

Committee Report

Item No: 6A

Reference: DC/20/03116

Case Officer: Jamie Martin-Edwards

Ward: Lavenham.

Ward Member/s: Cllr Clive Arthey. Cllr Margaret Maybury.

RECOMMENDATION – REFUSAL

Description of Development

Planning Application - Erection of new workshop building with the existing access to the site from the A1141 upgraded.

Location

Land To the East Of, Sudbury Road, Cockfield, Bury St Edmunds Suffolk IP30 0LN

Expiry Date: 12/03/2021

Application Type: FUL - Full Planning Application

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

Applicant: Firstgrade Recycling Systems Limited

Agent: Mr I Crawford

Parish: Cockfield

Site Area: 0.65 hectares

Density of Development:

Gross Density (Total Site): NA

Net Density (Developed Site, excluding open space and SuDs): NA

Details of Previous Committee / Resolutions and any member site visit:

This application was presented to committee on the 10th of March 2021. The application was granted planning permission as per officers' recommendation.

On the 8th of July 2021 the decision was quashed through the Judicial Review process following challenge by a third party. The challenge to the Decision related in particular to the application of policies within the development plan (including policies CS2, CS11 and EM20).

This report constitutes a fresh assessment of the application.

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

Has the application been subject to Pre-Application Advice: Yes

PART ONE – REASON FOR REFERENCE TO COMMITTEE

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

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and / or the extent and planning substance of comments received from third parties and / or the location, scale and / or nature of the application.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
CS01 - Applying the presumption in Favour of Sustainable Development in Babergh
CS02 - Settlement Pattern Policy
CS03 - Strategy for Growth and Development
CS11 - Core and Hinterland Villages
CS15 - Implementing Sustainable Development
CS17 - The Rural Economy
EM20 - Expansion/Extension of Existing Employment Uses
CN01 - Design Standards
CN06 - Listed Buildings - Alteration/Ext/COU
TP15 - Parking Standards - New Development
CR07 - Landscaping Schemes
EN22 - Light Pollution - Outdoor Lighting
EM01 - General Employment
EM02 - General Employment Areas

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

Consultations and Representations

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

A: Summary of Consultations

Town/Parish Council

Cockfield Parish Council

Unable to support, and objects to the application as presented:

- Village development survey (2014) shows a desire for employment opportunities within the village.
-

- Site is identified as a potential development area (for light industrial use) within the emerging Joint Local Plan.
- The Parish Council would support appropriate development at the location.
- The application lacks detail.
- The application is unacceptable in overall terms for the site context and locality.
- Question the planning use class proposed (B1(c) - Light Industrial or B2 (General Industrial)).
- It has not been robustly demonstrated that the proposal is compliant with the Core Strategy and other policies.
- Proposed working hours are essentially 24/7/365 - This is wholly unacceptable due to proximity of residential properties which would detriment amenity and environment.
- Concern regarding potential 24/7, unrestricted, HGV movements, which would pose an unacceptable impact to the locality - all commercial vehicles should route via the A134 and not through the village or subsequent rural areas.
- Concern with regards potential light spillage and the impact this would have on the area.
- Works are likely to be noise generating, and there is external storage, handling and manoeuvring areas - Noise control measures need to be detailed;
- No clear design or detail of paint spray facilities, and mitigation measures to prevent fume and odour release, has been provided.
- 1.8 metres high steel fencing is would not obscure and blend the site with the surroundings - Consider good natural landscape screening on all aspects should be provided.
- The loss of existing trees and hedgerows to facilitate the new entrance is not tolerable.
- Do not consider the overall scale, height and mass of the structure is appropriate for the setting.
- Concern with regards future development of area of grass field shown to be retained.

National Consultee

Historic England

On the basis of this information: do not wish to offer any comments. Suggest that the LPA seek the views of their specialist conservation and archaeological advisers, as relevant.

Natural England

Natural England has no comments to make on this application.

The Environment Agency

Have no comments to make on this application.

County Council Responses

SCC - Travel Plan Co-ordinator

No comment to make as it does not meet the thresholds that would require a Travel Plan.

SCC - Flood & Water Management

Recommend approval subject to conditions.

SCC - Fire & Rescue

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

Suffolk Fire and Rescue Service recommends that proper consideration be given to the potential life safety, economic, environmental and social benefits derive from the provision of an automatic fire sprinkler system.

SCC - Archaeological Service

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 - Highways

No Objection - Subject to conditions: SCC Highways consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking as the site is accessed via the existing access road. There are bus stops on the A134/A1141 junction, and the area is served by a good bus service. and there no intensification of use as the business is moving from its existing location just north of the site. Therefore, the County Council as Highways Authority, does not wish to restrict the grant of permission.

Summary of Internal Consultee Responses

Environmental Health - Sustainability Issues

No Objection - Subject to condition.

Economic Development & Tourism

No objection - The development will allow the consolidation of an existing business based in several units and allow for their future growth plans, enabling them to increase their workforce from 12 to 20 in time. The company supplies machinery to the waste collection & disposal sector, which is forecast to grow in the region. The site is well located adjacent to A1141 with easy access to A14. I, therefore, support the application.

Economic Development & Tourism

No objection - The additional information supplied by the applicant has clarified how the business would operate from the site and the impact this would have on traffic movements, amenity etc. It is clear that this site is the optimum site for this specialist business to operate from and that extensive searches for alternatives have been undertaken - The application is still supported from an Economic Development perspective.

Environmental Health - Noise/Odour/Light/Smoke

No objections, subject to conditions.

Environmental Health - Air Quality

No objection to the proposed development from the perspective of local air quality management. I would note that the development comprises a spray booth and as such I would recommend establishing the need, or otherwise, for an environmental permit to cover these aspects of the operation - but this would be outside the scope of the planning permission.

Public Realm

The Public Realm Team have no comments to make on this domestic application. It has no impacts on public open space and does not include the provision of new public open space within the application boundary.

BDC - Waste Strategy Team

The waste services team has no comment on this application as it doesn't affect household waste collection.

Heritage Team

The Heritage Team have no comments to provide on the above application.

Summary of other technical consultees

West Suffolk District Council

Do not formally object:

- Content to leave consideration of the principle to BDC;
- Advise liaising with SCC-Highways in relation to highway related impacts;
- Note the economic benefit which weighs in favour;
- Adequate soft landscaping should be proposed;
- Significant trees should be protected;
- Concern with regards noise and odour impacts which may be felt in West Suffolk if not adequately addressed.

East Suffolk Inland Drainage Board

The site in question lies outside the Internal Drainage District of the East Suffolk Internal Drainage Board as well as the Board's wider watershed catchment, therefore the Board has no comments to make.

B: Representations

At the time of writing this report at least 84 letters/emails/online comments have been received. It is the officer opinion that this represents 39 objections, 0 support and 2 general comments. A verbal update will be provided as necessary.

Views are summarised below:-

Principle

- Consider the proposal is a Factory and not a Workshop, as described in the application.
- Consider the proposed Land Use would be Planning Land Use Class B2 (General Industry) and not B1(c) as implied in the application.
- The principle of the proposed development is unacceptable as the site is open countryside and outside of any plan settlement boundary.
- The applicant has suggested that the site is currently used, in part, for the storage of machinery in association with the Applicant's existing business to the north of the site.
- Do not consider that the site has received planning permission for such a use and do not consider there is an established use for such storage.
- The Hamlet of Cross Green has already suffered from extensive residential development - do not wish to see further detrimental development at Cross Green.
- Consider the proposal is unsustainably located - workers would have to commute to the site and there are no immediate shops and other services in proximity of the site.
- Consider the associated economic benefits would be minimal and suggest that the creation of 8-12 jobs would not be significant and would not benefit the surrounding villages.
- Concern with regards the loss of good quality agricultural land - The land has previously been used for the grazing of Sheep, Pig rearing, and storage of agricultural machinery. Dispute the applicant's claim that the site has had a previous industrial use.

- The proposal site is a small historic meadow, undisturbed for 30+ years, which should be retained.
- Concern with regards the precedent that would be set for other similar development in the area if the proposal is approved.
- Request that more suitable, alternative sites are considered for the development - Suggest there are many suitable Brown Field Sites within a 7-mile radius of the site, on or adjacent to existing industrial sites, closer to the A14 Trunk Road. Several examples given of land and sites considered to be available.

Environmental and Amenity Impacts

- Concern with proposed 24-hour operational requirements and the impact this would have on residential amenity.
- Concern that 24-hour working would become the norm, even if restrictive conditions applied.
- The factory would make recycling equipment - seen no justification for the need to work 24 hours.
- Concern with regards additional noise, odour, dust and paint particles, artificial light pollution; traffic disturbance; and loss of natural daylight on neighbouring amenity.
- The proposal would result in significant harm to the amenities of residential properties in close proximity by reasons of: Impact on Amenity View; Domination; Noise and Odour impacts.
- Concern with regards the impact the proposal would have on the peaceful environment of Cross Green Hamlet.
- If allowed the development will severely blight the lives of all who live in the immediate area.
- Do not agree that the conclusions of the noise report would sufficiently mitigate the harm perceived to the amenities of neighbouring properties - Some representations consider assessments and conclusions to be inaccurate - Some consider the report is biased in favour of the applicant and development and not impartial.
- The proposal would Harm the Environment.
- Concern with regards increased Air Pollution as a result of the Development.
- Concern with regards light pollution as a result of the development.

Highway Safety

- The Proposal site lies off a busy Road (A134 Sudbury to Bury St Edmunds Road) where (as is the view of many third-party comments made) many Drivers exceed the Speed Limit.
- Many third-party comments received consider the Junction of the A1141 and A134 is a notorious "black spot" for Road Traffic accidents.
- The proposed site Entrance/Exit is close to the junction of the A1141 and A134 - Many third-party comments received consider this Junction has seen a number of serious Accidents and near misses over the last few years.
- Many third-party comments received consider the proposal would make the A1141 and A134 Road Junction more dangerous and more accidents would occur.
- Concern that if lorries miss the site entrance they will end up in Cross Green, damaging the highway verges and endangering pedestrians.
- Concern with regards the comments made by SCC Highways and some third-party comments received consider these comments should be subject to serious scrutiny - some objectors considered these comments to be irrational.
- Local knowledge indicates that there have been several minor knocks and near misses at the Junction, which will not have been recorded and SCC Highways will not be aware of these.
- Concern that the proposal would result in an increase in HGV Traffic.
- Suggest Highway improvements at A1141 and A134 junction to improve traffic flow and highway safety.

Impact on Character

- Proposal is totally inappropriate within a Small Village Location.
- Proposal is out of character with local area, which is mainly residential and rural.
- The scale of the proposal is out of keeping with the rural location and would dominate the surrounding rural scene.
- The proposal would change the character of the existing rural location.
- The proposed change of use from agricultural to industrial would be wholly incongruous.
- Concern that this area of the Village is being turned into an Industrial Zone.
- Concern with regards the visual impact should materials be stored in the open air, on the proposed concrete yard.
- Consider no attempt has been made to blend the proposed building into the surrounding area.
- The site is in close proximity of a Conservation Area and would impact its setting.

Impact on Tourism

- Consider the visual impact would give a bad impression of the area and would negatively impact tourism in the area, particularly in Lavenham and Bury St Edmunds.

Ecology and Biodiversity

- The proposal would impact wildlife in the lakes and grasslands to the east.
- Concern with regards potential impact on biodiversity and protected species.
- Concern that existing trees on the site would be required to be felled to make way for the development and access visibility splays.

Archaeology

- Concern with regards the impact of the proposal on Archaeology - advise that a large Bronze Age Fort was found close to the site.

Flood Risk and Surface Water Drainage

- Concern with regards increased flood risk should the existing meadow be developed – Impermeable surfaces would replace natural grass and soil, resulting in increased surface water run-off and less infiltration into the ground.
- Concern with regards Dirty Water from development reaching Fishing Lakes close to development.

Other non-material issues

- Consider the existing site operator is difficult with regards to noise and traffic issues and concern is that they would continue to be so with regards this current development proposed - have little faith that planning conditions applied would be complied with.
- Object on basis of businesses and individuals making a lot of money at the expense of the parishioners'
- beautiful Village.

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

PLANNING HISTORY

REF: B/0150/84/FUL	Erection of two sales offices, provision of toilets and alterations to forecourt and vehicular access, as amended by agent's letter of 14th March 1984, with accompanying drawing no.572/A/Rev.A.	DECISION: GRA 02.04.1984
REF: B/0446/77/FUL	Erection of office building for agricultural engineering business.	DECISION: GRA 04.07.1977
REF: B/0772/83/FUL	Erection of radio mast and aerial to be used in conjunction with the applicant's business.	DECISION:
REF: B//00/01442	Notification under part 24 of the Town & Country Planning (General Permitted Development) Order 1995. Erection of 15 metre lattice steel mast, 6 No antennae, 4 No 0.6 metre microwave dishes, radio equipment cabin and security fencing.	DECISION: REC
REF: B//85/01141	ERECTION OF A SINGLE STOREY OUTBUILDING FOR USE AS A GATE AND PANEL MAKERS WORKSHOP WITH ALTERATIONS TO SITE BOUNDARY FENCING (AS AMENDED BY REVISED PLANS RECEIVED FROM AGENT BY LOCAL PLANNING AUTHORITY ON 04/02/86)	DECISION: GRA

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings and history

- 1.1. The application site is located at the Junction of the A143 and A1141 (to the east of the A143 and to the north of the A1141) within the Parish of Cockfield, approximately 13 kilometres (8 miles) to the north of Sudbury and 6.6 kilometres (4.1 miles) to the south of Bury St Edmunds. The site is close to the Hamlet of Cross Green, Cockfield, which lies 310 metres away to the south-east. The site is located outside of any Built-Up area Boundary (BUAB) as defined in the current development plan and for planning purposes is defined as being located within the Countryside.
- 1.2. The site extends to approximately 0.65 hectares (1.606 acres) and forms part of wider land within the applicant's ownership, extending to approximately 1.0448 hectares (2.58 acres) as identified on the red line site location plan/drawing submitted with the application.
- 1.3. The site is associated with an existing site and business owned and operated by the applicant (Firstgrade Recycling Systems Limited), located at Ivory House, Crossways on the A134 in close proximity to the site to the North (less than 100m). The existing site and business comprise several

industrial units, offices, and a mixture of parking, and hardstanding areas. This location is also shared with another engineering company.

- 1.4. The applicant's business specialises in the design, manufacture and installation of bespoke machinery for the waste processing and recycling industry and retains services with dedicated inhouse design, fabrication and installation teams. The business supplies Industries with machinery, including those involved with the processing of: skip waste; commercial waste; dry recyclables; and aggregates. The types of machinery supplied includes picking cabins, conveyors, feed hoppers and screens, amongst other products.
- 1.5. The application site comprises part of an existing undeveloped area of grassland, which the applicant states has been used historically for the storage of machinery and equipment in association with the applicant's existing business at Ivy House, located in close proximity to the north, connected by an existing driveway which runs along the eastern boundary of the applicant's land and the application site.
- 1.6. The site is relatively open to its western boundary with the A143, defined along much of this boundary only by an unmaintained green roadside verge, with a small cluster of Trees adjacent to the far north-west corner. The site is also relatively open to its southern boundary, being defined by a low Bramble Hedge to the western half and then by a cluster of tall trees to this boundary's eastern half. The site's existing concrete pad access is located to the far south-east corner of the site, onto the A1141, with an existing pair of large metal frame and wire gates, and metal fence surrounds, set back approximately 10 metres from the highway edge. The site's eastern boundary with the adjacent field is defined by an access driveway and a wire fence 2 to 3 metres in height. The site's northern boundary is presently open, bounding part of the existing grassed field, with an existing residential property at Crossways lying a minimum distance of 30 metres to the north of this boundary.
- 1.7. In terms of the site's surrounds the applicant's existing business, at Ivy House and associated large industrial buildings, lies to the north of the site, as does the residential property of Crossways. Other residential properties at Bendysh and Rayleen lie on opposite sides of the A143 and A1141 respectively. An existing Haulage Business at Hewicks Haulage lies across the A1141 from the site and comprises several large industrial buildings and large areas of hardstanding for storage and the parking of vehicles. A cluster of large, industrial character, Farm Buildings also lies in close proximity to the site, at Loft Farm, to the south-west, on the opposite side of the A143. A Fisheries lies approximately 210 metres to the east of the site, and several large light industrial buildings lie beyond this, in between the site and Cross Green Hamlet.
- 1.8. The previous committee report stated that :

“Local knowledge indicates that the site has historically be used only for pastoral farming. Your officers consider the site to have a current undeveloped/greenfield planning use, therefore capable of being used only for the purposes of Agricultural, Horticulture and Forestry, without the requirement of planning permission.”
- 1.9. Following further review it appears, in the balance of probability that the existing driveway which runs along the eastern boundary has been in existence since before 1964. However, this does not infer anything about the wider land.

1944-1964

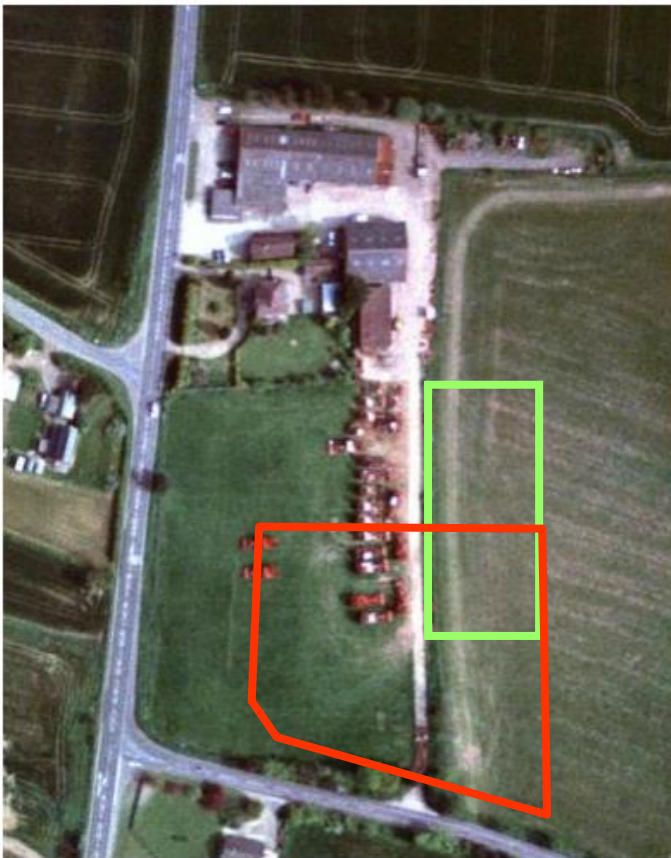
Waspe's appears to be a thriving business was built up on the site during this period.

This photo dated Summer 1964 shows the site.

The buildings now referred to as Unit 1 Crossways, are currently owned and occupied by G Parish Engineering were built before 1964. This building was known as Crossways Garage, and served as a garage with petrol pumps on the A134.



- 1.10. The following aerial image was submitted as evidence from 1999 that that the site was used for storage of machinery associated with Matrot (UK) Ltd who were based at Ivy House and were importers and distributors of machinery.



Area highlighted in green shows extent of machinery storage.

Area highlighted red is rough area of the red line plan. Not exact.

1.11. An enforcement case was opened on the 28/05/2019, under reference EN/19/00205 with the nature of the issue described as:

“Change of use of agricultural land to create access to existing engineering site and for the loading of lorries.”

1.12. This case was closed as it was considered not expedient for the Council to take further action as:

“The vehicular access, from the A1141 going across the land to the south of Crossways House to First Grade Recycling Systems, is an established access. The access is shown on site plans from planning applications considered by the Council in the mid 1980’s and there are aerial view photographs also showing the access was in place in 2008 and 2014. Under Section 171B of the Town and Country Planning Act, the Council has limited time to carry out enforcement action for development or a material change of use and as such this vehicular access is considered established and immune from enforcement action. In addition, there are no restrictive conditions in place relating to the use of this vehicular access by First Grade Recycling Systems and the current ‘use’ you have described does not constitute a material change of use.”

1.12.1. A subsequent enforcement case was opened under EN/20/00014 with the same nature of issue as described above. This was also closed with following conclusion:

“In conclusion, given that the land in question appears, on the evidence available, to have been used for some level of commercial activity since 2000, and possibly before, there may be an established use of the land for that purpose. On that basis, the current use would not constitute a breach of planning control. If that use - or, at least that element of use - of the land is considered to have been abandoned following clearance of the land circa 2011, the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allow for the temporary use of any land for any purpose. In which case, the occasional use of the land for storage and/or loading of lorries associated with the neighbouring commercial enterprises would not constitute a breach of planning control. On the basis that there does not appear to be an actual breach of planning control at this time and, in the absence of an act to take enforcement action against, there is no further action to be taken. Our current investigation (EN/20/00014) will, therefore, be closed on the same basis as the previous case (EN/19/00205).”

1.13. With that said, the investigation related to the area highlighted in green in paragraph 1.10 above, and not the majority of the site submitted as part of this application. Moreover, there has never been any formalisation of the land via a lawful development certificate.

1.14. The Council concludes, in the absence of any other evidence that would suggest otherwise, that the majority of the site falls back to agricultural use.

2.0 The Proposal

2.1 The application proposes the erection of a new two-storey building and associated hardstanding, in association with the applicant's existing business. The proposed access would be via the existing access to the A1141, which is proposed to be upgraded as part of the proposal.

2.2 Gradual growth of the applicant's business and the need for fabrication of larger equipment and machinery has seen the applicant out-grow their current premises and they state the premises can no

longer support future growth for additional design and manufacturing staff. They state they are further restricted by limited storage and manoeuvrability areas which further burdens logistics.

- 2.3 With the current and forecasted growth in the business, the Applicant requires new premises that are bespoke for their manufacturing needs. This includes a need for adequate office and welfare facilities of staff, sufficient storage for raw materials and large assembly and manoeuvring areas for their manufacturing process.
- 2.4 The current facilities at Ivory House are not ideal for the applicant's staff and supervision of work. The fabrication, manufacturing and assembly of machinery takes place in a separate workshop which is disconnected from the main office and welfare facilities. The proposal would amalgamate all processes within one area and would allow more efficient communication and supervision between the workshop and the office.
- 2.5 The application proposes the erection of a new workshop and connecting office facilities, in order to provide a bespoke and modern manufacturing facility to complement the Applicant's business. The proposal has been designed specifically for the manufacturing process of the business, including the workflow through the workshop.
- 2.6 The proposed workshop would also include modern equipment to support the business and increase production efficiency. The workshop would be fitted with an overhead crane capable of lifting assembled parts, thus reducing the requirement for forklift movements and manual handling, whilst a new paint spray booth would be installed in the attached lean-to.
- 2.7 The proposed office facilities have been designed to accommodate current and potential future staff growth with space on the proposed first-floor for administration, the design team and management. The proposed ground floor would provide modern and robust facilities for all staff, including a canteen, toilets, changing/shower facilities and a laundry area.
- 2.8 An external concrete yard area is also proposed in order to provide an area for storage of materials and finished machinery. This area would also provide space suitable for the on-site turning of large vehicles.
- 2.9 The Applicant's core business hours are typically from 0700 to 1800hrs Monday to Friday; from 0600 to 1800 Saturdays; and from 0800 to 1200 on Sundays. Due to the need to respond quickly to client's operational needs in an "emergency" (repairs, call outs) the applicant's operational hours may need to extend outside of these typical core hours on infrequent occasions. In the applicant's experience such need would occur on approximately 10 occasions per year. Such flexibility in the applicant's proposed core business hours forms part of the application proposal.
- 2.10 The proposed workshop and office building would have a combined gross internal floor area of 1676m². This is broken down as follows:
- Workshop = 1171m²
 - Paint Shop (inc. stores & office) = 195m²
 - Welfare facilities (Ground Floor) = 155m²
 - Office Facilities (1st Floor) = 155m²
- 2.11 The proposed ground floor of the building would consist of staff welfare facilities, changing areas, reception lobby and the main workshop area. The workshop area would encompass the fabrication line of the machinery include cutting, fabrication bays, assembly area, paint shop and storage.

- 2.12 The proposed building's first-floor would contain office facilities for design and office staff, including a meeting room and small welfare facilities.
- 2.13 The proposed building has been positioned to the Southern boundary, and it is proposed to utilise the existing access to the public highway (A1141), to the south of the site.
- 2.14 As part of the proposal, a proportion of the existing grassland/meadow, directly to the North of the Red Line Application site, within the applicant's ownership, will remain as existing as open grass field.
- 2.15 To support the electricity requirements of the proposed development, it is proposed to install sub-station on the Eastern boundary, subject to a UKPN application.
- 2.16 The application also includes external lighting, which includes the car park area, hardstanding area and downlights above roller shutter doors. Bulkhead lights with low luminaire rating will also be provided above personnel doors. The proposed lighting would be designed to ensure best practices to avoid light pollution. Lighting located near the Highway would be directed towards the site and fitted with shields to prevent glare for road users.
- 2.17 The proposed building would have overall external dimensions of 54.9 metres length x 25 metres wide, with a ridge height of 10.1 metres and 8.82 metres to eaves. A lean-to to the north elevation has external dimensions of 24.8 metres length x 8 metres wide with an eaves height of 7.6 metres.
- 2.18 Building dimensions, including height and width, have been sized to support the manufacturing process through the workshop. The eaves height is required to provide an internal lifting clearance of 6.5 metres for the overhead gantry crane and machinery assembly.
- 2.19 The proposed buildings walls would be profiled steel cladding panels in willow green (BS ref: 12B17). Sectional doors, fire exit doors and flashings would be in bottle green (RAL 6007). Roof sheeting would be goose-wing grey (BS ref: 10A05) profiled steel panels with minimum 10 per cent transparent roof lights.
- 2.20 Company signage would be affixed to either gable end of the building, on the East and West Elevations. Further signage would be placed at high level on the North and South elevations, all to be visible from the A134. It is envisaged that the signage affixed to the West gable elevation would be illuminated whilst avoiding light glare for passing vehicles. New company signage would also be installed on the access junction from the A1141 which is to be visible in both East and West-bound directions. These would be placed outside of the visibility splays.
- 2.21 The proposal would be visible from the A134 whilst being set back from the Highway, maintaining the visibility splay of the junction with the A1141. Along the A1141, the proposal would be largely screened by the existing hedge/treeline on the Southern Boundary.
- 2.22 The existing treeline to the Eastern boundary would remain untouched and it is proposed that one tree to the West of the existing site access would be removed to suit highway access requirements. The Southern boundary hedges and trees are to remain as existing with minor clearance works taking place.
- 2.23 To the North, and the boundary between the residential dwelling and their current facilities, the existing fence-line (mixture of timber and wire mesh fencing) and treeline are to remain.

- 2.24 It is proposed to provide perimeter security fencing to the western boundary by means of steel wire mesh fence panels in green, approximately 1.8 metres high. A similar fence already exists on the Eastern boundary between the proposed development and adjacent field.
- 2.25 The existing access on the A1141 is proposed to be used as the main entrance on to site. The existing concrete surfaced entrance is proposed to be revised and widened to suit Suffolk County Council (SCC) highway requirements for accessing an industrial unit. It is envisaged that an access gate would be installed, set back a minimum of 20 metres from the edge of the highway, for the purposes of site security.
- 2.26 New 15-metre radius kerbs are proposed to allow for a visibility splay of approximately 95 metres to the West at the junction of the A134, and an approximate distance of 215 metres towards the East with a setback of 2.4 metres from the revised access (subject to SCC highways approval).
- 2.27 The proposed access with the A1141 would provide the applicant with a formalised and safer means of accessing a highway with good visibility.
- 2.28 It is envisaged that the number of HGV's entering the proposed site would be relatively low, typically on average one articulated HGV per week. These would be either for delivery of materials or collection of finished machinery. The proposed layout has also been designed to provide sufficient manoeuvring and turning areas for articulated vehicles.
- 2.29 The Applicant currently employs 12 people and envisages, with gradual growth, that this will increase to approximately 20 over a number of years. Initially there are to be 21 no. on-site parking spaces provided for site employees and visitors, including 2 no. disabled parking bays. When necessary, and where employee numbers dictate, the applicant will increase the number of parking spaces which the site can support.
- 2.30 Due to the large floor area required for the manufacturing and assembly process of the machinery (up to 17 metres x 4 metres wide); the number of spaces provided have been designed for the applicant's business and are lower than the recommended amount as set out in the SCC advisory parking standards. It would be deemed unnecessary to provide the number of spaces based on the floor area as this would far exceed the number of spaces actually required. This proposal is subject to the SCC Highway Authority's approval.
- 2.31 A covered cycle stand would also be provided on site to provide secure storage of cycles. This would support current and future employees that cycle to work.
- 2.32 On completion of the development, the applicant would vacate their current premises at Ivory House.

3.0 The Principle Of Development

- 3.1. The starting point for any planning decision is the development plan, as identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004. Determination of any application must be made in accordance with the Adopted Development Plan unless material considerations indicate otherwise.
- 3.2. Relevant to the assessment of this application the Council's adopted Development Plan comprises the Babergh Core Strategy (2014) and Babergh Local Plan Alteration No.2 (June 2006). In addition, the relevant paragraphs of the NPPF must be taken into account within the policy narrative.

- 3.3. The site has not been allocated for development purposes for employment use within the current Development Plan (nor the emerging Joint Local Plan). As such, the site is not considered to be appropriate or necessary for development purposes in the context of the planned allocations.
- 3.4. As required by paragraph 219 of the NPPF, the weight attributed to development plan policies should be according to their degree of consistency with the NPPF. According to their degree of consistency with the NPPF, the greater the weight that can be attributed to a policy.
- 3.5. *Wavendon Properties Ltd v SSHCLG* [2019] EWHC 1524 (Admin) has made it clear that the most important policies should be viewed together and an overall judgement made whether the policies as a whole are out of date.
- 3.6. Taken as a whole, the most important policies in determining this application are CS1, CS2, CS11 and its related CS15 and CS17 of the Core Strategy and Policies CN01, EM01, EM02, EM08 and EM20 of the Local Plan.
- 3.7. The following paragraphs will therefore look at relevant Development Plan policies as its starting point, their consistency with the NPPF and then move on to the Joint Local Plan which currently has limited weight as a material planning consideration.
- 3.8. Policy CS1 'Applying the Presumption in favour of Sustainable Development in Babergh' is in-step with paragraph 11(d) of the NPPF, even though the policy's wording was based on the earlier 2012 NPPF. This policy is therefore afforded full weight.
- 3.9. Policy CS1 states that the Council shall take a positive approach for applications that are sustainable and accord with the policies within the Local Plan.
- 3.10. Policy CS2 requires that outside of the settlement boundary, development will only be permitted in exceptional circumstances subject to a proven justified need.
- 3.11. The proposed site falls outside the Built-Up Area Boundary for Cockfield and is therefore considered a countryside location under Policy CS2. In that case, the policy states that development will only be permitted in exceptional circumstances subject to a proven justifiable need.
- 3.12. Paragraphs 84 and 85 of the NPPF look to support a prosperous rural economy. The NPPF does not define 'rural economy'. In the broadest of terms, it shall be considered to mean any business within a rural area. As the application site is outside of the Cockfield settlement boundary, the site is considered as countryside. Therefore, as the site is for employment land in the countryside, we can be satisfied that paragraph 84 and 85 of the NPPF require consideration.
- 3.13. These paragraphs do not hold the same 'exceptional circumstances' test that CS2 does and as such CS2 is not provided full weighting due to this inconsistency with the NPPF. They do however offer a list of scenarios in which decision should enable rural economies to grow and expand.

- 3.14. In terms of employment and the rural economy, policies EM1 and EM20 require examination as do the relevant paragraphs of the NPPF.
- 3.15. EM1 states: “Employment-related development proposals which are not covered by other policies will be judged, in particular, against the expected job creation, the potential effect on residential amenity, environmental quality, traffic generation and road safety, and site accessibility by a range of transport modes.” These general considerations overlap with those in policies CS11 and Cs15 and are explored in that section of this report.
- 3.16 In relation to the rural economy, Paragraph 84 of the NPPF states that:

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- 3.15 This chimes with Babergh’s Policy EM20, which states:

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

In addition, Policy EM08 states: *“Proposals for warehousing, storage and distribution will be permitted at General Employment Areas and new employment allocations, subject to the acceptability of the location and characteristics of these sites.”*

- 3.16. The proposal would, indeed, enable the applicant to potentially grow their business.
- 3.17. However, and as many objectors have argued, this proposal is not an expansion but a relocation. Whilst it is not far from, it is not contiguous with, nor does it involve the retention of, the existing site. It is, therefore, not an expansion, but a relocation.
- 3.18. For this reason, the “expansion” element of EM20 and of paragraph 84 a) of the NPPF cannot be used as a justification for approval.
- 3.19. The application does not seek to develop or diversify agricultural or a land-based business. Nor does it offer rural tourism or is the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Therefore, the proposal is contrary to paragraph 84 b), c), and d).

3.20. Paragraph 85 goes on to state that:

'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

- 3.21. The site, as described in paragraphs 1.10 -1.16 above, is undeveloped land; it is considered greenfield. The proposal does not seek to meet any robustly identified community need. It does have some identified business need, in terms of the expansion and relocation of Firstgrade. However, the proposal offers no attempt at improving the scope for sustainable modes of transport and the site itself offers no such opportunity due to its location.
- 3.22. Should the application be approved in the absence of an opportunity to improve the scope of sustainable modes of transport, then it is possible that the vacated site at Ivy House would have new tenants and as such would intensify the uses over the two sites with a lack of sustainable transport modes for employees.
- 3.23. If, however, the application was refused and the applicants stayed in their current site or moved out to a different site and new tenants came in, the status quo would be achieved in terms of how employees access the existing site for Firstgrade. Therefore, and returning to policy CS2, whilst the NPPF does not offer an exceptional circumstances test for development in the countryside, it does clearly offer qualifying criteria for supporting rural business growth and expansion in areas that are either accessible or offer improved accessibility and meet a local business or community need.
- 3.24. The proposal does not meet the majority of these tests and, as such, is contrary to paragraphs 84 and 85 of the NPPF. This reaffirms that CS2 should be given credible weight as taking a responsible approach to the spatial distribution of new development and requiring the scale and location of new development to take into account local circumstances and infrastructure capacity are traits that is consistent with the NPPF.
- 3.25. When taking the Development Plan as a whole these requirements are found more broadly in policies CS11, CS15 and CS17 of the Core Strategy and EM01, EM02, EM08 and EM20 of the Local Plan and thus consistent with the NPPF and can be afforded full weighting.
- 3.26. **Policy CS11** is the strategy for development for Core and Hinterland Villages. The village of Cockfield, which is identified as a Hinterland Village, is for present purposes constituted by four separate settlements. In the 2006 Local Plan, separate Built-Up Area Boundaries (BUAB) were defined for Windsor Green, Cross Green, Great Green and Crowbrook/MacKenzie Place.

3.27. CS11 states that development in hinterland villages will be approved where proposals are able to demonstrate a close functional relationship to the existing settlement and where the following criteria are addressed to Council's satisfaction:

- (a) Core villages criteria:
 - i) the landscape, environmental and heritage characteristics of the village;
 - ii) the locational context of the village and the proposed development (particularly the AONBs, Conservation Areas, and heritage assets);
 - iii) site location and sequential approach to site selection;
 - iv) locally identified need - housing and employment, and specific local needs such as affordable housing;
 - v) locally identified community needs; and
 - vi) cumulative impact of development in the area in respect of social, physical and environmental impacts.

- (b) Additional hinterland village criteria:
 - i) is well designed and appropriate in size / scale, layout and character to its setting and to the village;
 - ii) is adjacent or well related to the existing pattern of development for that settlement;
 - iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;
 - iv) supports local services and/or creates or expands employment opportunities; and
 - v) does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster.

3.28. The accompanying 'Rural Development & Core Strategy Policy CS11 Supplementary Planning Document' (the 'SPD') was adopted by the Council on 8 August 2014. The SPD was prepared to provide guidance on the interpretation and application of Policy CS11, acknowledging that the Site Allocations Document foreshadowed in Policy CS11 may not be prepared for some time. Although the SPD is not part of the statutory development plan, its preparation included a process of community consultation before it was adopted by the Council and is considered to be a material consideration when planning applications are determined.

3.29. 3.13 The matters listed in Policy CS11, which proposals for development for Hinterland Villages must address, are now considered in turn.

- 3.30. (b) *Additional hinterland village criteria:*
i) *is well designed and appropriate in size / scale, layout and character to its setting and to the village;*

The proposed large industrial building is similar in visual character to those already existing: to the north at Ivy House; to the south at Hewicks Haulage; to the south-west at Loft Farm; and further to the east at Cross Green Farm Light Industrial Estate. It is, however, on a greenfield site, leading to further urbanisation of this rural area. The proposal is, therefore, considered to blend with the existing landscape character of its immediate surroundings to a limited extent.

That said, Ivy House and Hewicks, along with this site, are separated from the hinterland village of Cross Green and are part of a different character and setting than that of the Hinterland Village.

ii) is adjacent or well related to the existing pattern of development for that settlement;

At its closest point the BUAB of Cross Green is approximately some 400 metres from the site, separated by agricultural fields and the ponds and moat of Cross Green Farm. There are no pedestrian or cycle routes from the site into the Cross Green. Moreover, the A1141 that links the site and Cross Green is a national speed limit road that lacks and lighting. Lastly, the site's relationship with the other settlements of Cockfield is further removed, with the site approximately 4.6km from Great Green, 1.8km to Windsor Green and 3km to Crowbrook.

For these reasons, it clearly is not adjacent to or well related to the existing patterns of development for any hinterland village or core village. Furthermore, the site is not well connected to Cross Green or any other settlement for that matter.

iii) meets a proven local need, such as affordable housing or targeted market housing identified in an adopted community local plan / neighbourhood plan;

There is no proven local need within the proposal that is associated with Cross Green or the other settlements that make up Cockfield. The need is to grow the business and is with the private business. There is no indication that employees are from the Cockfield ward.

iv) supports local services and/or creates or expands employment opportunities; and

Whilst there is no evidence that the proposal would support local services in any meaningful way, the application form suggests that the number of employees may increase from 12 to 20.

v) does not compromise the delivery of permitted or identified schemes in adopted community / village local plans within the same functional cluster.

No such conflict has been identified.

Notwithstanding the last point, given all of the above, this application constitutes a very clear departure from the aims of objectives of Policy CS11.

3.31. **Policy CS15** of the Core Strategy sets out implementing sustainable development, amongst other things, requirements include that developments should:

- respect the landscape, landscape features, streetscape / townscape, heritage assets, important spaces and historic views;
- creating jobs and sites to strengthen or diversify the local economy particularly through the potential for new employment in higher skilled occupations to help to reduce the level of out-commuting and raise workforce skills and incomes.
- ensure an appropriate level of services, facilities and infrastructure are available or provided to serve the proposed development; and
- seek to minimise the need to travel by car using the following hierarchy: walking, cycling, public transport, commercial vehicles and cars) thus improving air quality.

- 3.32. The proposal would offer the potential to create new jobs in the future. The applicant currently employs 12 people and with a gradual growth, that may increase to approximately 20 over a number of years. Therefore, there is no immediate or guarantee of job creation. At the same time, the proposal would keep the current business and its employees within the district and prevent further out-commuting.
- 3.33. Whilst the Council's Economic Development Team supports the application because of the future growth prospects and location with access on to the A1141 and A14, the proposal does not seek to prioritise the use of brownfield land and as such does not make a positive contribution to the local character or existing landscape by way of development of a parcel of agricultural land. The proposal is in the countryside and not well connected and lacks cycles or pedestrian infrastructure.
- 3.34. The application fails to meet the most important criteria for this application set out under policy CS15 for implementing sustainable development.
- 3.35. **Policy CS17**, in addition, sets out measures in encouraging and supporting the rural economy. As previously stated, the proposal is for relocation of the existing business, in the countryside, on a new purpose-built site. The proposal does not offer a farm diversification, the re-use of redundant buildings, sustainable tourism or leisure-based business, business in renewable energy, community business hub that shares facilities and other innovative rural enterprise, or lastly farm shops. Therefore, the proposal is contrary to policy CS17. Even if the proposal were compliant with this policy, there is still the requirement to comply with other policies in the Core Strategy document, specifically highlighting CS15. As assessed above the scheme is considered to fall short of the main requirements of CS15 specific to this application.
- 3.36. Therefore, taking the Development Plan as whole, Officers consider that the "basket of policies" to determine this application are CS2, CS11, CS15 and CS17 which are up to date and consistent with the NPPF and that the tilted balance judgment outlined in paragraph 11(d) of the NPPF, it is not engaged.
- 3.37. Other material considerations within the NPPF relating to the principle of development are as follows.
- 3.38. Paragraph 81 of the NPPF states that:
"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."
- 3.39. Clearly there is a presumption to support economic growth. However, as set out above, the site itself must be considered acceptable to support the growth.
- 3.40. The Applicant has been actively looking to relocate the business to larger premises since 2011, searching via, and registering with, local agents and property websites. The applicant claims that exhaustive searches and potential sites in the immediate and wider area have been reviewed and found to be unsuitable, stating that the vast majority of existing industrial areas are not suitable for a bespoke building of this type proposed.

- 3.41. However, in terms of wider employment opportunities, the council has provided significant wider opportunities for economic growth and sites for commercial use.
- 3.42. To name but a few, Gateway 14 is located 16km to the East which will provide units from 20,000 to 1 MILLION SQ FT +. Lady Lane, in Hadleigh 18km away has undeveloped allocated industrial land and Chilton Woods and Sudbury (13km) have significant opportunities for new commercial land. None of these sites are part of the applicant's list of search for sites and would give the applicant the opportunity to build a purpose built unit.
- 3.43. These are plan-led developments and the distances from the site shows how disconnected the site is spatial from areas for identified growth.
- 3.44. Paragraph 82 of the NPPF states:
- “Planning policies should:*
- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.”*
- 3.45. As the application site is unallocated land, the proposal conflicts with subsections (a) and (b) above in so far as the proposal undermines the economic strategy of the Council. In addition, there is no evidence to suggest that the proposal would facilitate employment opportunities of a type envisaged by subsection (d) above. With regards to subsection (c), the application does not seek to address any potential barriers to investment.
- 3.46. Lastly, representations received have raised question as to whether the proposed building should be termed a workshop or factory or whether the proposal would be defined as Planning Land Use Class B1(c) or B2 (General Industry - excluding incineration, chemical treatment, landfill or hazardous waste).
- 3.47. Before considering this, it is important to note that Planning Use Class B1 is revoked from 1st September 2020, following the latest amendments to the Town and Country Planning (Use Classes) Order 1987, and the relevant class is now E(g)(iii) - Industrial processes which can be carried out in a residential area.
- 3.48. Should the proposed development not result in significant harm to existing residential amenity, then by definition, the proposed land use would conform with the requirements of Land Use Class E(g)(iii) and should therefore be defined as such.
- 3.49. With this in mind, should the application be supported, it is appropriate to impose conditions which:
- i) Limit the scope of this permission to that applied for and
 - ii) Remove Permitted Development rights to exclude changes within the E Use Class (which could include retail or even residential).

4.0 Design And Layout and Landscape

- 4.1 The proposed scale, form and design of the building is similar in visual character to those already existing: to the north at Ivy House; to the south at Hewicks Haulage; to the south-west at Loft Farm; and further to the east at Cross Green Farm Light Industrial Estate. However, its countryside setting does mean that the landscape contribution is neutral.
- 4.2 The proposal would result in the loss of a significant tree adjacent to the existing and proposed point of access. The tree in question is not presently protected by way of a Tree Preservation Order and such removal is considered to be justified in order to achieve highway visibility from the point of access. It is considered that there would be the opportunity to ensure the replacement of trees of the same, or more appropriate, species elsewhere on the site, as part of a detailed scheme submitted with the application. This includes new trees on all boundaries and 10m buffer to the north with the adjacent residential unit. In this regard the proposal introduces additional planting and screening to soften the impact of the unit on the site.
- 4.3 The proposal is, in regard to design and landscape, considered to be marginally in accordance with the provisions of Development Plan Policies CN01 and CS15 and NPPF paragraph 130.

5.0 Site Access, Parking and Highway Safety Considerations

- 5.1 NPPF Paragraph 110 states (inter alia) that, in assessing specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users;
 - and significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 5.2 NPPF Paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.3 Saved Local Plan Policy TP15 states that proposals for all types of new development will be required to provide parking in accordance with parking standards adopted as Supplementary Planning Guidance. Provision of car parking below these standards will be considered in relation to the type, scale and trip generation or attraction of the development; and its location and accessibility by means other than the car. The District Council will consider opportunities for improving accessibility of the development by means other than the car. Parking standards may be reduced if this can be achieved. The development will not be permitted if existing car parking provision is so low that on-street parking associated with the development would create a highway safety or amenity problem.
- 5.4 The SCC Highway Authority has assessed the application proposal and considers the proposal would not have an impact on the public highway with regard to congestion, safety or parking as the site is accessed via the existing access road. The Highway Authority considers that there would be no intensification of use, as the business is moving from its existing location just north of the site. The Highway Authority advises that there are bus stops on the A134/A1141 junction, and the area is served by a good bus service. Therefore, the County Council as Highway Authority, does not

wish to restrict the grant of permission, subject to compliance with suggested conditions relating to: access, visibility splay, access drainage, on-site turning and parking, Electric Vehicle Charging; and Construction Management Conditions.

- 5.5 Your Officers consider that, on the basis of the evidence presented, there is nothing to suggest that safe and suitable access to the site cannot be achieved for all users; that the application proposes sufficient on-site turning and parking; that the application promotes sustainable transport modes (provision of cycle parking and close proximity to bus stops); that there is nothing to suggest significant impacts from the development on the transport network, in terms of capacity and congestion, would result; that there would be an unacceptable impact on highway safety; or that the residual cumulative impacts on the road network would be severe.

6.0 Environmental and Amenity Impacts

- 6.1 The proposed building would be located 35 metres from the neighbouring dwelling to the south (with the intervening A1141); 85 metres from the neighbouring dwelling to the north; and 110 metres from the neighbouring dwelling to the west (with the intervening A134). At such distances it is not considered that the proposed building would result in significant detriment to the current amenities of these nearby dwellings in terms of dominance, loss of natural daylight, or loss of privacy.
- 6.2 The applicant has submitted a detailed noise impact assessment with the application, carried out by suitably qualified individuals, which has been assessed by your Environmental Protection Officers and included the following:
- 6.3 Your Officers note that the proposal concerns an existing business which currently operates in the immediate vicinity of the application site and note that the application seeks to allow the business to expand and to use more equipment than at present.
- 6.4 Your Officers advise that manufacturing processes can result in a loss of amenity to residential dwellings as a result of noise, lighting and odour, and note that there are a number of dwellings in the vicinity of the proposed development.
- 6.5 Your Officers note that the proposal includes a deliveries yard, use of skips and internal manufacturing with two roller doors facing towards one of the dwellings, and that the design and access statement suggests that air conditioning may be installed, as well as an extraction system for the paint spraying booth.
- 6.6 The applicant has confirmed the proposed core operating hours are Monday to Friday 7am to 6pm; Saturday 6am to 6pm; and Sunday 8am to 12pm. The applicant has confirmed that weekend working will be occasional as set out in the noise report submission. Your Environmental Protection Officers have accepted the proposed regular core working hours of 7am to 6pm Mondays to Fridays and your Officers consider that proposed operations carried out regularly within these timeframes would not likely result in a significant adverse impact on the amenities currently experienced by occupants of nearby properties. A condition ensuring the proposed regular core hours are adhered to is, therefore recommended as a condition of any permission granted.
- 6.7 With regards emergency and occasional working outside of the aforementioned core hours, your Officers note that this would most likely occur on Saturdays 6am to 6pm; and Sundays 8am to 12pm, as set out by the applicant in their supporting documents. The applicant has advised that working outside of core hours would be infrequent and likely on no more than 10 occasions per year. Your Environmental Protection Officers have advised that 20 occasions per year would be

acceptable, as set out in their final consultation response. A condition restricting emergency and occasional working, outside of the above core hours, on not more than 20 occasions per year, with a requirement for the applicant to keep a register of such instances, available for inspection on request, is considered appropriate by your Officers as part of any planning permission issued.

- 6.8 On assessing the submitted Noise Report, your Environmental Protection Officers have also recommended conditions ensuring no Forklift or HGV movements, and no opening and closing of roller-shutter doors, between 11pm and 7am, requiring Walls and Roofs to be sound insulated as per the specifications proposed, and requiring submission of further information regarding proposed materials and calculations showing sound restriction levels to be submitted and approved prior to commencement. It is, therefore, recommended that such conditions be applied to any permission granted.
- 6.9 Your Officers note that the manufacturing process may result in odours/dust and also that a paint spray booth is proposed. It is recommended that a condition should be attached to any permission to the effect that the development shall not commence before a scheme (to include a drawing showing stack height and extraction system) detailing the paint-spraying extract ventilation and filter arrangement (to treat fumes and odours so as to render them innocuous before their emission to the atmosphere) has been submitted to and approved in writing by the local planning authority, and the extract ventilation and filter arrangement shall be constructed in accordance with the approved scheme before the development is brought into use and maintained as such thereafter for the lifetime of the permitted development. Such a condition is considered to be required to ensure that emissions to air are minimised to protect the amenity of the occupiers of premises in the vicinity. The applicant should be advised that they will need to apply to the local authority for an Environmental Permit (under the Environmental Permit (England & Wales) Regulations 2016, Schedule 1, Chapter 6, Section 6.4) if they are likely to use more than 1 tonne of organic solvents in any 12-month period.
- 6.10 Your Officers also recommend that, prior to commencement of development, a full written scheme for external lighting shall be submitted to, and approved in writing by, the Local Planning Authority to provide that: Light into neighbouring residential windows generated from the floodlights shall not exceed 5/1 Ev (lux) (vertical luminance in lux - pre/post 23.00hrs)); Each floodlight must be aligned to ensure that the upper limit of the main beam does not exceed 70 degrees from its downward vertical; The floodlighting shall be designed and operated to have full horizontal cut-off such that the Upward Waste Light Ratio does not exceed 2.5%; The submitted scheme shall include an isolux diagram showing the predicted luminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. If possible, isolux contour lines should be provided showing 5lux, 1lux and 0lux contours; The approved scheme shall be implemented prior to beneficial use of the approved development and be permanently maintained for the life of the approved development; and the applicant should be referred to the ILPdocument 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'. Such a condition is considered to be required to protect the residential amenity of the locality, in terms of light pollution and artificial light nuisance.
- 6.11 Lastly both the SCC Highway Authority and your Environmental Protection Officers have recommended a condition be added to any permission granted requiring submission and approval of a construction management plan, prior to commencement, in the interest of neighbouring an environmental amenity during construction of the proposal.
- 6.12 Subject to the proposed development being carried out in accordance with the conditions as recommended by consultees, your Officers consider the proposal would not result in demonstrable harm to the amenities currently experienced by occupants of nearby properties, to the extent that refusal of the proposed development should be considered on such grounds.

7.0 Heritage Issues [Including the Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

- 7.1 In terms of the location of Heritage Assets relative to the proposal site, the nearest Conservation Area lies approximately 370 metres to the south-east of the site, at Cross Green, which contains number of Grade II Listed Buildings, which are the nearest Listed Buildings to the site.
- 7.2 Your Heritage Officers have been consulted on the application proposal and have not identified that the proposal would result in harm to the setting and significance of any of these or any other heritage assets. Your Planning Officers, therefore, conclude that the application proposal would not result in any harm to the setting and significance of the Cross Green Conservation Area, or that of any Listed Building, by reason of the separation distance between the proposal site on the nearest such Heritage Asset(s) and the presence of existing intervening landscape features.
- 7.3 This also site lies in an area of archaeological potential recorded on the County Historic Environment Record (HER) adjacent to part of the Roman road between Long Melford and Pakenham (HER reference BRC 007). To the east of the proposed development area is a designated moated site (National Heritage List for England reference 1002972, HER ref COK 003). In addition, to the south-west, is circular cropmark evidence (SNN 023). As a result, there is high potential for the discovery of 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.
- 7.4 SCC Archaeology have been consulted on the application proposal and advise that 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 NPPF Paragraph 205, 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.

8.0 Ecology, Biodiversity and Protected Species

- 8.1 Paragraphs 174 and 180 of the NPPF require, inter alia, that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 8.2 The proposal site is considered to be of limited ecological value, attributed to its location adjacent to 2 no. existing busy highways and existing industrial land uses to the north and south. The site also lies in excess of 200 metres from the nearest significant water body to the west of the site. It is also noted that the proposal would retain the majority of tree and hedgerow planting to site boundaries and, should additional landscape planning be secured by way of condition, then it is considered that this would secure some degree of net gain in terms of biodiversity, consistent with the above aims of the NPPF.
- 8.3 The proposal is therefore not considered to result in demonstrable harm to biodiversity and arboriculture, consistent with the provisions of the NPPF.

9.0 Flood Risk and Surface Water Drainage

- 9.1 The site lies completely within Environment Agency (EA) Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of flooding. The nearest EA Flood Zone 2 or 3 lies approximately 735 metres to the south-east of the site. As such the proposal site is not considered to be at significant risk of flooding.
- 9.2 The applicant has provided a Flood Risk Assessment (FRA) and surface water drainage strategy with the proposal which has been assessed by the Lead Local Flood Authority at SCC, who recommended approval subject to: The development being carried out in accordance with the provisions of the FRA and SWDS received; submission of details of components and pipe networks; and approval of a Construction Surface Water Management Plan (CSWMP) prior to commencement.
- 9.3 The Environment Agency has also been consulted on the application and the FRA and SWDS submitted. The EA advises that it has no comments to make on the application.
- 9.4 Your Officers therefore consider the proposed surface water drainage strategy would sufficiently ensure adequate protection of controlled waters.

10.0 Tourism

- 10.1 Representations received have raised concern that the proposal would impact negatively on Tourism in the Area, by reason of adverse visual impact on the character and appearance of the area.
- 10.2 Your Officers do not consider that the proposal would result in a significantly negative visual impact, and any such impact would be localised and would not demonstrably affect Tourism in the area.

11.0 Parish Council Comments

- 11.1 It is considered that the matters raised by Cockfield Parish Council have been suitably addressed in the above report.

PART FOUR – CONCLUSION

12.0 Planning Balance and Conclusion

- 12.1 It is assessed that the “basket of policies” within the development plan that is relevant to the principle of development for this application are CS2, CS11, CS15 and CS17 of the Core Strategy.
- 12.2 All of these policies, in the site-specific context, are considered up to date and consistent with the NPPF and can be afford significant weight. As such the titled balance within paragraph 11d) of the NPPF is not engaged.
- 12.3 The proposal is for a relocation, rather than an expansion of an existing business.
- 12.4 The site is within the countryside and disconnected from any settlement or settlement boundary. Additionally, the application does not evidence any local need for Cockfield or its residents but rather a private business need. The proposal lacks opportunities to improve sustainable modes of

transport. Therefore, the proposal is contrary to policy CS2, CS11 and CS15, which take a responsible approach to spatial distribution and requiring the scale and location of new development to take into account local circumstances and infrastructure capacity are traits that is consistent with the NPPF.

- 12.5 Furthermore, the proposal does not meet the criteria set out in paragraphs 84 and 85 of the NPPF to support rural growth.
- 12.6 As such, the proposal is not supported in principle.
- 12.7 The proposed layout, scale and appearance of the development is considered to be in accordance with the provisions of Development Plan Policies, CS15, CN01, CN06 and CN08, subject to conditions.
- 12.8 Subject to compliance with conditions, as suggested by your Environmental Protection Officers, the proposal is considered acceptable in Residential and Environmental Amenity Terms, and in accordance with the provisions of the NPPF and Development Plan Policy EM20.
- 12.9 The proposed means of access to the site, the proposed amount of on-site turning and parking, the projected impact in terms of additional traffic movements, and impact on existing highway capacity are cumulatively not considered to result in a severe impact on existing highway safety, in accordance with the requirements of NPPF Paragraph 111.
- 12.10 The proposal is not considered to result in significant harm to protected and priority Ecology Species and conditions will seek to secure biodiversity gain, in accordance with NPPF Paragraphs 174 and 180.
- 12.11 The proposal site is not considered to be at significant risk of flooding and the application is considered to propose a suitable scheme of surface water drainage. The proposal is, therefore, in accordance with NPPF Section 14, subject to compliance with conditions as suggested by the LLFA.
- 12.12 In conclusion, the principle of development is not supported due to the conflict with policies as identified above.

RECOMMENDATION

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

The proposal is outside of any Built-Up Area Boundary in a countryside location, where development such as this would not normally be approved. No satisfactory justification, even within the context of adopted employment policies, has been provided to depart from this approach.

As such, the proposal is considered contrary to Local Plan policies, CS2, CS11, CS15.