

LEVINGTON AND STRATTON HALL PARISH COUNCIL

Parish Council response to DC/21/4413/FUL

Change of use from former agricultural to mixed use of B2 and B8 | Part of Land South Side of A14 Felixstowe Road Levington Suffolk IP10 0LT

It is noted that the current planning application is the same as the previous application [FUL/20/4526/FUL] but with the added reports from consultants appointed by Eastern Structures titled Viability and Marketing Assessment [August 2021] and a Highway Statement [September 2021].

This response by the Parish Council includes references to the two reports, in addition to our many other criticisms of this application.

1st aim of the Parish Council's Mission Statement:

"Ensure our historical, cultural, geographical, and natural assets are identified, protected and enhanced for the benefit of current and future generations".

THE PARISH COUNCIL STRONGLY OPPOSES THIS APPLICATION.

History of the Site

- a. Until 2016 the site was a paddock and horses were kept on it.
- b. **DC/16/1189/FUL May 2016** - application by Darren Pack [Director of Eastern Structures and purchaser of the land] applied in a personal capacity, to replace the existing buildings used for stabling the horses, which were by then in a poor condition. The supporting document to the planning application [3.3 refers] clearly states the site and building would be used for the applicant's personal use [tractor, digger, ground maintenance, personal boat etc]. This application was never resolved but evolved into:-
- c. **DC/16/3283/FUL September 2016** – for the construction of the replacement building and also the construction of the substantial entrance. This application was permitted by SCDC, but heavily conditioned. Condition 4 states "the hereby approved building shall be used for agricultural purposes to store and maintain tools, machinery, equipment and vehicles used to maintain the land within the application site and to store any produce grown on the land, and for no other purpose". **Reason:** the local planning authority would not approve the building other than for the purposes associated with the use and maintenance of the land"

The Case Officer, in her comments, refers to the applicant's supporting document to the application by stating "The applicant intends to use the land for the production of hay". She then says "The applicant originally wished to use the site as a general storage area for other land he intended to lease, he was advised that this would not be acceptable and therefore the building was reduced in size".

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- d. As soon as the new entrance was completed a large 'Eastern Structures' sign was erected and massive earthworks resulted in the creation of the unsightly high bund on the boundary with the old A45. As stated in the application, the site has been used by Eastern Structures as a business site for storage in contravention of the conditions of the planning permission. (Even the building has been erected in a different location on the site).
- e. **DC/19/2148/COU August 2019** - a retrospective application for change of use from agricultural to a storage depot for Eastern Structures material. Permission was refused by ESC under the previous Local Plan on the grounds that it was contrary to DM7 [Infilling within Physical Limits Boundary], DM14 [Farm Diversification], SP1 and SP1a [Sustainable Development], SP19 [Settlement Policy] and SP19 [The Countryside]. However, the site continued to be used by Eastern Structures for storage.
- f. After 15 months, with no appeal by the applicant, and at the repetitive prompting of the Parish Council, formal enforcement action was about to be commenced, but was suspended pending consideration of this latest repeat application.
- g. From the outset, it was clear the site was not for private use nor for hay making, (production of 8 to 12 tons of hay per annum) as claimed in the planning application DC/16/3283/FUL. The conditions of the planning permission were never met as no agricultural activity took place. Instead it was being used as a storage depot by Eastern Structures.
- h. NPPF [Section 58] states “**Effective Enforcement is important to maintain public confidence in the planning system**”. It is disappointing that ESC did not comply with the NPPF in an appropriate manner.
- i. **DC/19/1692/COU – April 2019 – a retrospective planning application** from a different applicant for the positioning of mobile caravan and decking for cafe use (A3) including change of use of land on the western end of the applicant's site. **Planning Permission Refused** and applicant complied with this decision by removing all structures of the café and decking.
- j. **DC/20/4526/FUL - November 2020** – a further application from Eastern Structures for a change of use from agricultural to B2 & B8 use. Refusal of Planning Permission as it was contrary to 10 policies in the Local Plan. The site continued to be used by Eastern Structures for storage throughout the period and indeed does so to the date of this latest application.
- k. **DC/21/4413/FUL – October 2021 – yet a further planning application following a year of inactivity following the previous refusal of planning permission.** In the application, it clearly states under section 5 that work to change the use of the site has not started. This is incorrect as no permission has been given for storage of materials by Eastern Structures upon the site.

New Supporting Reports Submitted by the Applicant

The applicant has commissioned two reports in support of this application and the Parish Council has the following comments:

i. Viability and Marketing Assessment

- This assessment seeks to satisfy the conditions of SCLP4.2
- The report mentions several potential sites but does not refer to exploration of sites around the Ipswich area, such as Babergh and Mid Suffolk.
- Section 2.2. This quotes criteria for identifying such exception sites. The second criteria specifies “*within settlement boundaries*”. This site is not within a settlement boundary so fails the criteria at the outset.
- Section 2.4. The first line states that “Eastern Structures purchased the site after being unable to find any suitable site for sale to relocate to and with a need to find storage”. This is untrue and misleading. The original planning application in 2016 was from Darren Pack [director of Eastern Structures although this was not mentioned on the application] to accommodate private items including his boat. The next application [again from Darren Pack] was for change of use to agriculture and based on a hay making enterprise. The site was not used for either of these purposes.
- Section 6.23. The applicant argues that the benefits will outweigh the biodiversity loss, but this is not demonstrated by the following statements. Indeed, there is an admission that the site is now covered by crushed material, but this could be remediated if the permission were refused.
- Section 6.28. The applicant states that ‘*Overall, the development of the site would not cause significant impact upon the wider character and appearance of the area.*’

This is an unsupported assertion. The Parish Council believes the development of the site would impact significantly on the wider character and appearance of the area. For example, the height of the proposed buildings would project well above a proposed bund, light pollution, noise pollution, particulate/atmospheric pollution, would be to the detriment of the character and appearance of the area. Prior to the breach in planning, this site was in keeping with the rural nature and character of the area; as a result of the use of the site by Eastern Structures in breach of the Planning permissions granted, we have been given a small taste of what the future could hold.

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- Section 7.2. In their conclusion, they state:

“In this instance the development of the site is in keeping with the surrounding area, in that other businesses are located along the A14 corridor between Ipswich and Felixstowe. It is capable of being accommodated without any harm to the countryside setting, residential amenities, or highway safety”.

In addition to this, at a number of places in their Supporting Planning Statement the agent attempts to draw a parallel between the Gunshed/Eye and this proposal. The legitimacy of this point does not stand up to close examination. The Parish Council supported Gunshed/Eye’s application because it tidied up their site in such a way as to improve the local environment. This was also an existing business operating within planning law.

There are no other businesses of an industrial nature in the area under consideration, ie between the old A45 and the A14. We do not believe that the area to the south of the A45 is considered part of the A14 corridor. To the east of the Gunshed/Eye, a planning application was withdrawn for a lorry park as it would be unsuitable for this environment and could harm the countryside setting, residential amenities, and be a problem for highway safety.

‘Vision’ refers to the area in the East Suffolk Local Plan (adopted 23/09/2020) designated for business development opposite the Seven Hills crematorium (called by the Plan the land at Felixstowe Road). This would be of an entirely less industrial nature bearing no similarity to this application.

In the aforementioned Local Plan, the land at Felixstowe Road is SCLP 12.20 and described by East Suffolk Council as

“Targeted at the business and professional services sector” and

“The development will be expected to represent a high quality of contemporary design...”

Adjacent to the business park at Seven Hills, there is an area which is proposed to be used as a freight management facility for the duration of the building of Sizewell ‘C’, but with a promise that it will return to nature/current agricultural use, when the power station work is complete.

Taking these cases, none are similar to this proposal which would be detrimental to the natural environment (including by noise, air, light pollution).

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In the applicant's previous submission, the Environmental Officer drew attention to the lack of detail in Easter Structures' submission about operating hours and other basic information and the problem this represented if an accurate assessment was to be made about the pollution that would result from the proposed operations. The environmental report of the current application still lacks these basic details and the Environmental Officer remarks on this.

ii. Highway Statement

- Section 3.2. The applicant states "*The access to the application site is on the former strategic corridor route. This road was once a much busier route (pre the current A14 route), it is now a lightly trafficked road*".
 - The highways statement describes the traffic on the old A45 as being light. It provides no explanation of what constitutes 'light' nor how they arrived at this conclusion, yet it refers to it having been busier before the A14 replaced this backway.
 - The highway statement continues by reporting that there has been only one accident in the last 5 years and that there are no underlying traffic problems. Of course, this is a point that they cannot make with any confidence projecting into the future should this proposal be granted permission. The same point can be made about the freight management facility which may increase the volume of traffic in the area.

The measurements made by the traffic consultant (Bullard) on behalf of the applicant claims that around 60% of the traffic passing the proposed site travels at or below the 85th percentile of the speed limit of 60 mph. This means that a large percentage of the traffic passing the monitoring point currently exceeds the speed limit of 60mph, so an HGV pulling out slowly into the traffic stream would present a real hazard.

To access the site, HGVs travelling from the A14/A12 junction, will approach from the north-west and will have to cross the carriageway of the old A45 to make a right turn into the proposed industrial site. Again, with the mean speed of vehicles at around 60mph this constitutes an unacceptable danger, not only to traffic but also to pedestrians using this route, including those wishing to catch the regular 'bus services between Ipswich and Felixstowe.

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The applicant records that if permission is granted, the site would provide employment for 20-30 staff over the next few years as it expands. If this is the case, then there would be an associated increase in traffic flow to enable these employees to access this remote site and an increased requirement for onsite vehicle parking. This is not mentioned in the application under section 9.

- Section 3.6. Crash Map. The area of the survey is far too narrow as the access and egress routes meet with nearby busy road junctions where accidents are far more prevalent, and additional heavy vehicles would add to road danger.

By examining the Crash Map data for the whole road from its junction with the A1156 at the western end and the A14 at the eastern end, a more accurate indication is obtained. This shows that, during the period 2015-2020 inclusive, the number of accidents were:

At/by junction with A1156 road – 5 slight and 1 fatal

Approx. mid-point of junction with A1156 and western end of dual carriageway – 2 slight

Westbound carriageway of duelled section – 1 slight

Junction of Bridge Road/old Felixstowe Road – 1 serious

Close to entrance to Eastern Structures' land – 1 slight

Junction of Stratton Hall Drift and old Felixstowe Road – 1 slight

Junction of old Felixstowe Road and Trimley access single track road – 1 fatal

Junction of A14 and old Felixstowe Road – 1 slight

On 9 October 2021 there was another serious road traffic crash on this road resulting in a person sustaining life threatening injuries, who was airlifted to Addenbrooke's hospital.

- Section 5.3, page 7. The statement made by the traffic consultant Bullard states "*Furthermore, this section of highway is used for Operation Stack and is considered safe to do so*".

This is misleading as during Operation Stack all HGV movements are on a one-way system and managed by the police with vehicles being

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parked facing the East. It is difficult to comprehend how the addition of articulated vehicles owned by Eastern Structures, or deliveries to the proposed site, can be safe when Operation Stack is in force.

- Section 5.5. This refers to the set-back which is increased in length from 13.5m to 17m. The articulated lorries are 16.5m in length which leaves a safety margin of just .5m. This may well amount to a road safety hazard with articulated lorries overhanging the highway.
- The measurement of traffic speed and flow in the Bullard report was taken during a holiday period (August 2020) and is unlikely to be representative of usual conditions. Also, no consideration has been given to the expected large increases in traffic volume if the Freight Management Facility for the Sizewell 'C' construction traffic is built. Should the business park opposite the crematorium also be developed then there will be an even higher traffic flow along this stretch of road.

Planning Consents in this Immediate Locality

Current planning consents consist of:

- **Walk Farm** – this farm has been in existence for generations, at one time being used by Fisons for horticultural experiment and development. More recently, planning consent was permitted for the conversion of existing agricultural buildings into B1 use – planning applications DC/17/4411/FUL [November 2017] and DC/18/3197/FUL [August 2018].
- **The EYE 'Gunshed'** - as its name implies, this site has been used from World War II when the railway mounted 12" Howitzer gun was housed on this site.

A succession of permitted planning applications C/90/0095 [1990], C/93/1289 [1993], and C/99/0501 [1999] allowed this site continued use as a marine business linked by close proximity to the River Orwell and the existing boat businesses at the Suffolk Yacht Harbour [Levington Marina].

A planning application DC/18/1503/FUL for a storage building was permitted in May 2018, as this led to a tidying of the site.

The site is well shielded by a mixture of well-established and mature hedging and trees.

This marine business has a symbiotic relationship with the local area and has been in occupation on the site for decades.

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- **Levington Business Park** – as above, this site has been in use since the mid 1950s, originally used by Fisons as an agricultural research centre, again blending with the local environment. Although the site has morphed into a light business park, horticultural research remains part of this setting.

The Local Plan [reference 12.37] identifies this site for no further development.

The applicant implies the foregoing offer a justification for even more development in the countryside, particularly industrial use [B2 and B8], but the Parish Council has an opposite belief. This area of countryside has too many development proposals/permissions and no further developments should be permitted in this area of countryside as they would add unwarranted nuisances such as visual, light, noise and emissions to this natural environment.

Although there is mention in the Local Plan of developments along transport corridors, including the A12 and A14, it is unclear where these developments may be and what they will be.

In the current Local Plan, Policies Map 37 has no mention of this site being developed.

Therefore, any opportunistic planning application, such as this one, based upon a site on which planning permission has already been refused, must be rejected. To do otherwise would add to the unplanned coalescence of settlements between Ipswich and Felixstowe, and contrary to the very opening statement in Section 1 of the Local Plan for “the need to preserve and enhance the precious, but sometimes vulnerable environment”.

The applicant proposes to relocate its Ipswich Depot to the Levington site. This is just perverse as it transfers a brownfield site to a greenfield site, also resulting in existing staff having to travel to a countryside site [currently 10 staff, and possibly doubling in number].

The Parish Council opposes this application for the following reasons:

1) **Permission already refused**

ESC has already refused a change of use, asserting that the use is ‘agricultural’. Any deviation from that stance in this case would be inconsistent and undermine trust in the planning system.

2) **A False Base**

The applicant argues for a change of use based on the site as it is now as a result of their illegal actions and usage. This is an invalid basis for such an argument.

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Note: Applicant contrarily also asserts that change of use has not started; but it has – see Q5 on application form.

3) **Locality**

The area in which this proposed site is situated, known as Levington Heath, is flat open countryside consisting overwhelmingly of farmed land. From east to west, The Old Felixstowe Road has a junction with the A14 to the east and with the A1156 to the west. The main entrance road to the village [Bridge Road] is immediately adjacent to the proposed site, which is also a main access to the close-by Area of Outstanding Natural Beauty.

4) **Countryside**

The location is “countryside” as defined in the Settlement Hierarchy in the Local Plan.

New employment development in the countryside is governed by SCLP 4.2

The applicant has still not demonstrated that they or their agents have examined all potential sites in the Ipswich and adjacent areas such as Babergh and Mid Suffolk District Councils [please see Viability and Marketing Assessment, 2nd bullet point above]:

The applicant has still not met the criteria in SCLP 4.2, which are:

“that there is no sequentially preferable land available adjacent to existing Employment Areas, within existing Employment Areas or within Settlement Boundaries and:

a) It would not have an unacceptable adverse impact on surrounding land use; and

b) It avoids, or adequately mitigates, any adverse impact on the character of the surrounding area and landscape, the AONB and its setting or the natural or historic environment.”

5) **The site is not designated as employment land in the recently adopted Local Plan** – nor was it put forward as such by the applicant during the preparation of the plan.

6) **The site is not needed** – Inspector’s letter re Local Plan and Innocence Farm:

“Consequently, I consider that the Innocence Farm allocation (SCLP12.35) should be removed from the Plan. Given the provision of employment land otherwise being made, there is no need to provide an alternative site to Innocence Farm.”

7) **Landscape Impact**

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Surrounding land is open farmland – a fortified fenced industrial compound housing large lorries, large cranes and with high CCTV and lighting masts (which are not mentioned in the application but will be needed) will be very alien in this landscape and represent a loss of visual amenity, especially when the lighting is on. (In winter this will be from mid-afternoon).

It is asserted that the site cannot be seen from the highway; this is because of the high bund that has been constructed without permission.

It is also asserted in the application that the site cannot be seen from any public footpath but this is incorrect as such a path borders the site at its eastern end and the interior of the site is clearly visible from that path.

8) **Nature**

The land to the immediate west of the site (part of the larger strip of land owned by the applicant) together with that to the East opposite Heath Cottages contains trees and 'scrubby thicket' which is a haven for 'red listed' nightingales that breed there every summer. (note 'No' to Q10 & Q12 on application form)

9) **Traffic Impacts**

a) Slow moving heavy vehicles travelling to and from the site will need to use the westward junction of the old A45 with the A1156 Felixstowe Road – a dangerous junction at any time due to fast moving traffic, and an accident black spot.

b) Although the entrance to the site was constructed with input from Suffolk County Highways, they should be consulted again in the light of the anticipated number and nature of vehicles that might be using it.

c) Operation Stack

When Stack is in operation, the westbound exit from the A14 at Levington junction onto Felixstowe Road is closed. Any emergency vehicles, buses or residents getting to or from their houses, have to be escorted through Stack by the Police. Those accessing or leaving this site will be an extra burden and complication. Suffolk Police should be consulted.

d) Heavy vehicles travelling through the narrow village roads is a regular and dangerous occurrence whenever there is traffic congestion within Ipswich or an accident around the Seven Hills junction on the A14 (not infrequent).

10) **Joining of Settlements**

It is the policy of ESC not to infill and join settlements.

Policy SCLP10.5: Settlement Coalescence

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“Development of undeveloped land and intensification of developed land between settlements will only be permitted where it does not lead to the coalescence of settlements through a reduction in openness and space or the creation of urbanising effects between settlements.”

It is important to keep the A14/A45 corridor “green” to maintain separation between the urban settlements of Ipswich and Felixstowe.

The Parish Council opposes all new development along A14/A45 corridor for this reason.

11) **Operation**

The application gives no indication as to the times of operation, which will have a very material effect on the nearby residents of Heath Cottages and the Evergreen horticultural research station as well as the traffic flow on the old A45 at peak times.

12) **Noise**

The ‘heavy’ nature of the operations will create a level of noise incompatible with ‘countryside’. No details about the processes for the fabrication of steel.

13) **Pollution, Waste Handling and Environmental Issues**

Although it is intended to have offices, workshops and fabrication on site, there is no information about how waste will be handled, including polluting materials such as waste oils etc. Similarly, no information as to how hazardous materials such as fuels, oils and gases will be stored (see ‘No’ regarding Trade Effluents at Q15 and Hazardous Substances Q21 on application form).

14) **NPPF and Local Plan**

Whilst both these documents support sustainable developments, residential and economic, there is also the important protection of the environment from development on unsuitable sites. The Parish Council believes the planning application is contrary to these sections of the NPPF and Local Plan which also reinforces the above:

- **NPPF – Section 15** – Conserving and enhancing the natural environment.
- **Section 1 of the Local Plan**
- **SCLP 2.1 – Growth in the Ipswich Strategic Planning Area** - whilst stating support for economic growth in the Ipswich Functional Economic Area, this application runs contrary to this policy by attempting to relocate from this area.

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- **SCLP 3.1 - Strategy for Growth [f]** – “Appropriate growth in rural areas that will help to support and sustain existing communities”. This application does not further this objective.
- **SCLP 3.2 – Settlement Hierarchy**
- **SCLP – 3.3 – Settlement Boundaries**
- **SCLP 4.2 – New Employment Development**
- **SCLP – 4.5 - Economic Development in Rural Areas**
- **SCLP – 4.6 - Conversion and Replacement of Rural Buildings for Employment Use – See also SCLP 3.2 Settlement Hierarchy**
- **SCLP – 4.7 – Farm Diversification** – The site currently has planning permission for agricultural use as a hay making business, although never used for this purpose. As the Local Plan states - any diversification must result in farming activities remaining the predominant use of the site, which this application does not.
- **SCLP – Sustainable Transport**
- **SCLP 10.3 - Environmental Quality**
- **SCLP 10.4 - Landscape Character**
- **SCLP 10.5 - Settlement Coalescence**
- **SCLP – 11.2 - Residential Amenity**
- **Policies Map 37 has no reference to any such development in the Parish of Levington**
- **Historic Environment Supplementary Planning Document Formal Consultation states**
 - i. “The landscape of the area is predominately arable”

East Suffolk Council has refused previous planning applications for change of use. The most recent refusal stated that it was contrary to 10 planning policies in the Local Plan. The applicant has sought, through commissioning consultants, to respond to two of these violations. The Parish Council, as stated above, does not believe the applicant has been successful in this. The remaining 8 violations of the Local Plan continue to be unanswered.

Levington and Stratton Hall Parish Council
October 2021