

**Planning Application No DC/19/1831/FUL for a B8 distribution unit at**

**St Johns Hall**

**Objection by Ilketshall St John's Parish Meeting and Others**

1. The planning application should be refused because it is contrary to the Local Plan and would cause demonstrable harm to interests of acknowledged importance.

**The Local Plan**

2. Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise (para 47 of NPPF). The NPPF also states that 'Where a planning application conflicts with an up-to-date development plan ...permission should not normally be granted (para 12). The Waveney Local Plan (WLP) was adopted in March 2019. It has been examined for conformity with National policy. It is therefore very up to date and provides a sound basis for determining this application.

**Strategy for Rural Areas**

3. Paragraph 7.1 of the WLP states that 'The strategy for rural areas is to deliver approximately 10% of the District's housing growth, supported by ....small scale employment....'
4. The intent of this strategy is exemplified by Policy WLP8.7 – Small Scale Residential Development in the Countryside – which only permits up to 3 dwellings on infill sites if the development does not extend further into the countryside or 5 dwellings *exceptionally* with local support.
5. *The application cannot be described as small scale. It is for a major building in a rural area which would further consolidate what has developed incrementally into a substantial development which, if this application were to be approved, has the potential to develop further into a major employment site in a unsustainable location. The proposal is widely and deeply opposed by local people.*
6. ***The application is clearly contrary to the strategic intent of the WLP.***

**Employment Land Policies**

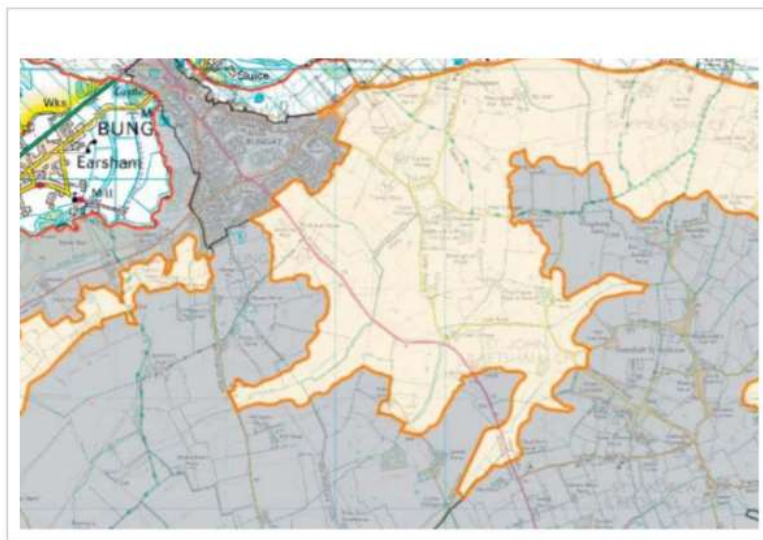
7. Policy WLP8.12 deals with existing employment areas. The policies map identifies these employment areas. The policy states that outside of

existing employment areas redevelopment or change of use of existing buildings for B1, B2 and B8 will be permitted. Given the history of the site was known to the planning authority it must be presumed this was a conscious decision

8. *The application site is not identified as an employment area on the policies map and the proposal is for an extension to an existing activity through the development of an additional building. Therefore, the application is contrary to Policy WLP8.12 the intention of which is to direct employment development to the most appropriate and sustainable locations which does not include extensions to employment premises in locations not identified as employment areas.*
9. Policy WLP8.13 deals with new employment development and sets out preferences for it to be within an existing employment area, within settlement boundaries adjacent to an existing employment area or on adjacent land outside of the settlement boundary.
10. *The application site is not within or adjacent a settlement boundary. It therefore does not meet the criteria for new employment development set out in Policy WLP8.13. The WLP gave all residents and businesses the opportunity to object to the draft Local Plan. However, the Applicant did not object.*
11. Policy WLP8.14 deals with the Conversion and Replacement of Rural Buildings for Employment Use. Replacement will only be permitted where the proposal will result in 'significant environmental gain in terms of improvements to visual amenity, landscape character, pollution prevention....'
12. *The application is neither for conversion or replacement of an existing building. Even if it was it fails the test for replacement because it would cause material harm to visual amenity, landscape character and light, air and noise pollution caused by increased onsite activity and lorry movements, probable use of lighting at night and the increased likelihood of 24 hour working.*
13. ***There is no provision in the Local Plan for the expansion and extension of the application site through the development of a substantial new B8 building in the Countryside but it is also implicitly contrary to these policies and therefore it is contrary to the Development Plan and should be refused in accord with the NPPF.***

### The Landscape and Wildlife

14. Policy WLP8.35 requires development to be sympathetic to the distinctive character areas identified in the 2008 Landscape Character Assessment. Development proposals will be expected to demonstrate their location, scale, form, design and materials will *protect and enhance* the special qualities and local distinctiveness and the visual and historical relationship between settlements and the landscape settings. Development will not be permitted where it will have a significant adverse impact on locally sensitive and valued landscapes including Tributary Valley Farmland character areas.

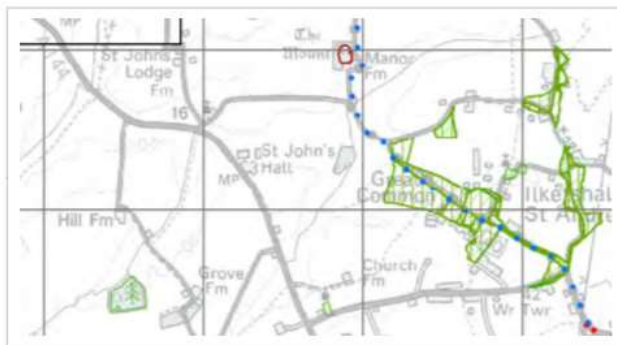


Extract from the 2009 Landscape Character Assessment

15. The application site is within the Mid Waveney Tributary Farmland character area as shown in the extract above.
16. *The application would further extend and consolidate what has become incrementally a collection of substantial buildings which far from protecting and enhancing the special qualities and local distinctiveness of the area significantly detracts from it. It is acknowledged that the proposed landscaping of the site will take many decades to screen it from view and even then, it will be an anomalous feature in the landscape. Furthermore, it will further detract from the visual and historical relationship between what was the St Johns Hall farm and the Ilketshall St John hamlet. The application is therefore contrary to Policy WLP8.35 and would cause harm to interests of acknowledged importance. Furthermore, it would create a precedent for the further extension of the site which would further damage the landscape and the historic setting,*

17. Policy WLP8.34 – Biodiversity and Geodiversity - states that 'proposals which have a direct or indirect adverse effect on locally recognised sites ...including County Wildlife sites will not be supported...(without)... proposals to mitigate or compensate for the loss'. The application site is in close proximity to a County level wildlife site identified on the policy map.

*18. The application is in close proximity to a County level Wildlife site and its impact on that area has not been examined. If approved the proposal would create a precedent for further expansion of the site towards the wildlife area with further potential for damage to the wildlife area.*



Extract from the Waveney Local Plan Policies Map (2019)

#### Coalescence of Settlements

19. Policy WLP8.36 states that development of land and intensification of developed land between settlements will only be permitted when it does not lead to a reduction in openness and space or the creation of urbanising effects between settlements.

*20. The continued expansion of the St Johns Hall site is leading to the reduction in openness between the site and Ilketshall St John and to an urbanisation of the area.*

***21. The proposal is contrary to the policies of the WLP that seek to protect and enhance the landscape, protect historic relationships, protect identified wildlife sites and protect development in the countryside from coalescence and urbanisation.***

## **Material Considerations**

### **Is there is sufficient employment land for B8 uses at locations which conform to Development Plan policies?**

#### ***Employment Land Allocations***

22. The WLP's employment land allocations are based upon the Waveney Employment Land Needs Assessment (2017) which estimated a need for 33.54 ha from past trends plus an uplift assumption of 9.33 ha.
23. Accordingly, the WLP makes provision for a substantial quantity of new industrial land for B1, B2 and B8 uses across the District including new allocations at Beccles (6.3 miles/13 mins away from the application site), Halesworth (8.3 miles/15 mins away) and Bungay (1.6 miles/3 mins away).
24. These allocations together contribute 24.04 additional hectares of employment land distributed as follows:
  - Beccles (Policy WLP3.1 **5 ha** and Policy WLP3.8 **13.4 ha**) - **18.4** ha total
  - Halesworth (Policy WLP4.6) - **2.64** ha
  - Bungay (Policy WLP5.2) - **3** hectares.
25. Policy WLP5.2 states that 'B8 uses will only be acceptable where it is demonstrated that the traffic impact (in particular heavy good vehicles) will not have an adverse impact on the town centre.'
26. *If the traffic assessment indicates that the Bungay allocation is acceptable for B8 uses it provides a more acceptable site for B8 provision that conforms to Development Plan policies. If it isn't suitable for B8 uses the application site, which is only 3 mins away and will use the same routes through Bungay, will also have the same traffic impacts and also be unsuitable. A traffic study should therefore be undertaken as part of the St Johns Hall application to assess its impact cumulatively with the allocation in Policy WLP5.2.*
27. Policy WLP5.2 also requires the employment land to come forward at the same time or in advance of the residential development so it is in the interests of the landowner, who is also the applicant, to bring forward that land.
28. The planning process is backed by East Suffolk's Economic Growth Plan (2018- 2023) which makes a commitment to identify the infrastructure to

bring it forward in a timely way. The allocation at Beccles is further supported by being identified as one of the New Anglia LEPs Enterprise Zones a key part of its Growth Strategy. There is a commitment to fast track development and potential rate relief.

*29. The Local Plan allocates sufficient land to accommodate the application proposal 48 times so there is no shortage of allocated employment land.*

#### *Current Land and Buildings Availability*

30. The 2018 Strategic Housing and Employment Land Availability Assessment identified existing commitments of:

1.18 ha at Beccles

0.03 ha at Bungay

0.55 ha at Halesworth.

31. It also identified other deliverable sites of:

41.62 ha at Beccles

19.96 ha at Halesworth.

32. In addition to the land allocated and available for development within Waveney District there is land and existing industrial estates at Harleston (10 miles away), Eye and Diss (both about 20 miles away). In the case of Eye, Suffolk storage amounts to the following:

Bartums Group Limited – “You can make use of our 150,000 sq ft warehousing onsite or we will make room for you at the nearby Brome Industrial Estate which boasts a further 75000sqft”.

Anglia Freight – “Let Anglia Freight do it for you. With thousands of square feet of secure warehousing space”.

CW Logistics Limited – “Storage In 80,000 square feet of multi-user warehousing”

**A140 Self Storage Warehouse** - Business self-storage is a cost-effective alternative to traditional warehousing with no complicated leases, no deposits and no business rates to pay.

33. These are some example of sites and buildings that are being actively marketed:

Extract from Durrants commercial property search:

Hornbill Business Park is located in North Suffolk on the South Eastern margin of Beccles in a popular industrial and business area, comprising of well established industrial estates. 5 miles to the A12 and thence to Ipswich, London and the M25. Direct links to the A143 (Bury St Edmunds) A145 (Lowestoft and the North Sea Coast) A146 (Norwich and Great Yarmouth). 2018 proposed opening of Beccles Southern relief road connecting roundabout is approx 800m from the site.

Hornbill Business Park encompasses about 28 acres of development site on completion and is to be developed either;

1, Through the sale of serviced plots (1/4 acre upwards) with the buyers undertaking self building projects.




2, Completed buildings and site landscaping provided by the site owner on a leasing arrangement with the proposed tenant.

The development will be phased. Phase 1 (plot 1) is under construction and the main access road is now being built. Services are currently being installed.

Hornbill Business Park offers occupiers flexibility with the ability to tailor a site to suit individual requirements with a bespoke solution, subject to agreement and planning.



Extract from Hazell's commercial property search:

		
<b>Industrial – TO LET</b> Size: 35,982 sq ft 1, 2 & 3 Ellough Road, Beccles, NR34 7TQ  £180,000 pa	<b>Industrial – TO LET</b> Size: 23,920 sq ft 1, 2 & 3 Ellough Road, Beccles, NR34 7TQ  £120,000 pa	<b>Industrial – TO LET</b> Size: 11,859 sq ft 1, 2 & 3 Ellough Road, Beccles, NR34 7TQ  £From 60,000 pa

Extract from Rightmove commercial property search:

		<b>Warehouse</b> Unit 21, Ellough Industrial Estate, Ellough, Beccles, Suffolk, NR34 7TD Unit 21, Ellough Industrial Estate, Beccles, Suffolk is a substantial warehouse of 27,116 ft <sup>2</sup> (2,519m <sup>2</sup> ) with eaves height of 29.5 ft (8.89 m), together with a compound area of  Marketed by Ellough Industrial Estates Ltd, Suffolk  01502 455052 Local call rate
£5,667 pcm 27,116 sq. ft.		Email agent

Extract from current marketing material

	<b>POA</b> <b>St Johns Road, Bungay</b> General Employment Land with outline planning permission for employment within use classes B1 and B2. Offered as a whole or in lots 2.97 hectares (7.34 acres or thereabouts). The site is situated approximately 1 mile to the south of the town centre of Bungay, adjacent the Waveney Valley Swimming Pool.  <a href="#">VIEW FULL DETAILS &gt;</a>
	



## Extract from Durrants Commercial Property Search:

Showing properties 11 to 20 of 27

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**For Rent £16,300 pa**

### Mayflower Way, Harleston

A light industrial unit suitable for class B1/B2/B8 use. Internally the unit comprises a main warehouse (single loading shutter door), adjacent workshop area (two loading shutter doors), WC and office/staff room. A concrete loading area and common access road is situated to the front of the unit.

[VIEW FULL DETAILS >](#)



*34. There is a wide range of sites and buildings currently available for new build or occupation for B8 uses in the vicinity of the application site.*

### Reliance on the site by existing users

35. Local businesses that use the site can continue to use its existing facilities.
36. St Peters Brewery is identified as one local business that relies on the existing storage at the application site. It cites the need to have storage close by. The distance from the Brewery to the employment allocations/commitments above are as follows:
- To Broadway Farm Halesworth - 7.2 miles/16 minutes
  - To South West of Bungay - 4 miles/9 minutes
  - To Ellough Beccles - 9 miles/20 minutes

This compares to 3.5 mile/9 minutes to the application site at St Johns Hall.

St Peters Brewery uses Anglia Freight who are based at Eye, Suffolk and offer distribution and warehousing.

## Extracts from Anglia Freight website:

### Warehousing

Ideally located close to the port of Felixstowe, Anglia Freight provides a full range of ambient temperature 3PL services.

We have the facilities, infrastructure and IT capability to integrate our warehousing, storage and fulfilment services. This means whether we're dealing with batch codes or 'best before' dates, our system provides our customers with full product traceability 24 hours a day, 7 days a week.

Certified by the **Soil Association** we are also able to store and transport organic produce, ensuring that full organic standards are complied with throughout their entire journey.

We're always looking to support businesses and provide them with the flexible and effective logistics solutions. Our competitive prices and exceptional service mean Anglia Freight is your ideal partner. Talk to us today to see how we can help you and your business.

#### The Problem

Based in the heart of Suffolk, St. Peter's Brewery Company uses water from its own deep bore-hole, together with locally malted barley and Kentish hops to produce its excellent range of classical English cask-conditioned ales as well as superb bottled beers. Transporting these products safely and reliably from the heart of the Suffolk countryside across the UK requires a very special distribution partner.

#### Our Solution

Anglia Freight has been entrusted with this important role and has been working with the company for well over a decade, moving these precious liquids – initially in bottles but now increasingly in casks to meet the growing demand for these popular speciality beers.

With the majority of consignments destined for regional distribution centres, flexibility is the key to a successful service. Deliveries via the Palletline palletised distribution network enable the brewery to comply with varied time slots and delivery specifications in line with the requirements of customers throughout the UK.

"We enjoy an excellent service through Anglia Freight and Palletline – that's why we've been partners for so long," confirmed CEO Steve Magnall for St Peter's Brewery Company. "Key benefits of the service to our organisation include speed and efficiency and limited damages as well as some pretty sophisticated technology in terms of online booking and POD retrieval which matches our own requirements."

37. Another supporter is Body Paks Limited of Beccles located within minutes of the employment land at Beccles which is much closer than the application site at St Johns Hall.

38. *New provision for existing businesses by St Johns Hall Ltd or another provider can be made in locations that are as or more accessible, more sustainable and in accord with the Local Plan than the application site.*

#### Support for the existing St Johns Hall Businesses

39. The financial needs of a business are not a material planning consideration (see 2007 Inspector's findings below).

40. The applicant owns or owned land allocated in the WLP for residential and business use. It is understood by local residents that the residential allocation south east of Bungay has been sold by the applicant for a considerable sum –so it is likely that the agriculture site of the St John's business is funding the expansion of the storage business not vice versa and any need for cross subsidy has now disappeared.

41. Even so the existing storage usage will continue to support the farm business. Indeed, the storage business is now the predominant use on the site occupying more than 70% of the floor space.
42. The existing buildings can continue to be used and expansion can take place elsewhere. For example, the applicant owns the land allocated for employment to the south west of Bungay –he could expand in that location only 3 miles from the application site (subject to obtaining permission for B8 uses (see above and below) with minimal business disruption and additional costs.
43. There is no evidence that the storage and farm business are interrelated but there is evidence that the farm business is now supportive of and subservient to the storage business. Local residents have noticed that job adverts have either been for the storage business or the farm business but never covering both.
- 44. The application should be refused because there are no material considerations which indicate that an exception to the Development Plan should be made. There is sufficient employment land available for St Johns or similar businesses to expand into to meet the needs of local businesses.***

#### ***Demonstrable Harm to Interests of Acknowledged Importance***

45. The application is contrary to the Development Plan and there are no material considerations which justify an exception. In addition, the application would cause demonstrable harm. In addition to the impact on the Landscape Value Character Area and the County Level Wildlife Area further harm will be caused:

#### ***Visual and Noise Impacts***

46. The proposal is only slightly smaller than the application that was refused by the District Council and on appeal. The photographs in Appendix 1 show the increased visual impact on the surrounding area. To be added.
47. The reorientation of the building is unhelpful and will have an even greater impact on the neighbouring properties. The operational elevation pointing north, with the two doors and new concrete pad means that all vehicle movements, lights vehicle reversing sounders for lorries and fork trucks will affect a much greater audience. It is not clear why two sets of doors are needed. The screening to the North of the building is inadequate and appears to have a substantial gap in it.

48. The continued expansion of the site is likely to lead to 24-hour operation with consequent impact on local residents.

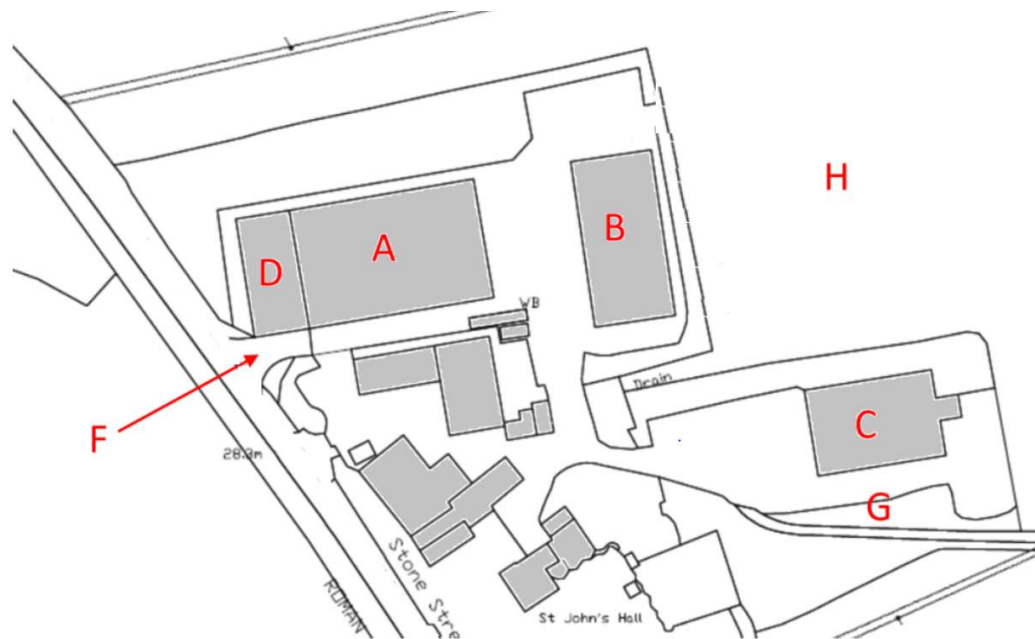
49. *The visual, noise, light and air pollution from the site will have a detrimental effect on local residents and the amenity of the area.*

Expansion Creep

50. The Inspector came to the conclusion that the St John's Hall business as a whole was split about evenly between storage & farming, +/- 50% each. Increasing the storage business by the amount that is proposed will change that ratio to somewhere in excess of 70% storage to 30% farming, meaning that the business is now primarily a storage business with a farm attached.

51. The site has developed in an unplanned way with proposals for new buildings being considered on an ad hoc basis. The planning history shows that permission has been granted for agricultural buildings that have not been used for that purpose and that change of use applications have quickly followed.

52. Building A was originally a general farm building permitted in 1985. A change of use was approved to commercial storage in 1995 and the gradual development of the site for commercial storage had begun only 24 years ago. Building B was approved as a grain store in 1999 but has never been used for that purpose. It is understood that it was in use for commercial storage when the Inspector undertook his site visit in 2018. A further building – building C - was approved in 2012. It is used as a pallet store for at least 11 months of the year and as a buffer store for grain at harvest time.



From Applicants DAS

*53. If the current application is permitted it will further consolidate the site as a storage and distribution facility, despite it not being identified as an employment site in the WLP. The commercial storage activities on the site have increased on a regular basis since 1995 and a similar increase might be expected over the next twenty years if the expansion of the site is unchecked. Further applications for incremental growth are inevitable including hard standings and turning areas, lit at night. A line must be drawn with the refusal of this current application.*

*Impact on Bungay Town Centre*

*54. As noted in para 25 above Policy WLP5.2 allocates employment land south west of Bungay just 3 minutes away from the St John's Hall site. It states that 'B8 uses will only be acceptable where it is demonstrated that the traffic impact (in particular heavy good vehicles) will not have an adverse impact on the town centre.' Clearly there is a concern that increased commercial storage activity at St Johns Hall could also have this impact.*

***55. The proposal would cause harm to interest of acknowledged important because of its environmental impacts which will increase if the incremental expansion of the site continues to be permitted.***

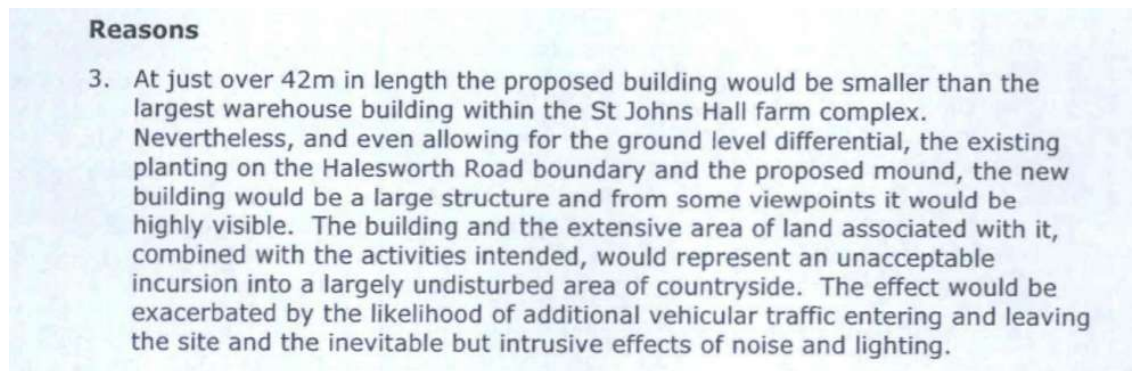
### *Inspector's Conclusions*

56. The Inspectors decision to reject the appeal against refusal of the original application was made in April 2018 against the adopted planning policies of the time which dated from 2009 and 2011. The current application falls to be considered against the newly adopted policies of the WLP. The Inspectors conclusions are not therefore a material consideration.
57. However, the applicant relies on the Inspectors' conclusions to support his case. Our comments on these are therefore as follows:
- a. The proposal meets an established demand (para 10 of Inspectors decision) – this may be true but other more suitable and sustainable locations can meet that demand.
  - b. There is a shortage of similar storage facilities in the area (para 10) – any shortage of similar storage facilities can be provided for by the applicant or other providers in more suitable locations. There is a sufficient supply of land for the market to bring forward the storage provision that is demanded.
  - c. National and local policy supports farm diversification (paras 8 and 12)– this is now primarily a storage and distribution business not a farm business and local policy is now established in the WLP and it does not provide unconditional support for diversification. The NPPF (para 83a. requires growth and expansion of business in rural areas to be sustainable and other more sustainable locations are available for B8 development
  - d. There is policy support for rural business growth (para 12) – WLP strategy is for small scale employment and the District Council decided not to identify the site as an existing employment site.
  - e. The storage business is vital to support the farm business (para 13 and 14) – the predominant business is now storage and it is likely that the storage business is supporting the farm business. It is not part of planning policy that any farm business can develop alternative uses simply to support the farming business.
  - f. There is no upper limit on farm diversification (para 14) – this is only true if the site otherwise conforms to planning policy and does not cause demonstrable harm otherwise any farm diversification could expand totally uncontrolled by the planning system. The reliance of the applicant on this statement lends support to the concerns of local residents that the applicant will continue to develop and expand the site into an even larger storage facility.
  - g. Both parts of the business require a single site (para 15) – this may be desirable from a business point of view but many businesses

operate from split sites or have to relocate to a more suitable site. This consideration does not override planning policy.

- h. The nearest site where large scale building is acceptable is many miles away (para 15) – the evidence above shows this not to be the case, land and buildings are available in much more sustainable locations.

58. There was a previous appeal against refusal for the erection of an agricultural engineering premises – determined in November 2007. Here the Inspector also found that the intrusion into the countryside was unacceptable even though the building proposed was smaller than proposed in the current application:



Extract from Inspectors Report APP/T3535/A/08/2066856

59. It is notable that the Inspector was concerned about the effect of vehicular traffic, noise and lighting.
60. The Inspector in this case however gave much less weight to the merits of farm diversification and cross subsidy of non-farming activity to support the farm business:



6. The proposed building and the land on which it would be sited is intended to be partly used as a workshop for the existing farm unit. For the most part the building would be occupied by the local branch of a regional engineering company that supply and maintain agricultural machinery, and are currently operating from an industrial estate in Halesworth. The use would be industrial rather than agricultural.
7. I recognise that the St Johns Hall farm unit could benefit from some revenue and services of the company on site. But I question whether the benefits alleged would be vital to the farm, given that it has already diversified into the commercial storage/distribution business which operates from the large industrial buildings to the north of the farmhouse and farm buildings.
8. The evidence before me demonstrates that the farming business on its own is profitable, albeit with a large proportion of the income attributed to contracted farm work. The evidence, however, does not refer to the economic contributions of the storage and distribution business which operates alongside the farm unit. By all accounts the business has allowed the farm to diversify successfully and enables the appellant to maintain a steady workforce. There is no indication in the material before me that the proposed development is critical to the continued success of the farm enterprise or that it could be justified on the grounds of rural diversification.

Extract from Inspectors Report APP/T3535/A/08/2066856

61. Furthermore, the Inspector found the site was unsustainable and that needs of a particular company did not override planning considerations:

9. Relocation of an industrial business from the relative accessibility of Halesworth to a site that is essentially rural, does not accord with sustainable development objectives. With few opportunities for non-car modes of transport in the area, employees and customers would be relying on private cars to reach the site,

case but the particular circumstances of the future occupier of the proposed development are not relevant to the merits of the scheme on the basis of farm diversification. LP Policy E5 is the relevant policy in these circumstances, and it does not permit industrial development in the open countryside. The known reputation of the engineering company and the opportunities it offers for local employment and training are not sufficient, in my view, to override the material harm identified or to warrant a departure from the development plan.

62. *It seems therefore that two Inspectors have taken a very different view of the arguments about farm diversification and the decision of the Inspector in 2018 should not influence the decision now to be made regarding a new planning application to be considered against a new policy framework.*

### ***Conclusions***

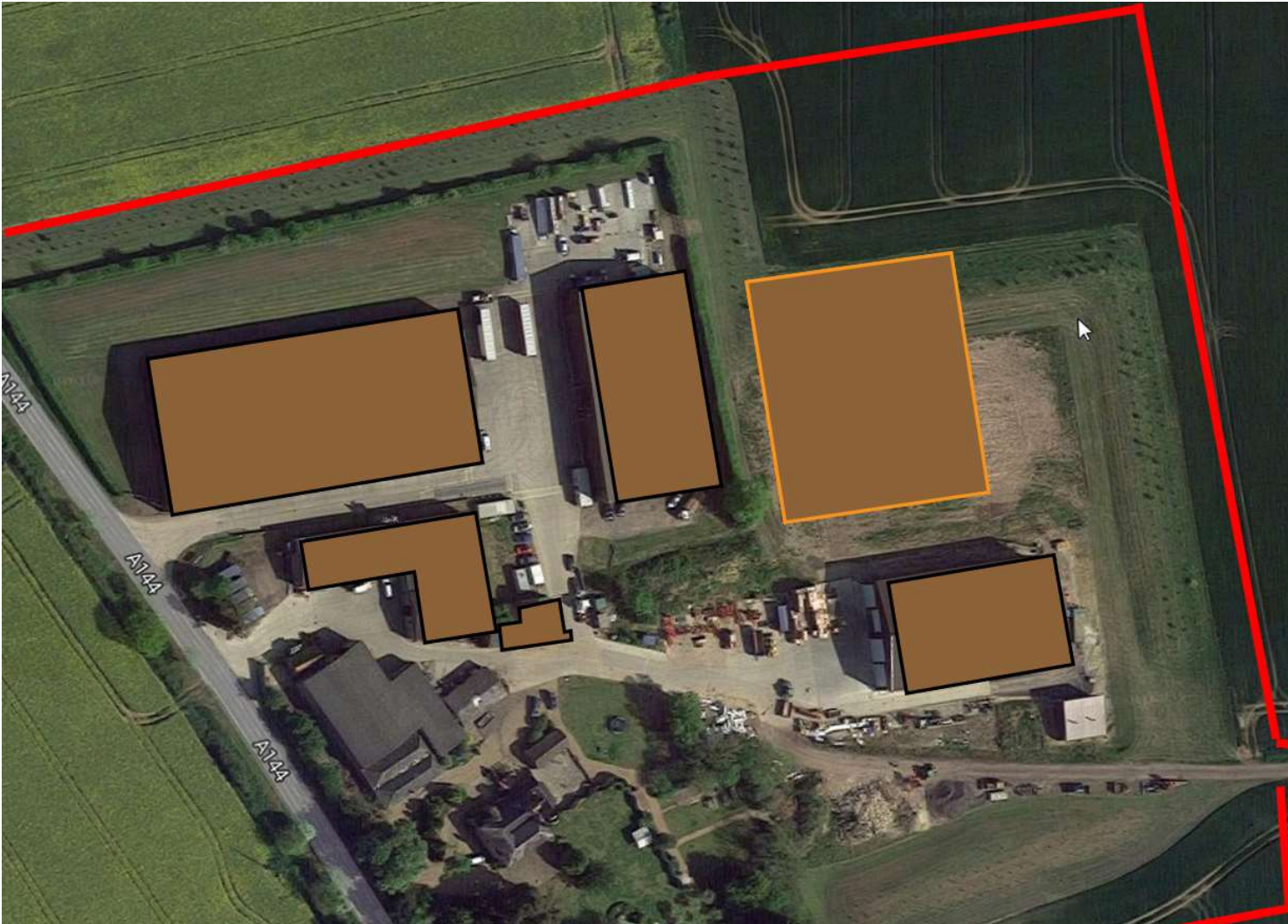
63. The Planning Application for the expansion of the St John's Hall site to accommodate a substantial additions B8 storage unit should be refused because, as demonstrated in this submission, it is contrary to the Development Plan, there are no material considerations that would justify a departure from the Development Plan and it would cause demonstrable harm to interests of acknowledged importance.

Appendix 1 – Photographs demonstrating the impact of the proposal on the landscape.

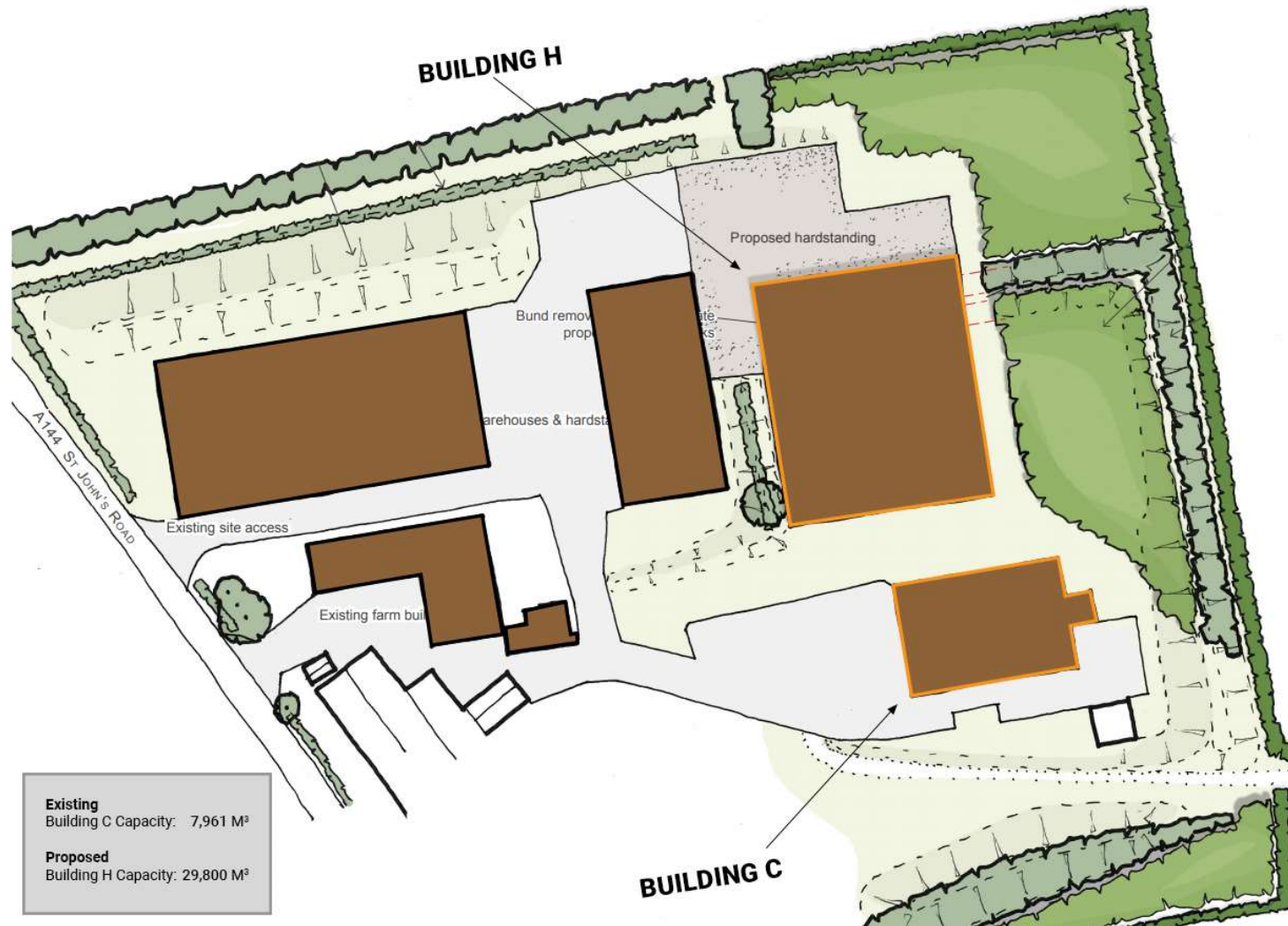


Taken from Google Map (satellite view)





Taken from Google Maps (satellite view) showing the scale of the new proposed warehouse



Taken from applicants landscape draft showing the scale of the new proposed warehouse



View from top of Lodge Road





View from top of Lodge Road, showing effect on landscape, with no night pollution shown.