contacted at as early an opportunity as possible to discuss the making of an order under s257 of the Town and Country Planning Act 1990 - <https://www.suffolk.gov.uk/roads-and-transport/public-rightsof-way-in-suffolk/public-rights-of-way-contacts/> PLEASE NOTE that nothing may be done to stop up or divert the legal alignment of a PROW until the due legal process has been completed and the order has come into force.

4. Under Section 167 of the Highways Act 1980 any structural retaining wall within 3.66 metres of a PROW with a retained height in excess of 1.37 metres, must not be constructed without the prior written approval of drawings and specifications by Suffolk County Council. The process to be followed to gain approval will depend on the nature and complexity of the proposals. Construction of any retaining wall or structure that supports a PROW or is likely to affect the stability of the PROW may also need prior approval at the discretion of Suffolk County Council. Applicants are strongly encouraged to discuss preliminary proposals at an early stage.

5. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path and should not be allowed to obstruct the PROW.

In the experience of the County Council, early contact with the relevant PROW officer avoids problems later on, when they may be more time consuming and expensive for the applicant to address. More information about Public Rights of Way can be found at www.suffolk.gov.uk/roadsand-transport/public-rights-of-way-in-suffolk/ ”

SCC Police

“On behalf of Suffolk Constabulary, I have viewed the available plans and would like to register the following comments with regards to Section 17 of the Crime and Disorder Act.

It is noted that this is an outline planning application and more in-depth details will follow through further proposals, as a result it is hard to make specific in-depth comments.

As the proposed development area comprises open land, historically it is a low crime area. However, a number of criminal offences have been recorded around the surrounding area, (see para 10).

It is noted that an established right of way will go through the main site, so it would be preferred to know more about how that will integrate with the site from a security point of view?

It is good to see that the perimeter between the two sites will comprise defensive vegetation, which is always recommended by police to deter the risk of unauthorised intrusion. It would be preferred if the whole perimeter could comprise defensive vegetation, backed up with good quality fencing.

It is strongly recommended any proposed business units are designed along Secure By Design guidelines through SBD commercial 2015 Version 2, as per this link.

http://www.securedbydesign.com/wpcontent/uploads/2015/05/SBD_Commercial_2015_V2.pdf “

SCC Highways

“We have reviewed the data supplied with this application; the summary of our findings is as follows:

- It is unclear from the information provided, what the applicant’s plans are for Public Rights of Way Footpath 25 which is within the site. Any hedges adjacent to PROW must be planted a minimum of 1 metre from the edge of the path in order to allow for annual growth and cutting and should not be allowed to obstruct the PROW. Some hedge types may need more space, and this should be taken into account by the applicant. In addition, any fencing should be positioned a minimum of 0.5 metres from the edge of the path in order to allow for cutting and maintenance of the path, and should not be allowed to obstruct the PROW;
- The Travel Plan (dated October 2020) that was submitted as part of the planning application does identify some suitable measures to encourage sustainable and active travel to the site, like the provision of showers, lockers and changing facilities to encourage walking and cycling, and a minibus to transport staff from Hadleigh to the site. However, due to the location of the development encouraging travel by sustainable modes of transport through a Travel Plan will be difficult for the occupier, as there are currently no surfaced walking and cycling links linking Hadleigh to the site and the times and frequencies of the existing bus services may not be suitable for all employees;
- There have been 3 injury accidents in the past 5 years on A1071 in the immediate area of the site. The accident data supplied within the Transport Assessment confirms that there are no significant highway safety concerns.

Taking all the above into account, it is our opinion that this development achieve would not necessarily provide safe and suitable access to the site for all users (NPPF Para 108). However, it would not have a severe impact on the road network (NPPF para 109) therefore we do not object to the proposal.

CONDITIONS

Should the Planning Authority be minded to grant planning approval the Highway Authority in Suffolk would recommend they include the following conditions and obligations:

Travel Plan Condition: Within one month of first occupation, each employee on the commercial site shall be provided with Travel Information Pack that contains the sustainable transport information and measures to encourage the use of sustainable transport. Not less than 3 months prior to the occupation, a completed Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and shall include up-to-date walking, cycling and bus maps, relevant bus and staff employee minibus information, car sharing information, and sustainable transport discounts. The Travel Information Pack shall be maintained and operated thereafter.

Reason: In the interests of sustainable development as set out in the NPPF and policy CS15.

Travel Plan Condition: Prior to the occupation of any commercial unit, details and the location of an employee minibus service in accordance with the details in the Travel Plan (dated October 2020) will need to be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In the interests of sustainable development as set out in the NPPF and policy CS15.

Footpath Condition: Before the development is commenced, details of the treatment of PROW footpath including surfacing and landscaping adjacent to the route, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that PROW footpath is not obstructed and designed to an acceptable standard.

Parking Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 4006-14B for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

Cycle Condition: The areas to be provided for secure covered storage cycle parking as shown on Drawing No. 4006-14B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that the provision for cycle parking is provided in line with sustainable transport policies.

Bin Condition: The areas to be provided for presentation and storage of Refuse/Recycling bins as indicated on Drawing No. 4006-14B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

Construction Management Plan Condition: Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:

- a photographic survey to be carried out to determine the condition of the carriageway and footways prior to commencement of the works
- Means of access for construction traffic
- haul routes for construction traffic on the highway network and monitoring and review mechanisms.
- provision of boundary hoarding and lighting
- details of proposed means of dust suppression
- details of measures to prevent mud from vehicles leaving the site during construction
- details of deliveries times to the site during construction phase
- details of provision to ensure pedestrian and cycle safety

- programme of works (including measures for traffic management and operating hours)
- parking and turning for vehicles of site personnel, operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials
- maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

NOTES

The granting of planning permission IS SEPARATE to any consents that may be required in relation to PROW. It DOES NOT give authorisation for structures such as gates to be erected on a PROW, or the temporary or permanent closure or diversion of a PROW. Nothing may be done to close, alter the alignment, width, surface or condition of a PROW, or to create a structure such as a gate upon a PROW, without the due legal process being followed, and permission being granted from the Rights of Way & Access Team as appropriate. Permission may or may not be granted depending on all the circumstances. For further information go to <http://www.suffolkpublicrightsofway.org.uk> and www.suffolk.gov.uk/roads-and-transport/public-rights-of-way-in-suffolk. “

SCC Flood and Water Management

“The following submitted documents have been reviewed and we recommend a holding objection at this time

- Flood Risk Assessment Ref EX20_046_03
- Site location plan Ref 4006-02 Rev A
- Site plan 4006-14 Rev B

The reason why we are recommending a holding objection is because whilst the applicant has evaluated the predicted flood risk and has presented a viable strategy for the disposal of surface water, the LLFA need assurance that the applicant has the right of has acquired the rights to discharge surface water in perpetuity. T

he points below detail the action required in order to overcome our current objection:-

- 1) Confirmation that they have the applicant has the right of has acquired the right to discharge to the watercourse. 2) Applicant is also to review the proposal for second upstream flow control devices size for smallest catchment a. Small orifices are proven to blockages and this is located downstream of an open SuDs feature.
- 3) As the site has 50 (fifty) car parking spaces, the applicant needs to take note of the following guidance and make the necessary changes to the surface water drainage strategy to ensure its compliance.

- a. <https://www.gov.uk/guidance/pollution-prevention-for-businesses> “

SCC Fire & Rescue

“A CONDITION IS REQUIRED FOR FIRE HYDRANTS (see our required conditions)

I refer to the above application. The plans have been inspected by the Water Officer who has the following comments to make.

Access and Fire Fighting Facilities

Access to buildings for fire appliances and firefighters must meet with the requirements specified in Building Regulations Approved Document B, (Fire Safety), 2019 Edition, Volume 1 - Part B5, Section 11 dwelling houses, and, similarly, Volume 2, Part B5, Sections 16 and 17 in the case of buildings other than dwelling houses. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting, in which case those standards should be quoted in correspondence.

Suffolk Fire and Rescue Service also requires a minimum carrying capacity for hard standing for pumping/high reach appliances of 15/26 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2000 Approved Document B, 2019 Edition.

Water Supplies

Suffolk Fire and Rescue Service recommends that fire hydrants be installed within this development on a suitable route for laying hose, i.e., avoiding obstructions. However, it is not possible, at this time, to determine the number of fire hydrants required for firefighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Sprinklers Advised

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system. (Please see sprinkler information enclosed with this letter).

Consultation should be made with the Water Authorities to determine flow rates in all cases.

Should you need any further advice or information on access and firefighting facilities, you are advised to contact your local Building Control or appointed Approved Inspector in the first instance.

For further advice and information regarding water supplies, please contact the Water Officer at the above headquarters.”

Internal Consultee Responses

Economic Development

“The Economic Development Team would welcome the application as it is bringing in new businesses units. The councils Workspace Study (October 2019)

<https://www.midsuffolk.gov.uk/assets/Economic-Development/Workspace-Study-redacted-002.pdf>

highlighted the need for additional workspace across the district to meet the demands of local businesses.

It is clear that the recent COVID 19 pandemic is leading to a change in working patterns, with increased demand for premises (with good broadband connections) located away from larger urban centres and closer to where people live within our district to reduce commuting distances and allow flexible working. This application is to enable the future growth of a specific business

within an established employment site which will create a significant number of new jobs. I, therefore support the application

We note in the application the site is referenced to DC/20/04615, as comparable offer for “Land off Lady Lane” application,— we have addressed our response in the DC/20/04615 application.

It is noted that this is an outline planning application and more in-depth details will follow through further proposals, as a result it is hard to make specific in-depth comments.”

The Hadleigh Society

“This is a proposal for erection of 28 commercial units totalling 6100 sq. metres of floorspace all of about 2 storeys in height, set in open countryside and with long distant views both into and out of the site. Such proposals are contrary to several Core Strategy policies concerning locational criteria, countryside protection and sustainability. The inappropriateness of the proposal on these planning and environmental grounds is agreed and acknowledged by the applicant’s own agents in their Planning Statement and accompanying documents.

The only justification given for overriding such clear local and national planning guidance is that it ought be treated exceptionally as a substitute to the loss of a similar area of land specifically allocated for employment development set within the urban area of Hadleigh off Lady Lane and on which the applicant wishes to develop for housing.

As any planning practitioner is aware, each proposal must be determined against adopted planning policy and relevant material considerations and to imply that;- “I promise to develop this land for employment purposes if you grant planning permission for my housing scheme” is wholly unenforceable and thus irrelevant to determination of the proper planning merits of each proposal.

Given the aforementioned policies and the NPPF, clear and convincing justification is needed as to why the proposed employment area would be located in a remote location away from the existing built up area for Hadleigh, particularly given that there is an existing site within Hadleigh and future sites for employment land have already been identified for allocation in the Emerging Draft Joint Local Plan. As such it is considered that there is sufficient employment land allocated and there is insufficient evidence to justify the need for the site to be released

BUILT ENVIRONMENT

The design and built environment created internally within business estates tends to be ignored yet many people spend the majority of their lives working in such places, therefore the quality of the environment being proposed is of critical importance. As central government and local planning policies indicate a key element to achieving sustainable development is good and appropriate design with the overall objective being that it contributes positively to making places better for people. Design is about more than aesthetics of a development, but also ensuring usable, durable places. The underlying principles which contribute to good and successful design are reflected in Policy CS15 and Policies CS4-11.

This site is in a rural area, it is remote from town facilities, therefore it needs to provide a greener, more worker friendly environment with pleasant sit-out areas, buildings foiled by greenery, with carefully placed shrub and tree planting. There is a need for dedicated, well located cycle sheds, and disabled parking bays, and screened outside storage units to serve the units. There ought, in

the rural environment, be a sense of space and airy ness created between and around the buildings but regrettably here is not in this proposal.

It is quite clear that the floorspace as requested represents creation of a depressing overdevelopment as a densely packed, heavily urbanised industrial estate. It is dominated by buildings surrounded by little else other than hardstandings. It creates neither a pleasant worker/employee friendly environment, nor an external appearance that positively reflects its countryside setting.

SUSTAINABILITY

One of the primary principles in national and local planning policy is to achieve maximum sustainability in building design, modes of movement, and provision of energy and services. The site due to its remote location has no safe cycle lane routes to serve it, nor are there any dedicated pedestrian routes linking the site to Hadleigh. Moreover, there is a very restricted bus service passing the site. Thus the site has poor sustainability in respect of modes of transport to serve it and does not provide safe and suitable access to the site for all users (see NPPF Para 108). Additionally due to limited access options it deprives or restricts employment opportunities for the disabled and non driver.

The site foul and surface water has to be dealt with privately as it is not connected to the mains. It is proposed to dispose of foul waste via a private treatment plant and surface water through natural drainage systems. Full details of neither are provided at this important outline stage and therefore in absence of such details there must be rejection of the scheme until satisfactory details are provided.

LANDSCAPE

In a countryside location the blending of the built development into the local landscape requires particularly good design and skill. In regard to this proposal, it fails to respect the landscape and compounds the issue by not making a positive contribution to the local countryside character (see CS15). The site, lies in the designated Ancient Plateau Clay lands wherein the landscape guidance states;-'This is quite open landscape with the potential of any form of development to be visibility intrusive if it has been designed without sufficient screening or an appropriate landscape design plan ' .[see The Joint Babergh and Mid Suffolk District Council Landscape Guidance August 2015]

The visibility of the site, particularly from the south, is extensive being up two kilometres (1.25 miles) as can be viewed from Clay Lane. The application provides no specialised landscape assessment, nor proper planting proposals to accompany the applicant's request that Landscape be determined at the outline stage. Nor is there any lighting assessment that would be expected in a potentially visually intrusive lit site on a plateau set above surrounding countryside. All that is provided as support for the landscaping is a copy of an informal view given by of a planning officer [who did not possess the necessary information] contained in a Pre Application Planning Enquiry dated 14 August 2020. The current proposals fail miserably to provide the rigour and professional landscape assessment that is expected to be provided for this location and if requiring Landscape not to be a reserved matter.

The actual "structural landscape" proposed is considered of poor quality as it seeks generally to retain existing indifferent hedging and weed strewn earth mounds on the eastern and southern

boundaries with some new hedge planting giving limited screening of about 2-3 metres height whilst buildings and lighting stanchions will have heights well in excess, and up to 6 metres in height.

The Society would expect a substantially wider planting strip to be provided on the countryside boundaries of the site to allow long term growth and maintenance for both new hedge and large native tree planting to develop, together with islands of planted green space within the estate to quality of foiling deserving of such development in this open landscape. In conclusion, to approve the 'Landscape Proposals' as submitted would be to allow a cramped, poor quality development more akin to the worst of 1970s urban industrial estates, rather than a 21st century, well landscaped, rural business estate of commensurate quality to fit into and make a positive contribution to the countryside character of Hadleigh

CONCLUSION

The proposal is contrary to policy CS15 as it demonstrates ;-

1. That the scale of built development proposed represents an overdevelopment of the site resulting in detriment to the local landscape and countryside character.
2. It creates a cramped unpleasant built environment not conducive to promoting healthy living and working conditions.
3. It fails to minimise the need to travel by car thus adversely affecting sustainability, the local air quality and is not accessible to people of all abilities including those with mobility impairments.
4. There is a lack of detailed information demonstrating satisfactory and safe disposal of surface and foul water.

Overall, the proposed scheme completely fails to make a positive contribution to the local character of the area, and although the applicant pleads exceptional reasons for approval the scheme as submitted fails to demonstrate provision of a quality development deserving for an exceptional approval in this rural area of Hadleigh."

Public Realm

"No comments as there is only landscaping associated with this business park and no publicly accessible open space."

Place Services - Ecology

"No objection subject to securing ecological mitigation and enhancement measures

Summary

We have reviewed the Ecology Report (MHE Consulting Ltd, November 2020) relating to the likely impacts of development on designated sites, protected and Priority species & habitats.

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species & habitats and with appropriate mitigation measures secured, the development can be made acceptable.

The mitigation measures identified in the Ecology Report (MHE Consulting Ltd, November 2020) should be secured and implemented in full. This is necessary to conserve and enhance protected and Priority Species.

However, we note that the site is within the Impact Risk Zone (IRZ) for Hintlesham Woods Site of Special Scientific Interest (SSSI) which comprises two woodlands Hintlesham Woods and Wolves Wood. The latter is located c. 80m north of the application site. It is highlighted that we consider that it is unlikely that development will result in adverse impacts to this statutory designated site. However, we recommend that Natural England should consider the likely risks of the development to the SSSI within their comments, as the application meets the following IRZ trigger: 'Large infrastructure such as warehousing / industry where total net additional gross internal floorspace following development is 1,000m² or more'.

Furthermore, we recommend that a Wildlife Friendly Lighting Strategy is implemented for this application. Therefore, technical specification should be submitted prior to occupation, which demonstrates measures to avoid lighting impacts to foraging / commuting bats, which are likely present within the local area. This should summarise the following measures will be implemented:

- Light levels should be as low as possible as required to fulfil the lighting need.
- Warm White lights should be used at <3000k. This is necessary as lighting which emit an ultraviolet component or that have a blue spectral content have a high attraction effects on insects. This may lead in a reduction in prey availability for some light sensitive bat species.
- The provision of motion sensors or timers to avoid the amount of 'lit-time' of the proposed lighting.
- Lights should be designed to prevent horizontal spill e.g., cowls, hoods, reflector skirts or shields.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 170[d] & 175[d] of the National Planning Policy Framework 2019. The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy. In addition, the soft landscaping proposed should be informed by the Ecology Report recommendations and the management and aftercare of these features should be secured within a Landscape and Ecological Management Plan.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable subject to the conditions below based on BS42020:2013.

Submission for approval and implementation of the details below should be a condition of any planning consent.

Recommended conditions

1. ACTION REQUIRED IN ACCORDANCE WITH ECOLOGICAL APPRAISAL RECOMMENDATIONS

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecology Report (MHE Consulting Ltd, November 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g., an ecological clerk of works (ECoW,) to provide on-site ecological expertise during construction. The appointed

person shall undertake all activities, and works shall be carried out, in accordance with the approved details.”

Reason: To conserve Protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 and s17 Crime & Disorder Act 1998.

2. CONCURRENT WITH RESERVED MATTERS: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority.

The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species)

3. CONCURRENT WITH RESERVED MATTERS: BIODIVERSITY ENHANCEMENT STRATEGY

A Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority, following the details contained within the Ecology Report (MHE Consulting Ltd, November 2020).

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.”

Reason: To enhance Protected and Priority Species/habitats and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

4. PRIOR TO OCCUPATION: WILDLIFE SENSITIVE LIGHTING DESIGN SCHEME

A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).”

Environmental Health – Sustainability

“I have viewed the applicant’s documents particularly the planning statement where it acknowledges and confirms compliance with the core policies of Babergh District Council.

Therefore, I have no objection and if the planning department decided to set conditions on the application, I would recommend the following.

Prior to the commencement of development, a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and operational phases of the development shall be submitted to and approved, in writing, by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetable as may be agreed.

The Sustainability & Energy Strategy must be provided detailing how the development will minimise the environmental impact during construction and occupation (as per policy CS3, CS12, CS13, CS15 and NPPF) including details on environmentally friendly materials, construction techniques and use of renewable energy generation to minimise carbon emissions and reduced use of potable water (suggested maximum of 105ltr per person per day).

Babergh and Mid Suffolk Councils declared a Climate Emergency in 2019 and have an aspiration to be Carbon Neutral by 2030, this will include encouraging activities, developments and organisations in the district to adopt a similar policy. This council is keen to encourage consideration of sustainability issues at an early stage so that the most environmentally friendly buildings are constructed and the inclusion of sustainable techniques, materials, technology etc can be incorporated into the scheme without compromising the overall viability, taking into account the requirements to mitigate and adapt to future climate change.

With developments constructed with levels of insulation to just equal or slightly better the current building regulations' Part L requirements it is likely that they will need to be retrofitted with extra insulation and low carbon heating systems within a few years to meet the National milestones and targets leading up to zero carbon emissions by 2050.

With all future Sustainability and Energy Strategy the Council is requiring the applicant to indicate the retrofit measures and to include an estimate of the retrofit costs for the properties on the development to achieve net Zero Carbon emissions by 2050. It is also to include the percentage uplift to building cost if those measures are included now at the initial building stage. The applicant may wish to do this to inform future owners of the properties.

The document should clearly set out the unqualified commitments the applicant is willing to undertake on the topics of energy and water conservation, CO2 reduction, resource conservation, use of sustainable materials and provision for electric vehicles.

Details as to the provision for electric vehicles should also be included please see the Suffolk Guidance for Parking, published on the SCC website on the link below: <https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-developmentadvice/parking-guidance/>

Reason – To enhance the sustainability of the development through better use of water, energy and resources. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, has the potential to include energy and resource efficiency measures that may improve or reduce harm to the environment and result in wider public benefit in accordance with the NPPF. Guidance can be found at the following locations:

<https://www.babergh.gov.uk/environment/environmental-management/planningrequirements/> “

Environmental Health – Land Contamination

“Many thanks for your request for comments in relation to the above application. Having reviewed the application I can confirm that I have no objection to the proposed development from the perspective of land contamination. I would only request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also advise that the developer is made aware that the responsibility for the safe development of the site lies with them.”

Environmental Health – Air Quality

“Many thanks for your request for comments in relation to the above application. I can confirm that given the existing good air quality at the development site and the limited scale of development I have no objection to the proposed development from the perspective of local air quality management.”

Environmental Health – Noise/Odour/Light/Smoke

“The site is adjacent to a coach and lorry parking area, as well as Cobbolds farmhouse itself. The coach and lorry parking development was approved under B/13/11492, condition 3 of which states that “Occupation of the existing dwelling within the application site shall be limited to a person

solely or mainly working or, last working, in connection with the hereby permitted coach depot and overnight lorry parking facility, or a widow or widower of such person and to any resident dependant's". This condition was imposed to make any loss of amenity at the farmhouse as a result of activities at the lorry/coach parking facility more acceptable. I note that the proposed development appears to be under the same ownership.

The proposed development includes both class B2, B8 and E units, with hours of operation being unknown. Whilst I appreciate that a certain amount of loss of amenity due to noise may already exist at Cobbolds Farmhouse as a result of activities at the coach and lorry parking facility, the introduction of noise sources particularly from site B is likely to result in different noise sources both in terms of hours and in character (including potentially impulsive banging, crashing etc. associated with manufacturing and use of roller doors etc) as well as other mechanical sources such as air handling plant which may also be installed in site A.

If it is possible to attach a condition similar to that of condition 3 of B/13/1492 then this might be made acceptable. However, if this is not possible then I would strongly recommend that a noise assessment, based on BS4142 would be needed, prior to commencement of development, to establish a baseline noise level for the site, from which a rating level can be derived to apply to each unit upon occupancy. This will inform the types and nature of units acceptable based on operating hours and nature of work. I would consider such a control to be essential to the viability of this application.

I would also recommend that, in order to protect amenity, a condition be attached to the effect that 'Before the development commences a written scheme shall be submitted to and agreed in writing by the local planning authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The scheme shall be implemented prior to beneficial use of the approved development and maintained for the lifetime of the approved development and shall not be altered without the prior written approval of the local planning authority. The scheme shall provide that each pole/wall counted light must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical. All pole/wall mounted lighting shall be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 2.5/%. The submitted scheme shall include a polar luminance diagram (based on the vertical plane and marked with 5, 2, 1 and 0 lux contour lines), be submitted to and approved by the LPA. Note: The applicant's attention is drawn to the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011.

I would recommend that a condition be attached to any permission to the effect that all construction/site clearance works and ancillary operations, which are audible at the site boundary, or at such other place as may be agreed with the Council, shall be carried out only between the hours of 8am and 6pm on Mondays to Fridays and between the hours of 9am and 1pm on Saturdays and at no time on Sundays and Bank Holidays. Deliveries shall only be made during these hours.

I would therefore strongly recommend that a condition be attached to any permission to the effect that no development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The construction management plan shall include details of: -

- Operating hours (as detailed above)

- Means of access, traffic routes, vehicle parking and manoeuvring areas (site operatives and visitors)
- Loading and unloading of plant and materials
- Wheel washing facilities
- Hours of operation and vehicle movements
- Lighting
- Location and nature of compounds and storage areas (including maximum storage heights) and factors to prevent wind-whipping
- Waste storage and removal
- Temporary buildings and boundary treatments
- Dust management measures
- Noise and vibration management (to include arrangements for monitoring, and specifically for piling) and;
- Litter management during the construction phases of the development.

Thereafter, the approved construction plan shall be fully implemented and adhered to during the construction phases of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. Note: the Construction Management Plan shall cover both demolition and construction phases of the above development. The applicant should have regard to BS 5228:2009 Code of Practice of Noise and Vibration Control on Construction and Open Sites in the CMP.

Finally, I would also recommend that a condition be added to any permission to the effect that no burning shall take place on the site of the development.”

Heritage Team

“The Heritage Team have no comments to make on the above application.”

B: Representations

At the time of writing this report no letters/emails/online comments have been received. A verbal update shall be provided as necessary.

PLANNING HISTORY

REF: DC/20/03712	Screening Opinion - Proposed development for the use of 2.33ha of developable land for a business park comprising uses within class B1, B2 and B8 of the Use Classes Order 1987 (as amended), (Class E for the B1 elements after September 1 2020)	DECISION: EAN 23.09.2020
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PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1 The application site consists of a parcel of agricultural land situated approximately 1.9 miles from the centre of Hadleigh and less than a mile from the urban edge of the town.
- 1.2 The site is accessed off the A1071, which lies to the north. To the west lies the Kersey Freight haulier's yard and Beeston's Coaches depot.
- 1.3 The surrounding area is predominantly rural countryside with a large woodland to the north and north east on the opposite side of the A1071.
- 1.4 The site is not the subject of any landscape designations and is not within the setting of listed buildings or a Conservation Area and is relatively unconstrained; however, there is a Public Footpath that runs along the northern boundary of the site.

2.0 The Proposal

- 2.1 Outline planning permission is sought, with all matters reserved - save for access and structural landscaping, for the change of use of land for employment use Class B2, B8 and Class E business.
- 2.2 It is believed to be a speculative application, as the applicant has not identified any possible occupiers and has not associated the proposal with adjacent haulage activity.
- 2.3 The proposal seeks to provide up to 1,900 square metres of Class E (formerly B1) business space and up to 4,200 square metres of Class B2 and B8 buildings (a total of 6,100 square metres).
- 2.4 This leaves layout, scale, appearance and detailed landscaping for resolution at Reserved Matters stage should Outline planning permission be granted.
- 2.5 The existing access off the A1071 would be used and would be the singular vehicle access to the site.

3.0 The Principle Of Development

- 3.1 This committee report will look at the merits of this application in its own right, followed by the merits of the proposed land swap later (set out in section 4).
- 3.2 The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the Adopted Development Plan unless material considerations indicate otherwise.
- 3.3 The Council's Adopted Development Plan comprises:

Babergh Core Strategy (2014)
Babergh Local Plan Alteration No.2 (June 2006)

- 3.4 The proposed site is currently agricultural land and has not been allocated for development purposes, particularly neither employment uses within the Adopted Development Plan nor the Emerging Joint Local Plan, which is currently at Regulation 22 (Examination Stage). As such, the site is not considered to be appropriate or necessary for development purposes in the context of the planned allocations.
- 3.5 As required by paragraph 213 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. The closer the aims of a policy are to the NPPF, the greater the weight that can be attributed to them.
- 3.6 This report will therefore look at relevant Development Plan policies as its starting point and then move on to the Joint Local Plan which currently has limited weight as a material planning consideration and then NPPF.
- 3.7 Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11(d) of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need.
- 3.8 The proposed site falls outside the Built-Up Area Boundary for Hadleigh and is therefore considered a countryside location under Policy CS1 and CS2.
- 3.9 Local Plan Policy CS15 allows for development which respects the local context and character of the district as well as meeting a number of requirements as set out below:
- "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;
 - iii) protect or create jobs and sites to strengthen or diversify the local economy particularly through the potential for new employment in higher skilled occupations to help to reduce the level of out-commuting, and raise workforce skills and incomes;
 - iv) ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development;
 - v) retain, protect or enhance local services and facilities and rural communities;

vi) consider the aspirations and level and range of support required to address deprivation, access to services, and the wider needs of an aging population and also those of smaller rural communities;

vii) protect and enhance biodiversity, prioritise the use of brownfield land for development ensuring any risk of contamination is identified and adequately managed, and make efficient use of greenfield land and scarce resources;

viii) address climate change through design, adaptation, mitigation and by incorporating or producing sources of renewable or low-carbon energy;

ix) make provision for open space, amenity, leisure and play through providing, enhancing and contributing to the green infrastructure of the district;

x) create green spaces and / or extend existing green infrastructure to provide opportunities for exercise and access to shady outdoor space within new developments, and increase the connectivity of habitats and the enhancement of biodiversity, and mitigate some of the impacts of climate change e.g., enhancement of natural cooling and reduction in the heat island effect, provision of pollution sequestration for the absorption of greenhouse gases, and through the design and incorporation of flood water storage areas, sustainable drainage systems (SUDs);

xi) minimise the exposure of people and property to the risks of all sources of flooding by taking a sequential risk-based approach to development, and where appropriate, reduce overall flood risk and incorporate measures to manage and mitigate flood risk;

xii) minimise surface water run-off and incorporate sustainable drainage systems (SUDs) where appropriate;

xiii) minimise the demand for potable water in line with, or improving on government targets, and ensure there is no deterioration of the status of the water environment in terms of water quality, water quantity and physical characteristics;

xiv) minimise waste (including waste-water) during construction, and promote and provide for the reduction, re-use and recycling of all types of waste from the completed development;

xv) minimise the energy demand of the site through appropriate layout and orientation (passive design) and the use of building methods, materials and construction techniques that optimise energy efficiency and are resilient to climate change (e.g., resilience to high winds and driving rain);

xvi) promote healthy living and be accessible to people of all abilities including those with mobility impairments;

xvii) protect air quality and ensure the implementation of the Cross Street (Sudbury) Air Quality Action Plan is not compromised;

xviii) seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars) thus improving air quality; and

xix) where appropriate to the scale of the proposal, provide a transport assessment /Travel Plan showing how car-based travel to and from the site can be minimised, and proposals for the provision of infrastructure and opportunities for electric, plug-in hybrid vehicles, and car sharing schemes.

- 3.10 Whilst the proposal would potentially protect or create jobs through either the land swap with DC/20/04615 or on its own as a new employment site, there is no guarantee the application, if approved, would be implemented. It appears to be a purely speculative proposal. The application fails to meet a number of other criteria set out under Policy CS15.
- 3.11 The proposal does not seek to prioritise the use of brownfield land and as such does not make a positive contribution to the local character or existing landscape by way of development of a parcel of agricultural land. The proposal is in the countryside and not well connected in terms of cycles or pedestrians.
- 3.12 Within the Adopted Development Plan, policy EM01 states “Employment related development proposals which are not covered by other policies will be judged, in particular, against the expected job creation, the potential effect on residential amenity, environmental quality, traffic generation and road safety, and site accessibility by a range of transport modes. “
- 3.13 In addition Policy EM02 states “On the sites identified as General Employment Areas and new employment allocations, namely: Lady Lane, Hadleigh Land east of Lady Lane, Hadleigh (see Note 1) Crowcroft Road, Nedging Farthing Road, Sproughton Ballingdon Hill Industrial Estate, Sudbury Bulmer Road, Sudbury (see Note 2) Chilton Industrial Estate, Sudbury Church Field Road, Sudbury Woodhall, Sudbury (including its proposed extension) Brantham Industrial Estate (see Note 3) Waldingfield Road, Chilton and Former Sugar Beet Factory, Sproughton (see Note 4) planning permission will be granted for employment related development in principle. This will include the relocation of existing businesses from residential areas where these would be better located alongside other employment generating activities. Exceptions to this policy will include proposals likely to have an adverse impact on town (or village) centre vitality and viability. Proposals able to demonstrate a positive effect on town (or village) centre vitality and viability will be permitted.”
- 3.14 The application site does not fall within a defined general employment area as set out above (under policy EM02) as such there is therefore a presumption against the grant of planning permission for employment use.
- 3.15 Local Plan Policy EM08 states that “Proposals for warehousing, storage and distribution will be permitted at General Employment Areas and new employment allocations, subject to the acceptability of the location and characteristics of these sites. Proposals that take up

an excessive amount of land, or are more appropriately located elsewhere, for example at ports or closer to trunk roads, will be refused.”

3.16 Local Plan Policy EM20 states “Proposals for the expansion/extension of an existing employment use, site or premises will be permitted, provided there is no material conflict with residential and environmental amenity or highway safety”

3.17 Local Plan Policy EM24 states

“Planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. This may be undertaken in one of the two following ways:

1. by an agreed and sustained marketing campaign, undertaken at a realistic asking price; or
2. where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.”

3.18 As this site is not an existing employment site Policy EM24 is not relevant to the direct consideration of the merits of this application but may become relevant in the context of the consideration of the merits of the concurrent application (under reference DC/20/04615), particularly if it is material to consider the implications of a land use swap to facilitate residential use on what is an existing employment site. This statement is offered without prejudice to the proper consideration of the concurrent application and a comprehensive assessment of, amongst other things, the acceptability (or not) of the principle of a residential use and the loss of an existing employment site at Lady Lane.

3.19 In the context of Policy EM24, Members are advised that it is not part of the applicant’s case that the proposal, if successful, is intended to provide the adjacent bus company with space to expand. Consequently, it cannot be reasonably argued that EM24 is engaged on the basis that the proposed change of use of this greenfield site would allow an established local business to expand and grow without having to relocate to a new site or even outside the District.

3.20 It is noted that within the existing Local Plan and the Emerging Draft Joint Local Plan there are a number of designated employment land areas, some of which are already coming forwards for development along the eastern edge of Hadleigh.

3.21 Within the context of paragraph 11(d) of the NPPF, it is noted that a number of the Council’s Adopted Development Plan policies have been held to be out of date and where these relevant policies are out of date then Members are required to exercise the tilted balance with greater weight being afforded to the NPPF where adopted policies are out of date and no longer consistent with the NPPF.

3.22 The most relevant parts of the NPPF to look at first and in detail are:

- Section 2: Achieving Sustainable Development [which features the ‘Presumption in Favour of Sustainable Development’ at paragraphs 10 and 11; and,
- Section 6: Building a Strong, Competitive Economy.

3.23 Paragraphs 83 and 84 of the NPPF (Section 6) relate to the rural economy and could be classed as not particularly relevant as this site falls within what could be considered as the radius of influence of the urban fringe of Hadleigh as opposed to a strictly rural area.

3.24 Paragraph 80 of the NPPF includes a requirement that:

“...Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.....”

3.25 This application is in outline form and is entirely speculative, intended to assist with the facilitation of a new residential use elsewhere within Hadleigh on a site which currently benefits from existing employment use rights.

3.26 Any rationale for approving this proposal contrary to land use policy appears thin in terms of paragraph 80 unless the Committee determines that the benefits of securing a residential use on the existing employment site (DC/20/04614) are so significant that permission can be justified on this application site on the basis that it will create the conditions for businesses to invest, expand and adapt following the loss of the existing site (Lady Lane) from employment use and will not undermine the Council’s wider economic strategy, based on careful allocation of employment land to meet predicted future need.

3.27 Paragraph 81 of the NPPF states:

“Planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”*

3.28 As the application site is unallocated land, the proposal conflicts with subsections (a) and (b) above in so far as the proposal undermines the economic strategy of the Council.

3.29 In addition, there is no evidence to suggest that the proposal would facilitate employment opportunities of a type envisaged by subsection (d) above.

3.30 With regards to subsection (c), Members will need to carefully consider whether this application, when run concurrently with application DC/20/04615 for residential use on an

existing allocated employment site, would address the potential barriers to investment and so on.

- 3.31 The proposal is submitted as a speculative application with little to no details as to deliverability in terms of the demand for these premises in this location.
- 3.32 Members may consider that the purpose of this application is to make the residential application (DC/20/04615) a little more palatable and justified.
- 3.33 It is evident that there is no justification for this site to come forward as a departure from the Adopted Development Plan and the Council can demonstrate sufficient employment land allocated both within and around Hadleigh, including land being brought forward within the Emerging Draft Joint Local Plan.
- 3.34 The proposal is considered contrary to the Council's employment policies and the unjustified departure from Local Plan policy required to permit it is likely to undermine the overall effectiveness of the Council's stated Employment Strategy, which is to safeguard existing employment land and to direct employment to allocated sites, of which there are a number in Hadleigh.
- 3.35 The proposal is unacceptable and represents unnecessary and undesirable development in the countryside, the principle of which is harmful to the character of the countryside around Hadleigh.

4.0 Land Swap – First Application DC/20/04615

- 4.1 This application raises an interesting issue that is uncommon in terms of the normal material planning considerations that Members of the Committee are asked to take into account when determining the merits of an application.
- 4.2 On the one hand, it can be considered as a freestanding Outline Planning application, that falls to be judged on its own individual planning merits.
- 4.3 On the other hand, the applicant has indicated that the loss of existing employment land that arises from application reference DC/20/04615 (if the proposed residential development on the site at Lady Lane is approved) can be suitably re-provided through the grant of permission for this application under consideration (DC/20/01537).
- 4.4 In essence, what is potentially being proposed is a land swap of sorts albeit that the site under consideration with this application (DC/20/01537) is presently farmland whereas the site at Lady Lane (DC/20/04615) site is previously developed land.
- 4.5 Such a swap if approved would result in a net loss of greenfield land.

DC/20/05137 CoU to employment	DC/20/04615 CoU from employment to residential
GRANT	GRANT
REFUSE	REFUSE
GRANT	REFUSE
REFUSE	GRANT
NOTE: Depending on the need for a S106 permutations are likely also to include defer for the satisfactory completion of a S106, S106's or linked S106's. Members may also defer one, other or both for other reasons [e.g. additional information, legal advice etc]	

4.6

Members are perfectly at liberty to determine the two application independently or to link them as circumstances dictate, where the residential use is being accepted on the grounds that the existing employment land being lost will be adequately re-provided and where decisions are reasonable.

4.7 In this way a variety of outcome permutations exist:

4.8 Whilst the applicant is offering the potential of a land swap, with employment being allocated here at the Cobbolds Farm site, this is purely speculative. The Council can try to restrict residential development until new employment is delivered, however it cannot require the delivery of that employment use.

4.9 In addition, on the east side of Hadleigh, and within walking distance of the town centre, there is already largescale residential development under construction (the Weavers Meadow, Persimmon Site, with a further large allocation in the JLP (current application references DC/19/05419 and DC/17/03902). That allocation includes a large new employment area.

4.10 As such, strategically, both the new housing and the new employment sites are suitably catered for.

5.0 Nearby Services and Connections Assessment Of Proposal

5.1 The site is located outside of the Built-Up Area Boundary (BUAB) for Hadleigh, approximately 1.9 miles away from the town centre. There are no footpaths to the town centre from the site, and the A1071 is within the national speed limit (60mph).

5.2 The nearest bus stop is approximately 0.6miles to the west of the site; however, there is no footway or safe pedestrian access to this. Whilst the site is, therefore, considered to be within close proximity to Hadleigh, it is not considered to be well connected to the services and facilities offered, particularly for pedestrians or cyclists.

6.0 Site Access, Parking And Highway Safety Considerations

6.1 The existing access off the A1071, which currently serves both Beeston's and Kersey Freight, would be used and forms part of this Outline Planning application before Members.

- 6.2 The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. There is no evidence before Officers to indicate that the effect on the local transport network by traffic generated from the development would be severe.
- 6.3 The SCC Highway Authority has been consulted and it is noted that, due to the location of the development, encouraging travel by sustainable modes through a Travel Plan will be difficult for any future occupier because of the lack of surfaced walking and cycling links from the site to Hadleigh.
- 6.4 Despite the concerns raised by Hadleigh Town Council, Aldham Parish Council and Chattisham and Hintlesham Parish Council, the Highway Authority does not raise any concern with regards to the impact of the proposal on the highway, nor in respect to increased traffic levels, more generally stating that they consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking.
- 6.5 The proposal can provide safe and suitable access to the site for all users as per paragraph 108 of the NPPF and would not have a severe impact on the road network as per paragraph 109 of the NPPF.

7.0 Design And Layout [Impact On Street Scene]

- 7.1 As the proposal is Outline (with only access and structural landscaping to be considered), matters of layout and design are left to the Reserved Matters stage. However, it is beholden on the applicant to demonstrate that the desired quantum of development can be satisfactorily achieved.
- 7.2 The proposal would consist of up to 4,200 square metres of Class E floor space (formerly use class B1) and up to 1,900 square metres of Class B2 and B8 units.
- 7.3 The indicative layout submitted demonstrates that the site could accommodate this amount of development together with the appropriate amount of parking.

8.0 Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

- 8.1 Paragraph 170 of the NPPF states that the planning system should contribute to, and enhance, the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.
- 8.2 The structural landscaping forms part of this Outline application to be considered. The site already benefits from existing screening and a landscaping buffer to the front of the site; however, the proposal would seek additional planting along the south and western boundaries.

- 8.3 The previous developments and change of use of land established the creation of significant bunds to the site perimeter which are now established but could in some places take further landscaping on the top.
- 8.4 The proposed structural landscaping features are considered to act as a screen between the proposed development and the surrounding countryside.

9.0 Land Contamination, Flood Risk, Drainage and Waste

- 9.1 Environmental Health confirm that there is no objection to the proposal in this regard.
- 9.2 SCC Flood Water Management currently have a holding objection, as the applicant has not demonstrated that they have acquired the rights to discharge surface water in perpetuity.

10.0 Impact On Residential Amenity

- 10.1 The application is for outline only, with all matters reserved save for access and structural landscaping. As such, residential amenity is not a consideration at this stage. There is an existing residential dwelling situated to the northwest, which is tied to the use of the Beeston's Coach Depot under permission B/13/01492. The surrounding area is then predominantly agricultural fields with a number of residential properties approximately 800 metres away from the site.
- 10.2 Environmental Health – Noise/Odour/Light/Smoke have been consulted as part of the application and whilst it is noted that there is a certain amount of loss of amenity due to noise which already exists at Cobbold's Farm given the existing activities on the site, the proposed use of B2 and/or B8 is likely to result in different noise sources both in terms of the hours of noise as well as the character of the noise. As such, a noise assessment is required prior to commencement of the proposal in order to establish a baseline noise level for the site.

11.0 Planning Obligations

- 11.1 In view of the recommendation to refuse Outline planning permission there are no S.106 issues.
- 11.2 If Members are minded to grant permission for this proposal in isolation, then it is unlikely that any S.106 requirements will be necessary unless the site requires enhanced connectivity and travel plan contributions.
- 11.3 However, depending on the outcome of deliberation in respect of concurrent application reference DC/20/04615, and any requirement to link the phased redevelopment of both sites, there will be a requirement for a S.106 Agreement to control that process to ensure that the residential development does not occur without the replacement employment use coming forward. Members may also wish to seek the transfer of the employment land to the Council for £1 if it considers it is best placed to develop the site for employment uses.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1 The proposal as a stand-alone application is considered to be contrary to the Council's employment strategy and contrary to its policies protecting the countryside from inappropriate development. Not only is the proposal contrary to these policies, but it would also result in significant harm. That harm can be expressed as the undermining of the Council's well considered employment strategy as based on the appropriate Employment Land Needs Assessments. Allowing this unallocated site would prejudice the efficacy of the Council's planning policies, designed to bring forward allocated employment sites.
- 12.2 The proposal would also introduce alien built forms and associated activity into the countryside such as to harm the intrinsic nature of the countryside; at present neither Beeston's nor Kersey Freight introduces any significant permanent built form.
- 12.3 The fact that the proposal represents a departure from the Local Plan indicates that it is not economically or environmentally sustainable.
- 12.4 The proposal offers the potential of an unspecified number of new or even relocated jobs. The speculative 'outline' nature of the proposal, however, means that this benefit can only be given medium weight as there is presently no information as to its deliverability. This is not an application for an intended occupier who has identified this site for very specific operational reasons/requirements, nor is it a proposal to facilitate the expansion of an existing business.
- 12.5 Were the application approved, reserved matters submitted, a tenant found and the permission implemented then job prospects would be realised. As this is, however, a speculative proposal, a departure from the local plan cannot be justified on the grounds of commercial imperative.
- 12.6 Construction would create temporary construction jobs and this would carry some limited transitory weight.
- 12.7 Service and related jobs might also flow from the site coming into use and that too would attract moderate weight.
- 12.8 However, set against such benefits is the overriding harm that such a proposal will generate if approved.
- 12.9 It would undermine the Council's employment policies/strategy as described earlier and potentially stifle allocated sites in Hadleigh from coming forward because its policies are predicated on careful scrutiny of the likely future demand for employment space.
- 12.10 This harm is significant.

12.11 Furthermore, the harm to the character of countryside hereabouts is not justified, as the proposal does not represent sustainable development for the reasons discussed. Indeed, it may actually prejudice sustainable planned development from coming forward.

RECOMMENDATION

That the application is REFUSED planning permission for the following reasons:-

The proposal is outside of any Built-Up Area Boundary and is in a countryside location and in addition the site does not form part of any strategic employment land allocation. There is no justification for the site to come forward as a departure from the Adopted Development Plan for employment purposes and the Council can demonstrate sufficient employment land allocated both within and around Hadleigh including land being brought forward within the Emerging Draft Joint Local Plan. The introduction of new built-form, in the shape of various employment use buildings and associated commercial activity, will introduce alien elements into the landscape with the effect of harming the character of the countryside hereabouts. Furthermore, the introduction of significant development in this location would extend undesirable ribbon development along the A1071, potentially extending the urban area beyond the built-up boundary of Hadleigh very visibly from a main route into and out of the town from and to the countryside. On the east side of Hadleigh.

The Council is of the opinion that the proposed development is not sustainable from an economic and environmental perspective. The development of employment floorspace on this greenfield site outside of Hadleigh will, in the opinion of the Council, [i]undermine the efficacy of the Council's Adopted and Emerging Employment Strategy/strategic planning policies by competing with allocated sites thereby potentially prejudicing them from coming forward or remaining in employment use and [ii] result in unnecessary and unjustified harm to the character of the countryside and its ecological value. As such, the proposal is considered contrary to Local Plan policies CS1, CS2, CS15 EM01, EM02 and EM08 and paragraphs 80, 81, and 170 of the NPPF.