

Committee Report

Item 7A

Reference: DC/21/00407

Case Officer: Gemma Walker

Ward: Stow Thorney.

Ward Member/s: Cllr Terence Carter. Cllr Dave Muller.

RECOMMENDATION – GRANT PLANNING PERMISSION WITH CONDITIONS

Description of Development

Hybrid Application for the phased employment-led redevelopment of Land at Mill Lane, Stowmarket (Gateway 14) including: Full Planning for site enabling works phase comprising, ground remodelling, utility diversions, installation of framework landscaping, creation of new footpath links, installation of primary substation, highways works including stopping up of Mill Lane, new all modes link from the A1120 Cedars Link to Mill Lane, new footway cycleway over the existing A1120 overbridge, installation of toucan crossing on the A1120 Cedars Link, footpath connection to the Gipping Valley Way, foul and surface water drainage infrastructure, outfalls and associated works: Outline Planning Permission (all matters reserved, except for access) for the erection of buildings comprising employment and commercial use, open space and landscaping, car and cycle parking, highway works, and other associated works.

Location

Gateway 14, Land Between The A1120 And A14, Stowmarket, Suffolk

Expiry Date: 28/04/2021

Application Type: OUT - Outline Planning Application

Development Type: Major Large Scale - All Other

Applicant: Gateway 14 Limited

Agent: Miss Hannah Walker

Parish: Stowmarket

Site Area: 67.4ha

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

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: Yes (DC/20/01904)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee as the applicant is Gateway 14 Ltd, owned by the District Council.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
CS01 Settlement Hierarchy
CS02 Development in the Countryside & Countryside Villages
CS03 Reduce Contributions to Climate Change
CS04 Adapting to Climate Change
CS05 Mid Suffolks Environment
CS06 Services and Infrastructure
FC01 Presumption In Favour Of Sustainable Development
FC01_1 Mid Suffolk Approach To Delivering Sustainable Development
FC03 Supply of Employment Land
SB2 Development appropriate to its setting
GP01 Design and layout of development
HB1 Protection of Historic Buildings
HB13 Protecting Ancient Monuments
HB14 Ensuring archaeological remains are not destroyed
H16 Protecting existing residential amenity
CL08 Protecting wildlife habitats
CL09 Recognised wildlife areas
CL11 Retaining high quality agricultural land
CL12 The effects of severance on existing farms
E02 Industrial uses on allocated sites
E03 Warehousing, storage and distribution and haulage depots
E9 Location of new businesses
E10 New industrial and commercial development in the countryside
E12 General principles for location, design and layout
T02 Minor highway improvements
T04 Planning obligations and highways infrastructure
T07 Provision of public car parking
T08 Lorry Parking in Towns
T09 Parking Standards
T10 Highway Considerations in Development
T11 Facilities for pedestrians and cyclists
T12 Designing for people with disabilities
T13 Bus Services
RT04 Amenity open space and play areas within residential development
RT05 Recreational Facilities as part of other development
RT12 Footpaths and Bridleways
SC04 Protection of Groundwater supplies
SC06 Recycling centres

Stowmarket Area Action Plan:

Policy 4.1 – Presumption in Favour of Sustainable Development
Policy 4.2 – Providing a Landscape Setting for Stowmarket
Policy 7.1 – Sustainable Employment Sites
Policy 7.9 – Allocation
Policy 7.10 – Development Briefs
Policy 7.11 – Landscaping and Setting
Policy 7.12 – Transport – buses/cycle/walking
Policy 7.13 – Other site issues
Policy 7.14 – Infrastructure Delivery Programme
Policy 8.2 – A14 Trunk Road
Policy 9.1 – Biodiversity Measures
Policy 9.2 – River valleys
Policy 9.4 – River Gipping
Policy 9.5 – Historic Environment

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

Policy SP03 – Settlement Hierarchy
Policy SP05 – Employment Land
Policy SP08 – Strategic Infrastructure Provision
Policy SP09 – Enhancement and Management of the Environment
Policy SP10 – Climate Change
Policy LP12 - Employment Development
Policy LP17 - Environmental Protection
Policy LP18 - Biodiversity & Geodiversity
Policy LP19 – Landscape
Policy LP21 - The Historic Environment
Policy LP25 - Sustainable Construction and Design
Policy LP26 - Design and Residential Amenity
Policy LP28– Water resources and infrastructure
Policy LP29 – Flood risk and vulnerability
Policy LP32 - Safe, Sustainable and Active Transport
Policy LP33 - Managing Infrastructure Provision
Policy LA044 – Allocation: Land at Mill Lane, Stowmarket

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.

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area, falling instead within the Stowmarket Area Action Plan as detailed above.

The site has also been subject to an adopted Development Brief. The Mill Lane, Stowmarket (The Proposed Stowmarket Business and Enterprise Park) Development Brief was adopted as a supplementary planning document on 10th March 2014.

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

Officer Note: *Many of the consultation responses were received prior to the amendments to the NPPF 2021 published 20 July 2021 and therefore paragraph numbers in those comments may refer to NPPF 2019.*

Town/Parish Council (Appendix 3)

Stowmarket Town Council

The Town Council recognises that Gateway 14 is an allocated site for growth. It is identified within The Mid Suffolk Local Plan (the Stowmarket Strategic Development Area refers), the Mill Lane Development Brief (adopted as a supplementary planning document in 2014) and within the Stowmarket Area Action Plan 2013 (SAAP) (the Stowmarket Business and Enterprise Park paras 7.42 to 7.48 refer). As such, the Town Council has no objection to the principle of development on the site. Government planning policy also appears to presume in favour of developments such as Gateway 14, with National Planning Policy Framework (NPPF) para. 80 stating 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."

Equally however, there is an opportunity provided through the planning process to achieve a high quality development in Stowmarket, with NPPF para. 124 highlighting that:

" The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. "

In respect of the above, the Town Council believes that there are a large number of material planning considerations that the Planning Authority will wish to take into account in determining the planning application, and in respect of which, conditions and restrictions may be applied to any consent that the Planning Authority sees fit to grant.

The Town Council raises particular concerns in respect of:

Traffic and transport – that inadequate traffic planning has the potential to lead to congestion

Mixed development – Gateway 14 merely staging point and storage depot for the port, or if the link with the Freeport will create greater opportunities for the diversification of the site.

Masterplan providing a blueprint dominated by large units that would typically be used for warehousing and distribution.

Use class orders applied to protect mixed use including B2 and E classes along with B8

Mill Lane – Concerns this could become a rat run and there should be a revised road layout and traffic calming measures to avoid this.

Road layout at Clamp Farm not fit for purpose.

Car Parking – Provision for employees and overspill into Cedars Park

Lorry parking and potential for increase in roadside parking near to Gateway 14 with all the problems associated with this, in terms of public hygiene, waste management, littering etc

Noise reduction measures for site and roads servicing the site.

Design – Design not reflect the objectives of SAAP

Larger units of unprecedented size and scale

View from A1120 would have significant landscape impact not fully appreciated until built

Is this reasonable and necessary, or is it overly dominant and visually intrusive within the setting?

Low Carbon – Conditions to applied to ensure that the Low Carbon Study is implemented and Gateway 14 is an exemplar of good practice for carbon reduction and environmental protection.

Noise, Light and Air Pollution – site buffers need reinforcement with additional screening. Condition for advance tree planting proposed.

Hours for construction require a condition

Light pollution concern, condition to control and reduce light pollution

Construction phase significant air, noise and light pollution

Biodiversity – suggest conditions for net biodiversity gain

Connectivity – Travel plan does not identify coherent plan for journeys to work

Landscaping – do the proposals satisfy the requirements of the SAAP

Creeting St Peter Parish Council

Loss of amenity – Impact on physical and psychological wellbeing and displacing some existing habitats. Noise from construction, light pollution and increased risk of flooding.

Concern that mitigation leaves northward view, such that the view across the field would be of industrial and logistics buildings.

Development will be just 500 yards from housing in the core village.

Encourage further tree planting along the line of the A14, preferably to the north and east, that would offer mitigation to residents both at the northern and southern extremes of the core village, in addition to that proposed for the area designated as Planting Strategy Zone 4.

Design – Concern regarding building heights ranging from 54 metres AOD to 68 metres AOD, proposed levels are too high for the site, especially at the northern, more elevated end of the site, where the 68 metre AOD restriction is envisaged.

Buildings will dominate the landscape, and suggest reduction by 6m AOD across the site.

Traffic and Highways – Proposed 90° corner leads almost immediately on to another 90° corner. This road is already used as the primary access to the wider road network by heavy goods vehicles serving Poundfield Products. Recommend road layout altered to smooth the alignment and take traffic further from Clamp Farm and improve road safety.

Concern about traffic volumes along Mill Lane and Creeting St Peter in general and noting that there is a risk of traffic diverting through Creeting St Peter in order to avoid congestion and to access the south-eastern corner of the development.

Environmental and Biodiversity - Concern with the spoil from the southwestern corner, which may still be contaminated from materials used when the area was a cordite factory, which made munitions. If not carried out correctly, this could potentially impact on the flora and fauna.

Removal of established hedgerow along Footpath 1, impact on birds, mammals and insects.

Disappointed that the proposed relocation site for the Eurasian Skylark population is a 48 ha managed site at Kelsale, approximately 40 km away, and we would ask that an alternative site within the boundaries of Mid Suffolk be found.

The development site is close to Muntons where peregrine falcons have been seen. The area of Creeting St Peter has a population of kestrels, along with barn owls, that are monitored.

Creeting St Peter also has records of sightings of otters in both the River Gipping and the main village. There is a strong possibility that the otters are using the watercourses as a corridor, including the one that runs adjacent to the north east of the development site and flows under the A14. This gives further reason not to build so close to the watercourse and placing the bund further into the site. With the close proximity to the watercourse, a mature pedunculate oak and wooded areas, will only help enhance the biodiversity of the area.

Public Transport - No provision within the proposed road network for a bus stop, despite there being a realistic expectation that some of those employed on the site will not have access to a private vehicle. 0371/15 included condition to require bus stops.

Public Access – Whilst footpath moved away from the A14, the series of sharp bends proposed for the rerouting of FP1 CSP are unacceptable for cycling purposes.

Query proposed customs site, requiring secure fencing and controlled access. Given that footpath FP1 CSP will cross the site, regardless of the final route chosen, we would want to see a planning condition that protects its integrity as a through route, perhaps including some element of biodiversity to retain the route's attractiveness to users to some extent.

Noise Pollution and Potential Disturbance - Concern that initial access via Mill Lane will affect residents of the Clamp Farm cluster, as well as on residents of Cedars Park between Mill Street and the bridge over the A1120. If this is used as construction access propose limits on working hours.

Concern about the potential for increased disturbance from vehicle movements, especially from HGVs using the site, and industrial activity. Whilst the applicant assures us that the design will mitigate this, we would wish to see a proper assessment of current noise levels in order to have a basis for assessment of the ongoing impact of any development.

Light Pollution – Like to see planning conditions to protect the impact on the night sky and residents as well as wildlife.

Land Contamination - The site was principally for the manufacture of Cordite, a propellant for bullets and shells for the Boer War and First World War, from c1898 until c1919.

Stowupland Parish Council

Stowupland Parish Council OBJECTS to the application and would make the following comments:

No vehicles associated with the construction works to use A 1120 through Stowupland.

No deliveries to or from units within the development to use A 1120 through Stowupland.

All possible landscaping and planting to be completed before construction of any of the business units commences.

National Consultee (Appendix 4)

Highways England

Initial comments recommended that planning permission not be granted for a specified period, subsequent comments dated 26th July confirmed Highways England recommend that conditions should be attached to any planning permission that may be granted.

Discussions have been ongoing on this application since it was submitted back in January. It anticipated that a travel plan will prevent any adverse impact on the Strategy Road Network SRN. As part of the negotiations it has been agreed that if the peak hour trips breach a cap, to be agreed between the application and the highway authorities, based on the trip generations set out in the Transport Assessment (carried out by Richard Jackson Ltd and dated 14th January 2021), that an improvement as shown in outline on Richard Jackson Drawing No 60417/pp/013 A dated 17 May 2021 will be implemented and open to traffic within 24 calendar months of the cap having been breached. Any such improvement must be shown to comply with the provisions of the Design Manual for Roads, Bridges and/or any approved Departures from Standard.

1. No part of the development hereby approved shall be brought into use unless and until the Travel Plan has been approved in writing by the Local Planning Authority who shall consult with Suffolk County Council and Highways England as Highways Authorities.

The Travel Plan shall be in line with prevailing policy and best practice and shall as a minimum include:

- The identification of targets for trip reduction and modal Shift
- The methods employed to meet these targets
- The mechanisms for monitoring and review
- The penalties to be applied in the event that targets are not met (implementation of scheme shown in outline on Richard Jackson Drawing No 60417/pp/013 A dated 17 May 2021)
- The mechanisms for mitigation
- Implementation of the travel plan to an agreed timescale or timetable and its operation thereafter
- Mechanisms to secure variations to the Travel Plan following monitoring and reviews

Reason: To ensure that the A14 continues to serve its purpose as part of the national system for through traffic in accordance with Section 10 of the Highways Act 1980, and to satisfy the reasonable requirements of road safety on that route.

Environment Agency

Following our response referenced AE/2021/125855/01-L01 and dated 8 March 2021, the applicant has provided supplementary information to us. We are therefore removing our holding objection on flood risk. We therefore have no objections providing the condition raised originally on foul drainage is appended should the permission be granted and providing that you have taken into account the flood risk considerations which are your responsibility.

Natural England

No Objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England no longer requires an Agricultural Land Classification (ALC) survey.

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.

Network Rail

The developer must ensure that their proposal, both during construction and after completion does not:

- . Encroach onto NR land
- . Affect the safety, operation or integrity of the company's railway and its infrastructure
- . Undermine its support zone
- . Damage the company's infrastructure
- . Adversely affect any railway land or structure
- . Over-sail or encroach upon the airspace of any NR land
- . Cause to obstruct or interfere with any works or proposed works or NR development both now and in the future.

NR strongly recommends the developer complies with the following comments and requirements to maintain the safe operation of the railway and protect NR's infrastructure.

The applicant must ensure that any construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of/ or encroaching upon Network Rail's adjacent land and airspace. Therefore, any buildings are required to be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. This requirement will allow for the construction and future maintenance of a building without the need to access the operational railway environment.

Any less than 2m (3m for overhead lines and third rail) and there is a strong possibility that the applicant (and any future resident) will need to utilize Network Rail land and air-space to facilitate works as well as adversely impact upon Network Rail's maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Landscaping

Any trees/shrubs to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary as the species will contribute to leaf fall which will have a detrimental effect on the safety and operation of the railway.

Network Rail wish to be involved in the approval of any landscaping scheme adjacent to the railway.

Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The foul drainage from this development is in the catchment of Stowmarket Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

New Anglia LEP

New Anglia LEP welcomes the planning application ref. DC/21/00407 for the development of Gateway 14 recognising this site as a key strategic location on the A14 corridor to unlock and enable economic growth in line with the overarching Economic Strategy for Norfolk and Suffolk. In addition this site is well placed to support the aims and objectives of the Freeport East bid.

Part of the allocated site is designated as one of the Norfolk and Suffolk 'Space to Innovate' Enterprise Zone sites so 17 hectares of Gateway 14 is guided by a partnership between New Anglia LEP, Mid Suffolk District Council, Suffolk County Council and Central Government (MHCLG). This has a focus on specific activities and key sectors including agri-tech, food and health, digital and media as well as warehousing and distribution. The partnership would seek to work closely with the developer of the site.

It should be recognised that retail is not generally a sector that is supported by the Space to Innovate Enterprise Zone and we acknowledge that retail activity is currently not formally part of the main Gateway 14 proposals.

In terms of timeframes, we would recommend, where possible, development to occur within the Enterprise Zone area earlier on as part of phase 1 as this will enable the retention of business rates and the potential option for reinvestment to help deliver additional infrastructure and buildings, if and when required.

New Anglia LEP welcomes the indicative masterplan highlighting an area of Gateway 14 with a focus on innovation with a proposed complex of office buildings which could potentially provide accommodation for innovative businesses in those key sectors such as digital ICT. We would however suggest perhaps greater prominence for this cluster of buildings with a location closer to the main entry point of the site.

East Suffolk Drainage Board

The site is partially within the Internal Drainage District (100) of the East Suffolk Internal Drainage Board (IOB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on our website ([https://www.wlma.org.uk/uploads/ESIDB Byelaws.pdf](https://www.wlma.org.uk/uploads/ESIDB_Byelaws.pdf)), along with maps of the 100 ([https://www.wlma.org.uk/uploads/ESIDB Index plan.pdf](https://www.wlma.org.uk/uploads/ESIDB_Index_plan.pdf)). These maps also show which watercourses have been designated as 'Adopted Watercourses' by the Board. The adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the 100 and as such will normally receive maintenance from the IOB.

In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:

. I note that the applicant intends to discharge a proportion of the site's surface water to a watercourse within the Board's IDD to the south of the site. The proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. ([https://www.wlma.org.uk/uploads/WMA Table of Charges and Fees.pdf](https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf)).

. I note the presence of a riparian watercourse within the site boundary and within the Board's IDD, located within the southern portion of the site, and that works are proposed to alter this watercourse by culverting under the proposed footpath. To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

Officer Note: Land Drainage Consent is a separate process to planning. The applicant is aware that consent is required and confirms that it will be obtained prior to the relevant works taking place.

River Gipping Trust

We object to this proposal on the following basis:

1. The Applicant's Travel Plan incorrectly states that there are currently no pedestrian or cycle links to the site (para 4.9). In fact, there are two pedestrian links to the site: FP1 CSP to the north-east of the site; and FP23 CSP (part of the Gipping Valley Path) to the south-east of the site.

2. At p37 of the Design and Access Statement, the Applicant states that a new public footpath will be provided, linking the site to the River Gipping. We note that the Public Rights of Way Team from SCC state they would like to see this path dedicated as a PROW and added to the Definitive Map. They ask for it to be a minimum width of 2 metres and with an unbound surface in order to ensure it is accessible for all users, including those with buggies, wheelchairs, and mobility scooters. We support that proposal.

3. It follows that pedestrians and cyclists using this new path will need to continue their journey along FP23 towards either Stowmarket or Needham Market. FP23 CSP is currently only suitable for pedestrians and is frequently overgrown. To make it accessible for those with bicycles, buggies, wheelchairs and mobility scooters we recommend that it be upgraded to bridleway status. This could either be done by the County Council with funding under a s106 agreement, or by the developer under a s278 agreement. This upgrade will make access to the site by employees far easier without recourse to vehicles or public transport.

4. We note that the Applicant intends to discharge a proportion of the site's surface water to a watercourse to the south of the site and that works are proposed to alter this watercourse by culverting under the proposed footpath. This watercourse empties into the River Gipping and could lead to an increased risk of flooding further downstream. The proposed development will require land drainage consent before any work is undertaken.

Officer Note: Points with respect to the footpaths have been addressed with SCC, see SCC Highways PROW response.

Suffolk Constabulary

a) Advice for commercial business security can be found at: <http://www.securedbydesign.com/crime-prevention-advice/secure-your-business/>

b) If anything of a sensitive or security nature is housed or part of the business on site, it is strongly suggested that Suffolk Police's Counter Terrorism Security Advisor is contacted at email: CTSA@norfolk.pnn.police.uk

c) It cannot be stressed enough of the need to get security right at the start with good perimeter security, good security at the entrance and good security for all around the commercial units.

d) As the area will undoubtedly house new businesses with products of a varying nature, it will make this location and the fact it is so close to a good road system all the more likely to be a target for robbery, burglary and theft, as a result it is strongly recommended that Automatic Number Plate Reader (ANPR) cameras are obtained and through police assistance strategically placed around the area to reinforce security of the site and aid in the identification of any offender(s) and the return of any stolen goods.

e) As the surrounding area suffers from antisocial behaviour, mainly through antisocial driving it is strongly recommended that signage is strategically placed around the business car parks, warning such individuals that their vehicles can be confiscated under powers that relate to the Police Reform Act 2002.

f) Should the front of any buildings need reinforcing then it is suggested that some sort of anti-ram raid measures should be sort.

g) Access beyond reception areas should be controlled by automatic locking doors, or barriers controlled by the receptionists and reception desks should provide the receptionist with a clear view of the waiting area, the approach to the entrance door and have restricted access from the public side.

- h) The Commercial business unit walls should have built in materials designed to withstand attack and enhance security.
- i) Grilles and shutters can provide additional protection to both internal and external doors and windows.
- j) It would be appreciated to know how the established right of way will integrate with the site from a security point of view?
- k) All lighting should be designed as per BS5489:2013 standards.
- l) It is recommended that outdoor seating areas and other recreational spaces provided for the use of the employees or public must be carefully planned to reduce the risk of damage.

Suffolk Wildlife Trust

Satisfied with findings of Chapter 14, Ecology and Nature Conservation of the Environmental Statement (Penny Anderson, January 2021). Request that the recommendations made within the report are implemented in full, via a condition of planning consent.

Offsite Habitat Management Plan for skylark (Red Listed Bird of Conservation Concern in the UK and listed under Section 41 of the Natural Environment and Rural Communities (NERC) act2) should be delivered before any works commence.

Detailed mitigation statement required for Shepherd Needle (Red Data List Critically Endangered species in Great Britain and Endangered in England) and a financial provision to implement the management. The management should then be reviewed annually for the first five years after translocation, with further reviews every five years for the life of the development. Without such measures, the plant will be lost from the site.

This north western corner of the site lies directly adjacent to Roadside Nature Reserve 169, which is also a County Wildlife Site (CWS), designated for pyramidal orchid and sulphur clover (Nationally Scarce) therefore, it is important that this site is not impacted through disturbance, both during and post-construction and is suitably buffered. Whilst sulphur clover was not identified onsite within the Extended Phase 1 Habitat Survey (Penny Anderson, October 2020), during the survey and translocation required for shepherd's needle, mitigation measures for this species should also be considered if it is subsequently found occurring onsite.

A Biodiversity Enhancement Strategy should be produced, detailing how the enhancements made within the Ecological Assessment are to be incorporated within the development, including their locations.

A Landscape and Ecological Management Plan should also be produced, to detail how the habitats and open spaces on site are to be appropriately managed for biodiversity. These should be conditions of planning consent, should it be granted.

As foraging and commuting bats have been identified as potentially using hedgerows and trees adjacent to the site, then it is important that there is no light spill from external lighting and that dark corridors are retained around the site for the foraging and commuting bats. Therefore, a lighting should be a condition of planning consent, should permission be granted.

Integral swift nest bricks should be incorporated into buildings that are of minimum two storeys. The incorporation of swift nest bricks is an established way to enhance biodiversity within a development and

provide net gain. Therefore, we request that this is done to provide enhancement to this Suffolk Priority Species, whose numbers have seen a dramatic decline in recent years.

Suffolk Preservation Society

SPS acknowledges that the site has long been allocated for employment and commercial use and is being brought forward in the emerging joint local plan as allocation LA044. A Development Brief for the site was adopted in 2014 and we support in principle the development of this sustainably located site to provide a wide range of employment opportunities for the town.

Notwithstanding highways issues regarding associated increases in traffic on routes to and from the site which have been raised by other parties, SPS would like to make the following points regarding the proposed landscaping of the development which we consider falls short of the requirements set out in the adopted Development Brief.

Although detail of the commercial buildings on site is in outline form, industrial and commercial units are likely to be dominant and visually intrusive both in long views and from the residential scale Cedar's Park development nearby. Meaningful mitigation of the impacts of the development on its surrounding area through good design and effective landscaping is therefore vital. Accordingly, we welcome the Design Code accompanying this application which sets out the design approach to the future buildings on the site and includes a focus on the internal landscaping of the site.

In addition to this, however, SPS strongly encourages the LPA to ensure that the proposed landscaping to the boundaries of the site, as indicated on the landscape masterplan, is in accordance with the vision set out in the Stowmarket Area Action Plan (2013) and site Development Brief. A key aspect of the vision is set out in SAAP policy 7.11 which requires the landscaping of this site to satisfactorily address a number of criteria. These include limiting its visual intrusion into the open countryside by including a minimum of 40m of structural landscaping along the length of Cedars Link A1120 for each phase of development; addressing views in, out, and across the site; the important 'edge of town' setting; and potential light pollution issues.

It is disappointing to note from the Design and Access Statement that a 'landscape strip' around the site of only 'up to 20 metres width' is proposed. We consider that this is inadequate to soften the impact of large industrial scale buildings and urge that a minimum of 40m is provided in accordance with the Development Brief for the site. It is also disappointing that existing screening on the northern boundaries is considered sufficient to adequately screen the new development and that no further landscaping is to be provided. SPS consider that advance planting to strengthen existing landscape buffers should be sought to soften the impact of the development on views from the north including from alongside the A14.

SPS would also urge that the lighting of the site is carefully conditioned in order that illumination is limited to that required within the development, and light pollution of the night sky, when viewed from a distance, is minimal.

British Horse Society

No objection in principle.

The proposed stopping up of Mill Lane to create a cycleway excludes equestrians and the British Horse Society would object to any stopping up order that would stop up equestrian rights. All of the proposed footpath cycleways' as depicted on the indicative masterplan should include equestrians.

The toucan crossing proposed on the indicative masterplan should be amended to a Pegasus crossing to include equestrian users and allow them safe access across the A1120 and into Stowmarket itself.

County Council Responses (Appendix 5)

SCC Infrastructure

1. Transport issues. Refer to the NPPF 'Section 9 Promoting sustainable transport'. A comprehensive assessment of highways and transport issues will be required as part of a planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278, which will be addressed in a separate response by Samantha Harvey.

Suffolk County Council, in its role as local Highway Authority, has worked with the local planning authorities to develop county-wide technical guidance on parking which replaces the preceding Suffolk Advisory Parking Standards (2002) in light of new national policy and local research. It has been subject to public consultation and was adopted by Suffolk County Council in November 2014 (updated 2019).

2. Fire Service. Any fire hydrant issues will need to be covered by appropriate planning conditions. SCC would strongly recommend the installation of automatic fire sprinklers. The Suffolk Fire and Rescue Service requests that early consideration is given during the design stage of the development for both access for fire vehicles and the provisions of water for firefighting which will allow SCC to make final consultations at the planning stage.

3. Legal costs. SCC will require an undertaking for the reimbursement of its own legal costs associated with work on a S106 agreement, whether or not the matter proceeds to completion.

SCC Floods

Recommend approval subject to conditions:

Full application: implementation of strategy, verification report, construction surface water management plan

Outline application: surface water drainage scheme, verification report

SCC Minerals and Waste

The south of the site sits within the minerals safeguarding zone and is above the threshold of 5Ha outlined in policy MP1 0, of the Suffolk County Council minerals and waste plan, we would ask that as part of this development a series of trial boreholes and grading analysis of the minerals are carried out pre commencement. If it is found that there is sufficient material we would ask that the minerals be extracted prior to the development moving forward. If this is not economically viable we would ask that any material found on site which could be used in the construction of the site is used, providing that this is economically viable.

SCC Highways

Updated Comments:

Revision B Travel Plan dated 25/05/2021 has addressed the outstanding actions and the recommended planning condition within our response dated 20th May 2021 to secure its implementation prior to occupation is required.

S106 Contributions

£10k Travel Plan Evaluation and Support Contribution will need to be secured to cover SCC officer time for a 10 year period following on from occupation of the first commercial unit

PROW works to upgrade FP1 and FP25 to bridleway and improvements for FP57, a total of £109,100 contribution is required.

Initial Comments:

We have reviewed the Transport Assessment supplied with this application, the summary of our findings are as follows:

- The site already has planning permission for employment use totalling 166,215m². This application is for 227,830m².
- distribution to and from the development during the AM and PM peak hours with permitted development traffic flows were included in the model. Addison Way/Bramford Road junction, A1120/Gun Cotton Way roundabout, A1120/B1113 junction and the A14/A1120 Interchange all operate within capacity.
- The Suffolk County Transport Model (SCTM) has been used to assess the car and HGV traffic as a sensitivity test for the proposal • The proposed development layout will require Mill Lane to be 'stopped-up' from the A1120 overbridge to the new access road at the south eastern area of the site. There will be pedestrian and cycle links throughout the site. The traffic will re-route using the local road network.
- The new access road joins Mill Road near the Clumps Farm where there is a 90 degree bend. This area is narrow and difficult for large vehicles to pass at this location. It has been agreed with the developer all HGV signage will be signed towards A1120 so traffic travels west.
- A new toucan crossing is proposed on the southern arm of A1120 supplying a safe link for non-motorised users to the existing footway and cycle network.
- To keep private car use to a minimum, a Framework Travel Plan has been identified which would be provided and secured through planning condition/s106.
- With the proposed mitigation for highway improvements, we consider the proposal would not have an adverse impact on the public highway with regard to congestion, safety or parking. Therefore, the County Council as Highways Authority, does not wish to restrict the grant of permission.

Travel Plan comments –

- There is still no evidence of discussions with local bus operators to see if they would be willing to provide frequent bus services to the site, as the existing bus services are extremely limited. Evidence of this discussions need to be included in the Travel Plan as developer contributions may be required to secure these services. If not a shuttle bus measure should be considered as an alternative.
- There is some reference to a commitment in the Travel Plan to provide all units with suitable long-stay secure cycle parking (that is not publicly accessible) in paragraph 4.6. However there is no commitment to provide showers and changing facilities to also meet the requirements of LTN 1/20 and help guide the reserved matters process A revised Travel Plan or Highways Technical Note that takes into account the issues raised above will need to be submitted prior to the determination of this planning application. If the issues raised above can be addressed and consent is granted for this planning application, the following planning conditions are required to secure the Travel Plan.

PROW comments –

- Government guidance considers that the effect of development on a public right of way (PROW) is a material consideration in the determination of applications for planning permission. Local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered (Rights of Way Circular 1/09 – Defra October 2009, para 7.2) and that public rights of way should be protected.
- We do not object in principle to FP1 CSP being diverted (subject to the correct legal process being followed prior to any works being undertaken) as we maintain that this will provide a good sustainable route

into the site, and we are pleased to see that the Applicant has now updated their proposed route so as to remove the sharp bends. It is still unclear what will lie on either side of the proposed diverted route at the point where it runs between Plot 1500 and Plot 1600, however we understand that that is a matter for their Reserved Matters Application further down the line. Therefore, we are not currently in a position to say whether we object or not to the diversion of FP1 CSP. The route must not be constrained or obstructed, and must be accommodated within a sufficiently wide corridor to allow for a 3 metre wide path with space either side to enable maintenance to be carried out.

- While we still believe that a pedestrian / cyclist access point at the south-western corner of the site would be desirable to enable access from south Stowmarket and those areas south of Needham Road without the need to travel all the way to the roundabout and enter with the vehicular traffic, we understand that this may not be practical given the current highway layout and the lack of footway provision at this location.
- At p37 of the Design and Access Statement, the Applicant states that a new public footpath will be provided, linking the site to the River Gipping. We are very pleased that the Applicant has indicated their intention to dedicate this route as a public footpath and that it will be added to the Definitive Map. We would ask for it to be a minimum width of 2 metres and with an unbound surface in order to ensure it is accessible for all users, including those with buggies, wheelchairs, and mobility scooters.
- The Applicant has assured us that the Gateway Road will be built to our adoptable standard to reduce the future maintenance burden in relation to the PROW.
 - We are pleased to see that the Applicant is providing a link from the south-eastern corner of the site onto the Gipping Valley Path (FP57 Stowmarket). We would anticipate that the public and employees will use FP57 to access the site on foot, and therefore would like to see improvements made to the path.

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

Conditions:

Details of access and associated works to be agreed
Highways improvement works implemented prior to first use/occupation
Details of estate roads and footpaths to be agreed
No occupation until carriageways and footways provided
Parking details to be agreed
Travel plan to be agreed
Construction management plan

S106 request:

Travel plan contribution

PROW FP1 and FP24 upgraded to bridleway. These improvements can either be done:

- with s106 funding of £106,400 for SCC to carry out all of the works; or
- with s106 funding of £27,300 for SCC to carry out the clearance works, the fencing, install a new bridleway bridge at point C, and the legal works to upgrade to bridleway and widen the routes, with the Developer to undertake the surfacing under a s278 Agreement to a specification to be agreed with us.
- we would anticipate that the public and employees will use FP57 to access the site on foot, and therefore would like to see improvements made to the path.

These improvements are clearance works at places along the route between Stowmarket town and the proposed site, and a new footbridge at Point D on the plan. This would require a s106 contribution of £2,700.

Officer Note

The proposed parking condition is not necessary as the details of parking will be part of reserved matters.

SCC Archaeology

This site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). The majority of site has been subject to Geophysical survey and Trenched Archaeological Evaluation.

There is high potential for the discovery of additional below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

Discussions have been had with the developer and SCCAS regarding the areas for archaeological investigation and based on the submitted plans for this application, areas D and E (see attached plan) are shown to be partially impacted on by the development. Provided that ground disturbance is avoided, in the area of the site bund, and measures put into place to secure the preservation of archaeology, as set out in a management plan, then excavation under the bund will not be required. However, should any intrusive works be planned, then the area under the bund will need to be included within the excavation.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

SCC Fire and Rescue

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.

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 fire fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

If the Planning Authority is minded to grant approval, the Fire Authority require adequate provision is made for fire hydrants, by the imposition of a suitable planning condition at the planning application stage.

Internal Consultee Responses (Appendix 6)

Planning Policy

The application site is allocated in both Adopted Development Plans and the Submitted Babergh and Mid Suffolk Joint Local Plan, 2020 (Submitted on 31/03/21).

Whilst some of the existing policies pre date the NPPF, due weight should be given to them according to their consistency with the Framework (NPPF, para 213). Additionally, as set out in the NPPF paragraph 48, it is considered that the Local Planning Authority may give weight to the Submitted JLP (2020) and the supporting evidence in the determination of this application. This includes, where relevant, Part 1 strategic policies, Part 2 delivery policies and Part 3 Place and Allocation Policies (LA044) and have regard to the

JLP evidence base as appropriate (<https://www.midsuffolk.gov.uk/assets/Strategic-Planning/JLPExamination/CoreDocLibrary/JLP-Core-Document-Library-live.pdf>) in the determination of the above application.

- Stowmarket Area Action Plan (SAAP)

The Stowmarket Area Action Plan (SAAP), policy SAAP 7.9 states: *The site alongside the A1120 shown as the 'Stowmarket Business and Enterprise Park' in Map 7.2 and 7.3, is allocated for employment use (expected to be predominantly port related as indicated below), and open space, leisure and recreation. Other uses including Sui Generis Use and those within Use Class D commonly found on business parks will be considered.*

The SAAP included phasing for the development, however as set out in the application supporting statement (paragraph 4.7): *the masterplan has been designed to allow for all essential infrastructure to be delivered upfront within the detailed element of the planning application and there is no fixed phasing. Therefore, the scheme allows for different outline plots to be implemented subject to demand which ensures that the scheme is attractive to potential occupiers.* The proposed change to enable more flexible phased delivery is considered consistent with the overarching objectives and policies within the NPPF.

The SAAP also included indicative land use and development quantum. However, in the determination of this application there is a need to have regard to accommodating infrastructure requirements on and off site, the updated policy context and the recent legislative changes and flexibilities within the use class changes (The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020).

- The Submitted Babergh and Mid Suffolk Joint Local Plan

The Babergh and Mid Suffolk Joint Local Plan will supersede the SAAP and Mill Lane Development Brief once adopted. The full list of policies being superseded is set out in Appendix 03 of the Joint Local Plan. The JLP (2020) includes strategic policy SP05 - Employment Land and LA044 for the allocation of Land at Mill Lane, Stowmarket. Both of which refer specifically to the application site at Mill Lane.

Policy SP05 sets out the strategic policy approach for economic development. The policy makes provision to *support and encourage sustainable economic growth and ensure a continuous range and diversity of sites and premises are available to meet current and potential future economic needs and that strategic employment sites (which includes the application site at Mill Lane, Stowmarket) shall be protected and their proposed expansion supported in principle.*

To ensure the policy objective of supporting and encouraging sustainable economic growth is delivered in consideration of the changes to legislation on the use class order (2020), SP05 (4), sets out that *applications for full flexibility or for a single or flexible user involving one or more uses within Class E on the strategic employment sites will be considered on their individual merits. This will apply to all unimplemented extant relevant permissions (prior to September 2020) whether in full or in part. Prior to submission applicants should engage with the LPA to agree the required assessment work in support of any proposal.* This is also detailed in Policy LA044 (II) as set out below.

As set out in the applicants planning supporting statement (paragraph 2.16), in relation to retail, roadside and hotel uses, there has been engagement with the LPA through the pre application process. As the site is located more than 300 metres from the defined Primary Shopping Area for Stowmarket it is defined as out of centre in planning policy terms. Accordingly, Town Centre and Retail Impact Assessment work would need to be undertaken, to consider and understand the impacts from any out of town retail and town uses. The assessment would need to comply with the NPPF, paragraph 86 – 89 requirements. In order to

meet national and local policy objectives to ensuring the vitality of the town centres (in particular Stowmarket) the assessment should be based on the potential cumulative impact of uses on the town centre. Without information to determine the impact of retail and town centres, the principle of retail, hotel and roadside uses would be considered contrary to policy at this stage.

Policy LA044 (land at Mill Lane, Stowmarket) makes provision for a combination of employment, open space, leisure and recreational land use (including associated infrastructure) with development expected to comply with the following criteria:

- I. The relevant policies set out in the Plan;
- II. Applications for full flexibility or for a single or flexible use involving one or more of the uses within Class E will be considered on their individual merits. Prior to submission applicants should engage with the LPA to agree the required assessment work in support of any proposal
- III. Development is designed to conserve and where appropriate enhance Clamp Farm, Clamp Cottages, Badley Mill House (Grade II) Creting Hall (Grade II*) and Church of St Peter and (Grade II*) their settings;
- IV. An archaeological assessment and measures for managing impacts on archaeological remains are provided;
- V. An ecological survey, and any necessary mitigation measures are provided;
- VI. Developer should test the potential resources on the site to identify if prior extraction or use of the mineral on site is appropriate;
- VII. Rights of Way within the site and within the vicinity of the site should be retained and enhanced to enable access to the countryside and active transport;
- VIII. Provision of a transport assessment to determine existing and projected capacity and any mitigation required;
- IX. An ecological survey, and any necessary mitigation measures are provided;
- X. A flood risk assessment should be used to avoid and mitigate all forms of flooding in a sustainable manner; and
- XI. Contributions, to the satisfaction of the LPA, towards off-site road improvements including to the A14 (J50).

The site-specific criteria, as set out above, should be considered in the determination of the application.

Conclusion

The principle of the site for employment led development, as consistent with the adopted and emerging planning framework, is supported. Application DC/21/00407 and subsequent detailed proposals should comply with the NPPF, the adopted policy framework in accordance with the NPPF, paragraph 217 and the Submitted (Regulation) 22 JLP in accordance with the NPPF para 48.

Prior to determination of any future the retail, roadside and hotel uses, the necessary retail and town centre impact assessment work must be undertaken and considered, consistent with the NPPF para 86-90.

Officer Note: No retail, roadside or hotel uses are included in the application being proposed. These were mooted during pre-application considerations, but are not part of this application.

Infrastructure

The IDP of September 2020 provides an updated position from the previous IDP of July 2019, and it sets out both Babergh and Mid Suffolk's infrastructure requirements and priorities. It was published on the 12th

November 2020 as evidence which supports the Pre-Submission Regulation 19 Joint Local Plan. The IDP is an iterative document which is updated annually to reflect the changes in infrastructure capacities, requirements and priorities.

For the purpose of this response the content of the IDP has been considered together with the responses from infrastructure providers.

There are infrastructure needs for Stowmarket that are identified in the IDP, those most pertinent to this proposal focus on highways and transport mitigation relating to footways and cycle links as well as highways improvements. It is noted that the proposed new footway/ cycleway (within the planning application) over the existing A1120 overbridge and the installation of a new Toucan crossing on the A1120 will assist pedestrians and cyclists to safely cross over the A1120. It is understood that the overbridge and toucan crossing are to be delivered through Section 278 from the developer. Another recommendation of the County Council Highways team on the 12/02/2021 requires that the lower speed limit (30mph) is extended. It will be essential that this requirement is met to the satisfaction of the Highway's Authority. This is to be delivered through a unilateral undertaking between the developer and SCC Highways.

There are also clear recommendations by the County Council regarding the Travel Plan and Public Rights of Way. These will also be essential in improving connectivity and opportunities to increase walking and cycling. As such, one of the recommendations by Public Rights of Way state that an access point in the south-western corner of the site to provide access towards the town centre facilities will be needed.

These mitigation measures are not listed in the IDP, however they are justified by the Highways Authority, including Public Rights of Way, and should be secured through Section 106 or Section 278 where appropriate.

Officer Note: south-western access point investigated with applicant and SCC PROW/Highways and is not required.

Heritage

Updated Comments 12th May:

Among various reports a revised Heritage Impact Assessment is submitted.

The revision is limited to the summary description of the scale of the impact on the setting of the listed buildings nearest the site, Clamp Farm Cottages and Clamp Farmhouse. The HIA first submitted described the sensitivity of the wider setting of the buildings as 'moderate-high', and the overall impact on the setting as 'medium/high', the level of harm resulting to the significance of the buildings was described as 'medium'. In the HIA as amended, the sensitivity of the wider setting is described as 'moderate-medium', the overall impact on setting as 'medium' and the level of harm to significance as 'no more than medium'.

In my view the amendments make the HIA more coherent and robust in that these conclusions more faithfully reflect the analysis and reasoning throughout the preceding text.

In accordance with NPPF policies on Heritage, in the exercise of weighing and balancing planning considerations a lower level of harm in heritage terms would mean that the level of justification required in terms of public benefits might be correspondingly lower. But I would point out that my own conclusions on the level of harm in heritage terms correspond to the level now stated in the revised HIA.

Initial Comments 24th March:

I consider that the proposal would cause:

. less than substantial harm to designated heritage assets because it would detract from the spacious rural setting of the listed Clamp Farmhouse and Clamp Farm Cottages.

. The level of harm is rated not more than medium and will depend on such matters as layout and scale which are reserved.

I recommend that officers and/or members consider whether the degree of harm is clearly and convincingly justified by public benefits.

Ecology

We are still 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.

We also approve of the detailed soft landscape proposals in principle and support the proposed planting scheme and schedule. We note that the landscape plan is accompanied by Defra Biodiversity Metric 2.0 (December update) calculations undertaken by the applicant's ecologist, which demonstrate 13.59% gain for habitats and a 148.65% gain for linear features. Therefore, this assessment clearly demonstrates that measurable net gains for biodiversity will be achieved for this scheme, as outlined under Paragraph 170[d] & 175[d] of the National Planning Policy Framework 2019.

Conditions:

Construction Environmental Management Plan for Biodiversity including precautionary measures to avoid impacts to the nearby Roadside Nature Reserve '169' and County Wildlife Site (CWS) during the construction phase.

Method statement to secure translocation of Shepherds Needle seed to suitable receptor site, including ongoing monitoring and management measures at receptor site.

Skylark mitigation strategy secured by legal agreement as the proposed land is not currently within the applicants control.

Wildlife friendly lighting scheme

Landscape and Ecological Management Plan

Landscape

We welcome the amendments to the landscape parameter plans and are now satisfied with the proposed landscape specification and schedule.

The submitted Environment Statement (ES) Landscape and Visual Chapter (Chapter 9) addendum has been produced in response to our assessment comments and recommendations. The revised assessment includes separate assessments for Ancient Plateau Claylands LCT and Rolling Valley Farmland and Furze LCT, as well as a new assessment of the Valley Meadowland LCT receptor that concludes that there will be a minor adverse impact.

Unfortunately, the scale proposed in the matrix for significance (Table 9.5) is still not aligned with that agreed in the pre-application discussions and no justification for the change has been provided.

Furthermore, there are still discrepancies between the judgements of visual impact in Table 9.18 and Table 9.19 'Summary of Visual Significance Year 15' which should have been resolved prior to re-submission. Although we would still expect these issues to be rectified our overall judgement of the impacts on landscape and visual receptors would not differ. It is in our professional judgement that the proposed development would result in significant adverse harm to many of the landscape and visual receptors identified. However, the degree of adverse impact can be mitigated through the use of strategic green infrastructure, as proposed in the landscape parameter plans and therefore is deemed acceptable. Though, it's important to note that these green infrastructure measures are only effective if the implementation and establishment is monitored long-term to ensure success.

On this basis we would support the principle of this development, however we would advise our previous recommendations regarding the Design Code are taken into consideration prior to determination:

- The Design Code document provides little detail as to what will be expected of businesses as units develop. We would be expecting mandatory requirements to be in place to ensure specific measures are guaranteed. For example, soft-engineered on-plot drainage and green roof options should be advised. The use of swales, bio-retention areas and drainage ditches should be given priority over hard engineered options such as underground tanks.

In addition, minimal guidance has been submitted to set out the aspirations for the proposed building materials and colours. These are important development parameters that will either contribute or nullify the landscape mitigation measures being put in place. As Para 9.3.53 of the LVIA states "The wall materials should blend with the colours and textures of the landscape and should generally be dark green or brown, or black, grey green in colour, depending on the particular siting. The materials should be of a low-reflective finish. The roof of a rural building should be darker than the walls in order to help make the building appear smaller in scale. Green roofing or other "green" materials such as shingle will also be supported, where appropriate. The use of 'natural grey' fibre cement roof cladding or concrete blocks is unlikely to be acceptable in any instance"

If minded for approval, we would also recommend the following conditions are considered:

Full Application
Landscape and Ecological Management Plan
Implementation of Landscaping

Outline application
Landscape Management Plan
Landscaping Scheme

Officer Note: The proposed landscaping condition on the outline aspect is not required as landscaping would be considered under reserved matters.

With regards to the Design Code agent Avison Young have confirmed that 20% soft engineered drainage solutions can be provided, whilst the wording of the LVIA in respect of materials follows the BMSDC Joint Landscape Guidance. Materials will be chosen which have a low reflectance and utilise a range of colours to mitigate impact. The design code establishes basic design principles to provide coherence across the site, but that the details of external materials will be subject to reserved matters consideration.

Arboricultural Officer

I have no objection to this application subject to it being undertaken in accordance with the measures outlined in the accompanying arboricultural report, an appropriate condition should be used for this

purpose. Although a small number of trees are proposed for removal they are generally of limited amenity value and/or poor condition and their loss will have negligible impact within the wider landscape.

Environmental Health – Land Contamination

The applicant has now submitted a Phase II report by Richard Jackson (ref 60417) dated December 2020 that outlines the intrusive investigation undertaken at the site. The intrusive investigation demonstrates that the site has soils that are not likely to adversely impact the potential for the site to be redeveloped as proposed and as such I have no objections to the proposed development. I would advise that, as with any application, a watching brief is undertaken during all construction phases to ensure that no unforeseen ground conditions are encountered and if so are addressed appropriately and it would be recommended that the site consultants are brought in to assess any such unforeseen circumstances.

Environmental Health – Noise

I am satisfied with the dust assessment in the BWB report MKA2107 and the mitigation proposals. Please condition that the proposals within this document are complied with throughout the site enabling works. The noise plan in Document K mentions excessive noise and setting baseline levels at the boundaries for monitoring purposes.

In order to control noise and vibration from the on site works please add the following condition to any permissions granted:

Prior to the commencement of development, a Control of Pollution Act 1974 5.61 prior consent application shall have been submitted and conditions approved in writing by the local authority. These conditions shall be adhered to throughout the development.

Acceptable working hours are 0800-1800 Mon-Fri, 0800-1300 Saturdays only. Please amend the documents to reflect this

Document K also refers to BS 6228, this needs amending to B55228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites. I would however suggest that the following is included: The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228-1: 2009+A 1 :2014.

Environmental Health – Air Quality

Before commenting it should be noted that the air quality at and around the development site are very good in terms of pollutants prescribed under LAQM regulations – this is shown by background data provided by DEFRA and validated by diffusion tube monitoring undertaken by the district council within other areas of Stowmarket which show that air pollution in the town is consistently below the level that would require us to take action. It is against this background that we need to assess the impact of this development.

The applicant has submitted a quantitative assessment by BWB Consulting (reference : MCA 2107) of the impact of the development on nearby receptors and concludes that the impact on such development are negligible when set against Institute of Air Quality Management parameters and I can concur with this conclusion given the existing road capacity, proximity of receptors to main carriageways to and from the site and ease of access to the A14. Suffolk County Council Highways has confirmed that there is sufficient capacity on the roundabout at the A1120 and Thorney Way/Gun Cotton Way which would mean that vehicles are unlikely to be stationary for long periods of time. Clearly the exact impact of a development cannot be known at this stage until such time as operators of units are known but the applicant has

adequately demonstrated that there is sufficient headroom within the existing air quality to allow a development of the nature proposed to exist on this site with negligible impacts on sensitive receptors.

Environmental Health – Sustainability

I have no objection to the application and if the application is permitted I have suggested wording of a condition.

Waste Management

No objection. Ensure that the development is suitable for a 32 tonne Refuse Collection Vehicle (RCV) to manoeuvre around attached are the vehicle specifications.

The road surface and construction must be suitable for an RCV to drive on.

To provide scale drawing of site to ensure that access around the development is suitable for refuse collection vehicles.

Please provide plans with each of the properties bin presentations plotted, these should be at edge of the curtilage or at the end of private drive and there are suitable collection presentation points. These are required for approval.

Officer Note: As an outline application details of the internal access, turning and bin storage and collection for proposed end users is not included and would be subject to consideration at reserved matters.

Public Realm

Public Realm Officers note the inclusion of the 'amenity and biodiversity' zone and the biodiversity enhancements around the site. These are welcomed. Open spaces surrounding this proposed development should be treated as landscaping rather than accessible public open space though some areas serve as footpath or cycle corridors.

Public Realm Officers object to the block planting of the banks of the A14 slip road and A1120 junction, part of which is a Roadside Nature Reserve, as these areas already support large populations of Pyramidal Orchids and the Nationally scarce Sulphur Clover amongst other species. These existing banks require management to enhance the grassland habitats rather than dense planting which would destroy the existing grassland communities present.

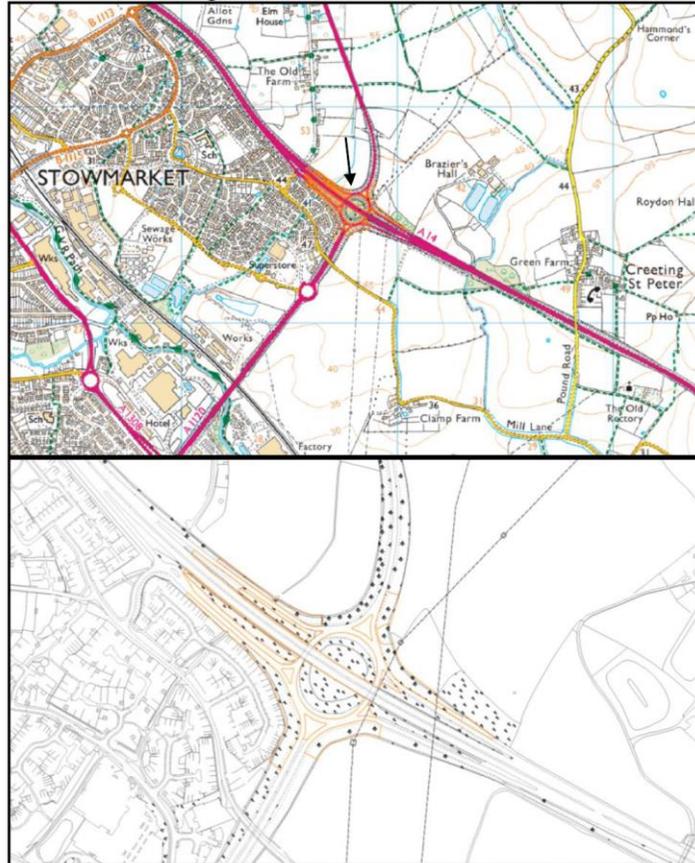
It is disappointing that skylark mitigation habitat has not been provided with the Mid Suffolk District Council area and is proposed near Saxmundham. Whilst providing suitable compensatory habitat is essential this location has no benefit to local bird populations whose habitat is lost nor will it be enjoyed by Mid Suffolk residents. Developers should be tasked with finding a suitable alternative site closer to the developed area.

Officer Note: The north-east corner of the site falls within part of the Stowupland/Creeping St Peter Roadside Nature Reserve No 169. Under this scheme the grass verges are individually managed, and have a specific management scheme tailored for the species present. Cutting is confined to September following flowering and seeding and grass verge cutting is not permitted outside this designated time.

The proposal for the area of the site within the RNR will not be subject to block planting. The edge will be a 3m wide wildflower mix, and can be mown in accordance with the September management. The Landscape and Ecological Management Plan (secured by condition) will include specific reference to the RNR and appropriate management.

The skylark management is as previously agreed and it is noted that Place Services Ecology raise no objection in this regard as this provides the appropriate mitigation. The applicants confirm that no alternative sites have been identified to date.

The RNR is indicated in orange.



All maps © Crown Copyright. All rights reserved. Suffolk County Council Licence No. 100023395

Mid Suffolk Disability Forum

The Mid Suffolk Disability Forum notes that the intention is to provide a development with safe, easy and inclusive access for all people. We welcome the inclusive approach and have no other comments to make.

B: REPRESENTATIONS

At the time of writing this report at least 100 letters/emails/online comments have been received. It is the officers opinion that this represents 71 objections, 1 support and 8 general comment (see note below). A verbal update will be provided as necessary.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

Views are summarised below:-

Conflict of interest, MSDC should ask the Secretary of State to call the application in, or should refuse the application and appeal the decision, allowing an Independent Inspector to determine the application
Determination should be by full Council not Planning Committee
Ignores Development Brief and SAAP

SAAP allocation was on the proviso that the remaining land be used for public open space, social, cultural and recreational benefits
Mill Lane Development Brief required public open space, including playing pitches to the North of the site and an ecological wetland area to the South-East of the site
No justification for any variation to the previous requirements
Different to innovation and technology hub
The current draft Local Plan says the land is for a combination of Employment/Open Space/Leisure/Recreation Land not included in this application
Contrary to the Babergh and Mid Suffolk Joint Landscape Guidelines
Clarity over floorspace/uses actually proposed
Out of character
Loss of agricultural land
Toucan crossing on A1120 not safe, will create bottleneck of traffic, under or over-pass proposed
Does not address traffic issues an impact on the surrounding area or network
24 hour traffic impacts
Insufficient parking causing issues on neighbouring residential areas
Lack of HGV parking and facilities
Travel Plan not realistic
Existing bus services non-existent
Poor cycle provision
SCC should produce Road and Footpath plan showing CIL contributions necessary for long term transport infrastructure
Traffic data out of date
Mill Lane design creates second bend
Concern about HGV movements, shunting and tonal reversing alarms
Impact on air quality and pollution
Loss of privacy from tall buildings
Height and landscaping crucial to protect amenity and heritage setting
Landscape belt not provided
Land contamination from old cordite site
Noise impacts, insufficient information
Impact of floodlighting, light pollution on night skies and wildlife
Concern about impact on downstream flooding and surrounding ditch network
Too focused on logistics/warehousing, not diverse development
Will not achieve jobs stated
No benefit to community
Does not address climate crisis
Loss of farmland and impact on wildlife
Impact on countryside views
Scale, height and materials not in keeping with rural location
Building heights twice or three times the maximum height of buildings previously agreed
The buildings heights do not comply with SAAP policy 7.11, para 7.48, impact on surrounding landscape
Visual impact, requires scale models to see the impact on the skyline
Bund would fail to screen buildings of height proposed
Height of innovation cluster limited to 6.5m to protect Clamp Farm, 13m now proposed
Heritage of Clamp Farm lost
Loss of trees
Detrimental effect on wildlife and habitat
Net biodiversity gain should be greater as existing value is low
Concerns for mitigation of skylarks
Site for European Brown Hare, no mitigation methods have been proposed
Habitat for otters, ecological assessment must ensure run-off does not affect the otter population

Habitat for Shepherds Needle plant,
 Loss of Stowmarket as a Market Town
 Lack of infrastructure
 Requires detail of air and water runoff quality
 Concern about any activities that could damage aquifer and water table
 Demands on health infrastructure should be included with this application

Cedars Park Residents Association:
 Concern over increasing warehouse logistics use
 Traffic generation and associated noise and disturbance
 Vital adequate parking is provided on site preventing spill over to the surrounding roads
 Construction works hours finishing 17.30 and Saturdays 12.30 must be adhered to
 Need for staff facilities to be provided
 No mention of transport hub or bus stops and routes to facilitate this
 The site needs effective screening especially the west side adjacent to Cedars Park
 Concern about the detrimental impact of 24 hour working
 The heights proposed are considered to be excessive
 How will carbon reduction plan work with HGV traffic as warehousing increases
 Number of jobs cannot be substantiated, and these will not be new jobs
 Automated warehouses will reduce the employees needed

PLANNING HISTORY

REF: DC/20/03246	Request for formal Environmental Impact Assessment (EIA) Scoping Opinion	DECISION: EIA 04.09.2020
REF: 0880/91/	PROPOSED ROUNDABOUT AND ASSOCIATED ROADWORKS.	DECISION: GTD 11.12.1991
REF: DC/18/05043	Application for Advertisement Consent - Erection of signage advertising new industrial/distribution units on available 70 acres	DECISION: REF 18.01.2019
REF: DC/19/01840	Application for Advertisement Consent - Erection of signage advertising new industrial/distribution units on available 70 acres (re-submission of refused application DC/18/05353)	DECISION: GTD 17.05.2019
REF: 0474/17	Screening Opinion in accordance with Regulation 5 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011 for a proposed commercial development at Land at Phase 2 of the Stowmarket Business & Enterprise Park, Mill Lane, Stowmarket	DECISION: EIA 03.03.2017
REF: 0556/93	EARTHWORKS AND INFRASTRUCTURE WORKS; LANDSCAPING (INCLUDING	DECISION: GTD 13.10.1993

SURFACE WATER BALANCING POND
AND PUMPING STATION FOR FOUL
SEWAGE).

REF: 0880/91/	PROPOSED ROUNDABOUT AND ASSOCIATED ROADWORKS.	DECISION: GTD 11.12.1991
REF: 0371/15	The Planning Application format is a hybrid application seeking: 1) Outline planning permission to establish the principle for employment development on 58ha, Mill Lane, Creting St Peter in accordance with SAAP Policies and the adopted Development Brief; with 2) Full planning permission for access (and associated sustainable urban drainage), and structural landscaping at Mill Lane, Creting St Peter	DECISION: GTD 20.06.2018
REF: 3675/14	Business park development	DECISION: EIA 24.11.2014
REF: 2627/14	Request for a scoping opinion for a Business Park development.	DECISION: EIA 11.12.2014
REF: 1421/07	Use of land and construction of building and hardstanding for storage, distribution (B8 uses) and general industrial (B2 Uses), with associated rail sidings, structural planting, flood compensation, surface water storage areas, means of access and associated parking and manoeuvring areas.	DECISION: WDN 21.06.2018
REF: 1582/17	Outline Planning Application with all matters reserved except Access for up to 13ha of business and industrial development (use Class B1a, B1b, B1c, B2 & B8), up to 540m ² floor area of use Class A4, up to 425m ² floor area of use Class A3/A5 and associated infrastructure & works, total proposed area 14.97ha.	DECISION: GTD 15.11.2018

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1 The application site is situated to the east of Stowmarket with the A14 to the north-eastern boundary and A1120 to the north-western boundary. The site extends south from the A14 & A1120 junction, is intersected by Mill Lane, and extends south to the railway line.

1.2 The site occupies a north slope which forms part of the Gipping Valley and is in agricultural use, predominantly Grade 3 agricultural land, with some of the north-western corner at Grade 2.

1.3 Neighbouring the site are the main London/Norwich railway line and Muntons to the South, between the railway line and the B1113, Cedars Park residential and commercial area to the west of the A1120 and Clamp Farm including Listed Buildings, and surrounding agricultural land to the east. To the north-east, across the A14, with interceding agricultural land is Creeting St Peter.

2. The Proposal

2.1. The proposal is a hybrid application. The outline aspect of the proposal is for employment and commercial development with all matters reserved except for access. A future reserved matters application(s) would be required to consider the appearance, layout, landscaping and scale.

2.2 The full part of the application is for enabling works comprising ground remodelling, utility diversions, framework landscaping, new footpath links, primary substation, highways works including stopping up Mill Lane, a new link from the A1120 to Mill Lane, a new footway cycleway over the existing A1120 overbridge, installation of toucan crossing on the A1120 Cedars Link, footpath connection to the Gipping Valley Way, foul and surface water drainage infrastructure, outfalls and associated works.

2.3 The site area extends to 67.4ha, and the proposal indicates development extending to approximately 227,830 sqm in a mix of use classes with B2 (general industrial), B8 (storage or distribution) and E(g) uses. Class E(g) uses were introduced following an amendment to the Use Classes Order (1987) in 2020. Class E(g) uses are defined as uses which can be carried out in a residential area without detriment to its amenity and are divided into; E(g)(i) offices, E(g)(ii) research and development of products or processes and E(g)(iii) industrial processes.

2.4 Details of layout, scale, appearance and landscaping (other than framework landscaping detailed in full part of application) would be subject to reserved matters applications. Notwithstanding that the matter of scale is reserved, details of heights/scale as maximum parameters have been provided to assess the potential impacts of the proposal and mitigation measures proposed.

3. The Principle Of Development

3.1 The starting point for determination of any planning application 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 plan unless material considerations indicate otherwise. A key material consideration regarding the principle of development is the National Planning Policy Framework (NPPF).

3.2 The NPPF requires the approval of proposals that accord with an up-to-date development plan without delay, or where there are no policies, or the policies which are most important are out of date, granting permission unless the NPPF policies provide a clear reason for refusal, or adverse impacts of doing so would demonstrably outweigh the benefits. The age of policies itself does not cause them to cease to be part of the development plan or become “out of date” as identified in paragraph 219 of the NPPF. Significant weight should be given to the general public interest in having plan-led decisions even if the particular policies in a development plan may be old, and weight can be attributed to policies based on their degree of compliance with the policies in the NPPF.

3.3 The application site is allocated in the Core Strategy Focused Review as an employment site in order to meet the target for additional jobs. Furthermore the Stowmarket Area Action Plan (SAAP) Policy 7.9 allocates the application site for employment use, subject to the submission of a development brief required by SAAP Policy 7.10.

3.4 In compliance with SAAP Policy 7.10 a Development Brief has been formulated for the application site. The Mill Lane, Stowmarket (The Proposed Stowmarket Business and Enterprise Park) Development Brief was adopted as a supplementary planning document on 10th March 2014. This preceded planning applications 0371/15 and 1582/17 both of which were considered having regard to the Development Brief. It should be noted that there were areas of non-compliance of these applications with the expectations of the Development Brief, such as the planting north of the A14 which was not included in either application.

3.5 Neither 0371/15 or 1582/17 permissions have been delivered, and the proposal now looks to update the development scheme for the site. An illustrative masterplan has been submitted as part of the application providing a comprehensive design solution for the site which updates the proposed design, whilst maximum parameters provide the basis of the proposal and the application is considered accordingly. Nonetheless the Development Brief is an adopted document and a material consideration, so due regard should be had to this document in the consideration of this proposal.

3.6 The Babergh and Mid Suffolk Joint Local Plan (JLP) was formally submitted to the Secretary of State for Housing, Communities and Local Government for independent Examination on 31 March 2021. The development of the site is supported by JLP policies SP05 and LA044 which allocate the site for employment, open space, leisure and recreation land use (with associated infrastructure), continuing the expectation that this site will deliver employment land. As noted by the consultation from Planning Policy as set out in the NPPF paragraph 48 Local Planning Authorities may give weight to relevant policies in emerging plans, according to the stage of preparation, unresolved objections and the degree of consistency with the NPPF. At the time of writing the draft JLP attracts limited weight but is noted as continuing the thrust of the existing development plan.

3.7 In addition there are planning permissions 0371/15, relating to the part of the site to the south of Mill Lane and 1582/17 for the part of the site to the north of Mill Lane, which are a material consideration and establish the principle of employment development on this site.

3.8 In the light of the existing policy allocation of both the Core Strategy Focused Review and SAAP, and the proposed allocation under the JLP the proposal is considered to be acceptable in principle.

4. Proposed Use and Area

4.1 The proposal is in outline in this respect but includes the change of use of the land for the erection of buildings comprising employment and commercial use. The uses are detailed as B2 (general industrial), B8 (storage or distribution) and E(g) uses. As noted above E(g) uses, were introduced following an amendment to the Use Classes Order 1987 in 2020. These uses are essentially equivalent to the B1 use “as was” and include offices, research and development and some industrial processes.

4.2 SAAP Policy 7.9 sets out the expected use classes of the site, being B1 offices, ‘other business units’ and warehouses, essentially B2 and B8 uses. The policy also allows “*other uses including Sui Generis Use and those within Use Class D commonly found on business parks will be considered.*”

4.3 Whilst there has been an amendment to the Use Classes Order in the interceding period the proposed uses nonetheless accord with the equivalent uses set out in SAAP policy.

4.4 The policy anticipated amounts of each type of use, with 4ha of B1, 10.5ha of other business units and 25ha of warehouses. The proposal divides the site into 4 plots, with some distinction between the uses:

Plot	Plot Size (ha)	Proposed Use(s)
Plot 1000	22.47	E(g)/B2/B8
Plot 2000	3.6	E(g)/B2/B8

Plot 3000	3.29	E(g)
Plot 4000	23.71	E(g)/B2/B8
Total	53.07	

4.5 This would provide one plot of 3.29 ha in E(g) use, just short of the 4ha expected, but equally does not propose to limit this use elsewhere on the site. The SAAP policy furthermore is confirmed in paragraph 5.1.3 as indicative land areas and as an approximate guide to the proportions appropriate to each use. As such the proposed mix of uses in this application is not considered unacceptable.

4.6 Given the allocation for employment development on this site and in light of the flexibility to change within the 'E' use classes, which include E(a), formerly A1, E(b) formerly A3 and former A2 uses, more akin to uses which might be expected to be seen in a high street, along with indoor sport and recreation facilities, medical or health services and creche/nursery uses it is considered appropriate to limit the change of use permitted development rights on the site. It is proposed to limit the uses to E(g), B2 and B8, unless they have been subject to an express planning application in that regard, and to E(g) only on Plot 3000.

4.7 With respect to the overall amount of development proposed on the site the Core Strategy and SAAP provided for 39.5 ha. However, the emerging Joint Local Plan extends this to 52ha. The application site extends to 67.4ha and the proposed development area extends to just over 53ha. As such, whilst the current adopted policies did not anticipate quite this extent of development on the site this is anticipated by the emerging Joint Local Plan, and limited weight should be given in this regard to the updated evidence base and Infrastructure Delivery Plan on which this assessment for site allocation is based.

5. Nearby Services and Connections Assessment Of Proposal

5.1. The application site is adjacent to Stowmarket, separated by the A1120. The proposed access to the site includes a new junction from the A1120 roundabout onto the site, and a pedestrian crossing to the A1120. In addition, the existing Mill Lane bridge will provide a further opportunity for pedestrian access.

5.2 There are a number of cycle routes including shared footway/cycleways that provide access through Cedars Park or via the A1120 to Stowmarket and Needham Market and to the town centre and railway station. These also provide convenient connection for cyclists from other residential areas of the town.

5.3 These routes will provide access to the services and facilities in Stowmarket, including the wider connections via the railway. In addition, it is noted that Tesco, McDonalds and Costa Coffee are immediately adjacent, providing many of the associated facilities which may be required by employees.

6. Site Access, Parking And Highway Safety Considerations

6.1. The proposal includes consideration of the access to the site, as well as full details being sought for new footpath links, a new access link from the A1120 to Mill Lane, stopping up Mill Lane, a new footway cycleway over the existing A1120 overbridge, toucan crossing on the A1120 Cedars Link and footpath connection to the Gipping Valley Way. Matters of parking and further internal access within the site would be considered under reserved matters.

6.2 With regards to the proposed access the proposal is to create a new access from the A1120 roundabout onto the site, and a road through the site, joining up with Mill Lane. Mill Lane itself would be stopped up between the new road access and the existing bridge over the A1120, although this would remain available for pedestrian and cycle use. This is much as envisaged by the adopted Development Brief, albeit neither of the extant permissions secured this in full due to land ownership issues. Now that the site is in a single ownership the proposal can secure both the closure and new route for Mill Lane to the A1120.

6.3 It is noted that concerns have been raised about the new access road joining Mill Lane near Clamp Farm where there is a bend in the road. However, SCC Highways raise no objection to the proposal. It is anticipated that the majority of the traffic from the site would come via the A1120/A14 and it has been agreed with the developer that HGV signage will be towards the A1120. This signage along with the design of the access points from each individual site can be further considered at reserved matters stage to encourage traffic to use the A1120. Furthermore the use of Mill Lane/Pound Road will be controlled by the Travel Plan and Construction Management Plan which will promote use of the A1120 and A14 to access the site.

6.4 The proposal also includes a new toucan crossing across the A1120, providing pedestrian access directly from the site into Cedars Park. This is as previously proposed and approved under 0371/15.

6.5 In respect of the footpath connection to the Gipping Valley Way this is much as set out in the Adopted Development Brief, which requires:

“Cycle and pedestrian traffic entering the site from the Mill Lane road bridge in the north east will be connected through the site by new tree lined pathways to the existing Gipping Valley footpath in the south west corner of the site providing a circular route back to Stowmarket town centre. Additional cycle /pedestrian links to the north west corner will provide enhanced public footpath access under the A14 to Creting St Peter through Phase 2 land.”

6.5 Furthermore a Framework Travel Plan is secured by condition and S106 which would support sustainable access measures for the site. Contributions to both the Travel Plan and for works to PROW are proposed to be secured by S106.

6.6 Consultation has been undertaken with both Highways England and SCC Highways. Neither raise objection to the proposal subject to conditions.

6.7 The Design and Access Statement confirms that parking will be provided to Suffolk Guidance for Parking (2019) and includes specific numbers of parking spaces. This will be considered at reserved matters stage, and each application will be expected to comply with the current parking standards at the time, including in respect of electric vehicle charging points.

7. Design And Layout

7.1. As noted above the site has been the subject of a Development Brief, and this was adopted. Nonetheless an illustrative masterplan and parameter plan have been submitted as part of the application, providing a comprehensive potential design solution for the site, and the proposal is considered accordingly. Nonetheless the Development Brief is an adopted document and a material consideration, so due regard is had to this document.

7.2 Both the adopted Development Brief plan and submitted Illustrative Masterplan are provided below for reference, although only the full part of the current application such as the access from A1120 to Mill Lane and strategic landscaping are for approval, the remaining details remain illustrative.



7.3 As noted above in respect of highways the proposal includes a new access from the A1120 roundabout through to Mill Lane and the closure of Mill Lane in accordance with the adopted Development Brief. This was not finalised under the extant permissions as a result of different land ownership and relied on both sites coming forward. This is a positive step in developing the site, ensuring that the proposal will provide one access through the site to the A1120 and A14 and closing the vehicular access from Mill Lane into Stowmarket.

7.4 In addition now that the site is under one ownership the phasing requirement for the southern part of the site to be followed by land to the north of Mill Lane and how to seamlessly develop the site as one cohesive development are not at issue. A phasing condition would adequately control the development of the site to limit development of random parcels, but allow freedom for the site to come forward subject to demand where possible.

7.5 Whilst the masterplans are clearly different, in general both provide a solution for developing the site for employment purposes. There are however several areas in which the current proposal and allocated/Development Brief site do not align, to the north, Area 15 adjacent to the A14, Areas 9 and 10 landscaping belt, and to the south-east, Area 4 adjacent to the railway line and Area 11 possible recreation ground.

7.6 Area 15 was set out in the Development Brief as “offsite Phase 2 planting belt”. This was anticipated as mitigation for the area of the site north of Mill Lane. However as with consent 1582/17 this land is outside the control of the applicant. At the time of application 1582/17 being granted the associated LVIA was considered to demonstrate that views to and from the site would be screened by the proposed landscaping and was not considered unacceptable in this regard. Areas 9 and 10 were also proposed to provide a landscaping belt to mitigate the impact of the proposed development, but this was also varied in application 1582/17 and as long as appropriate landscape mitigation is secured by condition this is not considered unacceptable. This is considered further in the landscape assessment below.

7.7 With regards to the wetland area, shown in Area 4, this was secured by application 0371/15, with public access. However, with regards to application DC/21/00407 the majority of this land is not within the application site or the ownership of the applicant, and a reduced area proposed. As such, whilst SAAP policy 7.11 requires landscape proposals to satisfactorily address a designated wetland area, and indeed provision of a planting scheme to the north-east of the site, provided that the mitigation proposed adequately addresses the proposed development and this development does not prevent either Area 4 or Area 15 being delivered in the future, this is not considered to alter the planning merits of the proposal, provided adequate and appropriate mitigation is provided, as considered in the landscape section.

7.8 Area 11, shown in orange was defined for possible recreation ground. However, the Development Brief accepts that this should be provided 'if desirable'. This is not proposed within the application. It is noted that it was not proposed under applications 0371/15 or 1582/17, although a commuted sum was secured via S106 in both cases. As such the lack of provision of itself is not considered unacceptable, and assessment of the mitigation necessary in this regard is further considered in the Planning Obligations/CIL section.

7.9 In the light of all of the above the departures in this proposal from the adopted Development Brief are not considered to be unacceptable such as to warrant refusal in that respect, provided appropriate mitigation is secured as described.

7.10 Although illustrative plans are provided which detail the proposed development the layout, appearance, landscaping (apart from framework landscaping) and scale would be subject to consideration at reserved matters stage. Only the design and layout of the full part of the application is for consideration at this point in time, being **framework landscaping, footpath links, substation, highways works and drainage infrastructure**, which are assessed in further detail in the relevant sections. It should be noted that a Design Code has been submitted to set parameters for future development.

7.11 The proposed Design Code sets out the proposed principles for future development of the site, so that any future Reserved Matters proposals will have a framework to inform and guide them. All proposals would nonetheless be subject to full consideration at reserved matters stage. The parameters proposed includes materials details and a palette for reference.

7.12 In respect of any **logistics/industrial buildings** materials are proposed as cladding in either composite, pre-cast concrete metal profile or rainscreen cladding, in a mix of dark and light colours and brickwork in a light colour. Detail for paving, parking and service yards is also detailed. The light colour brick and rainscreen cladding reflects references in the Development Brief to a light buff brickwork, whilst cladding was also anticipated.

7.13 For any proposed **office buildings** materials are proposed as composite cladding, rainscreen cladding curtain walling and brickwork, all in lighter colours and as above buff brickwork, reflecting the expectations of the Development Brief.

7.14 Whilst this does not set a specific brick type for example or a palette of colours beyond some limited examples it does nonetheless provide an expectation for reserved matters proposals. A condition to ensure compliance with the Design Code, and some further details, as suggested by Place Services Landscape to ensure that the proposal supports the landscape mitigation measures will ensure that there is a code to work to and specific details further set out in the condition which can be assessed at reserved matters stage.

7.15 The use of the Design Code would offer a cohesive plan for the development and reflect the expectations of the Development Brief.

8. Scale

8.1 The proposal includes some ground re-modelling in the full part of the application. The scale of the buildings would form part of the reserved matters for future application(s). Notwithstanding this consideration at reserved matters stage details of the heights/scale relative to likely ground works should be considered at this point given that the mitigation landscaping is proposed as part of this application.

8.2 In respect of the ground re-modelling included in the full part of the application this extends to works to the site perimeter whilst the levels of the plots themselves remains indicative. Re-modelling is proposed to the periphery of the site, essentially as part of the strategic landscaping, along with a bund to the Clamp Farm boundary. This provides for further screening by changing the expected ground levels of the strategic advance landscaping, in expectation of the need to create development platforms on the site as shown in the indicative details, whilst also allowing for advance planting prior to any change in levels which might be associated with the building works.

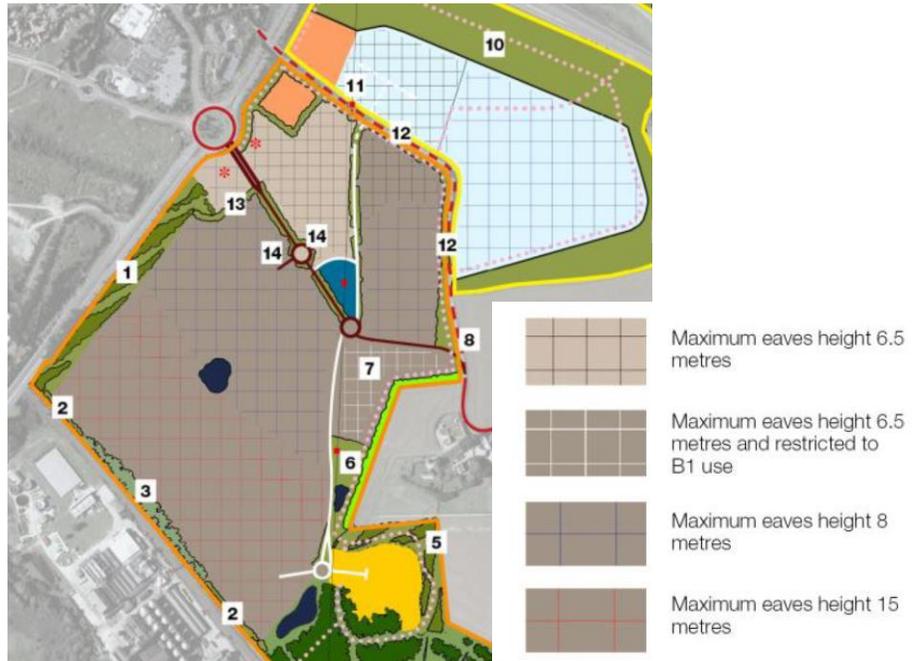
8.3 Turning to the wider ground levels, and scale of the proposed buildings, the adopted Development Brief sets out that site access point is at 43AOD, with much of the southern section of the site situated at 27-30m AOD. The Development Brief goes on to state; *“The Southern boundary of the site – and the entire vista of this section of the Gipping Valley- is dominated by the Maltings complex with its silos, storage buildings and chimney rising to a height of circa 67m AOD.”*



Indicative Site Levels Diagram from Development Brief

8.4 This assessment of the site topography and surrounding uses informed the consideration of the Development Brief that the southern ‘sunken’ part of the site would be more appropriate for warehousing activity requiring tall buildings, whilst the east is more open and rural in nature, suggesting development of a lower intensity.

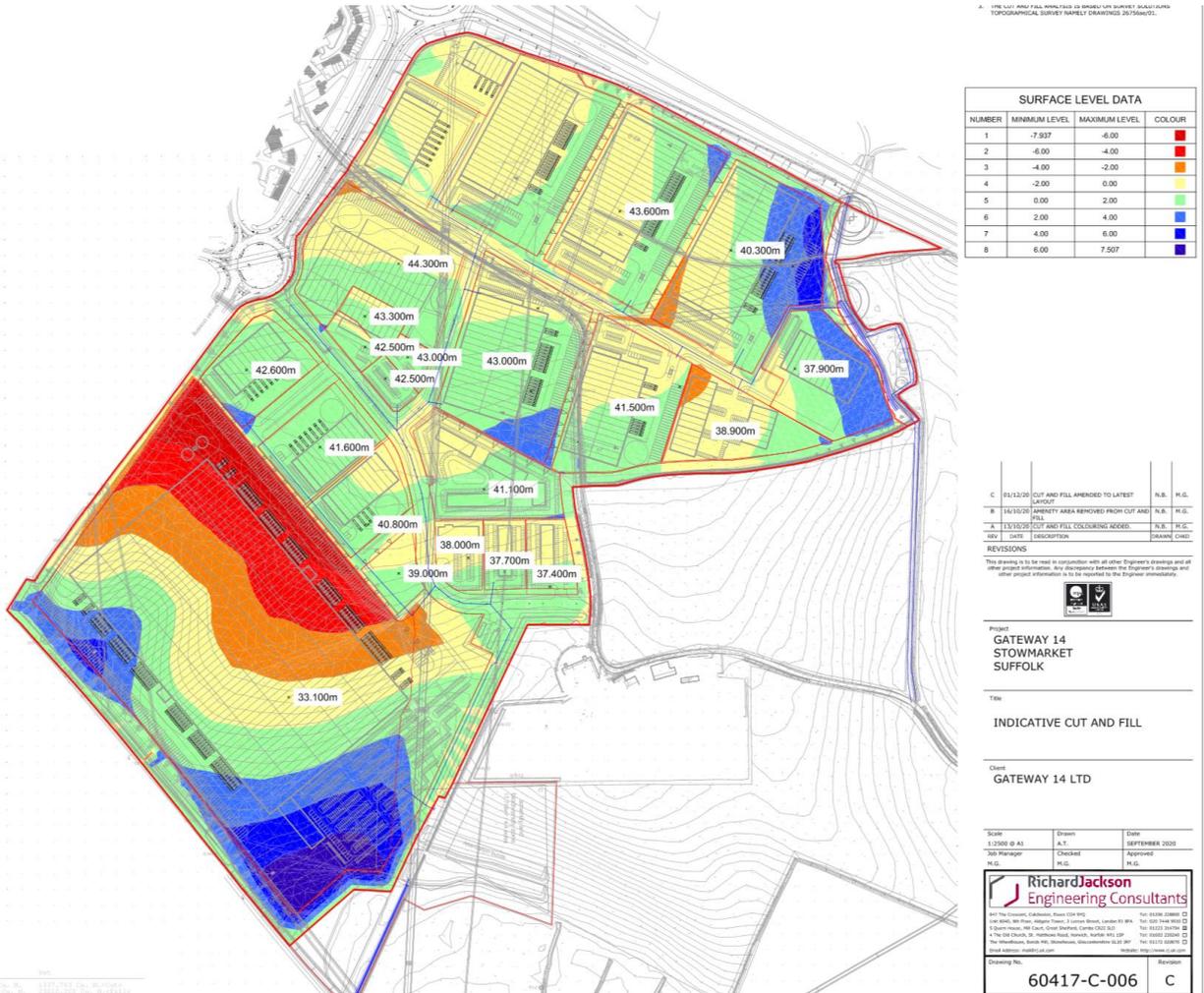
8.5 The Development Brief proposed a zoning regime based on the height of the buildings at various points, responding to the sloping landform characteristics. Three height zones were proposed, 6.5m, 8m and 15m. These heights were described as “clear eaves to underside of haunch”. The underside of the haunch is essentially the point at the top of the wall, just under the roof structure/supports of the haunch.



Development Brief Proposals Plan and Key excerpt showing levels

8.6 Notwithstanding this, noting the sloping topography of the site in its undeveloped form groundworks of some description would have been foreseeable to provide a level surface platform from which to construct buildings and roads, however the expectations of the Development Brief do not expressly set out whether the heights proposed are from AOD, or from a cut/filled level.

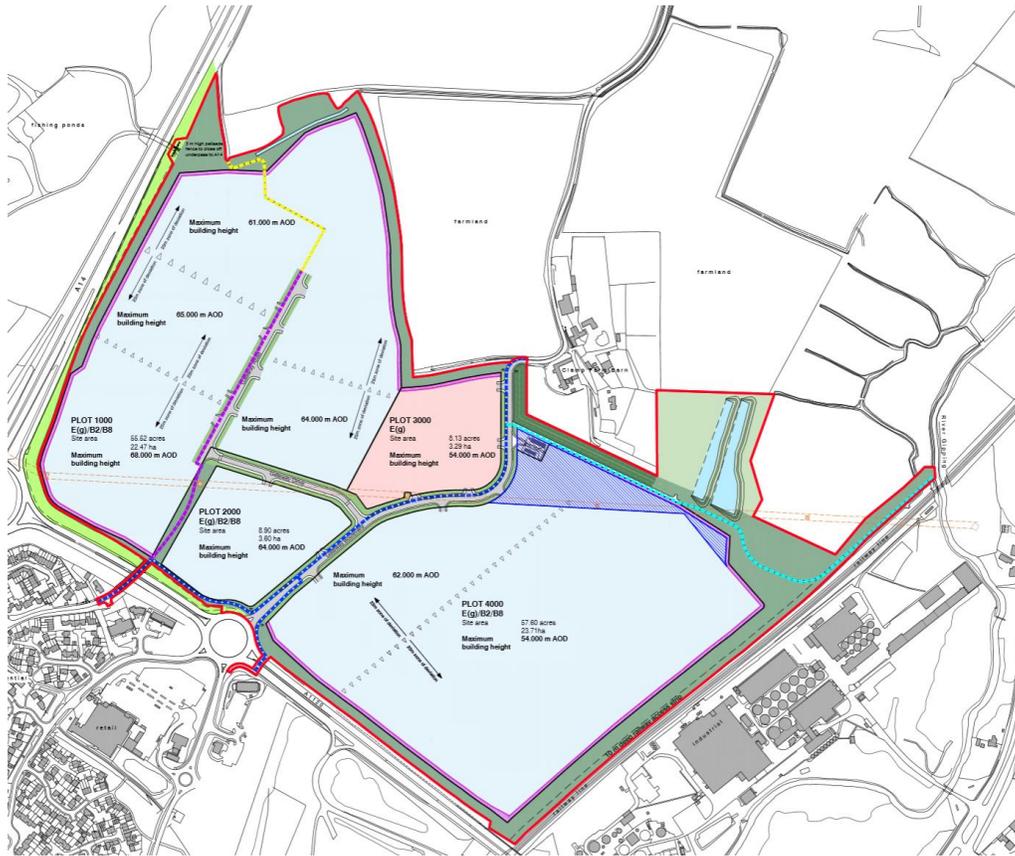
8.7 The submitted plans for this application provide an indicative cut and fill plan to provide a level base for future development. The cut and fill would change the levels on site, taking the southern area, adjacent to the railway line from between 27 and 30m AOD to 33.1m AOD. At the access point the level would change from 43m to 43.3m. Adjacent to Clamp Farm the level would change from 35m to 37.4m at the closest point, raising westwards into the site. To the northern part of the site levels are proposed between 37.9m and 43.6m. The details are shown on the plan below, this is an indicative plan and the final levels can be agreed subject to condition.



Indicative Cut and Fill Plan

8.8 The parameters plan subsequently details the maximum building height for consideration. To the south of the site, shown as Plot 4000, maximum building height is proposed as 54m AOD, rising to 62m AOD. To the north of the site maximum heights range from 54m to 68m AOD.

8.9 Taking Plot 4000 as an example, the AOD from the Development Brief is between 27 and 30, so the proposed cut and fill would add 3.1m to this level. The AOD maximum building height would then be 54m to the southern part of the plot and 62m to the northern part. As such the building height would be 21m, noting the further increase in ground level resulting from the cut and fill works. Alternatively if Plot 3000 is used as an example the AOD from the Development Brief (at Clamp Farm) is 35m. The proposed cut and fill level would take this to between 37.4 and 38m, a 2.4-3m increase. Maximum building height would extend to 15m in this location, with 54m AOD the maximum proposed height.



Parameters Plan

8.10 The table below sets out the details of the proposed changes in levels and proposed heights for ease of reference. The cut and fill indicative levels do not fully equate to the proposed maximum building height AOD as final ground levels have not been fixed, and equally the points do not absolutely match those in the Development Brief. However, this does allow assessment of the impact of buildings to this AOD height.

Plot No	Existing AOD as Dev Brief	Survey AOD	Dev Brief Height (clear eaves to underside of haunch)	Estimated resulting building height	Proposed Indicative Cut and Fill Platform Level	Proposed Maximum Building Height AOD	Indicative Eaves Level	Maximum Building Height
Plot 1000	43m AOD	47.96 - 33.87	8m	12m	37.9 to 46m	61m AOD 68m AOD	18m	21m
Plot 2000	43m AOD	47.13 - 42	6.5m	10.5m	44.3m	64m AOD	16m	21m
Plot 3000	35m AOD	43 - 35.5	6.5m	10.5m	37.4m to 41.1m	54m AOD	9m	15m
Plot 4000	27m - 40m AOD	43 - 23.95	8m northern area 15m southern area	12m 19m	33.1m to 42.6	54m to 62m AOD	18m	21m

8.11 The proposed cut and fill levels would, compared to the ground levels in the Development Brief and noting that these are limited, change the levels with both increase and decreases in ground level. Where the proposal would add to the ground level this results in increases by between 1.3m to 6.1m in ground height. Alongside this the building heights would be increased, comparing eaves levels, by around 10m on each plot, limited to an eaves height increase of 2.5m on plot 3000.

8.12 This equates to a material increase in overall level height, were this to be taken generally against the Development Brief, although as noted above the Brief document was silent as to treatment of a flat development platform level. It is noted that the proposal is designed to provide appropriate mitigation for these proposed levels increases.

8.13 In order to manage this as Reserved Matters come forward a condition to require full levels details concurrent with relevant reserved matters submissions having regard to both cut and fill works and finished floor levels will provide further review and control at that point. In addition, a condition limiting the maximum height of buildings AOD would ensure that this is the maximum building height allowed under this application

8.14 Subject to the above managing conditions, and with the mitigation as proposed being delivered as assessed below, the scale of the development would be reasonably controlled and mitigated. Furthermore, the mitigation landscaping can and is anticipated to be implemented prior to commencement of works to buildings, and is recommended for control by means of condition, and management requirements of S106. As noted, the final details will be subject to consideration under reserved matters in respect of both the levels and heights, as well as the design.

9. Landscape Impact, Trees, Ecology, Biodiversity And Protected Species

9.1. The application site and surroundings have varied levels, rising from the lowest point adjacent to the river, towards the A14 to the north. In addition there are nearby neighbours, in particular Clamp Farm and Muntons, as well as across the A1120 into Stowmarket and A14 into Creting St Peter, such that the surrounding of the site is varied and due regard must be had to the impact of the proposal on these various neighbours. As such an LVIA has been undertaken, assessing proposals from agreed points and a strategic planting strategy proposed, which forms part of the full application, and which can be secured at an early stage by condition.

9.2 Having regard to the requirements of the Development Brief, paragraph 6.5.2 required significant planting to screen both phases from views, Area 15, Planting Belt and Area 10 a ridge top wood alongside the A14. However, as noted above as with consent 1582/17 this land is outside the control of the applicant, and at the time of 1582/17 the impact was demonstrated by way of LVIA to be appropriately mitigated without this landscaping. Areas 9 and 10 were also proposed to provide a landscaping belt to mitigate the impact of the proposed development, but this was also varied in application 1582/17, subject to appropriate mitigation.

9.3 As with the previous applications an LVIA has been undertaken, as well as assessment through the Environmental Statement accompanying the application, which have been assessed by our Landscape Consultant. Subject to these assessments confirming that appropriate mitigation has taken place to mitigate the impact of the proposal the exclusion of areas 9, 10 and 15 would not be considered fatal to the proposal.

9.4 The proposal has been considered by our Landscape Consultant, through both the Environmental Statement and LVIA. The advice is that the proposal would result in significant adverse harm to many of

the landscape and visual receptors identified. However, the harm can be mitigated through the use of strategic green infrastructure, as proposed in the parameter plans, and is therefore acceptable. This is subject to implementation and establishment being monitored to ensure success. Conditions are therefore proposed for the early implementation of the strategic landscaping. Additional landscaping will be required as part of the reserved matters applications, and a condition is proposed to secure the details concurrent with any other reserved matters submitted such that the details and subsequent implementation are secured early in the process. Furthermore, management is proposed to be secured through the S106.

9.5 Noting that the site is currently open farmland, it is nonetheless enclosed on three sides by development and infrastructure that generates artificial light. As such, although the proposal will extend this artificial illumination it is not considered to represent a new or unacceptable change to the existing situation. As advised by our Ecology Consultant a scheme of lighting will be required to be agreed for all external lighting proposed, which will ensure that this is controlled both with regards its effect on the landscape and biodiversity.

9.6 Advice has also been sought from our Arboriculturalist, who notes that although a small number of trees are proposed for removal they are generally of limited amenity value and/or poor condition, and their loss will have a negligible impact within the wider landscape and as such raises no objection. This is subject to a condition to comply with the measures outlined in the accompanying arboricultural report.

9.7 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) "have regard to the Habitats Directive in the exercise of its functions." In order for a Local Planning Authority to comply with regulation 9(5) it must "engage" with the provisions of the Habitats Directive.

9.8 There are no designated sites of nature conservation importance within the site boundary, however there are various Sites of Special Scientific Interest (SSSI) nearby. Combs Wood SSSI is situated just over 800m to the south-west of the site boundary and comprises ancient woodland. Natural England confirm that the proposal will not damage the interest features for which this site has been notified and as such that this SSSI does not represent a constraint in determining the application. Other SSSI sites are over 2.5km from the application site and are not considered to be affected by the proposal to consider refusal in this respect.

9.9 The application site is predominantly arable pasture, and at the time of the ecology survey the crops consisted of mainly wheat and barley. Within the margins around the fields there are various areas of hedgerow, and these areas provide habitats including for the Shepherds Needle plant. The site itself also provides habitat for skylarks. Overall the proposal will result in the imposition of new development on currently open land, however this is predominantly arable fields, with habitats to the margins of the site. Given that landscaping planting is proposed to the site periphery, which will provide habitat gain this is not considered to be unacceptable.

9.10 With regards to skylarks our Ecologist has confirmed that whilst there are at least three skylark territories within the site and another two overlapping a mitigation scheme to provide compensation for the loss of this habitat would be acceptable. This would be subject to condition to secure a Skylark Mitigation Strategy, and S106 obligation to secure the land.

9.11 It is noted that there are objections to the proposed location of the skylark mitigation, however mitigation is often provided off-site and at some distance for this species, and provided that the mitigation scheme is agreed by the ecologist and secured through S106 the proposal will provide appropriate mitigation in this respect.

9.12 With regards to Shepherds Needle plant this is a Priority Species and is classed as a Red Data List Critically Endangered Species in Great Britain and Endangered in England. Our Ecologists recommend a condition to secure a method statement to secure translocation of Shepherd's Needle seed, along with management measures at the receptor site.

9.13 As well as species specific mitigation the proposal includes strategic landscaping, accompanied by a Defra Biodiversity Metric which demonstrate 13.58% gain for habitats and 148.65% gain for linear features. As such the proposal provides measurable net gains for biodiversity, as paragraphs 174d and 180d of the NPPF.

9.14 The application site is Agricultural Land, defined as Grade 3, good to moderate, with approximately 6.5ha being Grade 2. The proposal will result in the loss of the land, however this loss has already been accepted through the development plan site allocation, and the planning permissions already granted. The Development Brief and SAAP policy acknowledge that the allocation of the site represents a 'break into open countryside' but consider that this is acceptable due to the economic and social need for a large site strategically linked to the A14.

10. Land Contamination, Flood Risk and Drainage

10.1. The application is accompanied by a Phase II Report, confirming that the site has soils which are not likely to adversely impact the potential for the site to be redeveloped. Environmental Health have confirmed that they have no objection, subject to a watching brief. A condition for a Construction Management Plan would provide for this and appropriate site working practices.

10.2 The application site is situated adjacent to the River Gipping, with the proposal to provide access to the Gipping Valley Way footpath. The majority of the site is in Flood Zone (FZ) 1, although some areas are in Flood Zone 2 and 3a. The area within FZ 2 and 3a is minimal, a small area to the north-east and to the south-east. The applicant has confirmed that there are no proposals in the floodplain except planting and the Gipping Valley Way footpath link.



Excerpts from BMSDC Interactive Map with EA Flood Zones 2 & 3

10.3 A Flood Risk Assessment has been provided and following discussions with the Environment Agency they raise no objection to the proposal. However, they note that a sequential test is also required.

10.4 The aim of the sequential test is to steer development to areas with the lowest risk of flooding, development should not be allocated or permitted if there are reasonably available sites for the proposed development in areas with a lower risk of flooding. If it is not possible for development to be located in zones with lower flood risk the exception test is then applied. Subsequent to the sequential test the exceptions test requires demonstration that the development will provide wider sustainability benefits to the community that outweigh the flood risk, and the development will be safe for its lifetime taking into account the vulnerability of users, without increasing flood risk elsewhere and where possible, will reduce flood risk overall. As paragraph 162 of the NPPF states, where planning applications come forward on sites allocated in the development plan through sequential test, applicants need not apply the sequential test again, although the exceptions test may need to be re-applied.

10.5 The sequential and exceptions test only apply to proposals for development in FZ 2 and 3, there are no proposals for development in either area. The south-eastern part of Plot 4000 has an area in FZ2 and FZ3, but this is a small area along the boundary of the site. This can be secured by consideration of the layout at reserved matters stage so as no development is undertaken in FZ2 or FZ3. A levels condition is proposed in any case to secure final approval of the works to provide level development sites, and as part of this condition it is proposed to include a requirement that no levels changes are acceptable in the flood zones.

10.6 As per paragraph 166 of the NPPF the Local Authority undertook a Strategic Flood Risk Assessment as part of the allocation of the site, most recently in October 2020 for the emerging Joint Local Plan. This supported the allocation of the site (proposed in JLP policies SP05 and LA044). The Strategic FRA notes that a sequential approach to site layout will contribute towards passing the exceptions test, whilst development should be designed that is flood resilient and resistant.

10.7 In light of the above, that the proposal does steer development to areas with the lowest risk of flooding and is not proposing any development in either FZ2 or FZ3, the proposal is not considered to be unacceptable in this regard and is sequentially acceptable.

10.8 The proposal includes a scheme for surface water drainage, and SCC Flood and Water as Lead Local Flood Authority have advised in this regard. They raise no objection to the proposal, subject to conditions to secure implementation of the strategy and construction surface water management plan for outline and full phases.

10.9 The Environment Agency also note that the application area is approximately 150m and 500m respectively from an Upper Tier and Lower Tier establishment, notified under The Control of Major Accidents Hazards Regulations 2015 (COMAH). In accordance with their advice we have reviewed consultation distance zones using the Planning Advice App, which sets out the response as 'do not advise against', such that the HSE does not advise against the grant of permission on safety grounds.

11. Heritage Issues

11.1 The site is situated just over 50m, at the closest point, to the West of two Grade II Listed Buildings, The Clamp and Clamp Cottages. The southern-most part of the site forming the wetland area is within 200m of the Grade II Listed Badley Mill House, with the Grade II Woodlands Farmhouse slightly to the South of Badley Mill House. In addition to these Listed Buildings there are more in the wider area, with the proposal recognised as having the potential to affect the setting of three Grade II* properties; Cedars Hotel, Badley Hall and Creting Hall.

11.2 The duty imposed by the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset. A finding of harm, even less than substantial harm, to the setting of a listed building must be given “*considerable importance and weight*”. (*Bath Society v Secretary of State for the Environment [1991] 1 W.L.R. 1303).

11.3 The NPPF at paragraph 8 includes protecting and enhancing the historic environment as part of the strand of sustainable development. Paragraph 199 further states “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).*”

11.4 Local Plan Policy HB1 states that the district planning authority places a high priority on protecting the character of such buildings and that particular attention will be given to protecting the setting of Listed Buildings.

11.5 No designated heritage assets would be affected directly by the works, but the proposal has potential to affect the settings of several assets including Clamp Farmhouse and Clamp Farm Cottages, Badley Mill House, Cedars Hotel (Grade II*), Woodlands Farmhouse, Badley Hall (Grade II*), Creting Hall (Grade II*), the Church of St Peter (Grade I), and the Old Rectory, and the Conservation Area of Badley Church Green.

11.6 Badley Hall stands at some distance from the application site, but forms a significant heritage asset in respect of the three Grade II* buildings, Scheduled Monument and Grade I redundant church. The setting of these buildings in a rural landscape is an important part of the character of this heritage asset. However, the application site is situated in the valley and in the context of existing development and highways. As such the proposal forms an additional part of the existing context and is not considered to unacceptably affect this setting.

11.7 Badley Mill House is situated away from the main part of the application site, closer to the wetland area and against the railway line. The proposal would extend commercial activity closer to this property, but again the context of existing development is such that the proposal is not considered to significantly alter the character of the setting of this building and heritage confirm that the impact in this respect would be low.

11.8 Further to the east of the site is Creting Hall, which is in its own cluster of buildings and separated from the application site, in an enclosed setting of mature trees such that again given the existing context the proposal is not considered to alter the character of the setting in this respect and the impact on the wider setting in this regard will be low.

11.9 Clamp Farmhouse and Clamp Cottages are the closest listed properties to the application site, situated between 50m and 100m from the boundary of the application site and well screened to this boundary. It is proposed to create a bund between the site and Clamp Farm, which would be landscaped, including tree planting. This provides both a visual screen and noise barrier to these properties.

11.10 Clamp Farmhouse and Clamp Cottages are currently visually screened and this feature would be increased as a result of the proposal. However, the spacious rural position contributes to the understanding and appreciation of their significance as an historic farmstead. The proposal would alter the character of the land around the farmstead, although the proposed bund would add to the separation.

11.11 The bund itself adds to the separation of the farmstead and land, despite providing mitigation in respect of screening. It would be a man-made intrusion, but as noted by the Heritage Officer in mitigation of the more harmful element, it can be seen as an appropriate measure, particularly as tree growth would soften its visual impact.

11.12 The proposal is considered by the Heritage Officer to result in a medium level of less than substantial harm. Paragraph 202 of the NPPF states in this regard “*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*”

11.13 As such in accordance with paragraph 202 the harm needs to be weighed against public benefits of the proposal, noting as set out above that the harm must be given “considerable importance and weight”. The following are considered to be public benefits which should be weighed in this assessment:

11.14 The proposal provides a site for a variety of employment generating uses. Core Strategy Focused Review Policy FC3 sets out the requirement for the provision of employment in the district, with at least 8,000 jobs needed to 2026 and 11,100 to 2031. Within the locality of the site there is a shortfall in provision of 1,640 to 2026 and 4,743 to 2031. The application site is expected to provide in excess of 3,000 jobs, providing the majority of the employment requirements for Stowmarket over the plan period. The location of the site is considered to provide a sustainable match between jobs and homes, so as to help reduce out-commuting and help protect the district and town from job losses. In addition the proposal provides a footpath/bridleway link between Cedars Park and the Gipping Valley Way, enhancing public access to the countryside.

11.15 Noting the requirements of the NPPF, at paragraph 8, “*to build a strong, responsive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity*”, and furthermore paragraph 80, which states that “*significant weight should be placed on the need to support economic growth and productivity*” your officers consider that the bringing forward of this development plan allocation through this application should attract this significant weight as a public benefit.

11.16 In light of the “less than substantial harm” recognised and weighing the public benefits that will be provided by the development of this site your officers conclude that the proposal is in the round acceptable in heritage terms. The grant of planning permission would in particular be consistent with, and give effect to, the policy of the NPPF.

11.17 Comments have been received querying the differences in assessment of harm, noting that the Strategic Appraisal undertaken as part of the process of preparing the Joint Local Plan and the documents submitted with the application conclude different levels of harm. Whilst there is a difference in wording this is due to the different purposes and content of the respective documents. Following review of this point with the Heritage Officer the planning application is considered entirely consistent with the Strategic Appraisal, and also consistent with previous Heritage advice on application 0371/15. To summarise the level of harm is less than substantial and this is as considered above.

11.18 With regards to archaeology and below ground heritage assets SCC Archaeology advise that the site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER). There is high potential for the discovery of additional below ground heritage assets of archaeological importance in this area and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.

11.19 SCC Archaeology nonetheless advice that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. In accordance with the NPPF any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

12. Impact On Residential Amenity and Local Amenity

12.1 Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties.

12.2 The nearest residential properties are those that form part of the Clamp and Howe Farm group, those at Badley Mill House to the south-east of the application site and Cedars Park to the west, across the A1120.

12.3 Adjacent to Clamp Farm a bund is proposed. The bund combined with the associated planting will provide a visual screen and is expected to reduce noise levels at ground floor level at the Clamp Farm properties.

12.4 A noise plan has been submitted which assesses the impact of the proposal, and this has been considered by Environmental Control, who recommend conditions including construction working hours and for noise and vibration control. In addition, a condition is included to require the implementation of the bund first, prior to other works, and the strategic landscaping around the site is also required to be provided in the first planting season following this commencement. This will ensure that the mitigation is in place prior to significant works being undertaken on site and provide for advancement of the strategic landscaping mitigation.

12.5 With regards to the operation of the site once constructed it is not possible to be definitive with regards to the end users. Conditions to control construction working hours, and to require operation/working times to be agreed for each operator are proposed to ensure that amenity control is retained in this respect.

12.6 Concerns have been raised with regards to traffic noise and disturbance and the impact this may have. Traffic accessing the site would be likely to utilise the A1120 and the new access to the site, with Mill Lane being re-routed through the application site and closed north-west of the new road link. Whilst it cannot be guaranteed that lorries would use this route the proposal provides for direct access onto the A1120 and from there the A14. As part of the reserved matters the design of access onto Mill Lane will be considered under the layout, and it could be designed at this time to only allow lorries to turn towards Stowmarket as part of the layout encouraging them to use the A1120 and A14. The use of Mill Lane/Pound Road will also be controlled by the Travel Plan and Construction Management Plan which will promote use of the A1120 and A14 to access the site. Concerns with regards to the design of Mill Lane, with particular regards to the bends through the roads are noted, however as noted above the advice from SCC Highways is that this is acceptable.

12.7 In terms of air quality, Environmental Health note that air quality at and around the development site is very good in terms of pollutants prescribed under LAQM regulations. An assessment has been provided and EH concur with the conclusion. They note that the exact impact cannot be known at this stage until such time as operators are known, but that sufficient headroom exists to allow a development of the nature proposed to exist on this site with negligible impacts on sensitive receptors.

12.8 Turning to local amenity within the general area it is foreseeable that pedestrians, cycle and other members of the public in the locality will experience the site as an employment development in an urban edge location. Whilst this may reduce the open countryside enjoyment presently experienced the employment development will be seen and encountered in the context of the town of Stowmarket and that experience will not unacceptably harm local amenity such as to warrant refusal.

13. Sustainability, Water Energy and Resource Efficiency

13.1 Core Strategy Policy CS3 requires that all non-residential development proposals over 1,000sqm will be required to integrate renewable energy technology in order to provide at least 10% of their predicted energy requirements and additional sustainable construction measures.

13.2 Environmental Health have advised in respect of sustainability that a condition would satisfy the requirements of the Council's current planning policies. Whilst the Officer notes that the Council has a commitment to zero carbon by 2030 which are not reflected this is outside the requirements of Local Plan Policies, which as the Officer notes would be achieved by means of the condition. As such the proposal is not considered unacceptable in this regard.

13.3 The applicant has also confirmed that buildings will be designed to meet the BREEAM very good target as a minimum. Within Plot 3000 buildings will be expected to meet BREEAM excellent. BREEAM provides independent certification for assessment of the sustainability performance of buildings. Excellent is their second level rating (below outstanding). A condition can appropriately secure this and is recommended.

13.4 A condition requiring an Operation Environmental Management Plan is also proposed to secure climate change mitigation measures to minimise carbon emissions, including monitoring, as per paragraph 15.5.16 in Chapter 5 of the Environmental Statement.

14. Planning Obligations

14.1 As set out in the comments from our Ecology Consultant, a scheme for skylark mitigation is required, which can be secured by means of S106. The mitigation to offset the impacts from the development on skylark breeding territories needs to be secured by planning obligation as the proposed land is not currently within the applicants control.

14.2 SCC Highways also set out a requirement for contributions for travel plan and public rights of way.

14.3 For Travel Plans the requirement is for Travel Plan Evaluation and Support, £10,000.

14.4 For Public Rights of Way contributions are required for widening and upgrade of FP1 and FP25, with either S106 funding of £106,400 for SCC to carry out works or £27,300 for SCC to carry out some works with developer to undertake surfacing under a S278 agreement. In addition, £2,700 is required for works to improve FP57.

14.5 It is also noted that the SAAP Policies expected that the site delivers formal and informal public open space, including formal playing pitches to the north of the site. This provision of public open space was further detailed in the adopted Development Brief, with a recreation area identified in the proposals plan. This has been carried through into the draft JLP, with allocation LA044 which allocates the site for employment, open space, leisure and recreation land use (with associated infrastructure).

14.6 No recreational space, either formal or informal is provided in the proposal or shown on the indicative proposals plans. However, it is noted that no space on site was previously secured in the extant planning permissions. For clarity permissions 0371/15 and 1582/17 did secure through S106 a £95,000 commuted sum each towards open space provision. That contribution was secured in order to provide for the provision/improvement of sports facilities available to the employees of the development and others in place of the on-site recreation land set out in the Development Brief. In the circumstances a comparable and consistent approach is appropriate here.

14.7 Whilst the proposal is for the development of previously undeveloped land and does not result in the loss of open space or recreational facility it would nonetheless fail to provide the facility required in the SAAP policy and development brief. Unlike the ecological wetland area, which is outside of the ownership of the applicant and therefore not possible to secure through either condition or S106, it is possible to secure funding towards such provision of recreational facilities as previously to comply with the requirements of SAAP 7.11 and the Development Brief. As such a contribution of £190,000 is sought for recreational facilities/active travel.

15. Delivery & Phasing

15.1 The Core Strategy Focused Review indicated that Phase 1 (land south of Mill Lane) would come forward in the early part of the plan period (2012 to 2017) and that Phase 2 (north of Mill Lane) would come forward in the medium to long term (2017-2027). This was to ensure an even supply of employment land throughout the plan period. Phase 2 could come forward earlier in certain circumstances, such as Phase 1 being completed well in advance of 2017, both phases being purchased by a single occupier, or a major investor preferring the Phase 2 site due to its A14 frontage.

15.2 Whilst the development has not commenced on the site for either Phase 1 or 2 under either of the existing permissions, the site allocation continues to provide for employment development of the site, and this has been brought forward in the emerging JLP. Allocation LA044 provides for the allocation of this site in the emerging JLP to 2037. The identity of the applicant gives some measure of confidence that the SAAP development plan allocation is now more likely to be delivered and the economic benefits achieved.

15.3 The delivery and phasing of the Full aspect of the proposal is considered appropriate for commencement to be within a standard 3 year time limit, to ensure that the infrastructure and strategic landscaping are commenced. This would include the delivery of the bund and strategic landscaping initially to ensure that the mitigation is implemented early in the development. A condition can secure the implementation of the bund prior to commencement of other development other than advance strategic planting, except for that which the spoil material is produced for the construction of the bund, such as the road infrastructure and drainage. With regards to planting this will be required to be carried out in the first planting season following the commencement of any of the works included in the full planning application.

15.4 The outline aspect of the proposal is likely to include a mix of uses/users and it may well take longer than the standard 3 year period for the full extent of the reserved matters to come to fruition. As such a phased approach to submission thereof would be appropriate, ensuring that the first reserved matters application comes forward within three years, with commencement of that first phase required within a further two years, and subsequently allowing phasing for reserved matters to be submitted, with the commencement of each of these required within 2 years of the date of each reserved matters consent.

16. Parish Council Comments

15.1 The concerns raised by Stowmarket Town Council, Creeting St Peter Parish Council and Stowupland Parish Council have predominantly been considered in the above report, however for clarity several issues are confirmed below.

16.2 Use of the site for a Freeport:

16.3 Concerns have been raised about the implications of the Freeport status of the site, and that Gateway 14 will merely provide a staging point and storage depot for the port. Freeport East is one of eight Freeports in England announced in March 2021. Freeport East includes land at Felixstowe and Harwich Ports and Gateway 14. In addition Customs Sites are listed as PD Ports, Port One Logistics, Uniserve and Horsley Cross.

16.4 Businesses operating within Freeport sites will receive tariff benefits, including duty deferral while the goods remain on site and duty inversion if the finished goods exiting the Freeport attract a lower tariff than component parts. Furthermore tax relief is available in Freeports, enhanced capital allowance of 100%, relief from stamp duty land tax, full business rates relief and employer NI contributions relief.

16.5 None of the submitted information indicates that the proposal is for a secured warehouse facility across the site, any proposals would have to comply with the requirements of this consent, and the layout, appearance, scale and landscaping will need to be assessed as part of a reserved matters submission. Operational hours will also be the subject of control as noted above. Whilst concern has been raised about access through the site in the case of a secured site, Mill Lane will be diverted and continue to provide access through the site, as will the footpaths as the site is not proposed to provide a complete secure port site, noting that Mill Lane will be a 'through road' public highway in any case.

16.6 Lorry parking and potential for increase in roadside parking near to Gateway 14 with all the problems associated with this, in terms of public hygiene, waste management, littering etc.:

16.7 The proposal is in outline form only, all proposals in future would be subject to consideration at reserved matters and would need to provide sufficient parking facilities in accordance with the adopted Suffolk Parking Guidance. This includes a requirement for parking of vehicles as well as over-night parking and facilities for this purpose.

PART FOUR – CONCLUSION

17. Planning Balance and Conclusion

17.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration is, therefore, whether the development accords with the development plan and, if not, whether there are material considerations that would indicate a decision should be taken contrary to the development plan.

17.2 The development plan includes the Core Strategy 2008, the Core Strategy Focused Review 2012, and saved policies in the Mid Suffolk Local Plan 1998, as well as the Stowmarket Area Action Plan (2013) and Adopted supplementary planning document Mill Lane Development Brief. The Core Strategy Focused Review Policy FC3 and SAAP Policy 7.9 allocate the application site for employment purposes. This is continued in the emerging Joint Local Plan. The material considerations include the July 2021 NPPF and other current national policy documents.

17.3 Of particular note with regards to the heritage impacts of the proposal, it is considered to result in less than substantial harm to the significance of a designated heritage asset, and in accordance with the NPPF that harm has been weighed against public benefits as described within this report.

17.4 As noted above, the public benefits of the proposal would include the delivery of economic benefits by way of employment provision, in a sustainable location. These are considered to offer material benefits which outweigh the level of harm identified.

17.5 The proposal includes appropriate strategic advance landscaping, which is considered to offer appropriate mitigation for the scale of development proposed. The landscaping can be secured early in

the development, whilst the final scale can be controlled by way of condition and further reserved matters considerations.

17.6 Ecological matters have been assessed and confirmed that there is certainty on likely impacts on protected and Priority species/habitats and, with appropriate mitigation measures secured the development can be made acceptable.

17.7 In the light of this the proposal is not considered to result in unacceptable harm with regards to highways, landscape, ecology, or residential amenity.

17.8 Whilst the proposal does not comply with the requirements of the Development Brief as a whole, following an amended masterplan, allowing for single site ownership the proposal does offer appropriate benefits and mitigation to outweigh harm.

17.9 Overall it is considered that the proposal generally complies with the development plan when taken as a 'basket' (*Wavendon Properties v SSHCLG & Milton Keynes Council* [2019]). Furthermore the material considerations in favour of the proposal are notable, including significant economic benefit, part of one of the over-arching aims set out in paragraph 8 of the NPPF, and paragraph 81 which confirms that significant weight should be given to the need to support economic growth and productivity. For these reasons it is considered that the grant of planning permission is appropriate.

RECOMMENDATION

That authority be delegated to the Chief Planning Officer to GRANT hybrid planning permission:

(1) Subject to the prior agreement of a Section 106 Planning Obligation on appropriate terms to the satisfaction of the Chief Planning Officer as summarised below and those as may be deemed necessary by the Chief Planning Officer to secure:

- Skylark Mitigation
- £10,000 Travel Plan Evaluation and Support contribution
- PROW works to widen and upgrade FP1 and FP25 to bridleway, either funding of £106,400 for SCC to carry out all works or £27,300 for SCC to carry out some works with developer to undertake surfacing under a S278 agreement.
- PROW Improvement to FP57 £2,700
- Long term landscape management
- £190,000 commuted sum for recreational facilities/active travel

(2) That the Chief Planning Officer be authorised to GRANT Planning Permission upon completion of the above mentioned Section 106 planning obligation subject to conditions as summarised below and those as may be deemed necessary by the Chief Planning Officer:

Conditions for Outline element

(Outline Planning Permission (all matters reserved, except for access) for the erection of buildings comprising employment and commercial use, open space and landscaping, car and cycle parking, highway works, and other associated works):

- a. Time limit to allow phasing of reserved matters with first reserved matter to be submitted within 3 years and commencement within 2 years of approval of such reserved matters
- b. Reserved matters
- c. Approved Plans (Plans submitted that form this application)
- d. Phasing Condition - Sequence of infrastructure and reserved matters programme timetable within phases to be submitted concurrent with first reserved matters submission and to include alternative sequence programmes to safeguard coordinated build out.
- e. Bund creation completed prior to commencement of any reserved matters development
- f. Design, Materials and Landscaping details required concurrent with first reserved matters application for plot/phase
- g. Restriction on permitted development rights for change of use across the site other than E(g), B2 and B8, with plot 3000 to remain E(g) only
- h. Cut and fill and finished floor levels to be agreed
- i. General compliance with indicative details, with maximum building height 21m and 15m to Plot 3000
- j. No build zone to the eastern boundary adjacent to Clamp Farm.
- k. No building or change of levels within flood zones 2 and 3
- l. Surface water drainage scheme to be agreed

- m. SuDS verification report on completion
- n. Foul water drainage scheme
- o. Construction Management Plan to be agreed
- p. No storage of construction plant or materials within the floodplain area
- q. Construction Environment Management Plan to be agreed (biodiversity, noise and landscape)
- r. Implementation in accordance with Ecology and Nature Conservation of the Environmental Statement (Penny Anderson, January 2021)
- s. Time limit before further wildlife surveys are required
- t. Skylark mitigation strategy
- u. Method statement to secure translocation of Shepherds Needle
- v. Landscape Management Plan
- w. Landscape Ecological Management Plan
- x. Lighting scheme (wildlife friendly)
- y. Swift brick/boxes installation scheme to be agreed
- z. Implementation of arboricultural recommendation measures
- aa. No development with 3m of boundary with Network Rail
- bb. Control of scaffolding within 10m of railway boundary fence
- cc. No soakaways for storm/surface water disposal constructed within 20m of Network Rail boundary
- dd. Prior to the use of any vibro-compaction or displacement piling details of machinery and method statement to be agreed
- ee. Prior to the commencement of development a trespass proof fence of at least 1.8m high along the development side of the existing boundary fence to Network Rail shall be erected and subsequently maintained
- ff. Mineral trial borehole scheme and extraction/use on site.
- gg. Archaeological investigation and reporting
- hh. Fire Hydrants scheme to be agreed
- ii. Control of Pollution Act prior consent application
- jj. Construction working hours 0800-1800 Mon-Fri, 0800-1300 Saturdays only
- kk. Hours of operation to be agreed
- ll. Machinery and working practices as a minimum requirement, be compliant with the standards laid out in British Standard 5228-1: 2009+A 1 :2014.
- mm. Scheme for provision and implementation of water, energy and resource efficiency measures
- nn. BREAAAM very good minimum across site, BREEAM excellent in innovation centre plot 3000
- oo. Operational Environmental Management Plan
- pp. Office accommodation to comply with BS8233;2014
- qq. Cumulative rating noise level assessed in accordance with BS4142 no greater than 5db above background
- rr. Compliance with design code principles, including 20% soft landscaping and within that 20% soft engineered drainage
- ss. Details of access and associated works to be agreed
- tt. Provision of off-site highways improvement works prior to first use/occupation
- uu. Estate roads and footpaths to be agreed
- vv. Provision of carriageways and footways prior to occupation
- ww. Travel plan
- xx. Travel plan – provision of cycle storage and facilities

yy. Land contamination watching brief

Conditions for Full element

(Full Planning for site enabling works phase comprising, ground remodelling, utility diversions, installation of framework landscaping, creation of new footpath links, installation of primary substation, highways works including stopping up of Mill Lane, new all modes link from the A1120 Cedars Link to Mill Lane, new footway cycleway over the existing A1120 overbridge, installation of toucan crossing on the A1120 Cedars Link, footpath connection to the Gipping Valley Way, foul and surface water drainage infrastructure, outfalls and associated works):

1. Standard time limit
2. Approved Plans (Plans submitted that form this application)
3. Phasing Condition – including implementation of access and strategic landscaping
4. Bund creation including use of spoil completed prior to commencement of other development
5. Levels for footpath link to Gipping Valley way to be agreed
6. Strategy for disposal of surface water and FRA implemented
7. Construction Surface Water Management Plan to be agreed
8. SuDS verification report on completion
9. Construction Management Plan to be agreed
10. No storage of construction plant or materials within the floodplain area
11. Construction Environmental Management Plan for biodiversity noise and landscape to be agreed
12. Implementation in accordance with Ecology and Nature Conservation of the Environmental Statement (Penny Anderson, January 2021)
13. Method statement to secure translocation of Shepherds Needle
14. Skylark mitigation strategy
15. Landscape Management Plan
16. Landscape and Ecological Management Plan
17. Implementation of landscaping
18. Wildlife friendly lighting scheme
19. Archaeological investigation and reporting
20. Implementation of arboricultural recommendation measures
21. Implementation of dust assessment BWB report MKA2107
22. Control of Pollution Act prior consent application
23. Construction working hours 0800-1800 Mon-Fri, 0800-1300 Saturdays only.
24. Machinery and working practices as a minimum requirement, be compliant with the standards laid out in British Standard 5228-1: 2009+A 1 :2014.
25. Land contamination watching brief

(3) And the following informative notes as summarised and those as may be deemed necessary:

- Pro active working statement
- SCC Highways notes
- Support for sustainable development principles
- EH Ground Gas note
- Watching brief for EH land contamination
- SuDS informatives

(4) That in the event of the Planning obligations or requirements referred to in Resolution (1) above not reasonably being secured and/or not secured within 6 months of the date of this Committee that the Chief Planning Officer be authorised to refuse the application on appropriate grounds