

Item No: 4 Reference: B/07/01758/FUL
Parish: HADLEIGH
Location: Stone Street
Proposal: Variation of Condition 1 of planning permission B/99/01349/ROC (allowed on appeal) to enable machinery to be operated and processes to be carried out between the hours of 0700 and 2300 Mondays to Fridays and 0800 and 1400 on Saturdays.
Applicant: Supreme Petfoods Ltd
Case Officer: Fiona Bradley Date for Determination: 26 January 2008

THE SITE

1. The site is a former farm complex located within the Special Landscape Area on the western side of Stone Street. Access to the site is off Stone Street. There are a number of buildings on the site which 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 variation through planning permission approved on 25th June 2002 (B/02/00289/ROC) the current hours of operation are as follows:
 - 0730 to 1930 - 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. This application is for the variation of the hours of operation to from 0700 to 2300 Mondays to Friday and from 0800 to 1400 on Saturdays.
4. A letter submitted by the agent in support of the application makes the following salient points:
 - There is no intention to seek a change of hours within which loading and unloading of vehicles can take place (0800 to 1800) or to the hours which forklift trucks are permitted to operate outside the buildings (also 0800 to 1800).
 - The request is made following a full and proper analysis of the implications of the extended hours for the local environment and the residents of Stone Street.
 - Since the planning appeal the site has operated, to the Company's knowledge, without complaints from local residents.
 - New management and procedures have been introduced which has taken a strict approach to the running of the operation to limit disturbance and has voluntarily introduced measures beyond those necessary.

- Current operating hours restrict the opportunity for a second shift which is necessary to cope with demand from customers which leads to a loss of business.
- Increasing operating hours would increase the company's efficiency and capacity and improve the working conditions of existing workers. These are compelling material considerations, but it is important to ensure such gains are not at the expense of local residents' amenities.
- The Company appointed Sharps Redmore Partnership Acoustic Consultants to carry out environmental noise assessment and provide advice on the effects of extending the hours of operation.
- The Company will be ceasing the straw bedding manufacture in 2008.
- In setting the hours of operation in the appeal decision the Inspector took a cautious approach.
- The Company acknowledges that it has not fully complied with condition 11 which requires the provision of an alternative car park for those employees arriving and leaving the site outside the hours of 0800 and 1800 on Mondays to Fridays. However, this is due to the land being required for the straw bedding manufacture which is no longer going to occur on the site. The separate car park is recognised as an essential part of the proposed extended working hours.
- Other requirements of condition 2 have now been met.
- Five conditions are proposed to enable the appropriate balance to be struck between protecting residential amenity whilst allowing the Company greater flexibility to improve its efficiency and competitiveness.

RELEVANT HISTORY

5. 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.
6. 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.
7. 2002 – permission granted for the extension of hours of operation (B/02/00289/ROC).

NATIONAL GUIDANCE

8. Planning Policy Statement 1: Delivering Sustainable Development
 Planning Policy Guidance 4: Industrial, Commercial Development and Small Firms
 Planning Policy Statement 7: Sustainable Development in Rural Areas
 Planning Policy Guidance 24: Planning and Noise

PLANNING POLICIES

9. The following Development Plan policies are applicable to the proposal:

Babergh Local Plan, Alteration No.2 (2006)

- EM20 (Existing Employment Uses)
- EN25 (Noise)

This report only includes policy references. For further details please see Page 4.

OBSERVATIONS

10. TC – recommend refusal as the proposed extended activity would be unacceptable in terms of noise and disturbance.
11. Kersey PC (adjoining PC) – does not support the application due to noise pollution.
12. Environmental Health – Does not object to the application subject to conditions being imposed requiring measures to be undertaken to ensure noise levels are satisfactory.

REPRESENTATIONS

13. Three letters of representation have been received and are summarised as follows:
 - Nothing has changed since the refusal of the previous application for extended working hours.
 - There have been a number of occasions in the last six years when either noise has been excessive or working hours exceeded.
 - Excess noise from vehicles entering and leaving the site, in particular heavy goods vehicles.
 - The proposed fence will obstruct views over fields adjacent to the factory.
 - Infringement of quality of life.
 - No noise disturbance in recent months.
 - The applicants has been tardy in implementing measures required in the past therefore strict terms should be imposed regarding implementation.

PLANNING CONSIDERATIONS

14. The issue to be considered for the extended hours of operation for the factory is the potential impact, through noise and disturbance, to neighbouring residential properties. Objectors have raised concerns regarding the noise impact of the proposed extended hours on residential amenity.
15. Central to the assessment of this application is Planning Policy Statement 7: Sustainable Development in Rural Areas which provides that an existing business should be permitted to expand provided in doing so it does not cause problems of residential amenity, transport or to the environment generally. There is a strong presumption in favour of the expansion of local businesses through Policy EM20 of the Babergh Local Plan in order to safeguard the future of such business provided there is no impact on residential amenity.

16. Policy EN25 of the Babergh Local Plan 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. In the supporting text for this policy it is recognised that where noise may be a problem, the potential for ameliorative works to overcome this will be considered, and where necessary, made the subject of a condition or planning obligation.
17. The environmental noise assessment undertaken by Sharps Redmore Partnership, Acoustic Consultants, sets out a number of noise reduction measures to be implemented with the extension of hours of operation. A condition requiring a scheme of implementation of such conditions would be attached to any planning permission granted.
18. The proposed car parking area, as shown the site plan drawing no. 05/112-01, was required through condition 11 attached to a permission previously approved for the extension of hours. The car park was never constructed, however it is considered essential to any extension of hours of operation. The proposed car park, by virtue of being located well away from residential neighbours, would ensure vehicles entering and leaving the site during the extended hours would not adversely impact on the residential amenities of the adjacent residential occupants through noise and disturbance. The construction of the car park and the installation of an appropriate barrier to the existing car park (to prevent use outside the currently permitted hours) would be attached to any planning permission granted.
19. While representations have been made in connection with the proposal, the District Council's Senior Environmental Health Officer has reviewed the documentation submitted with the application and is satisfied that, subject to conditions being imposed, the extended hours of operation will not materially harm the residential amenity of neighbouring properties. The proposal is therefore acceptable.
20. The proposal does not seek to vary the hours of operation for the loading or unloading of vehicles therefore there will be no increased impact on residential amenity through noise and disturbance from this activity.

REASON FOR APPROVAL

Having regard to the relevant provisions of the Development Plan (namely policies EM20 and EN25 of the Babergh Local Plan, Alteration No. 2, 2006) it is considered that the proposed extension of hours, subject to the imposition of conditions, would not materially harm the living conditions of neighbouring occupiers through noise and disturbance.

RECOMMENDATION

- (1) That, the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:

- As recommended by Environmental Health
- Scheme of noise reduction measures
- Provision of new car parking area
- 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 treatment

DECISION