

Parish Council response to DC/20/4526/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

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".

- 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 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 has now been 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. 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** - this application from Eastern Structures for a change of use from agricultural to B2 & B8 use.

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.

- **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, agricultural 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.

Note: Applicant contrarily also asserts that change of use has not started – 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 not demonstrated:

“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**

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.

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’ and is a haven for ‘red listed’ nightingales 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

“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 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’ re 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.
- **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”