

## **Committee Report**

**Item No:** 7E

**Reference:** DC/21/01048

**Case Officer:** Daniel Cameron

**Ward:** Mendlesham.

**Ward Member/s:** Cllr Andrew Stringer.

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## **RECOMMENDATION – GRANT PLANNING PERMISSION SUBJECT TO WITHDRAWAL OF THE ENVIRONMENT AGENCY HOLDING OBJECTION**

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### **Description of Development**

Planning Application - Change of use of land and buildings from poultry unit to structural insulated panels manufacturer (Class B2)

### **Location**

Cherrygate Farm, Norwich Road, Mendlesham, Stowmarket Suffolk IP14 5NE

**Expiry Date:** 10/12/2021

**Application Type:** FUL - Full Planning Application

**Development Type:** Major Small Scale - Manu/Ind/Storg/Wareh

**Applicant:** Supersips Ltd

**Agent:** Mr James Platt

**Parish:** Mendlesham

**Total Site Area:** 3.10 ha

**Gross Internal Floorspace to change use:** 6,677m<sup>2</sup>

**Details of Previous Committee / Resolutions and any member site visit:** None

**Has a Committee Call In request been received from a Council Member (Appendix 1):** No

**Has the application been subject to Pre-Application Advice:** No

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reasons:

The application has been called in by Councillor Stringer owing to concerns over highways impacts and in particular highway safety as well as concerns regarding potential impacts on water quality.

The Council's scheme of delegation requires that applications involving the erection of industrial buildings with a gross floor area exceeding 3,750m<sup>2</sup> be determined by Planning Committee. While the application does not propose the creation of new buildings, it would introduce an industrial use to a former agricultural business and hence is considered to be caught by the scheme of delegation.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **Summary of Policies**

National Planning Policy Framework  
National Planning Practice Guidance

#### **Mid Suffolk Core Strategy**

FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach To Delivering Sustainable Development  
CS01 - Settlement Hierarchy  
CS02 - Development in the Countryside & Countryside Villages  
CS03 - Reduce Contributions to Climate Change

#### **Mid Suffolk Saved Local Plan Policies**

H16 - Protecting existing residential amenity  
CL17 - Principles for farm diversification  
CL18 - Change of Use for agricultural and other rural buildings to non-residential uses  
E10 - New Industrial and commercial development in the countryside  
New Industrial and commercial development in the countryside  
E11 - Re-use and adaption of agricultural and other rural buildings  
E12 - General principles for location, design and layout  
T10 - Highway Considerations in Development

Mendlesham Neighbourhood Plan

### **Neighbourhood Plan Status**

The application site is located within the area of the Mendlesham Neighbourhood Plan. This is a made plan and forms part of the adopted Development Plan.

With regards to the policies contained within the plan, particular attention is given to policy MP4 which supports the change of use of buildings to a business use where the rural setting of the site is unaffected, and amenity is not compromised.

With regards to the Neighbourhood Plan and the comments of Mendlesham Parish Council, issues around the rural setting of the site as well as concerns regarding amenity are addressed within the body of this report.

### **Consultations and Representations**

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

#### **A: Summary of Consultations**

##### **Parish Councils (Appendix 3)**

**Mendlesham Parish Council Comments:**

Mendlesham Parish Council unanimously recommends refusal for this application.

Mendlesham's adopted Neighbourhood Plan, policy MP4 "supports change of use to business within the wider parish where they provide additional work opportunities and do not compromise the rural setting or adversely affect neighbourhood amenity"

Whilst this application does provide employment opportunities, we are extremely concerned about the impact on:

- the severe loss of residential amenity for the residents of White Oak Farm, including noise from the production of panels and extensive new traffic movements 24/7 along the shared drive way, immediately in front of their dwelling, including the impact on their equine activities/interests.
- We support the content of the report from the Environmental Health officer, but also ask for this to be extended further to cover the impact of the traffic noise on the dwelling of White Oak Farm, with only a small garden area between the driveway and the bungalow.
- the loss of residential amenity re noise on other nearby residents
- the impact of the types and number of additional vehicles accessing and leaving the driveway to/from the A140 via a totally unsuitable "bell" area at the "junction"
- The use of toxic chemicals and dangers associated with production.
- Impact of light pollution

This application does not have the support of local residents or Mendlesham Parish Council.

**Wetheringsett Parish Council Comments:**

Wetheringsett Parish Council has considered this application and recommends support of the proposal.

**National Consultee (Appendix 4)****Environment Agency Comments:**

We have reviewed the Planning Statement (Locus Planning, February 2021) and supporting Site Investigation (Norfolk Partnership Laboratory, April 2021) for the Supersips Ltd planning application to develop a site within Source Protection Zone 1 (SPZ1) for Essex & Suffolk Water's Mendlesham borehole which takes water from the chalk aquifer for public water supply. The site is located around 160 m to the south of the water company's borehole.

The proposal includes the storage of up to 2 tonnes (roughly 2 megalitres) each of toluene di-isocyanate (TDI), and methy phenyl di-isocyanate (MDI) at any one time, along with up to 400 litres of methylene chloride. It is imperative that none of these substances are allowed to reach the groundwater in the aquifers at depth.

Some local borehole logs (including the on-site investigatory window samples and borehole) indicate the presence of around 30 m of glacial sandy or silty clay deposits over the Crag and then chalk aquifers. However, one local log around 85 m northwest of the water company borehole records superficial deposits comprising potentially higher permeability clayey sands; this illustrates that the nature of the glacial diamicton deposits may be variable over short distances. Whilst 30 m of diamicton should provide significant attenuation of any pollutant spills, the variable clay content of the glacial sediments means that extreme care is needed if chemicals are to be stored and used at the site.

To overcome our holding objection, the applicant should consider our main objection points below and provide the necessary supporting information:

1. The Site Investigation appears to suggest that the TDI and MDI will be stored within sheds with concrete bases, and “always on a bunded platform”. The methylene chlorine will also be stored in drums “on a bunded platform” but it is not clear whether or not it will be stored within the concrete based sheds. Confirmation that all of the substances will be stored inside is needed – outdoor storage would require additional engineering measures - along with whether or not the bunded platform refers to the shed floor alone or to an additional level of containment.
2. The nature of the storage vessels for the TDI and MDI also requires clarification – the Site Investigation states that they will be contained within “robust reinforced 1000 litre Aquacells”. We are only aware of Aquacells as linings for soakaways, which would clearly not be appropriate even with reinforcement. Full details of the containers being proposed are therefore requested.
3. For management of spills the Site Investigation states that they will be contained within concrete-lined underground storage tanks existing under the sheds. We have a presumption against underground storage tanks within SPZ1, but it is clear that above ground storage for spill collection would not be feasible. We therefore request further information on the dimensions of the underground storage tanks and their lining and what monitoring programs will be in place. Underground tanks will reduce the depth of sediments between the ground surface and the aquifers (i.e. reduce the potential for the attenuation of pollutants) so it is key that the tanks can be demonstrated to be suitably impermeable/bunded and have systems in place to ensure that leaks from them cannot go unnoticed. We therefore request full details of the storage containers, bunds, underground storage tanks, locations and monitoring programs before determining whether or not the proposals are suitable.
4. The application form states that a soakaway will be used for surface water drainage. We must underline the fact that that no discharge of hazardous or non-hazardous substances directly to groundwater can be allowed i.e. no deep soakaway to the Crag, any sand strata immediately overlying it, or the chalk below it, can be used at the site. The only exception to this is for clean roof water, providing that all down-pipes are sealed. The discharge of surface water drainage to ground will only be acceptable as long as:
  - it can be shown that there is no option to connect to foul sewer
  - all other options have been exhausted e.g. shallow infiltration systems, drainage fields
  - acceptable pollution control measures are in place
  - a risk assessment – appropriate to the nature of the chemicals, their volume, and the hydrogeological situation – is completed which demonstrates an acceptable risk
  - suitable mitigation measures are in place i.e. a treatment train.

Any soakaway to the superficial deposits will require a discharge consent for which an application must be made to the Environment Agency. Any consent is likely to prescribe limits on chemical concentrations.

The proposal to use a soakaway appears at odds with the conclusion of the Site Investigation report that the glacial sediments are of low enough permeability to be protective of the underlying Crag and chalk aquifers– such a situation suggests that there would be insufficient soakage for a soakaway. Further information is therefore needed on the surface water drainage proposals – including any soakage testing that has been completed - before it can be determined whether or not they are acceptable within SPZ1.

Overall, it is likely that any issues with chemical storage and use and surface water drainage will have suitable storage/engineering solutions, but the current information is insufficient to address the potential issues.

**N.B – It is understood from the applicant that engagement with the Environment Agency is ongoing and that discussion on the required engineering solutions is currently being undertaken by both parties.**

**Initial Essex and Suffolk Water Comments:**

Essex & Suffolk Water object to Planning Application DC/21/01048, to change the use of land and buildings from poultry units to a structured insulated panels manufacturer.

The Cherrygate Farm site is located within proximity of our Mendlesham public water supply borehole (located at approx. TM 1175 6439) and associated water treatment works. Based upon the potential risks to groundwater and public water supply that the proposed change to land use may pose, we would like to ensure that adequate consideration is made to the impact of the Planning Application on our site and operations.

**Further Essex and Suffolk Water Comments:**

Further to the initial consultation response provided by Essex & Suffolk Water on 16 March 2021 and the additional consultation response provided on 13 May 2021, we maintain our objection to Planning Application DC/21/01048, to change the use of land and buildings from poultry units to a structural insulated panels manufacturer.

We acknowledge the Drainage Statement document published on 16 September 2021, to provide further evidence to address the issues raised in the existing objections by the Environment Agency and ourselves. The report identifies that there are potential locations for contamination to the surface water system and watercourse and recommends measures for contamination mitigation. In absence of a response from the applicant regarding recognition of, and commitment to address, the potential risks of contamination, our concern still stands.

The additional documents published to date have not yet met or resolved all the queries raised in our initial consultation response, therefore we are not considering removal of our objection to the proposed plan at this stage.

**County Council Responses (Appendix 5)**

**Flood and Water Team Comments:**

We have reviewed the submitted documents and we recommend approval of this application.

**Fire and Rescue Team Comments:**

No objection to the proposed development subject to imposition of a condition to secure a fire hydrant on the site.

**Highways Comments:**

The Supporting Statement supplied with this application anticipates there will be a minimal increase of traffic and no increase on the number of HGVs accessing the Site. We consider the proposal would not have an impact on the public highway with regard to congestion, safety or parking therefore, the County Council as Highways Authority, does not wish to restrict the grant of permission.

**Travel Plan Officer:**

No comment.

**Internal Consultee Responses (Appendix 6)**

**Economic Development Team Comments:**

The site will enable the relocation of a successful operation from their current established location, supporting their successful expansion and a sustainable future for the business whilst also generating welcome additional employment within the district.

We welcome a productive and effective commercial investment in, and use for, underutilised buildings, and the location, with immediate access to the A140 would seem very appropriate. This road is a recognised driver for growth within the district and the close relationship will support minimising the impact of commercial traffic on smaller roads and surrounding villages.

**Environmental Health Team Comments:**

Thank you for consulting me on the above application, having reviewed the submitted documents I have no objections in principle. However. I would like to see the noise generated from the site restricted and recommend that the following is conditioned:

- Noise levels at the site boundary to not exceed 5dBA above background levels.
- Sound insulation to be provided to all buildings.
- No noisy work to take place outside of the insulated buildings.
- Sound insulation on any external plant, machinery and equipment.

**B: Representations**

At the time of writing this report at least 7 letters/emails/online comments have been received. It is the officer opinion that this represents 7 objections. A verbal update shall be provided as necessary.

Views are summarised below:

- Access to site is not considered suitable for HGV movements.
- Potential queuing of large vehicles on the A140.
- Lack of passing places along access which is only wide enough for one vehicle.
- No pedestrian or cycle access to site.
- Potential to set a precedent for industrial uses to be expanded on the site.
- Danger to users of the neighbouring horse fields if sudden noise is created.
- Amenity impacts on the neighbouring residential dwelling – noise, odour, light and pollution.
- Environmental impacts of use and associated chemicals.
- Potential impacts on groundwater source protection zone.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

**PLANNING HISTORY**

<b>REF:</b> DC/21/01048	Planning Application - Change of use of land and buildings from poultry unit to structural insulated panels manufacturer (Class B2)	<b>DECISION:</b> PCO
<b>REF:</b> 1221/13	Erection of agricultural building (egg store and associated staff facilities); Demolition of existing agricultural buildings; Alterations to and provision of additional access road and turning spaces.	<b>DECISION:</b> GTD 06.06.2013

<b>REF:</b> 1220/13	Erection of agricultural worker's dwelling; Demolition of existing agricultural worker's dwelling and agricultural buildings.	<b>DECISION:</b> GTD 06.06.2013
<b>REF:</b> 0930/13	Replacement dwelling - agriculturally tied	<b>DECISION:</b> REC
<b>REF:</b> 0757/08	Agricultural building for the storage of straw.	<b>DECISION:</b> GTD 04.09.2008
<b>REF:</b> 0764/00/	REDEVELOPMENT OF EXISTING POULTRY UNIT TO CREATE BREEDING SITE FOR DUCKS, INCLUDING ERECTING 6 NO. NEW BUILDINGS (2 NO. EXISTING BUILDINGS RETAINED), ANCILLARY FEED BINS FOR EACH BUILDING AND SEALED UNDERGROUND TANK FOR DIRTY WATER STORAGE, PROVISION OF LPG TANK FOR EACH PRE-BREEDER BUILDING, RELOCATION OF CONCRETE HARDSTANDING AND MUCK PAD.	<b>DECISION:</b> GTD 14.12.2000

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## **PART THREE – ASSESSMENT OF APPLICATION**

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### **1. The Site and Surroundings**

- 1.1 The application site is located on the western side of the A140 and is a former agricultural unit previously utilised in the breeding of ducks and the production of duck eggs which has since ceased. The site covers an area of land of 3.10ha and comprises some 12 buildings of various scales and forms, some of which are in a poor state of repair.
- 1.2 Access to the site made down an existing track in excess of 200m long which serves the agricultural unit as well as a neighbouring property identified as White Oaks, a large bungalow which enjoys ownership over the fields directly adjacent to the A140 to keep horses.
- 1.3 The site sits completely within flood zone 1, where the probability of flood risk is lowest (1 in 1000 years). The site does not fall within a conservation area and does not contain any listed buildings. The site is also not subject to any landscape designations.

### **2. The Proposal**

- 2.1 No new build development is proposed by this application. It proposes the change of use of the site from its current agricultural use to a B2 general industrial use which would allow the applicant, SuperSIPS to undertake the production of structurally insulated panels from the site.
- 2.2 At present the company has 22 employees (18 FTE and 4 PTE) and plans to create an additional 18 employees as a result of the proposed change of use.

- 2.3 Repair of buildings on site to allow the proposed use to be undertaken are not considered to require planning permission provided they do not otherwise alter the external appearance of the buildings.
- 2.4 Access to the site would continue to be delivered from the A140 and utilise the track that the previous agricultural use made use of.
- 2.5 The entire site area is 3.10ha and the gross internal floorspace intended to change use is 6,677m<sup>2</sup>.

### **3. The Principle of Development**

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that '*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*'
- 3.2 The National Planning Policy Framework (NPPF) states at paragraph 84 that:  
  
*Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.*
- 3.3 It goes on to further state at paragraph 85 that:  
  
*Sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits opportunities to make a location more sustainable.*
- 3.4 The application site is identified within the adopted Core Strategy policy CS1 as countryside. Policy CS2 flows from policy CS1 and identifies acceptable forms of development within countryside locations. It allows for new employment generating business development within the countryside subject to the strategic, operational and environmental considerations associated with the proposed business use. It also allows for the re-use and adaptation of existing rural buildings. In regard, the Core Strategy policies are considered to comply with the requirements of the NPPF.
- 3.5 With regards to the strategic, operational and environmental aspects of the proposed use of the site, the location of the site adjacent to the A140 gives strong strategic and operational justification to the application. The A140 is a primary HGV distributor road within the current Suffolk HGV routing network and the site is located less than 10km away from the A14, the other primary distributor route for HGVs. Operationally, benefit is also noted from the ability of the site to rationalise the existing operation of the applicant's business within one site allowing for office, manufacture and distribution to be handled from one point.
- 3.6 Saved Local Plan policies CL17, CL18, E10, E11 and E12 all overlap to some extent, however, collectively they allow for the re-use of existing buildings within the countryside subject to careful consideration of design and landscape impacts. These are addressed later within this report, however, in essence, this application only proposes a change of use, so impacts in this regard are considered to be limited.

- 3.7 It is considered that the proposed change of use would not offend paragraphs 84 or 85 of the NPPF, and that policies CS1 and CS2 of the Core Strategy would allow for the re-use of existing buildings, as would policies CL17, CL18, E10, E11 and E12. In this regard the principle of development is considered to be established, albeit requiring additional justification in regards to the environmental impacts of the scheme.

#### **4. Site Access, Parking and Highway Safety Considerations**

- 4.1 Access to the site is made along the existing track that previously served the site while in an agricultural use which would have included trips to and from the site being made by large agricultural vehicles and HGVs. Visibility splays onto the A140 exceed 400m in both directions, in excess of required splays stated within the Design Manual for Roads and Bridges.
- 4.2 While comments received regarding the frequency of trips to and from the site are noted, it is also noted that these correspond to a period of low demand from the previous agricultural use of the site. From investigation of the planning history of the site, no condition restricting the number of vehicle movements to or from the site were imposed. Neither were conditions restricting the hours of operation of the site. As such it is considered that were the site to remain in an agricultural use, the Council would be unable to restrict the frequency, timing or type of vehicle accessing or egressing the site.
- 4.3 The proposed use is considered to be able to generate the following vehicle movements:
- 15-20 staff vehicle movements per day.
  - 4-5 car/van movements for customer visits and collections.
  - 1-2 HGV movements per week for goods inwards.
  - 1-2 HGV movements and up to 7 van movements per week for goods outwards.

It is also noted that the timing of these vehicle movements would be more predicable across the year when compared to those associated with an agricultural use.

- 4.4 Consultation with the Highway Authority note no issue with the use of the existing access for the intended vehicle movements and consultation notes that they do not wish to restrict the grant of planning permission on these grounds. The NPPF is clear in this regard that:

*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impact upon the road network would be severe.*

- 4.5 Based on the response from the Highway Authority, it is not considered that the concerns of the neighbouring comments or the Parish Council are warranted in this regard. Moreover, the application presents the Council with an opportunity to restrict the use of the existing access through the use of conditions. Suggested conditions are prepared for Members at the end of this report.

#### **5. Design and Layout**

- 5.1 Adopted Local Plan policy GP1 – Design and Layout of Development requires inter alia that ‘...proposals should maintain or enhance the character and appearance of their surroundings and respect the scale and density of surrounding development...’ Leading on from this, Local Plan policy E12 – General principles for Location, Design and Layout of Industrial and Commercial development includes a series of criteria that such proposals would be expected to comply with.

- 5.2 As the application proposes the change of use of the site, application of these principles is limited. However, it is considered that returning a use to the site would serve to secure the maintenance of the site and the repair of on-site buildings such that its general appearance would be improved.

## **6. Landscape Impact, Trees, Ecology, Biodiversity and Protected Species**

- 6.1 The character of the site is such that it does not contain any trees or hedging although these features are apparent within the wider landscape along with agricultural field patterns. Given the fact that the application solely proposes the change of use of existing buildings present within the landscape and contains no changes to the external appearance of those buildings, it is not considered to have any appreciable impact on the appearance of the surrounding countryside.
- 6.2 Ecological impacts are similarly limited. None of the buildings shown within this application to house the business use are in a poor state of repair such that the building would provide a nesting opportunity for birds or a roosting opportunity for bats. Given their previous use in the breeding of ducks and production of their eggs the buildings, keeping both birds and bats out of the buildings was essential. No protected or priority species are noted to make use of the site as habitat.

## **7. Land Contamination, Flood Risk, Drainage and Waste**

- 7.1 This application proposal has not given rise to concerns regarding land contamination – as is noted from the consultation response received from the Council's Environmental Health Officer. The concerns of the Environment Agency as well as the concerns of Essex and Suffolk Water are noted and should conditions be required to control this issue, the recommendation before Members would allow for their imposition on any approval of planning permission. The response from the Environment Agency notes that engineering solutions in regards to the protection of groundwater can likely be agreed and given discussions in this regard are ongoing, it is considered reasonable to allow the applicants the time necessary to agree these mitigating works.
- 7.2 Regarding flood risk, the site is located in flood zone 1 and therefore is not in an area that is adversely impacted by fluvial (river flooding). Comments from Suffolk County Council's Flood and Water Team in their capacity as the Lead Local Flood Authority note no issues arising from pluvial flooding (groundwater). In part, this is likely due to the fact that no new development is proposed as part of this application, such that the ability of the wider site absorb surface water is unchanged from its previous agricultural use.
- 7.3 The proposed development has not raised issue in relation to standard waste disposal and negotiations with the Environment Agency would likely control issues of chemical waste disposal on the site and conditions to that end are still able to be applied given the recommendation before Members. Similar conditions can be applied with regards to contaminated waste water. Disposal of standard waste water would be dealt with via the existing drainage system on site.

## **8. Heritage Issues**

- 8.1 The location of the application site is such that there are no listed buildings within immediate proximity. In addition, the site is not located within or close to a defined conservation area.

## **9. Impact on Residential Amenity**

- 9.1 The location of the site is relatively remote from existing residential development with the exception of the dwelling identified as White Oaks which shares the same access as the proposed development.

- 9.2 Saved Policy H16 of the Local Plan seeks to protect the existing amenity of residential properties. Paragraph 130 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 9.3 In particular, the applicant is particularly keen to address conditions which would serve to address amenity concerns. They propose that office hours and deliveries be limited to specific times to give certainty to the neighbouring properties, and it is noted that the cutting of SIPS would only take place during the day and is essentially a silent process.
- 9.4 A Noise Impact Assessment has also been produced such that details hours of operation could be conditioned and a number of other mitigating conditions are also noted within that document. Assessment of the document has been undertaken by the Council's Environmental Health team and suggested condition wording has been suggested with regards to noise impacts and sound insulation. It is considered that if these are implemented on site, issues to amenity arising from noise are considered to be addressed to a satisfactory standard.
- 9.5 Issues with regards to light pollution could similarly be controlled by conditions to control hours of illumination as well the type of illumination utilised such that ecological and environmental concerns could be secured.
- 9.6 General issues with regards to pollution would closely align with issues pursuant to the agreement of the issues identified by the Environment Agency.
- 9.7 In this regard, it is considered that amenity issues associated with the proposed use could be controlled effectively through the use of planning conditions such that impacts on amenity could be effectively mitigated. Additionally, no conditions exist on the current agricultural use of the site that would serve to protect the amenity of the nearby residential dwelling. It is considered that an intensive agricultural use of the site may give rise to impacts on amenity which the Council were not able to control.

## **10. Planning Obligations / CIL**

- 10.1 The provision of a planning obligation and CIL payments is not applicable to this application.

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## **PART FOUR – CONCLUSION**

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### **12. Planning Balance and Conclusion**

- 12.1 The submitted application seeks to change the use of an existing agricultural unit to provide a base for a commercial operation seeking to relocate to the district and reorganise itself onto a single site.
- 12.2 The change of use proposed is supported by the NPPF as well as the Council's own planning policies and the policies of the Mendlesham Neighbourhood Plan.
- 12.3 That being said, material planning considerations are noted in relation to highways safety, environmental impacts connected to the concerns of the Environment Agency and Essex and Suffolk Water and amenity concerns.

- 12.4 At present, no issue is raised in regard to highways safety from the relevant Highway Authority and conditions could be applied in respect of amenity concerns. Given the lack of conditions applied to the agricultural use, this application represents an opportunity to address these concerns directly. Therefore, the only remaining issue is the holding objection in respect of the Environment Agency and Essex and Suffolk Water. As noted within their response engineering solutions are likely possible and negotiations to agree the extent of these solutions. Given commercial concerns from the business to secure the site, this report is brought before the conclusion of those discussions, however, the recommendation presented to Members would also allow for conditions to be applied to any planning permission should agreement be reached or in the event that agreement is not reached, gives the opportunity to refuse the application for reasons related to the current holding objections.

## **RECOMMENDATION**

**That the Chief Planning Officer be authorised to GRANT Planning Permission subject to the agreement of the Environment Agency, or should their holding objection be maintained, REFUSE Planning permission for such reasons considered defensible by Officers at appeal.**

- Standard time limit – three years to implement change of use
- Development to accord with approved plans
- Sustainability report to detail compliance with Core Strategy policy CS3
- Site boundary noise levels to be no greater than 5dBA above background levels
- Sound insulation on all buildings
- Restriction on location of noisy activities on site such they only occur within insulated buildings
- Sound insulation on external plant, machinery and equipment
- Restriction on the use of the building (for B2 purposes only to avoid change of use to B8 warehousing via permitted development)
- Limit to hours of work to apply to the office and manufacturing process proposed on site
- Limit to hours of delivery both to and from the site
- Use of crew buses for late evening and night workers
- Restriction on parking on site for late evening and night workers
- Details of any illumination to be agreed such that light spill be restricted to the site itself, that external illumination be set to be motion activated during night hours and for lighting to not adversely impact ecology.
- Such conditions considered necessary following the conclusion of discussions with the Environment Agency.

**And the following informative notes as summarised and those as may be deemed necessary:**

- Proactive working statement
- Support for sustainable development principles
- Note regarding unexpected ecological presence
- Note regarding public rights of way