

Parish: HADLEIGH

Location: Stone Street

Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 3 attached to pp B/08/01324/ROC - to allow for the operation of machinery and any processes to be carried out in the hat and straw processing building between the hours of 0700 and 2300 Mondays to Fridays and 0800 and 1400 on Saturdays

Applicant: Supreme Pet Foods

Case Officer: Stuart McAdam

Date for Determination: 25.02.2010

THE SITE

1. The site is a former farm complex located within the Special Landscape Area on the western side of Stone Street, Hadleigh. Access to the site is from Stone Street. The buildings on the site are currently used for storage, mixing and packaging plant, hay and straw bedding production, a workshop and an office.

THE PROPOSAL

2. As a result of an appeal decision in October 2001 (B/99/01349/ROC) and subsequent variations through planning permissions approved in 2002 and 2008, the approved hours of operation (subject to compliance with condition) are as follows:
 - 0700 to 2300 Mondays to Friday and 0800 to 1400 Saturdays - For the plant used to manufacture and package pet food
 - 0800 to 1800 - for the plant used to package hay and straw for bedding
3. A further planning permission granted on 17th November 2008 allows for a car park to be constructed adjacent to the hay and straw bedding production building for shift workers, so as to minimise disruption on nearby residential properties.
4. This application seeks to allow use of the Hay and Straw building for the same operating hours as the adjacent mixing and packaging plant building, namely 0700 – 2300 Mondays to Fridays and 0800 to 1400 on Saturdays.
5. A supporting letter highlights that the Company had planned to move the hay and straw operation off site but changes in the market have led the Company to reappraise this part of their operation resulting in its retention at Stone Street.
6. The application is accompanied by supplementary information from a noise consultant, Richard Bines of RDB Associates.

RELEVANT HISTORY

7. Between 1990 and 1998 a total of 13 planning permissions were granted relating to the use of the site initially as an agricultural contractor's premises and straw merchants, including straw packaging and the production of animal feed, and later for other developments related to this use including the sale of pet food, horse feeds and bedding.
87. 1999 – permission granted for the continued use of former agricultural buildings for the production of pet food with a variation to a condition restricting the hours of operations (B/99/01349/ROC). Appeal upheld 2001.
9. 2002 – permission granted for the extension of hours of operation (B/02/00289/ROC).
10. 2008 – permission granted for extension of hours of operation (B/07/01758/FUL)
11. 2008 – permission granted to allow for an alternative car park arrangement (B/08/01324/FUL)

NATIONAL GUIDANCE

12. **PPS1:** (Delivering Sustainable Development)
13. **PPS7:** (Sustainable Development in Rural Areas)
14. **PPS24:** (Planning and Noise)

PLANNING POLICIES

15. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are relevant to this proposal:

East of England Plan 2008

- **ENV7** (Quality in the Built Environment)

Babergh Local Plan (Alteration No.2) 2006

- **EM01** (General Employment)
- **EM20** (Expansion/extension of existing employment uses)
- **EN25** (Noise)

The relevant documents can be viewed via the internet. For further details please see Page 4.

CONSULTATIONS

16. TC – Approval recommended
17. LHA – The Local Highway Authority would not consider the level of increased HGV movements to have any detrimental/noticeable affect of the road network, particularly when also bearing in mind the site's close proximity to the A1071 route.
18. SCC (Archaeology) – No objection

19. EA – Has no comments to make on the application

20. HoNABE – (Environmental protection) Agrees with the conclusions of the noise assessment which accompanies the application. There is no objection to the proposal subject to the attachment of conditions similar to those attached to planning permission B/07/01758 relating to the adjacent Pet Food Plant.

REPRESENTATIONS

21. Two letters of objection have been received. The objections are summarised as follows:

- The extension to the working hours will affect quality of life
- The noise surveyor has loyalties to Supreme Pet Foods in accordance with their instructions. Clarification is sought as to whether the noise survey was conducted using the environmental agencies equipment and not the independent assessors
- Does the survey take into account the noise of workers and the vehicles that will be driven to and from the area and the light pollution which will carry on into these extended hours?
- With the extended hours there is a likelihood that maintenance and service operations would need to be available as a support function within the business. This would result in more noise emanating from the maintenance workshop for Supreme Pet Foods adjacent to my house. I would request that this facility be relocated to a more convenient area.
- Light pollution
- Inappropriate location for such a use. This is a mixed agricultural/residential area not an industrial estate. This will impact on residential amenity
- Safety – additional lorries on the main road coupled with longer hours of operation means further threats to safety on an already dangerous road with no footway and threat to the safety of children waiting for the school bus
- Lorries arrive outside the operating hours and this is a nuisance and there is a history of operating outside their approved hours

PLANNING CONSIDERATIONS

22. Policies EN25 and EM20 of the Babergh Local Plan are relevant to the proposal. Policy EN25 seeks to ensure that planning permission will not be granted for noise generating activities which would cause a significant adverse impact on noise sensitive uses, while Policy EM20 permits expansion of existing employment use, sites or premises where there will be no material conflict with residential and environmental amenity or highway safety.

23. The issue to be considered is the potential impact, through noise and disturbance, on residential amenity that may arise as a result of the increase in hours in the straw and hay building.

24. Members are advised that the current use has planning permission and no change to the use of the building is proposed. This application seeks to extend the operating hours in line with other activities on site. Therefore concerns which have been raised about the appropriateness of the activities in this location are not relevant to the proposal before Members.

25. The key issue is whether the extended hours of operation would be detrimental to nearby residents. The building is located to the rear of the site well away the nearest residential properties. Measures are already in force to ensure that employees do not park near residential properties on the evening shift and this is governed by condition on existing permissions. These conditions will be applied to this proposal should Members approve the application.
26. At the request of the Environmental Protection Team, noise measurements were conducted at three locations to assess the impact of the Hay and Straw operation. The locations were as follows:-
 - The boundary of the site nearest Stone Street Farmhouse
 - The boundary by the end of the driveway adjacent to Stone Street Farmhouse and Supreme's maintenance workshop
 - At the location near to the cottages where previous measurements have been undertaken
27. Readings were taken with no machinery in operation and then with machinery in operation including an air compressor, hydraulic power packs and two shredders, at the various points indicated above.
28. The noise assessment concludes that the operation of the hay and straw building does not increase the measurable ambient noise climate.
29. Concerns have been raised about the impartiality of the noise consultants report and the implications of the increased hours. However, Members will note from the consultation responses that Environmental Protection Team has no objection to the proposal and your officers accept the findings of the noise consultant's investigations. Measures will be put in place to mitigate the impact through the imposition of conditions.
30. The supporting statement confirms that there may be a need to employ two additional people. It also confirms that there may be an additional delivery of straw and hay per week and that an extra two lorries per week might be required to deliver the finished product to customers.
31. It is your officer's view that there will be no significant demonstrable harm caused as a result of these increased traffic movements and Members are advised that a condition on the current permission restricts access to the site by lorries after 1930 Monday to Friday. While concerns have been raised about highway safety, the Local Highway Authority has no objection to the proposal on highways safety grounds. Lorries arriving outside the operating hours, such matters are not relevant to the determination of this application but can be investigated under the Council's enforcement powers and appropriate action taken, if deemed expedient.
32. The maintenance workshop does not form part of this application and therefore cannot be relocated under this proposal. Any noise nuisance emanating from this building, this can be addressed under the Environmental Health Acts.
33. Another key issue is the impact on residential amenities caused by the traffic movements of shift workers. Car parking arrangements are in place to ensure that employees will park between the hay and straw building and the existing mixing and packaging building. Conditions on the current permission restrict parking to this area and the same restrictions will be applied by condition should Members approve the proposal. Any additional requirement for parking spaces can be accommodated in this area.

34. An objection has been raised regarding light pollution. Members are advised that the existing permission has a condition requiring details to be submitted and agreed any additional lighting requirements can be attached by the imposition of a similar condition.
35. Members are recommended to approve the application subject to the conditions outlined below in order to minimise the impact on neighbouring residential properties.

REASONS FOR APPROVAL

36. Having regard to the relevant provisions of the Development Plan (policies EM01 and EN25 of the Babergh Local Plan (Alteration No. 2) 2006 the proposed extension of hours would not materially harm the living conditions of neighbouring occupiers by virtue of noise and disturbance.

RECOMMENDATION

37. That planning permission be granted subject to conditions to address:
 - Noise emissions
 - Restriction of extended hours to identified buildings
 - Provision of new car parking area prior to commencement of extended hours
 - Restricting the use of existing car park not permitted during the extended hours
 - Implementation of and restriction of use to the outdoor staff break area
 - Boundary treatments
 - Loading/unloading of vehicles
 - Restriction on movements of fork lift trucks and similar vehicles or equipment
 - Doors and windows to remain shut during extended hours
 - Lorry movements
 - Lighting and illumination