

Committee Report

Item No: 2

Reference: DC/17/06235

Case Officer: Steven Stroud

Ward: Brook

Ward Members: Councillors Barry Gasper and Nick Ridley

RECOMMENDATION – GRANT PLANNING PERMISSION

Description of Development

Erection of a high bay distribution unit (Use Class B8) with ancillary offices (Use Class B1) and gatehouse, together with associated landscape, drainage and parking.

Location

Former Sugar Beet Factory, Sproughton Road, Sproughton, Ipswich IP1 5AL

Parish: Sproughton

Expiry Date: 21/03/2018

Application Type: Full Planning Application

Development Type: Major - Large Scale

Applicant: LDH (La Doria) Ltd and First Industrial

Agent: Turley

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reasons:

1. The Corporate Manager – Growth and Sustainable Planning considers the application to be of a controversial nature having regard to the scale of development posed, its location, and its relationship to other planning applications currently affecting the site.
2. It includes the erection of an industrial building with a gross floor space exceeding 3,750 sqm.¹

Details of Previous Committee / Resolutions and any member site visit

Members of the Planning Committee undertook an inspection of the site and its surroundings on 14th February 2018.

¹ The internal floor space to be created by this development would be c.24,000 sqm.

PART TWO – APPLICATION BACKGROUND AND DETAILS

Relevant Planning History

The application site (and the parcel of land within which it sits) has a long history of use; most notably, as a factory for the production of sugar from beet. That use ceased around the Millennium, with most structures - save for four large concrete silos - being demolished or removed. Most recently, uses across the site have extended to B8 (storage) and motorcycle training, under a temporary permission (which expires in September 2018)².

The demolition of the silos (and other associated tanks/structures) was approved in 2017³ and at the time of writing this report those works are nearing completion. Planning permission was also granted during 2017 for the erection of a 30m tower to allow for the nesting of a Peregrine Falcon⁴.

The Council has committed to supporting the principle of retaining/expanding employment uses across the site and surrounding land through iterations of the plan-making process; this has culminated in the allocation of the site through the present Core Strategy (Policy CS8): 'Sproughton Strategic Employment Site Allocation'.

The Council's resolve in supporting such an allocation is clear, where the inherent planning principles have been shaped through public engagement and have been democratically approved. An application for a mixed-use (including 1100 dwellings) development was considered at appeal and dismissed by the Secretary of State in 2007⁵. In reaching their decision the Secretary of State noted the considerable tension between allowing such a development to proceed, and the Development Plan (then Policy EM04) which had expressly allocated the site for employment purposes. Policy EM04 remains extant; however, Policy CS8 is now considered to be the lead policy for determining applications pursuant to the Allocation, as it represents the most recent iteration of the plan-making process, examined as post-NPPF planning policy.

Members will note that this application is to be determined whilst two other applications relating to the land comprising the Allocation require consideration. Officers do not consider that the status of those applications should, or would, undermine the ability of Members to determine the application before them on its own merits and based upon the recommendations laid out within this report. That said, and as will be explained within the separate reports to Members, it is necessary to understand the relationship between applications and how they might be linked depending on the decisions to be taken.

A Government initiative designated new 'Enterprise Zone' sites in April 2016; Sproughton Enterprise Park is one of 10 sites within the New Anglia LEP's *Space to Innovate* Enterprise Zone. The purpose of these newly designated Zones is to fast-track development of land allocated for employment through measures, including:

- making it more attractive for local authorities to support development, via business rates retention;

² Application Reference: B/16/00762.

³ Application Reference: B/17/00955.

⁴ Application Reference: DC/17/03406.

⁵ Appeal Reference: 2030150.

- making it more attractive to future business occupiers by offering them business rates relief (funded by central government);
- ensuring access to superfast broadband is available for all occupiers;
- prioritising funding to EZ sites to secure delivery of employment and economic growth.

Delivery partners New Anglia LEP and Ipswich Borough Council (including officers from this Council) are confident that the availability of serviced employment land at Sproughton will help to ensure additional employment and economic growth within the area. Together with a number of other identified sites across Suffolk and Norfolk, the Enterprise Zone will help to create 18,500 jobs within the 25-year lifetime of the zone, including 5,000 jobs by 2021. On occupation, the return of business rates to the relevant Enterprise Zone partners could be used for reinvestment; for example, funding for site-specific infrastructure.

Site and Surroundings

The application site is located to the south of Junction 54 of the A14 as it meets Sproughton Road and comprises approximately 5.6ha of land within the wider site. The Site wholly falls within the parish of Sproughton, though lies close to the administrative boundary between the district of Babergh and the borough of Ipswich; its town centre lies to the south-east.

The A14 runs parallel to the western boundary of the site and is a major trunk road. Existing commercial areas lie to the east and north-east; the River Gipping is to the south with nearby residential dwellings around 375m to the south-east. The nearest residential properties are located to the west, approximately 300m from the westernmost site boundary and being separated by the A14 and vegetation of varying degrees of maturity and thickness. The site is generally blank and featureless; the wider land parcel within which it sits incorporates a mix of vegetation along its boundaries and features a number of mature trees and other scrub/shrub. Areas of hardstanding and remaining features associated with the former sugar factory lie immediately to the east, however within the same wider land parcel as allocated under Policy CS8.

The site wholly falls within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land also means that there is presently considered to be a low risk of surface water (pluvial) flooding.

There are no designated heritage assets within the red-lined application area, however the Grade II Park and Garden of Chantry Park, including its Grade II Gatehouse and Gatepiers, and; the Grade II Red House (and associated, individually listed, Grade II barn) are located along Hadleigh Road in an elevated position to the valley within which the application site lies, both being over 500m away and demarcated by intervening hard/soft features.

The site is not within or adjacent to a Conservation Area. Nor is it within or adjacent to an Area of Outstanding Natural Beauty, Site of Special Scientific Interest (SSSI), Air Quality Management Area, Local Green Space, or Area of Visual/Recreational Amenity. Whilst not affecting any land designated nationally (or internationally) for its environmental quality, the land adjacent to the south and west of the site is designated by the Council as forming part of a Special Landscape Area; however, no development is to be located within that area and it is outside of the application site.

No Public Rights of Way (PROW) run through the site; however, it is within proximity to a local network of footways and other routes associated with 'soft' modes of transport. This includes a river path route running along the River Gipping, which is beyond but parallel to the southern site boundary.

The Proposal

The applicant seeks 'full' Planning Permission for the development of a high-bay storage and distribution facility with ancillary office space and associated landscaping, drainage and parking. The development has been composed to the bespoke requirements of the end user, LDH (La Doria) Ltd, who are a leading UK distributor of ambient food products imported from around the world. The development would enable them to respond to their specific operational needs, which are currently met at four different locations including at the port of Felixstowe. The development would initially accommodate up to 120 members of staff, with potential for that number to increase over time where the development has been designed to allow for future growth. Subject to the grant of planning permission, development would commence this year, to enable occupation by 2020.

The proposed distribution building has an overall floor space of 24,215sqm (GIA) and is rectangular in shape roughly oriented from north-south. It is predominantly 18m in height, with the 'high bay' element extending to 41m and following the same orientation, on the eastern side of the building and taking up approximately one-third of the building's footprint. The building would have 28 loading docks as well as 13 level entry doors, all accessed from the service yard on the western side with parking for HGV's also located there and to the north.

The ancillary office accommodation is located on the eastern elevation, facing into the rest of the Enterprise Park site. This has been designed to create an active frontage to the estate road, and to provide a glazed focal point for visual interest. Parking for cars is located close to the office accommodation, on the eastern elevation and provision has also been made for cycle parking, changing and shower facilities to support access by sustainable transport modes.

The main building would be of a steel, portal-framed construction, with metal wall and roof cladding. The proposed design incorporates a dark grey plinth of vertical profiled cladding, with solid white bands of microrib cladding above. The purpose of that elevational treatment is to minimise the perceived height of the building against the background skyline; which is a typical approach for buildings of the kind proposed.

Vehicular access would be taken from the estate road, details of which are proposed in the associated infrastructure works planning application⁶ submitted by Ipswich Borough Council – the wider landowner – and which is to be determined alongside this proposal, albeit separate applications to be determined on their own merits. HGV would access the site towards its north-eastern corner, leading directly into the internal service yard. A gatehouse to control and direct HGV access is also located within the site and is identified on the submitted drawings. Access for cars, pedestrians and cycles would be from a dedicated access towards to south-eastern corner of the site (also served by the infrastructure application), leading to the car park, office accommodation, and main building entrance.

As the site sits within the wider Sroughton Enterprise Park/strategic land allocation, the wider landscape context would be set by the landscaping proposals to be delivered as part of the wider approach to delivery.

⁶ Application Reference: DC/17/06058.

An element of on-plot landscaping is proposed, albeit its scope is limited. The adequacy of this presentation in planning terms is considered later in this report.

The site would be secured with a 2.4m high, 'paladin'-type fence. The area around the main entrance and office accommodation would be demarked with a low-level, post and rail fence.

Members will note that the current application is contingent upon the other 'full' planning application for infrastructure works that presently affects the strategic land allocation (and is recommended for approval); or, some other means of securing access from the site to the public highway (amongst other matters such as drainage, for example): the infrastructure works proposal marks the first phase of construction works and infrastructure and would serve the first marketable plot(s) for the Enterprise Park being offered by the landowner, Ipswich Borough Council.

The application before Members and subject to this report relates to 'Plot A' which would be serviced by the aforementioned infrastructure proposal. Likewise, it accords with the illustrative layout submitted in support of the Outline planning application which affects the entirety of the land allocation and is also presently under consideration.

Consequently, whilst Members are tasked with determining each application on its own merits, the separate submissions are co-ordinated so as to not hinder or prejudice delivery and in order to provide a coherent approach to development within the wider land allocation. In respect of the current B8 proposal and the infrastructure application, these are linked to ensure any necessary infrastructure is in place to support the building's construction and occupation. Such considerations are of importance in the event that all three applications are held to be acceptable and this will be treated across the three separate reports where relevant (and in respect of this report, subsequent sections). The co-ordination or control of delivery of this application is considered at relevant points through this report; where, for example, certain elements of infrastructure would need to be in place prior to the commencement of development, or occupation. Negatively-worded i.e. 'Grampian'-type planning conditions are typical controls appropriate for that purpose.

The application, plans and documents submitted by the Applicant (including consultation responses and third-party representations) can be viewed online at: <https://planning.baberghmidsuffolk.gov.uk/online-applications/>. Alternatively, copies are available to view at the Council offices⁷.

Relevant Planning Policies

The Development Plan comprises the policies in the Babergh Local Plan 2011-2031, Core Strategy and Policies (2014) document and those 'saved' policies within the Babergh Local Plan, Alteration No.2 (2006).

⁷ Details of addresses and opening times are available at: <http://www.babergh.gov.uk/contact-us/>

Core Strategy

The Babergh Local Plan 2011-2031, Core Strategy and Policies (2014) document was adopted on the 25th February 2014. The following policies are of particular relevance to this planning application (and the related applications aforementioned):

- CS1 - Applying the Presumption in Favour of Sustainable Development in Babergh
- CS2 - Settlement Pattern Policy
- CS3 - Strategy for Growth and Development
- CS8 - Sproughton Strategic Employment Site Allocation
- CS12 - Sustainable Design and Construction Standards
- CS13 - Renewable/Low Carbon Energy
- CS14 - Green Infrastructure
- CS15 - Implementing Sustainable Development in Babergh
- CS16 - Town, Village and Local Centres
- CS21 - Infrastructure Provision

Saved Policies in the Local Plan

The 'saved' policies within the Babergh Local Plan, Alteration No.2 (2006) adopted June 2006 should be regarded as a material consideration in planning decisions. The following policies are of particular relevance to the proposal (and the related applications aforementioned):

- CN01 - Design Standards
- CN04 - Design and Crime Prevention
- CN06 - Listed Buildings
- CN14 - Historic Parks and Gardens – National
- CN15 - Historic Parks and Gardens – Local
- CR04 - Special Landscape Areas
- EM02 - General Employment Areas – Existing and New Allocations
- EM04 - Former 'British Sugar' Sproughton
- EM08 - Warehousing and Distribution
- EN22 - Light Pollution – Outdoor Lighting
- TP05 - New Cycle Link – Sproughton
- TP15 - Parking Standards – New Development
- TP16 - Green Travel Plans

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The three dimensions of sustainable development are highlighted which require decision-takers to consider each of the economic, social and environmental aspects of development proposals. The policies contained within the NPPF are a material consideration and should be taken into account for decision-taking purposes.

Other Considerations

The following documents are also considered as material for the purposes of determining planning applications and are considered to be applicable to this proposal by officers:

- Suffolk County Council - Suffolk Guidance for Parking (2014), adopted 2015.
- The Suffolk Growth Strategy (2013).

On the 6th March 2014, a number of Ministerial planning circulars were cancelled by central Government and were replaced by the Government's online national Planning Practice Guidance (PPG). The guidance provided is advice on procedure rather than explicit policy; however, it has been taken into account in reaching the recommendation made on this application.

The PPG is an online reference and is available at the following internet address:

<https://www.gov.uk/government/collections/planning-practice-guidance>.

The relevant policies referred to above can be viewed online. Please see the notes attached to the Schedule.

Consultations and Representations

Pre-application discussions were held with the applicants prior to the application being lodged and officer feedback has informed the current proposals. However, due to the timing and commercial confidentiality of discussions prior to the application being submitted i.e. between the applicant and the landowner, Ipswich Borough Council, the applicant has explained that it was not possible to engage in wider pre-application consultation either with the public or with Sproughton Parish Council. However, as part of the consultation and publicity process, officers later facilitated a meeting between the Parish Council, the applicant and their agents, in Sproughton. (Agents representing IBC who have submitted the two other applications presently affecting the land allocation under Policy CS8 also attended). The purpose of that meeting, held on 23rd January 2018, was to explore common ground, discuss relevant issues, and for the applicant to explain their intentions for the site and justification for the development proposed. Subsequently, and in response to the concerns raised by the Parish Council at that meeting, the applicant provided a letter (which is available for viewing along with all other application documents on the website) in order to address or provide comfort on those issues.

All of those most recent or relevant responses received prior to the completion of this report are summarised or directly quoted below; nevertheless, all responses received are available to view on the Council's website at the address given above. Given the lengthy/technical nature of some of the responses received, Members are directed to consider the original copies of those documents.

Any further responses or representations will be reported through the Addendum Paper and/or at Planning Committee.

Summary of Consultations

Sproughton Parish Council

- Very few jobs would be created.
- The building would not be BREEAM 'excellent' as required by Policy CS12.
- Quoted dimensions are not clear and building significantly higher than indicated.
- Scale of building not justified.
- Does not meet the criteria for good design.
- Concern in respect of LVIA evidence, conclusions.
- Would harm residential amenity.
- Considerable visual impact.
- Activity associated with the use has been ignored.
- Air quality concerns.
- Concern in respect of lighting; pollution and amenity.
- Noise concerns; noise assessment flawed.
- Transport Assessment is flawed.
- Must be considered against policies CS8, EM04, CR04, CS15.
- Potentially the largest commercial building in Suffolk.
- Would overshadow the traditional core of Sproughton village.
- Will dominate the local landscape.

"It is our contention that this application would have an unreasonable and severe impact on the residential amenity, the community of Sproughton, and the SLA landscape, visually due to its excessive size and location, due to excessive light from HGV movements at night, due to noise, again, caused by excessive HGV movements, especially at night when the cumulative noise levels in residential areas are already close to unacceptable levels and will be raised well above them. These impacts are unacceptable and in contradiction to the above BDC Policies.

The associated reports massively understate the impacts of the building and its HGV capacity, use misleading terminology and data, and unjustifiably dismiss or criticise the value of the landscape and residential amenity of Sproughton.

There is a massive contradiction, either the building should be assessed against what it is and the levels of impact it can generate, or if significantly lower levels of activity are required then there is no need for such a massive building."

Pinewood Parish Council

- Objection to the height of the building as it imposes on existing local surroundings and abuts a Special Landscape Area.
- Objection to lack of proposed infrastructure capable of effectively dealing with increased volume of traffic to/from proposed site.

Suffolk County Council (Local Highway Authority)

- No objection, subject to conditions.
 - Application is intrinsically linked to infrastructure proposal.
 - The individual impacts of the proposal are not so great as to require s106 contributions.
 - Early determination of the Outline proposal is recommended to secure wider site and connectivity improvements.
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Suffolk County Council (Lead Local Flood Authority)

- No objection, subject to conditions.

SCC (Archaeology)

- No objection subject to conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

SCC (Fire and Rescue)

- No objection, recommend hydrants condition.

Place Services – Landscape (BDC appointed consultant)

- No objection; comments and recommendations.
- The LVIA demonstrates that adverse visual impact is generally localised to the southern and western residential areas.
- Off-site planting should be incorporated where available, to further mitigate impact.

[It has additionally been confirmed, in writing, that Place Services accept the findings of the submitted LVIA]

Place Services – Ecology (BDC appointed consultant)

- No objection, subject to conditions.

Suffolk Wildlife Trust

- No objection, subject to conditions.

Environmental Protection Officer – BDC (noise, amenity issues)

- No objection, subject to conditions.

Economic Development Officer – BDC

- Recommend approval.

Highways England

- No objection.

Ministry of Defence

- No objection.

Summary of Representations

Those other representations received are summarised as follows:

- Negative visual impact of buildings.
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- Would overshadow properties.
- Disturbance from increase in traffic.
- Highway safety concerns.
- Lack of highway capacity to meet development demands.
- Size and scale of structures would dominate skyline.
- Unacceptable noise impacts from development operations/occupation.
- Objection to height parameters of buildings applied for.
- Concern over HGV reversing 'beeps' and other disturbance.
- Lighting impact concerns.
- Development should be screened.
- Lack of public engagement from developers.
- Unacceptable traffic movements through Sproughton.
- External building materials are poor.
- Fails to meet BREEAM requirements.
- Does not accord with development plan.
- Harm to historic environment.
- Air quality concerns.
- LVIA is flawed.
- Visual impacts are severe, not moderate.
- Harmful to wildlife.
- Would be as large as the silos.
- Clearly has adverse impact on residential amenity.
- Property valuation concerns/need for compensation.
- Conflicts with parameters of Outline proposal.
- Minimal job creation, would not outweigh harm posed.
- Flooding concerns.
- Harmful impact on riverpath and access.
- Adequate land is available in Felixstowe.
- Screening would be impossible.
- Conflict between this application and outline.
- Loss of light.
- Loss of view.
- Loss of outlook.
- Noise and light pollution.
- Building not appropriate for its location.
- Transport assessment is deficient.
- Blocks an identified route for Sproughton relief road.
- Transport mitigation measures must be secured.
- Landscaping must be robust.
- Protection of ecological island site is welcome.
- Potentially biggest building in Suffolk.
- 24hr operations would be intolerable.
- Devoid of character and poor design.

All consultee responses and representations received to date have been noted and have been taken into account when reaching the recommendations as set out below.

PART THREE – ASSESSMENT OF APPLICATION

From an assessment of the relevant planning policies, site history and land constraints/designations, representations and consultation responses received and other material planning considerations, the *main* issues in determining this application are considered, as following:

- The Principle of Development – Policy CS8 and EM08
- Highway Impacts, Connectivity and Sustainable Transport
- Heritage
- Landscape and Visual Impact and Impact Upon the Character of the Area
- Residential Amenity
- Resilience to Climate Change: Flood Risk, Drainage and Building Performance
- Ecology and Biodiversity
- Land Contamination
- Economic Impacts/Benefits
- Planning Balance and Conclusion

The Principle of Development – Policy CS8 and EM08

The application site was first allocated for employment development under Policy EM04 of the Babergh Local Plan. It is now included as a strategic employment allocation within the Babergh Core Strategy. Policy CS8 of the Core Strategy is considered to be the lead planning policy (from the Development Plan) for assessing the in-principle acceptance of proposals affecting the land. It is therefore afforded weight as a post-NPPF development plan policy. Policy CS8 gives clear support to the use of the land for employment related uses and provides a detailed framework to guide the development of the site.

In this respect the following paragraph taken from that policy is of importance:

“Proposals for redevelopment or re-use of the previously developed site (35.5 hectares) must be planned/approached on a comprehensive basis, with regard to the future of the entire site. Co-ordination of development could be achieved through a Masterplan and / or development brief / concept statement.”

Following the plan-making process which has already endorsed the allocation of this strategic site for employment purposes and the adoption of Policy CS8, the purpose of the ‘masterplan’, then advised under that Policy, is to enable the development of a comprehensive scheme to be considered and approved in due course, where deemed to be acceptable within the confines of that allocated area. Whilst a masterplan has not yet been adopted and this is preferable (and it is noted that in that respect IBC have provided a masterplan pursuant to their Outline proposal), an absence of such is not *unacceptable*; rather, the key matter relates to the ability to properly plan for, and co-ordinate, the land allocation in its entirety and for this coherent process not to be compromised.

This application, and the related - and aforementioned - detailed application for the first phase of infrastructure serving the site, which has been submitted by the wider landowner, only represents a portion of the land included in the overall strategic land allocation. However, officers do not consider that it should be a necessity for one single proposal, such as this, to comprise the entirety of the land allocation; the consequence of such might be to delay occupation from being brought forward in a timely fashion and inhibit economic investment and growth, contrary to the core principles of NPPF. The critical point is that coherent and co-ordinated development is planned for, and that all development permitted within the allocation area reflects the over-riding policy aspirations and does not compromise the overall delivery of the site. Whilst this might take the form of an overarching masterplan, where any individual 'piecemeal' developments are brought forward outside of this process, so long as they would not prejudice the delivery of such a plan and/or can indicate how those developments can acceptably take place within the allocation area, with linkages and mitigation as may be appropriate, such an approach would be satisfactory in light of the wording of the Policy.

This approach would also be consistent with the acknowledgement in Policy CS8 that the strategic allocation is 'very large' and 'complex' and that its development is expected to be brought forward and implemented in phases, requiring collaborative and proactive engagement with landowners and developers in order to achieve its successful redevelopment, over the Plan period.

In the event that Members are minded to approve both full applications as submitted (i.e. the infrastructure application and this current proposal submitted by the first occupier, as recommended by officers), there would be no conflict in bringing forward the development of the site as envisaged by the lead policy. Equally, in the event that the present employment use proposal is considered acceptable, and the other not, this would still be unlikely to prejudice a comprehensive approach to development for the site (albeit the occupier's proposal would be unable to operate until relevant infrastructure has been delivered).

Further, the submitted employment application fully accords with the layout envisaged through the masterplan which accompanies the current Outline application; it is defined as 'Plot A' in this context. The siting of the building, its proposed use, scale and access arrangements are all consistent and serve to demonstrate that a comprehensive approach to delivery across the land allocation has been a key driver and is being planned for.

Key policy CS8 is not specific in terms of defining a particular height parameter in respect of employment development within the strategic allocation. In this regard, the current Outline application proposes a maximum height parameter of 28m. The current employment proposals would give rise to a building which, in part would be 41m high; and would therefore sit outside the proposed masterplan parameters. Whilst this inconsistency is notable it does not undermine Policy CS8 or the need to consider each proposal carefully on its own merits.

Nevertheless, officers do give significant weight to the approach presented by the applicant, which requires consideration to be afforded to the positive benefits that would accrue through allowing this 'first' and named occupier-led application to proceed. This outcome would enable development to be brought forward quickly (and feasibility/viability are key limbs of Policy CS8) in response to a specific commercial context and Enterprise Zone status. In that respect it is understood that the applicant needs to have relocated to a fully functional unit tailored to their requirements, by 2020 (with commencement in Spring 2018), in order to meet their specific business needs.

It is further understood that the decision to invest in this site has followed an extensive site search exercise, carried over several years. These are considerations held to be material in determining this application, given the reality that the Council presently has two separate, but aligned full planning applications before them, which are driven by a commercial imperative to secure delivery of a new B8 distribution unit in this specific location, for a named occupier. Alongside this the NPPF, at Paragraph 21, is clear that investment in business should not be over-burdened by the combined requirements of planning policy expectations; efforts should be made to recognise and address any barriers to investment. The significant economic benefits in allowing development to proceed in light of this independent application are considered later in this report.

From the preceding policy context, what follows is an assessment of this application against the requirements of Policy CS8 (where relevant, given nature of this application as a single proposal and its site area) and the wider policies within the Development Plan and the NPPF, grouped under those key material planning considerations identified above. Officers consider that, subject to positive appraisal against those considerations, the principle of development would be acceptable.

Policy EM08

Specifically, Policy EM08 states that:

“Proposals for warehousing, storage and distribution will be permitted at General Employment Areas and new employment allocations, subject to the acceptability of the location and characteristics of these sites. Proposals that take up an excessive amount of land, or are more appropriately located elsewhere, for example at ports or closer to trunk roads, will be refused.”

Policy CS8 is the lead policy for the determination of this proposal and is a land allocation that, through its terms, expressly allocates new employment land. Therefore, in accordance with the first limb of Policy EM08, the provision of warehousing, storage and distribution would be acceptable subject to an assessment of that proposal having regard to its location and impact upon surrounding environs i.e. its individual merits.

On that basis, it is noted that the proposal responds to a clear and specific market need and, as will be confirmed in the subsequent section, would be acceptable in highway terms; it is also located directly adjacent to the A14 trunk road. Furthermore, the proposed B8 use is not adjudged to take up an ‘excessive amount of land’, comprising 5.6ha within the wider strategic allocation which comprises over 35ha of land and where the applicant has provided clear justification for the scale of development proposed.

Highway Impacts, Connectivity, and Sustainable Transport

The highway impacts of the proposed development are such that they comprise one of the main areas of concern for consultees and local residents in their representations on the application. Paragraph 32 of the NPPF states that proposals must provide safe and suitable access for all and that transport networks should be improved in a cost-effective way to limit any significant impact of the development on the surrounding area, whilst taking account of sustainable transport options. A key planning principle within the NPPF is that local planning authorities should support a transition to a low-carbon future through, inter alia, planning for the reduction of greenhouse gas emissions.

Paragraph 32 also makes it clear that proposals must only be refused on transport grounds where residual cumulative impacts would be 'severe'. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety, notwithstanding that safety is of course a significant consideration in itself⁸.

The lead policies to consider from the Development Plan, in addition to Policy CS8, are CS14 and CS15 of the Babergh Core Strategy and saved policies TP05, TP15 and TP16 of the Babergh Local Plan. These policies seek to secure development that is well laid out in terms of site access and highway safety, traffic flow and the environment, with the need to secure sustainable travel planning details.

Specifically, in relation to Policy CS8 development is required to provide for:

- *“protection of the wider river environment in the locality and any opportunities for enhancement, including improvement of the River Gipping Riverside Path;*
- *production of a satisfactory green travel plan, with regard to provision / upgrading of sustainable transport access between the site, nearby villages and Ipswich town centre as necessary;*
- *the provision of any necessary measures to address transport impacts offsite, including speed management, remodelled roundabout(s) providing access to the A14 and mitigation of additional development-related traffic generated through Sproughton village”.*

Traffic/Capacity Impacts

The traffic movements to be generated by the development, including those of the workforce and HGV, have been quantified within the submitted Transport Assessment that has been considered by officers and the LHA. That Assessment has utilised local and strategic network modelling, taking into account the existing baseline conditions along with those predicted when allowing for future growth. The overall conclusions are that the traffic to be generated by the development, noting its principle storage/distribution status, would be relatively low when presented against the network as a whole.

The applicant's operations are port-centric. In practice, this means that they rely upon imports from abroad – which in this context relates to the port of Felixstowe – before distributing throughout the UK food network. It is therefore reasonable to presume that given the proximity of the site to the A14, the majority of HGV trips (if not all) would be directed onto the strategic road network rather than the local networks through Ipswich or Sproughton. Likewise, working patterns are arranged across shifts to account for the 24-hour operations of the business, which would mean that car-based commuting would be diffused across the day and would therefore limit excessive pressures upon the local highway network (notwithstanding that workers might still arrive from/depart via the A14 in any event).

Consequently, it is not necessary for the development to address any offsite transport impacts by way of financial contribution or obligation, and this is accepted by the LHA who instead recommend the imposition of simple planning conditions and other measures capable of being secured via the standard s278 process.

⁸ There is no definition of 'severe' in the NPPF. However, in appeal decisions, Inspectors have concluded that it is not necessary to judge whether there is some impact on the network, but whether that impact is severe. That test is 'a high test', deliberately set so as to get development moving forward.

Further, Highways England have raised no objection to the proposal in relation to impacts upon the wider strategic road network. This is an additional consideration that sits within the context of the test of severity set out at Paragraph 32 of the NPPF, as described above.

Access, Layout and Parking

In this instance, there are two points of vehicular access serving the site which rely upon the delivery of an internal estate road from the public highway and Junction 54. The acceptability of those entry/egress points have been treated positively by the Local Highway Authority (LHA) subject to conditions and officers endorse that view. In addition, conditions triggered in relation to commencement and occupation are recommended in order to secure delivery of the infrastructure necessary to serve the development. Feasibly, this might be satisfied through the delivery of the associated infrastructure planning application – recommended by officers for approval – but conditions are appropriate to ensure that this occurs before the first use/occupation of the development, regardless of the outcome of the separate application.

HGV would access the site towards its north-eastern corner, leading directly into the internal service yard. A gatehouse to control and direct HGV access is also located within the site and is identified on the submitted drawings. Access for cars, pedestrians and cycles would be from a dedicated access towards to south-eastern corner of the site, leading to the car park, office accommodation, and main building entrance. The layout in that respect is considered to be coherent and ensures that users are ‘funnelled’ appropriately around the site depending on user and transport mode.

Under the advice of the LHA, further conditions are recommended, including those securing: policy-compliant parking standards, electrical charging points, cycle parking, changing facilities, lighting, and construction management. These are all necessary items in light of the Development Plan and have been agreed with the applicant.

Connectivity and Sustainable Transport

Policy CS15 seeks to minimise the need to travel by car using alternative means and improving air quality. The Site is well-connected to Ipswich and surrounding settlements via the local highway network, which includes a proportion of pedestrian and dedicated cycle linkages.

Policy requirements relating to highway mitigation, improvements to the river path, and wider connectivity improvements have been considered. As a separate exercise, and in light of the above, this application has been considered in relation to the particular planning issues and likely impacts/effects that it poses; the outcome is that it is not held to be necessary to secure those particular measures outlined within Policy CS8 (and TP05) given the nature of the proposal and movements likely to be generated. It is appropriate, and likely, that such matters would be material to other applications affecting the land allocation; to be considered on their own merits and within separate reports compiled by officers for review by Planning Committee, depending on scale. As noted, this application does not prejudice other proposals or considerations relating to a comprehensive masterplan for the site and any mitigation that may be required in relation to other employment uses planned or applied for.

The requirement for a Travel Plan is supported by the NPPF at Paragraph 32; other relevant paragraphs of the NPPF include 34, 35, 36 and 37 as well as the 'Travel Plans, Transport Assessments and Statements in Decision-taking' section of the PPG. Securing such a Travel Plan is further supported under the Development Plan, particularly Policy CS8.

In light of local and national planning policy, including Policy CS8, the applicant has provided details of an Interim Travel Plan and given a commitment to ensuring that, concurrent with occupation of the development, a more detailed Travel Plan will need to be submitted to and agreed with the Council; this is accepted by officers. The mechanism to secure such detail would involve a planning condition as recommended by the LHA. Having regard for the Interim Travel Plan it is also feasible that sustainable options could be linked to the wider Enterprise Park as future occupiers come forward; this is capable of consideration at the appropriate time and in light of the Full Travel Plan to be secured.

Conclusion

Officers endorse the views of the LHA who have assessed that, subject to appropriate conditions, the development is capable of adequate assimilation into the local and strategic highway network; residual cumulative impacts would not be severe, appropriate Travel Plan measures can be implemented, and the access to be provided would be safe and suitable in its presentation.

Therefore, in light of the preceding assessment the development is considered favourably in respect of highway impact, sustainable transport, and accessibility/connectivity.

Heritage

With reference to the overall treatment of the submitted application, the Council embraces its statutory duties and responsibilities, notably; Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to have "*special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses*". Officers interpret this to mean having special regard to the desirability of keeping such designated assets from harm. Case law pertaining to the application of that duty acknowledges that the consideration of the impact of a proposed development upon the significance of a designated heritage asset is a matter for a local planning authority's own planning judgement, but that a local planning authority is required to give any harm that it identifies considerable importance and weight; such harm as may be identified gives rise to a strong presumption against planning permission being granted⁹.

The NPPF sets out the Government's national planning policies for the conservation of the historic environment and builds upon the 1990 Act referred to above. Paragraphs 132-134 state, *inter alia*, that when considering the impact of works or development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation; any harm requires clear and convincing justification. Policy CS8 notwithstanding, Policy CS15 of the Core Strategy and Policies CN06, CN14 and CN15 of the Babergh Local Plan seek to secure the preservation or enhancement of the historic environment (i.e. to keep designated assets from harm). In accordance with the NPPF due weight must be given to the policies contained within the development plan according to their degree of consistency with the NPPF. The aforementioned policies are considered to be consistent with the NPPF and so are afforded a strong weighting.

⁹ *R. (on the application of Lady Hart of Chilton) v Babergh DC* [2014] EWHC 3261 (Admin).

In addition to being a 'full' application, the submitted details provide adequate opportunity to make an assessment as to the potential impacts of the development upon the historic environment. As noted, the assessment of whether there is likely to be harm to a designated heritage asset is a matter for the LPA's own planning judgement, having regard for the facts and details before them. In this case, there are no designated heritage assets within the red-lined application area, however a number of assets are in proximity to the Site. Whilst Historic England have not provided any comments in response to the application (consulted December 2017¹⁰) those assets likely to be affected by the development would be: The Grade II Park and Garden of Chantry Park, including its Grade II Gatehouse and Gatepiers, and; the Grade II Red House (and associated, individually listed, Grade II barn). Those assets are located along Hadleigh Road in an elevated position to the valley within which the development would be sited, being over 500m away and demarcated by intervening hard/soft features. No other assets would be impacted by the proposal having regard for the significant demarcation and separation/disturbance between those assets (in the centre of Sproughton, for example) and the proposed development.

Due to the nature of the development; its scale, form, and detailed design; its relationship to adjacent development; separation distances, and; intermediary features involved, officers are satisfied that those identified assets within the vicinity would not be 'harmed' by this proposal, within the meaning provided by Historic England guidance¹¹ and expanded by the NPPF. Whilst the locations of the Red House assets are afforded a far more open setting, with a wide prospect down and across the valley, the proposed development, despite its presentation and scale, would be viewed against its localised context and the backdrop of adjacent development. Whilst an impact would be posed by virtue of its visual presence, this is not considered to undermine the setting of those assets to the extent that harm would be posed; rather, the significance derived from the present setting of affected assets would be preserved. Officers therefore endorse the views presented through the technical submissions provided by the applicant which state that due to the relevant separation distance, the extent of intervening development and landscaping and the local context, it is not considered that the proposed development would be visible from these assets or affect their significance.

Archaeology

Policy CS15 of the Core Strategy seeks to secure the conservation and/or enhancement of the historic environment. It further states that *"...Proposals for development must ensure adequate protection, enhancement, compensation and/or mitigation, as appropriate are given to distinctive local features which characterise the landscape and heritage assets..."*. This is consistent with Paragraph 141 of the NPPF.

The Site lies in an area of archaeological potential recorded on the County Historic Environment Record, in close proximity to finds relating to Mesolithic and Palaeolithic occupation. There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, any permission granted should be the subject of a planning condition(s) to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

In light of the above, conditions are recommended in-line with the requirements of the County Archaeological Service, in order to make the development acceptable in planning terms.

¹⁰ Historic England has, however, responded to the Outline application not wishing to offer any comments.

¹¹ English Heritage, (2008) *Conservation Principles, Policies and Guidance*.

Conclusion

The application is considered as acceptable with regard to its impacts upon the historic environment.

Landscape and Visual Impact and Impact Upon the Character of the Area

The visual impacts of the proposal as it relates to the wider area and landscape setting were of great concern to local residents and the Parish Council in making their representations. The proposed scale and height of the building arises from the specific operational requirements of the applicant: The loading and despatch areas, together with facilities for product checking and re-handling and for staff amenity are accommodated within the main building, which is around half the height of the high-bay element. The high-bay element would provide the storage and racking capacity required by the applicant to operate efficiently and is described by the applicant as being ‘fundamental’ to the scheme; it covers around one-third of the footprint of the building. Further, the applicant states that – and as is evident from the submitted drawings – the high-bay element has been kept as small as operationally possible, as it wraps around the racking operations to ensure that no space is wasted (i.e. that the applicant has reduced the scale of the building as much commercial requirements will allow).

During the consultation process it was highlighted to officers that there was disagreement between parties in relation to the actual size of the building; representations received indicating that it was greater than had been identified in the application documents and supporting evidence, including the submitted Landscape and Visual Impact Assessment (LVIA).

In response, clarification was sought from the applicant who provided the following:

“In response to the Parish Council’s specific queries around the accuracy of submitted building heights and AOD ‘discrepancies’ within the LVIA, we have re-visited the assessment and the related site survey records. This has confirmed that existing site levels vary, approximately ranging between 8.00m AOD and 9.00m AOD. The highest existing level is 10.10m AOD falling to the lowest level of 7.29m AOD¹².

In terms of the proposed finished floor levels, whilst these were not fixed at the time of the assessment, design work was progressing on the basis of being in the range of between 8.20 and 8.30m. In order to allow for some lea way and a worst-case scenario, for the purposes of the LVIA assessment, a maximum of 9.00m AOD was assumed.

The proposed building will have a top of ridge height of 40.475m. On an assumed FFL of 9.00m AOD, this would put the top of the building at an assumed 49.475m AOD. In comparison with the height of the silos, including the gantry structures above the silos, which have been surveyed at heights of 59.75m AOD and 55.35m AOD respectively, the new building will be lower.

Even with a hypothetical “worst case” scenario of a 41m high building on a 10.5m AOD FFL, this would put the top of the new building at 51.50m AOD. This would still be 3.85m below the height of the lowest silo and 8.25m lower than the highest.

¹² Members should note that AOD means ‘Above Ordnance Datum’. This is a data point taken from a location elsewhere which allows for relevant items to be measured in comparison to that reference point. For example, this allows for accurate comparisons between buildings that might be located close together to be drawn, rather than working from a height above ground level where those levels might vary.

We can confirm that the service yard will be lower than the FFL and that the dock levellers will be lower still, in order to allow HGVs to back up, level with the FFL for loading purposes.”

The applicant submits that the relevant measurements and LVIA work has been undertaken by a suitably-qualified and reputable consultancy (Barry Chinn Associates). Officers have confirmed with the Council’s own appointed consultant (Place Services) that the details presented provide an adequate reflection of the proposal and its visual impacts. Place Services have confirmed that they are satisfied with the information that has been provided and the findings of the LVIA submitted.

The NPPF states that the intrinsic character and beauty of the countryside should be recognised in decision-taking. Policy CS15 of the Core Strategy requires development proposals to protect the landscape of the District. In addition to the requirements of Policy CS8, Policy CS14 also seeks to protect and enhance existing green infrastructure and states that on larger sites it will be central to the character and layout of the development.

Policy CR04 specifically relates to Special Landscape Areas (SLA). This is a local, non-statutory designation used to categorise sensitive landscapes. The policy states that:

“Development proposals in Special Landscape Areas will only be permitted where they:

- maintain or enhance the special landscape qualities of the area, identified in the relevant landscape appraisal; and*
- are designed and sited so as to harmonise with the landscape setting.”*

Further, Policy CS8 requires applications be assessed with regard to:

“Retention of the natural area known as the island site (a separate 16 hectares approximately) and existing landscape tracts, together with proposals for further measures.”

The site is generally blank and featureless; the wider land parcel within which it sits incorporates a mix of vegetation along its boundaries and features a number of mature trees and other scrub/shrub. Areas of hardstanding and remaining features associated with the former sugar factory lie immediately to the east, however within the same wider land parcel as allocated under Policy CS8.

No part of the application site falls within the SLA and no development is proposed to take place within that designated area. On that basis, Policy CR04, in strict terms, is not engaged.¹³ Nevertheless, the impact of development upon its landscape setting and, in this instance the adjacent SLA, requires careful treatment in light of Policy CS15 and national planning policy.

Notwithstanding the physically constrained nature of the site – it is not considered to present itself as being ‘open’ countryside – it is inevitable that developing the land will pose an impact upon the character of the site and the local area, where it falls within the wider valley landscape and SLA designation.

¹³ This follows the reasoning set out by the Court of Appeal in relation to Areas of Outstanding Natural Beauty and Paragraphs 115 & 116 of the NPPF; see *Cherkley Campaign Ltd, R (on the application of) v Mole Valley District Council & Anor* [2014] EWCA Civ 567.

However, the key question, acknowledging the planning policy context, is whether the visual impact of the development can be reasonably assimilated or mitigated as it relates to the wider landscape setting and public amenity (which in many cases will accord with private views afforded to nearby residents south of the river and to the west of the A14).

In that respect, the LVIA has considered the impacts of the development from a number of previously agreed public viewpoints; those considered to be most sensitive to visual change. The LVIA has been based on worst-case scenarios (see commentary in respect of FFL and AOD measurements above) and compiled in accordance with best-practice guidelines¹⁴. As noted above, its findings have been accepted by the Council's appointed landscape consultant. The conclusions of the LVIA are summarised as follows:

- Landscape effects would be contained, and localised.
- There are other visual detractors (the A14, electricity pylons) within the immediate study area and setting.
- The effect on the SLA is minimal, confined to the boundary with Sproughton and the River Gipping.
- There would be no discernible influence over the SLA as a whole.
- The greatest impacts are shown to occur within a 1.5km radius; the effects would be long-term and irreversible.
- Submitted landscaping scheme would provide amenity at ground level, however its wider effects would be limited.
- Adverse impacts across the sensitive location would range from 'minor' to 'moderate'¹⁵.
- It is envisaged that proposals relating to the wider site would provide further opportunities for lower-level screening.

The adverse impacts across the six viewpoints, categorised as 'highly sensitive', are summarised as follows for 'Year 0' i.e. completion of the development:

- 1) Bramford Way Recreation Ground – Minor/Moderate Adverse;
- 2) Bramford Road adj. Spanner Way – Minor Adverse;
- 3) Jovian Way junct. with Europa Way – Minor Adverse;
- 4) Ventris Way with Collinsons – Moderate Adverse;
- 5) PROW near Spring Vale Farm – Moderate Adverse;
- 6) Gipping Way, Sproughton – Moderate Adverse.

After 15 years, the LVIA does not identify any change from the above, other than the viewpoint of Jovian Way changing from 'Minor Adverse' to 'Negligible' in light of a likely period of settling and a degree of assimilation into the landscape. Officers have, however, favoured to consider the 'Year 0' assessment as a worst-case basis.

¹⁴ Landscape Institute (2013) *Guidelines for Landscape and Visual Impact Assessment (GLVIA3)*.

¹⁵ Importance of effect ranges from: Negligible, Minor, Moderate, and Major.

Comments relating to an assumption of greater landscaping provision around the site is noted and it is considered that the landscaping proposed under the infrastructure application (also recommended for approval) would assist in softening the development to a degree (including further strategic landscaping that might be secured in relation to the wider site allocation); however, officers have nevertheless adopted a cautious approach in considering the impacts of the development on its own merits. In any event, due to the scale of the development, such provisions would pose only limited mitigation. Nevertheless, having regard for the submission of a detailed landscape strategy that provides for landscaping around the perimeter of the application site and its public frontage, officers accept that adequate effort has been made to mitigate the urbanised aspects of the development at a ground-amenity level and sufficient green infrastructure has been introduced in light of the site area and commercial needs that have been evidenced.

The building would be of a steel, portal-framed construction, with metal wall and roof cladding. The proposed design incorporates a dark grey plinth of vertical profiled cladding, with solid white bands of microrib cladding above. The purpose of that elevational treatment is to minimise the perceived heights of the buildings against the background skyline; which is a typical approach for buildings of the kind proposed. This is endorsed by officers in this instance, taking into account the cogent rationale provided in the submitted Design and Access Statement, and the comments of the Council's appointed landscape consultant. The design of the development is in all respects considered acceptable, notwithstanding the wider visual impacts due to its scale and form which has been dictated by operational needs.

Conclusion

In light of the above, the proposal is considered to pose harm upon the landscape, public amenity and the character and appearance of the area, albeit within a localised context. This is due to the visual impact of the development, proximity to sensitive receptors, and its long-term and irreversible duration. Careful treatment of external facing materials would assist with limiting prominence but ultimately would not mask the localised impact of the proposal. The harm identified, which has been agreed by the Council's appointed consultant, would be at the more adverse end of the spectrum of importance, being 'Moderate Adverse'. It would be more adverse than 'Minor Adverse' but less adverse than 'Major Adverse'. The tension that this therefore poses in light of local and national planning policy is considered within the planning balance at the conclusion of this report, alongside appropriate consideration of complaints that the development would also impinge upon private views and reduce local property values.

Acknowledging Policy CS8, important landscape areas within the site would not be physically affected by the development, which includes the 'island site'. As this limb of the policy would not be prejudiced, the development would remain in accordance with the lead policy in that respect.

Residential Amenity

It is a widely-held and accepted principle that the planning system operates to control private development in the public interest and not in the private interest. Examples of public-interest considerations include standards of privacy, adequate lighting, and freedom from the nuisance of emissions. The preservation or 'right' to a view across another party's land is a matter of private interest that the planning system is not intended to protect. Nor does visibility automatically equate to harm.

One of the core planning principles within paragraph 17 of the NPPF is that local planning authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and this is also required by policy CN01 of the Local Plan. Policy EN22 of the Local Plan relates to lighting and aims to minimise light spill and pollution to safeguard residential amenity, as well as the character of an area and highway safety. Policy CS8 is clear that applications are expected to pose “*no material adverse impacts on residential amenity*”.

As such, and in respect of the nature of the application submitted, consideration needs to be given as to whether the proposal would be likely to give rise to any material harm to the amenity of neighbouring residential occupants, by reason of impacts including loss of light, outlook¹⁶, or other potential impacts associated with the operation of the proposed development and its construction; such as emissions of noise, light or dust. This needs careful treatment, where officers note the significant levels of objection received in relation to perceived amenity impacts that might be posed by the development.

In relation to the consideration of amenity impacts, the nearest residential properties are located to the west (over 300m from the westernmost site boundary) and the south/south-east (over 300m from the nearest boundary). Views between those properties and the application site are disrupted by intermediary features such as the A14 to the west, and heavy, mature vegetation around the river to the south and mature vegetation along the western boundary of the wider land allocation. These views have also, until recently, been affected by the presence of four high silos on the site. It is also noted that given the proximity of dwellings to the west, the building has been deliberately designed so that the high-bay element is on the eastern side of the building with the low-bay (approximately half the height) facing Sproughton. The presence of the A14, the local highway network, and other development adjacent to the site contribute to the baseline noise levels in the environs.

Loss of Light

A number of comments have been received raising concern that the proposal would overshadow properties and/or lead to an unacceptable loss of light. Officers have considered this matter carefully and have consulted best-practice guidance published by the Building Research Establishment (BRE).¹⁷

Taking into account the scale of the building – even accounting for an AOD height of 51.50m and surrounding housing as 0m, as an absolute and hypothetical worst-case scenario – its overall height would need to be around 6 times greater before meeting the distance between it and the nearest residential property (over 300m). Acknowledging that there is a degree of separation, along with topography, intermediary features, and the fact that all ‘affected’ properties are either south or west of the building, officers cannot detect any likely adverse influence on daylight afforded to those nearby receptors. All nearby properties would continue to receive adequate levels of sunlight and daylight, with overshadowing highly unlikely.

The development would pose no material adverse impact in this respect.

¹⁶ ‘Outlook’ is differentiated from matters relating to private views, where impacts upon outlook relate to the living conditions of residents, to be protected in the public interest. For example, where cramped development and restricted views give rise to an overbearing sense of enclosure. Impact upon public views are considered elsewhere in this report. Impact upon property value is a private interest consideration and is not treated as relating to the amenity afforded to residents.

¹⁷ Littlefair, P. (2011) *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice*. Watford: BRE.

Noise, Light and other Emissions

In respect of noise, the applicant has provided a comprehensive assessment taking into account recent surveys of the existing baseline noise conditions (which include emissions arising from traffic on the A14) and the likely noise impacts of the development at all times of the day and night, including during the construction period and also when the unit is expected to be operational. The methodology and findings of that assessment have been accepted by the Council's Environmental Protection Officer; officers endorse this view.

Following comments from the Parish Council, and noting that issues relating to noise were of specific concern to local residents, the applicant has sought to provide comfort in highlighting the following:

"In respect of plant, we can confirm that there is no requirement for active cooling/heating within the main distribution facility. It will not be refrigerated, as all products will be non-perishable.

Mechanical ventilation plant will likely only need to be required for the office element. Condenser compounds are shown on the submitted planning drawings, at ground floor level adjacent to the pod office and main office.

We can also confirm that an electricity sub-station is proposed adjacent to the HGV entrance and this is also shown on the submitted planning drawings. A back-up generator may also be necessary, in the event that the power supply is interrupted.

The exact specification for external plant has not yet been defined. However, the noise impact assessment report recommends that any static plant should be designed (location, scale and emissions) to give a rating level which does not exceed typical background noise levels, taking account of site operations. This recommendation will be followed and it is anticipated that this aspect of the development can be expected to be controlled via planning conditions.

In response to the queries raised in relation to a low oxygen environment, we can confirm that fire protection for the facility will be via a standard sprinkler system.

We also note the query around whether the automated operating systems, to be installed in the building, will generate noise. We can assure the Parish Council, that noise generated from within the building envelope is likely to be of negligible significance at the nearest 'noise sensitive receptor' which is 300m away and where background sound levels at this receptor are relatively high. When a comparison is drawn with noise measurements taken from a comparable facility at Hams Hall, Warwickshire, indications are that any emissions, at the nearest NSR, will be well below existing background sound levels."

Officers accept this submission and advise Members that in accordance with the advice provided by the Council's EP Officer, simple planning conditions are capable of ensuring that no material adverse impacts to residential amenity would be likely to result from the development in respect of noise.

Further assessments were provided by the applicant in respect of lighting and air quality. Both matters are considered by officers to have been adequately approached and that the findings allow for a conclusion to be reached that the development, subject to conditions in relation to noise, would not give rise to material adverse impacts when taking into account background conditions and the siting of the development in relation to its surroundings. The accepted findings of the air quality report identify that impacts would be negligible with insignificant effects; no mitigation is therefore necessary.

As typical for developments of this nature, a condition(s) to secure an acceptable construction strategy having regard to amenity/environmental impacts is recommended.

Loss of Views, Property Values, and Outlook

A significant number of objections and comments received through the consultation process have centred upon the visual impacts of the distribution building and consequent effects upon the living conditions of neighbouring residents and land/property values. As noted at the beginning of this section, (and in a footnote above), it is important to differentiate matters of public interest i.e. outlook, from private matters relating to views across other private land and property value. In respect of decision-taking, both the RTPI¹⁸ and Government's Planning Portal advise that loss of views and property values are not material planning considerations.

The PPG defines material planning considerations as follows:

"A material planning consideration is one which is relevant to making the planning decision in question (eg whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.¹⁹"

Taking this into account, officers would nevertheless exercise caution in blindly following that guidance, in stating that the significant views presented from residents in relation to a loss of view or property value are not material to the decision to be taken; materiality might extend to taking into account private interests as well as public ones, despite the intention of the planning system to operate in the public interest. Specifically, in a case involving private interest, the question to be asked is whether that matter requires protection in the public interest. On that basis it is right that Members bear this in mind, especially given that so many members of the public have raised those matters as an issue, along with re-iterating that a positive treatment against Policy CS8 requires there to be *"no material adverse impacts on residential amenity"*.

¹⁸ Planning Aid, *Material Planning Considerations*. Available at: <http://www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf>

¹⁹ Paragraph: 008 Reference ID: 21b-008-20140306.

Having regard for the above, officers have considered the relationship between the proposal and neighbouring properties carefully. Adopting worst-case principles (noting the disagreement between parties in respect of the height of the building), it is not disputed that the building would be highly conspicuous to nearby residents, especially those to the west of the site even with the high-bay element being oriented away from them. However, due to the degree of separation between the building and receptors, officers cannot conclude that the outlook from affected properties would be undermined to the extent that the development would pose any undue sense of enclosure; nor would it be so oppressive or overwhelming that it would materially undermine the amenity afforded to affected properties.

Again, it must be reiterated that 'outlook' is different to a 'view'. Officers do not suggest to Members that the current views afforded to certain residents would be impinged by the development; because they would be. Rather, the outlook afforded to properties would not suffer material adverse impact, within the wording of Policy CS8; residents would not be enclosed by the development and adequate lighting, including access to skylight, would remain.

In consideration of the specific circumstances of this application and noting that the impacts of the development would only give rise to detriment of private interests in respect of residential amenity (private views and a perception that nearby property values would decrease), officers do not afford any materiality or weighting to those considerations. In light of the above, the application is considered acceptable and would accord with the requirements of the Development Plan and Policy CS8 in respect of residential amenity.

Comments in relation to private views and property values do have wider relevance, however, as they relate to the impacts of the development upon the public amenities of the area. Those public interest matters are considered in the preceding section and the planning balance at the conclusion to this report.

Resilience to Climate Change: Flood Risk, Drainage and Building Performance

Adaption to, and resilience against, climate change is a key consideration of sustainable development in the NPPF. Policy CS8 notwithstanding (which requires an assessment of flood risk), this is echoed throughout the Core Strategy, primarily through Policies CS1, CS12 and CS15, which require that development should be designed to a high sustainable development standard.

Flood Risk and Drainage

An issue when considering 'resilience' is whether the development has been designed to adapt to issues presented by climate change, such as an increased risk of flooding from heavy rain. The site wholly falls within Flood Zone 1, where there is a very low probability (less than 1 in 1000 annually) of river or sea (fluvial) flooding. The existing nature of the land also means that there is presently considered to be a low risk of surface water (pluvial) flooding. Nevertheless, the scale and nature of the development poses urbanising effects that would undoubtedly impact upon the way that the land copes with drainage and run-off. The NPPF requires that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Concerns in relation to flood risk were a key part of local comment.

In a Written Ministerial Statement dated 18th December 2014, the Secretary of State for Local Communities and Local Government made it clear that the Government's expectation is that sustainable drainage systems will be provided in new developments wherever this is appropriate. The PPG underlines this by stating that on major developments it is expected that SuDS for the management of surface water run-off are put in place, unless demonstrated to be inappropriate.²⁰ Further, local planning authorities should consult the relevant Lead Local Flood Authority (LLFA) (in this instance, Suffolk County Council) on the management of surface water.

To support the proposal, and acknowledging the aforementioned guidance and policy direction, a detailed flood risk and drainage assessment has been submitted by the applicant; this has been accepted by the LLFA. The submitted detail proposes a suitable surface water drainage strategy (based on the site layout) to drain the site and reduce flood risk overall, based on SuDS principles and evidenced by clear drainage calculations.

Consequently, the Lead Local Flood Authority has raised no objection to the scheme and is content that based on the evidence provided and assumptions made, a viable SuDS strategy is securable to support the development, and that the development would not lead to an increased flood risk off-site. Planning conditions imposed upon the outline planning permission would ensure that this is the case.

Members are advised, however, that the suitability of the drainage approach submitted relies upon actions on land outside of the application site area, albeit in accordance with the details submitted within the related infrastructure application (also recommended for approval by officers). On that basis, conditions are required to ensure that the two developments work together in the event that both applications are approved, or that such works are carried out before this proposal progress beyond slab level.

Building Performance

Policy CS12 states that all new non-residential developments will be expected to achieve, as a minimum, the BREEAM 'Excellent' standard or equivalent. As an expectation, it is not then unacceptable *per se*, for development not to meet that target; however, this does not obviate the need for commercial developments to make an acceptable case as to why that target cannot be met if that is the case. Policy CS13 requires that all new development minimise dependence on fossil fuels and make the fullest contribution to the mitigation of climate change, through adopting a sustainable approach to energy use. Specifically, development within the Strategic Land Allocations will be required to use on-site renewable, decentralised, or low carbon energy sources with the aim of achieving a 10% reduction in the predicted carbon dioxide emissions of the development.

Following feedback to the applicant, an amplified sustainability assessment has been provided which has committed to the following measures:

- Reduction in Carbon Dioxide (CO₂) emissions over Part L 2013 Building Regulations Standards by 10.0% through improved envelope and services provision and the use of renewable technologies.
- 530m² of solar photovoltaic panels.
- Energy Performance Certificate (EPC) A-rating.

²⁰ Paragraph: 079 Reference ID: 7-079-20150415

- Air tightness of 2.5m³/m²/hr @ 50Pa compared to Part L Building Regulations standard of 10m³/m²/hr @ 50Pa and hence represents an improvement of 75%.
- LED lighting throughout with absence/presence detection and daylight sensors.
- LED external lighting throughout.
- High efficiency hybrid heat recovery ventilation with automatic control strategy to the office spaces.
- Good daylighting provision through the use of rooflights to promote occupant well-being and to mitigate the use of artificial lighting.
- Use of water saving and monitoring/control devices to minimise water consumption including low flow rate showers, low flow dual flush WC's and flow restrictors on taps.
- Use of A and A+ rated construction materials, wherever possible, with associated low Embodied Carbon impact (Green Guide to Specification).
- Development of a Green Travel Plan with links to improved pedestrian and cycle pathways planned for the area.
- Electric vehicle (EV) charging infrastructure and conveniently located EV charging stations.
- Dedicated and convenient cycle storage and suitable changing/shower facilities.
- Inclusion of attenuation/protection measures to minimise watercourse pollution including an existing attenuation pond.
- Use of a Brownfield site in an accessible location.
- Enhancement of the site's bio-diversity through sympathetic planting and landscaping.
- Commitment to sign up to the Considerate Constructors Scheme (CCS) and manage construction site impacts in a responsible manner.
- BREEAM rating of 'Very Good'²¹.

The applicant has contended that the specific nature of the building and the commercial requirements of the operator has meant that, whilst it would not be possible to commit to achieve a BREEAM 'excellent' rating, a minimum 'Very Good' rating will be secured and that this will be complemented with an ongoing commitment to achieving a wide range of sustainable outcomes in relation to matters such as travel habits, recycling, drainage and energy saving technologies. In light of the case presented, which can be secured through planning condition(s), officers are satisfied that the applicant would be making an adequate contribution to sustainable best practice in light of Policies CS12 and CS13. Nevertheless, adopting a cautious stance, the tension with Policy CS12 will be weighted accordingly in the planning balance.

Ecology and Biodiversity

In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species. The protection of ecology is both a core principle of the NPPF and Core Strategy. Policy CS15, in particular, requires new development to safeguard ecology and Policy CS8 seeks the *"protection of the biodiversity of the locality and any opportunities for enhancement."*

Officers consider that there is sufficient ecological information available to understand the impacts of development; the likely impacts of development have been adequately surveyed and assessed, particularly relating to Priority Habitats and Protected and Priority Species.

²¹ An achievement of 'Very Good' places the development within the top 25% of UK new non-domestic buildings.

Pursuant to the requirements of the Development Plan, noting policies CS8 and CS15, and the wider ecological objectives enshrined within the NPPF, officers consider that it is reasonable and necessary to secure that the applicant implement, in full, the suite of recommendations identified within their submitted Ecological Assessment. In accordance with the views of the Council's appointed Ecologist, Officers also acknowledge the need for a suite of additional planning conditions, in the interests of safeguarding and enhancing biodiversity.

On that basis, the application is considered favourably in respect of impacts upon ecology and biodiversity.

Land Contamination

The applicant has submitted assessments that provide an evidenced baseline of the existing contaminative risks associated with the development of the site and demonstrate how these can be adequately managed. It is considered that the details submitted are sufficient to identify that there would be no unacceptable risks from contamination, subject to standard conditions to ensure the safe development and future occupancy of the site. As such, the proposal is considered to comply with Policy CS15 insofar as it relates to land contamination, and the NPPF.

Economic Impacts

In addition to the in-principle support of commercial developments presented through the land allocation of Policy CS8 and the storage and distribution planning policy EM08, Policies CS1, CS3, CS15 and CS16 of the Core Strategy support the significance of safeguarding and enhancing the District's economy. Those policies are broadly consistent with the aims of Section 3 of the NPPF which seeks to support economic growth as a dimension of sustainability. In particular, Paragraph 19 requires plan-makers and decision-takers to place *"significant weight... on the need to support economic growth through the planning system"*.

Notwithstanding the preceding assessment and the Development Plan, there is an inherent imperative to give support to commercial ventures which would provide jobs and give great input into the economy. Alongside this the NPPF, at Paragraph 21, is clear that investment in business should not be over-burdened by the combined requirements of planning policy expectations; efforts should be made to recognise and address any barriers to investment.

Further to Paragraph 19 of the NPPF, the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Building upon this commitment, an additional consideration material to this proposal is that the application site now holds Enterprise Zone status; the purpose of which, is to fast-track development of land allocated for employment through measures, including:

- making it more attractive for local authorities to support development, via business rates retention
 - making it more attractive to future business occupiers by offering them business rates relief (funded by central government)
 - ensuring access to superfast broadband is available for all occupiers
 - prioritising funding to EZ sites to secure delivery of employment and economic growth.
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Sproughton Enterprise Park is one of 10 sites within the New Anglia Local Enterprise Partnership's (LEP) *Space to Innovate* Enterprise Zone. The LEP, who are working jointly with the local councils in the area, have set out a priority to ensure that 'New Anglia' is a place where: high-growth businesses with aspirations choose to be, and; existing businesses can grow. There is a need to drive business growth and productivity by increasing levels of investment. It is recognised that ports and logistics are one of nine key sectors for the LEP area. Logistics is characterised as a strong sector that makes an important contribution to the economy and has substantial growth potential. It has further been identified that there is significant opportunity for such growth in Ipswich and the surrounding area. The early delivery of this 'first' site within the strategic allocation can be expected to foster confidence in commercial markets and provide testament to its ability to respond to business needs and to attract further inward investment.

The Suffolk Growth Strategy, which the Babergh District Council has pledged commitment towards, outlines that Suffolk's future prosperity depends upon business growth and the creation of added economic value. That document is not part of the statutory development plan. However, it is wholly aligned with the vision of the New Anglia LEP and the direction of central Government.

The planning application before Members has been submitted on behalf of LDH (La Doria) who are a major UK distributor of food products imported from around the world and who have identified a need to relocate from their present location at the port of Felixstowe. The development would initially accommodate up to 120 members of staff, with potential for that number to increase over time where the development has been designed to allow for future growth.

The development has been designed in-line with industry standards to meet the needs of the end user and to enhance the efficiency of the company's current supply and distribution network, which will enable its future growth and expansion. It utilises the latest technology in order to increase efficiency and provide for an up-skilled workforce. The applicant is not currently located in the District, and as such the proposed development represents an inward investment to the local area.

The economic benefits in allowing development to proceed in light of this application are now considered, as follows:

Construction Phase

1. 75 no. FTE temporary (gross) jobs directly from construction over the 2-year build period;
2. 55 no. direct, indirect and induced net additional FTE jobs across Babergh and Ipswich, and;
3. Additional £7.8 (GVA) million uplift in productivity within the local economy throughout the construction phase.

Operations

1. Direct jobs provision, indicated to be at least 120 no. FTE at the start of operations;
 2. Scope for job growth and capacity planned within the site to allow this to occur;
 3. Potential to support local workers over time;
 4. £5.2 million (net) additional contribution to economic productivity (GVA) within the economy each year once fully operational;
 5. Support for a wide variety of types of jobs across a range of occupations and skills levels;
 6. Potential for training and development opportunities, up-skilling, and;
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7. £4.5 million uplift in wage expenditure per annum from jobs supported on site, in addition to an annual net additional indirect wage expenditure effect of circa £500,000 locally (supporting trade in shops and services locally).

Officers consider the economic case presented by the applicant to be considerable and compelling, where the proposed development would make a significant socio-economic contribution to the District and beyond. Furthermore, the benefits identified would meet with the expectations set out by local and national planning policy, along with non-statutory progress toward supporting economic growth locally and in relation to identified enterprise sites.

The benefits identified will be considered within the planning balance and conclusion, below.

PART FOUR – CONCLUSION

Planning Balance and Conclusion

This application brings about a number of issues which require careful attention in reaching a decision upon this proposal. What follows, therefore, is a balancing of those issues in light of the assessment carried out within the preceding sections and paragraphs of this report.

At the heart of the balancing exercise to be undertaken by decision takers is Section 38(6) of the Planning and Compulsory Purchase Act 2004; which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise.

Core Strategy Policy CS8 specifically relates to the Strategic Employment Land Allocation within which the application site falls. In light of this, it is acknowledged that certain aspects of the Development Plan may well support the proposal, notwithstanding Policy CS8, and that other considerations might pull in a different direction; it is natural that not every development will accord with every policy within a development plan. Officers have nevertheless undertaken to review the merits of this proposal framed against the entirety of the Development Plan, comprising the Core Strategy (2014) and the Local Plan (2006). After careful assessment, your officers consider that the application poses limited tension with Policy CS8, conflict with Policy CS12, and limited conflict with Policy CS15; however, it nevertheless meets the wider thrust of the suite of planning policies that comprise the Development Plan, when considering the proposed development and its likely impacts and effects:

Applications are expected to comply with CS15 in order to satisfy CS8 and in this respect the adverse impact to the landscape, albeit localised, is afforded a moderate weighting where the development would conflict with that Policy. A moderate, negative weighting is afforded because the adverse impacts would not be 'Major' within understood and accepted guidelines and would be localised. They are nevertheless of such importance that they warrant an appropriate weighting in the planning balance.

Likewise, conflict with Policy CS12 has been identified because the development would not achieve a BREEAM 'excellent' rating. This consideration is afforded a limited weighting because the conflict with that policy is limited; the applicant has nevertheless committed to a range of sustainable measures, provided adequate justification for not meeting the requisite expectation, and the development would still achieve BREEAM 'very good' as well as conforming to Policy CS13.

In respect of the impact upon private views and impacts upon property values, as purely private interest matters officers afford those considerations no weighting despite perceived significance and materiality. Officers have been careful to state that such matters are not material in the context of Policy CS8; however, even adopting a cautious approach and acknowledging them as "*material adverse impacts on residential amenity*" this would not affect the weighting attributed to the tension already identified with that Policy. The public interest matters concerned – which are nevertheless linked to the private issues highlighted i.e. the impact of the proposal upon the visual amenities of the area – are, however, are afforded a commensurate weighting as noted above.

Conversely, and noting that the application has raised no objections of a technical nature, the benefits that would accrue in allowing development to proceed are considerable. The socio-economic benefits that have been identified are afforded a substantial positive weighting. The application would, in locational and use terms, meet with the policy expectations of Policies CS8 and EM08. The application would also satisfy CS15, among other policies, in relation to its contribution to the economy, the safeguarding of ecology, the preservation of heritage, the support of green travel planning, and ensuring that flood risk is adequately managed. The application would further satisfy the Development Plan in respect of its impact upon the local and strategic highway network. The development would also safeguard residential amenity in respect of impacts upon light, outlook, and emissions associated with construction and occupier operations.

Officers accept the justification provided by the applicant for any harm that has been identified and, given its clear operational requirements, there is significant risk of the applicant seeking alternative sites in the event that they are compelled to amend the scheme to reduce its scale; the consequence would be an operation that would be less efficient, and which would naturally affect the viability of the proposal. Likewise, the delivery timetable of the applicant is tight and requires immediate attention. Officers have given further weight to the presentation of an application which is 'ready to proceed' and yet still accords with, and would not prejudice, comprehensive approaches to the development of the wider land allocation.

In light of the above, officers consider any harm posed to be at worst moderate (and in that sense, other than achieving the status of BREEAM 'very good' rather than 'excellent', would be limited only to visual and landscape impacts, which are themselves localised), and nevertheless justified in light of the evidence submitted. On that basis, and noting the considerable benefits presented, officers consider that the benefits identified would outweigh any harm posed, and that the development would meet the wider thrust of the Development Plan. As such, and as supported by appropriate evidence, the proposed development is considered to demonstrate clear sustainable credentials in planning terms and, therefore, under Paragraph 19 of NPPF the planning system should be doing 'everything it can' to support it. Where the NPPF (along with the development plan) provide a clear momentum to securing development built upon such sustainable principles, Members are recommended to approve the application without delay.

Notwithstanding the Development Plan, the proposed development is nevertheless considered to align with the planning policies contained within the NPPF when taken as a whole and that the adverse impacts identified would not significantly or demonstrably outweigh the benefits of allowing development to proceed.

Separately the application is supported by the Council's economic development team and satisfies the aspirations of the Suffolk Growth Strategy and LEP/Enterprise Zone context. Officers are acutely aware of the direction presented through the NPPF, which states that investment in business should not be over-burdened by the combined requirements of planning policy expectations; efforts should be made to recognise and address any barriers to investment. Members have before them an application from a named occupier, posing substantial economic benefits, and which has been presented with a view to rapid implementation and delivery.

In the absence of any justifiable or demonstrable material consideration indicating otherwise, it is considered that the proposals are therefore acceptable in planning terms and that there are no material considerations which would give rise to unacceptable harm.

A positive recommendation to Members is therefore given below.

RECOMMENDATION

That planning permission be granted subject to conditions including:

- Standard time limit for implementation;
 - Development to be in accordance with approved plans;
 - As recommended by the LHA;
 - As recommended by the LLFA;
 - Noise/As recommended by Environmental Protection officers;
 - Ecological mitigation;
 - Land remediation as necessary;
 - Construction/environmental management;
 - Lighting (safeguarding ecology, biodiversity, and residential amenity);
 - Landscape management.
 - Control of external facing materials.
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