

Item No: 6 Reference: B/07/01590/FUL
Parish: POLSTEAD
Location: Copella Fruit Juices Ltd, Hill Farm, Brick Kiln Hill
Proposal: Erection of extensions to existing production premises, associated new plant, landscaping and perimeter fencing (existing farm building to be demolished).
Applicant: Copella Fruit Juices Limited
Case Officer: Fiona Bradley Date for Determination: 19 February 2008

BACKGROUND

A panel of Members visited the site on 7th November 2007 following a request from the local Member and an adjoining Ward Member. In particular, Members were requested to assess the impact of the proposal on the Area of Outstanding Natural Beauty.

THE SITE

1. The proposed site is located midway between the villages of Boxford, to the north and Leavenheath, to the south, within the parish of Polstead. The site lies on the eastern side of Stone Street, which runs north-south between the A1071 and B1068. The site is located within the Dedham Vale Area of Outstanding Natural Beauty.
2. The site is irregularly shaped and measures approximately 4.868 hectares. The site encompasses the existing production buildings and ancillary infrastructure, including storage tanks, outside hard-standings used as storage areas, car parking and office buildings utilised by Copella Fruit Juices Ltd. The site includes also the driveway approach and access junction from Stoke Road to the south.
3. Also contained within the proposed application site boundary are the existing buildings and car parking areas relating to Boxford Farms, immediately to the north of the existing Copella operation. Although there is no physical boundary between the two businesses at present these are separately owned and operated.
4. The site is relatively flat, though slopes down towards Stone Street. At the southern end of the main body of the site is a wide earth mound, whilst further earth bunds are located immediately beyond the western site boundary.
5. Two residential properties lie immediately adjacent to, but are excluded from, the site boundary, namely the Old Farm House to the north-east and Longlands to the north-west, both of which are connected to Boxford Farms.
6. The surrounding area is characterised by extensive orchards, whilst a single residential property lies a short distance to the west of the access at the junction between Stoke Road and Stone Street. Two sets of overhead electricity lines run east-west immediately to the south of the main body of the site, passing above the site access.

THE PROPOSAL

7. The application proposes the erection of extensions to the existing production premises, an associated new plant, landscaping and perimeter fencing, with an existing farm building to be demolished.
8. The new extensions take the form of 5 blocks of building as detailed below:
 - Extension A

This proposed building is to be located at the southern end of the existing buildings, extending south to the existing weighbridge. The building is approximately 2,492 sqm in area. It measures 13m high to the top of the ridge, 60m long and 37m wide.
 - Extension B

This is a proposed extension to the existing cold store and palleting area on the western side of the existing building. This extension would be approximately 1,556sqm in area and is L-shaped with maximum height of 10m, 65m long and 40m wide.
 - Extension C

This building would follow the demolition of the existing farm buildings for Boxford Farm located to the north of the site. The new building would be linked to the existing building with connecting service bridges over the service road. The building would be used for bottle blow moulding and as a dry goods warehouse. The proposed building measures 9m high, 62m long and 40m wide.
 - Extension D

This extension comprises an extension to the north eastern side of the building and would provide an extension to the existing filling hall. This extension effectively squares off the building on this side. The extension measures 10.5m high, 24.5m long and 47m wide. The proposed plant is approximately 17m high.
 - Extension E

This extension comprises a two storey extension adjacent to the existing offices and would allow for increased office space. The roof line follows the slope of the existing building and is between 6 and 7.5m high, 13.5m long and 10m wide.
9. A new water storage tank is proposed to be located adjacent to the north-eastern boundary of the site in an area presently covered by a number of similar tanks.
10. Access to the site is proposed from the existing point of access from Stoke Street, for all vehicles relating to the expanding operations for Copella Fruit Juices Ltd. Access to the existing dwellings lying within Boxford Farms is not affected by the proposals.

11. The planning application was screened under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. It was concluded that the proposal, due to its size and its location within AONB constituted EIA development. The LPA issued a formal Scoping Opinion prior to the application being submitted which set out the issues to be addressed in the Environmental Statement. The Environmental Statement (ES) submitted sets out the findings of the EIA for the proposal under the headings detailed below:
 - Visual Impact and landscape character
 - Noise
 - Ecology
 - Water usage and disposal
 - Flood risk
 - Transport and access
 - Socio-economic
 - Lighting
12. The ES also sets out detailed information on how the EIA was conducted and by whom, the project rationale, and describes elements of the proposed development in detail. Appendices include all the reports and studies undertaken to inform the ES.

These documents can be viewed in full in advance of the meeting by prior arrangement with the case officer.

RELEVANT HISTORY

13. 1968 – Planning permission granted for apple packing house (S/68/28/C).
14. 1969 – Planning permission granted for the cold stores (S/69/302/C).
15. 1974 – Planning permission granted for the erection of four apple cold stores (B/74/00235).
16. 1986 – Planning permission granted for the erection of Agricultural Building for storage of produce and general purpose use (B/86/00825).
17. 1991 – Planning permission granted for the erection of prefabricated office building and installation of septic tank (B/90/01401).
18. 1997 – Planning permission granted for the erection of extension to Warehouse / Bottling building for use as apple store and pressing facility as amplified by the applicants' letter dated 08.05.97 (B/97/00413).
19. 2000 – Planning permission granted for the extension to existing packing facility to form goods store, erection of office block and construction of car park and new access road and extension of existing service centre to form boiler house as amended by plans received 09.10.2000 (B/00/00839).
20. 2003 – Planning permission granted for the erection of two-storey extension and single-storey side extension to existing warehouse, and extension to existing plant room. Erection of new warehouse (existing warehouse to be demolished). (B/02/01975).

21. 2003 – Planning permission granted for the erection of two-storey extension and single-storey side extension to existing warehouse, and extension to existing plant room. Erection of new warehouse (existing warehouse to be demolished) without compliance with Condition 06 attached to P.P. B/02/01975/FUL. (B/03/00904).
22. 2005 – Planning permission granted for the erection of extension to packing facility, erection of canopy to rear and construction of new section to estate road and ancillary hardstanding. (B/04/02265).
23. 2005 – Planning permission granted for the erection of an extension to production facility. Erection of new plant room. Construction of new hardstandings and roadway and relocation of weighbridge. Erection of 3 no. storage tanks. Installation of external lighting. Alterations to existing vehicular access. (B/05/00955). The Officer's report noted that concern had been expressed in the past regarding external lighting which was addressed through a condition of the planning permission. Concern was also expressed in regard to traffic generation. The LHA did not wish to restrict the grant of planning permission.
24. 2006 – Planning permission granted for the erection of a blending area extension to production facility. (B/06/00321). The Officer's report noted that concern had been expressed in the past regarding external lighting on the site which was addressed through a condition of the planning permission.

NATIONAL GUIDANCE

25. 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 13: Transport

PLANNING POLICIES

26. The following Development Plan policies are applicable to the proposal:
 - CR02 (AONBs)
 - CR07 (Landscaping of development in the countryside)
 - CN01 (New development design)
 - EM01 (General Employment)
 - EM20 (Expansion of existing employment uses)
 - TP16 (Green travel plans)

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

OBSERVATIONS

27. Polstead PC – States that:

Broadly speaking, the PC is happy with the proposals for the extensions and does not wish to make a formal objection. The PC is however concerned about:

- The proposed use of the old farm buildings – whether the apples processed will be grown locally or imported.

- The impact of the proposed new buildings on the surrounding countryside.
 - Increase in volume and weight of traffic.
28. Assington PC (adjoining PC)– Concerns regarding:
- The environmental issues that currently affect the site.
 - The growth of the site.
 - The growth of lorry traffic using to A134 to/from Sudbury direction.
29. Leavenheath PC (adjoining PC) – Objects.
30. Stoke by Nayland PC (adjoining PC) – Object - recommend that the application is refused and makes the following points:
- The environmental impact of the proposal, situated within an AONB.
 - Increase in HGV traffic is unacceptable.
 - Car parking on site is inadequate.
 - The extra employment for local people is not necessary.
31. Boxford PC (adjoining PC) – support the application subject to the findings of the EIA being fully implemented.
32. LHA – States that the findings of the supporting transport assessment are generally accepted. Recommends a condition be attached to any planning permission requiring the details of travel arrangements for employees to and from the site to be submitted to the LPA in the form of a Travel Plan.
33. The Environment Agency – Object unless conditions are in place for the:
- Control of pollution, and
 - Treatment of contamination (if found).
34. SCC (Planning) – Comments not received.
35. Natural England – No objections subject to mitigation measures proposed by the application being undertaken.
36. Suffolk Wildlife Trust – The development should not have an adverse effect on local species and habitats provided section 8.7 of the ES is followed.
37. Anglian Water Services Ltd. – No connection needed to Anglian Water Sewers, therefore no further comment.
38. Go East – No comment, may prejudice any future involvement by the Secretary of State.
39. Dedham Vale AONB and Stour Valley Joint Advisory Committee – object to the proposal as it is contrary to Policies CR01 and CR02 as the proposal would adversely affect the nationally protected landscape character and quality of the AONB.

40. Dedham Vale Society – Object to the proposal for the following reasons:

- Increase in heavy vehicle traffic and resulting noise and pollution.
- The size of the proposed extensions.
- Light pollution.
- Increased pollution to neighbouring ponds and watercourses.

REPRESENTATIONS

41. 34 letters of objection have been received and are summarised as follows:

- Light pollution from external lighting – which has been an issue for years
- Visual impact of the proposed extensions
- Impact on the AONB due to the size and scale of the proposal
- Noise from the operations, traffic, reversing lorries
- Traffic generation from increased employee numbers and heavy goods vehicles
- Impact from heavy goods vehicles on surrounding roads
- Traffic safety with the increased traffic, especially HGVs
- Odour from waste water and the processing operation
- Will not help local employment as employees will be migrant workers from the EU
- The woods below the factory have been used as a rubbish dump
- Lack of consultation
- Impact on property values
- Lorries using Stone Street to access the site.
- The proposal will increase the carbon footprint.
- Impact on neighbouring pond from water extraction.

42. Three letters of support have been received from fruit growers and suppliers and the Director of Boxford Farms (also an immediate neighbour) which are summarised as follows:

- Economic benefits to the local area
- Job creation
- Development is on brownfield land
- The operation and traffic noise does not affect residential amenity

PLANNING CONSIDERATIONS

43. The issues to be determined in connection with this proposal are the:

- Principle of additional development in the countryside and the impact upon the local economy.
- Visual impact of the proposal on the Dedham Vale AONB.
- Adequacy of the highway network to serve the proposal and parking considerations; and,
- The impact of the proposal upon the environment in terms of noise, light, use of natural resource, and flora and fauna.

Principle of development

Development in the countryside is restricted through national guidance and local plan policies to ensure the landscape quality and character of the countryside is protected and that development in the countryside is sustainable. However, where existing businesses are located in the countryside there is a strong presumption in favour of the expansion of such businesses. 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 it does not cause harm to residential amenity, transport or to the environment generally. Further to this, Policy EM20 of the Babergh Local Plan provides for the expansion of such business provided there is no impact on residential amenity. In principle, in light of the existing business use on the site and the socio-economic benefits that the proposal would secure, the proposal is acceptable.

Socio-economic impact

The site currently employs 90 full time employees. It is envisaged that, over the 10 year period of implementation, the number of employees could increase by up to a further 75.

The socio-economic section of the ES demonstrates that approximately 40% of Copella's existing employees live within 5km of the site and that Copella staff earn significantly more than the district and county average. In light of this, any expansion is likely to have a direct positive impact on local employment prospects and that the jobs created are well paid.

The Copella site will soon be the only UK juice production site of PepsiCo International and is directly competing against larger European plants within the group. Given this, the Council's Economic Development Manager has advised that it is important that additional capacity can be provided on site to enable it to maintain its efficiency and viability. The Economic Development Manager therefore supports this application as it will provide direct local employment benefits in well paid employment and sustain the local presence of a well known and important employer in the district.

Visual impact and impact on AONB

The site is located within the Dedham Vale Area of Outstanding Natural Beauty which runs eastward from Stone Street and northward from Stoke Road. Objectors have raised concern regarding the size and scale of the development and its visual impact on the surrounding area and the AONB.

The proposal comprises a total of 5 extensions. The floor area of the existing factory and the buildings to be demolished is 11,275 sqm. The combined floor area of the proposed extensions is 7,092sqm therefore the overall increase in floor area is approximately 3,000 sqm. The height of the existing buildings on the site varies between 8.5m and 12.5m in height while the proposed extensions vary in height from 9m to 13m. The proposed plant is consistent with the height of the existing plant at 17m. The design and materials of the proposed extensions are similar to that of the existing building.

The existing buildings are currently visible from both public and private property in the surrounding area. The main impact in terms of the AONB will result from Extension A, to the south of the existing building, and Extension C which will replace the existing farm buildings on the northern part of the site. Existing trees will reduce the visual impact of Extension C whilst the earth mound along the southern and western sides of the site will assist in mitigating the visual impact of Extension A. In addition to this, a landscaping scheme is proposed on the site which will further reduce the visual impact of these buildings.

The other three extensions (B, D and E) would not, by virtue of their scale and location, have any significant impact on the AONB. The proposed water tank will have limited visual impact on the AONB due to its size and its siting adjacent to existing water tanks.

Highways and Parking

Access to the site would be via the existing access off Stoke Road. The access from Stone Street will not provide access to the site and will be separated from the application site by a fence. Car parking for employees and visitors is currently provided on the site and will be retained as part of this proposal. Additional overflow parking is proposed in the north western corner of the site. Parking and loading bays for heavy goods vehicles are provided within the site.

Traffic generation and the use of local roads by heavy goods vehicles have been raised as an issue by the Parish Councils and most objectors. Of particular concern is the increased traffic generated by the proposal both in terms of heavy goods vehicles and the increased number of employees. In terms of assessing the impact of traffic generation only the amount of traffic over and above what has currently been permitted for the site can be considered.

A traffic assessment was undertaken as part of the EIA process to consider the highway, traffic and transport issues related to the additional vehicular use of the existing site access and the adjacent highway network. The LHA has considered the transport statement and supports its findings. The LHA has recommended a condition requiring a Travel Plan for the travel arrangements of employees to and from the site to be submitted and approved prior to development commencing.

Noise

The impact of noise from the proposed development has been raised by objectors. Objectors express concern that the site is already noisy and that any increase in operation will increase the amount of noise generated.

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.

Noise assessments have been carried out both in respect of plant noise and in respect of construction noise. The District Council's Senior Environmental Health Officer is satisfied that the assessments are robust and that the mitigation measures proposed are satisfactory. The mitigation measures proposed in the Environmental Impact Assessment are to be attached as conditions of planning permission.

The Council's Environmental Health Department has noted that recently the owners of Peyton Hall have raised concerns with the Department regarding the noise level at their residence and in particular the noise from the waste water treatment plant. This was also raised in the letter of objection received from the occupants of Peyton Hall in terms of noise from machinery and warning noises from reversing lorries. The Senior Environmental Health Officer stated that in view of the separation distance between Peyton Hall and the application site any noise is likely to constitute a slight loss to amenity and certainly not a statutory nuisance.

Given the concerns raised by the occupants of Peyton Hall however the applicant was requested to undertake a further noise assessment from Peyton Hall but were declined access to the property for the purpose of siting the required monitoring equipment. Therefore it was not possible for the assessment to be carried out. It would not be appropriate to undertake the assessment from the boundary of the property as it would not provide an accurate comparison with the house site due to the distance of the house from the boundary and the undulating nature of the land. Due to the comments detailed above from the Environmental Health Officer, the distance of the property from the noise source and the undulating nature of the land no further noise assessment is deemed necessary.

Lighting

Light pollution from the existing operation at the application site has been raised as an issue by objectors with concerns that the increase in operation and capacity will increase the amount of light pollution. Lighting used on the site had been the subject of complaints to the Council in previous years. A condition was imposed on planning permission B/00/00839/FUL which required a scheme of external lighting to be submitted to and approved by the LPA. A proposed lighting scheme was submitted in January 2001 and considered acceptable by the LPA when the condition was formally discharged on the 13th March 2001.

The Council's Environmental Health Department states that as a result of the lighting strategy adopted for this site in 2000, as mentioned above, the environmental impact of artificial lighting has been reduced to an acceptable level. The department is satisfied that all new lighting proposed as part of this application will be installed in accordance with best practice. To safeguard the Council's position in this respect it is suggested that a condition be imposed upon the grant of any planning permission requesting full details of the proposed lighting.

Water usage and disposal

The site has been the subject of complaints regarding high levels of foul odour from a waste water lagoon. This has been raised by the Council's Senior Environmental Health Officer and by objectors, in particular the owners of Peyton Hall. Following measures adopted by Copella the situation has greatly improved through the continuous aeration of the lagoon. However, to date the company has not been able to reliably meet the discharge consent standards set by the Environment Agency.

The Environment Agency has advised that they are currently in discussions with the applicant regarding the performance of the waste water treatment plant. The Agency has stated that it will object to the application unless a condition is imposed to agree a scheme for the provision and implementation of pollution control prior to the commencement of development on the site. Further conditions relating to a scheme for the implementation of energy, water and resource efficiency and regarding contamination are required by the Environment Agency to be imposed.

Impact on flora and fauna

Natural England and the Suffolk Wildlife Trust have not objected to the application but require the mitigation measures proposed in the Reptile Survey Report and the ES are attached to any planning permission.

CONCLUSION

The proposed development will have a positive impact through its socio-economic benefits including the retention of a significant local business and employment generation. Subject to appropriate conditions, the impacts of the proposal will not cause significant harm to the environment or residential amenity. Due to the siting, design and landscaping the proposed extensions will not materially harm the Dedham Vale AONB. Accordingly, the proposal is recommended for approval.

REASON FOR APPROVAL

Having regard to the Environmental Statement submitted in connection with the proposal the District Council is satisfied that the proposed development, namely the erection of extensions to existing production premises, associated new plant, landscaping and perimeter fencing, is in accordance with policies EM01, EM20, CR02, CR07 and CN01 of the Babergh Local Plan, Alteration No. 2 (2006). In particular, it is considered that subject to compliance with conditions attached to this permission, the proposed development is acceptable in terms of scale, mass and form and will not lead to any significant adverse impact on the surrounding area or the AONB or the residential amenities of residential neighbours. Furthermore, the proposal is considered acceptable in terms of traffic safety and convenience.

RECOMMENDATION

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

- As recommended by Environmental Health
- As recommended by LHA
- As recommended by EA
- Boundary treatment
- Lighting
- Landscaping
- Materials
- Species mitigation

DECISION

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