

Parish:	Wormegay	
Proposal:	Retention and extension of effluent treatment plant, including the erection of a new DAF/control room building and the installation of new tanks and associated plant and equipment	
Location:	Alfred G Pearce Castle Road Wormegay King's Lynn	
Applicant:	Alfred G Pearce Ltd	
Case No:	18/01008/F (Full Application)	
Case Officer:	Mrs N Osler	Date for Determination: 16 August 2018 Extension of Time Expiry Date: 5 April 2019

Reason for Referral to Planning Committee – Referred by Assistant Director

Neighbourhood Plan: No

Case Summary

The application is for the retention of and alterations to an effluent treatment plant, including the erection of a new DAF (Dissolved Air Floatation system), control room building and the installation of new tanks and associated plant and equipment at AG Pearce in Wormegay.

The site lies outside of the development boundary for Wormegay (a rural village).

The site lies within the bufferzone of the River Nar SSSI in a medium groundwater risk area.

Approximately 100m to the northwest of the site are the remains of Wormegay motte and bailey castle, a Scheduled Ancient Monument.

Key Issues

- Principle of Development
- Highway Safety
- Environmental Impacts
- Neighbour Amenity
- Other Material Considerations

Recommendation

APPROVE

THE APPLICATION

The site lies outside of the development boundary for Wormegay (a rural village). There is extensive history on the wider site which accommodates a vegetable processing plant employing, on average, 50 people (although it is suggested that this figure can increase to around 80 people at peak times such as the Christmas period). The proposed development would not result in additional employees.

The site lies within the bufferzone of the River Nar SSSI in a medium groundwater risk area.

Approximately 100m to the northwest of the site is Wormegay motte and bailey castle, a Scheduled Ancient Monument.

The nearest residential property (Cartref) to the closest element of the plant (the aeration tank) is shown on the latest plans to be 38m to its rear boundary and 59m to its rear elevation.

The application seeks to retain, alter and extend an existing effluent plant. It should be noted that the current plant does not benefit from planning permission and has been decommissioned awaiting the outcome of this application.

The existing plant comprises:

- A balancing tank (6.24m diameter; 3.66m tall)
- A divert tank (6m diameter; 3.23m tall)
- A sludge tank (2.5m diameter; 4.28m tall – to be relocated within site)
- Raw effluent bunded area including effluent pit and screen (bunded area is 3.58m x 9.7m)
- Propane container (2.4m x 2.4m – underground)
- Bund (c.2.6m high)

Additional structures proposed are:

- DAF (Dissolved Air Flotation plant) within a control building (control building measures w:4.8m; l:11m height to ridge 4m; height to eaves 3.1m);
- Three external mounted air blowers serving the DAF contained within acoustic enclosures measuring 2m in height;
- Aeration tank (8.54m diameter; 5.67m tall)
- Two External blowers serving the aeration tank c.1.2m tall
- Drum screen (to be attached to the existing balancing tank) c.5.4m tall
- MBR (Membrane Bioreactor) unit comprising an outer unit (4.11m tall) containing 3 tanks and 2 external blowers (blowers are c.1.2m tall)
- MBR permeate tank
- Additional sludge tank (3.4m diameter; 5.67m tall)
- Sludge press (w:3.2m x l:3.2m x h:3.1m)
- Relocation and extension of existing bund at same height as original (c.2.6m)

The installation of the DAF is designed to improve the operation of the existing, but currently de-commissioned and unauthorised plant, and would enable all treated water to be discharged to local ditches. The decommissioned plant enabled a certain amount of treated waste water to be discharged to the Polver Drain with the remaining being tankered away.

However, following the de-commissioning of the plant, the removal of wastewaters has reverted back to pre-installation methods. This results in at least 98 HGV movements per week (49 in and 49 out); this figure can rise if there is substantial rainfall. As the current treatment plant does not benefit from permission this is the baseline figure in terms of HGV movements associated with the removal of wastewater at the site.

SUPPORTING CASE

- An improved effluent plant is proposed at an existing vegetable processing plant operated by A G Pearce Limited at Wormegay. The new plant would include the provision of tanks, associated equipment and a plant/control room. Permission is also sought retrospectively to retain elements of the existing plant, including a storage tank and a realigned/extended earth bund.
- The effluent plant would treat dirty water from vegetable washing in the main processing plant, together with dirty water run-off from existing concrete hardstandings. The plant would not be used for the treatment of sewage and other foul water, which is disposed of to a separate system.
- The proposed effluent plant would treat dirty water to a higher standard than the existing plant in order to allow treated water to be discharged into the local ditch system. A discharge consent to drain into this ditch system has been issued by the Environment Agency subject to set water quality parameters.
- Currently dirty water is stored in an underground tank and then transported away from the site in tankers for disposal elsewhere.
- The proposed new effluent plant would be closely-related to the existing processing plant, and being set back from the road behind existing buildings, would be generally well-screened from public view. Private views from neighbouring houses would be filtered by existing hedging, trees and fencing.
- A Noise Assessment has been undertaken which demonstrates that the proposal would not result in unacceptable disturbance to neighbouring properties. The proposals also incorporate measures to ensure that no odour nuisance would result from the operation of the plant.
- It is considered therefore that the proposal would comply with Core Strategy Policy CS10, which is supportive of commercial development in rural areas, provided that proposals meet a local business need, are appropriate in scale and avoid harm to the local environment and residential amenity.

PLANNING HISTORY

18/00977/F: Application Permitted: 27/07/18 - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 17/01916/F: Erection of cold store and staff facilities buildings

17/01916/F: Application Permitted: 05/01/18 - Erection of cold store and staff facilities buildings

12/00821/F: Application Permitted: 02/10/12 - Erection of rear extension to existing processing plant to provide new loading and unloading area

11/00186/EXOM: Application Permitted: 18/04/11 - EXTENSION FOR TIME FOR THE IMPLEMENTATION OF A PLANNING PERMISSION REFERENCE 06/01110/OM: outline application - residential development construction of village hall and ancillary car parking and provision of open space

11/00166/F: Application Permitted: 18/04/11 - Variation of condition no 1 of planning permission 08/02267/F to allow consent for vegetable store and compressor room to be granted for a further five years

08/02267/F: Application Permitted: 04/12/08 - Retention of vegetable store and compressor room for a further 3 years

07/02000/F: Application Permitted: 04/12/07 - Retention of vegetable store and compressor room

06/01110/OM: Application Permitted: 27/05/08 - Outline permission: Residential development, construction of village hall and ancillary car parking and provision of open space

06/00252/F: Application Permitted: 28/03/06 - Retention and continued use of office building as staff canteen (renewal)

2/03/1080/F: Application Permitted: 17/05/04 - Extension to cold store

2/01/0027/F: Application Permitted: 19/02/01 - Retention and continued use of office building as staff canteen

2/96/1196/F: Application Permitted: 29/10/96 - Construction of building for cold storage of fresh produce

2/96/0920/F: Application Permitted: 16/08/96 - Extension to existing building

2/94/1954/F: Application Permitted: 08/02/95 - Retention and continued use of office building as staff canteen

RESPONSE TO CONSULTATION

Parish Council: NO OBJECTION It was agreed that although the concerns of the parishioners were noted and the Parish Council will always attempt to represent their concerns, in this case as it appears all planning laws have been complied with, therefore Parish Council has no constructive objection to the application.

Highways Authority: NO OBJECTION It is my understanding that currently waste water is removed from the site on a daily basis with tankers and I can understand that an approval of this application would result in a reduction of traffic as less material is ultimately produced and required to be taken off site.

As a result I believe that it would be difficult to substantiate an objection to the application on highway grounds.

Environment Agency: NO OBJECTION

Flood risk

The development site is entirely within Flood Zone 1 of the Environment Agency's Flood Map for Planning (Rivers and Sea) and is therefore at low risk of flooding.

Watercourse Management

The Environment Agency is not responsible for the maintenance of non-main rivers in this area. The ordinary watercourses (all non-main rivers), including the Brook Drain and Polver Drain fall within the Downham Market group Internal Drainage Boards (IDB) management area "East of Ouse, Polver & Nar". Watercourses flowing through or under a property are the ownership of the landowner, who is responsible for their maintenance.

Trade effluent discharge

The site currently holds an environmental permit PRCNF/04102 for discharge of trade effluent consisting of treated vegetable wash water to the Polver Drain. This permit regulates the quantity and quality of the effluent discharged to the environment from the waste water treatment plant. The permit does specify the method of treatment but does not regulate any noise or odour from the treatment process. Any changes to the quantity or quality of the effluent discharged would require the operator to apply to vary their existing permit, where it would be assessed in relation to environmental risk. To date the Environment Agency have received no such application to vary the existing permit. The environmental permitting and variation process is entirely separate to the planning process.

Infiltration Sustainable Drainage Systems (SuDS)

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration (SuDS). We consider any infiltration (SuDS) greater than 2m below ground level to be a deep system and are generally not acceptable. If the use of deep bore soakaways is proposed, we would wish to be re-consulted. All infiltration SuDS require a minimum of 1.2m clearance between the base of infiltration SuDS and peak seasonal groundwater levels. All need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 to G13. In addition, they must not be constructed in ground affected by contamination.

Containment of potentially polluting substances

Whilst it is good practice to provide secondary containment, often referred to as a bund, where potentially polluting substances are stored above ground there is no legal requirement to do so for vegetable washing effluents.

Contamination

The site overlies a principal chalk aquifer. Principle aquifers are permeable rock that store large volumes of water that act to support river flow and are used to supply drinking water. The proposal is considered to be low risk from a contaminated land perspective. However, we expect the developer to address risks to controlled waters from contamination at the site.

Amenity issues

The site working hours, vehicle movements, noise, flies and odour arising from the factory facility or from the treatment plant are not regulated by the existing water discharge permit issued by the Environment Agency. Amenity issues with the site should be reported to the Environmental Health department at the local authority.

Environment Agency Position

From a planning point of view the proposed development does not present unacceptable material risk to the environment that cannot be reasonably controlled through planning as required by the National Planning Policy Framework. Therefore, we have no objection to the proposed development.

Internal Drainage Board: NO OBJECTION The agent for the site has provided a proposal for the surface water drainage from the site. The Board are happy in principal with the proposal, but feel the drainage of the site should be made a conditional requirement of any

permission granted. Any discharge to a watercourse will also require the consent of this Board. This is a separate requirement to any planning permission granted for the site.

The Board's main concern is in relation to the pollution risk from this site. There has been a past incident of the Board's Main Drain system being polluted from this site. The Board's drainage system downstream of the site is used for water abstraction. Any pollution severely impacts the abstractors downstream, stopping them from irrigating their crops. It is vital that measures are put in place to prevent this happening again.

For clarification, the Board's Polver Drain discharges into the Relief Channel, and is not connected to the River Nar SSSI, as stated in National England's letter.

LLFA: NO OBJECTION Does not wish to comment

Environmental Health & Housing – Environmental Quality: NO OBJECTION No comments to make in relation to contaminated land or air quality

Natural England: NO OBJECTION The total reactive phosphorus recorded in the River Nar SSSI, from the headwater that reaches down to the Marham Flume and between the Marham Flume and King's Lynn is 0.06mg L⁻¹ and less than or equal to 0.1mg L⁻¹ (annual mean) respectively, as stated in Natural England's Conservation Objective and Favourable Condition Standard. An increase in phosphorus levels within the river may cause a detrimental effect to interest features. However, the site currently holds an environmental permit for the discharge of trade effluent and this permit regulates the quantity and quality of effluent discharged. If the proposal causes a change in the quantity and quality of trade effluent, we advise direct contact with the Environment Agency to assess impacts to water quality.

Historic England: NO OBJECTION The application is close to a designated scheduled monument and has the potential to have a direct impact upon its setting. The designated asset consists of the Motte and Bailey castle in Wormegay village (List Entry Number: 1018651). This comprises the earthwork remains of a Norman castle, of probable 11th century date.

A site visit has been undertaken in order to assess the potential impact of the proposal on the setting of the Scheduled Monument. It is considered that the proposed development forms a relatively small addition to the existing agricultural buildings, and that its visual impact can be mitigated by the construction of the proposed bund, supplemented by planting on the bund to obscure or break-up the visual impact of the tanks and control room building. Native species, such as blackthorn or hawthorn, should be used for the planting.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Historic Environment Service: NO OBJECTION The application site is approximately 100m from Wormegay motte and bailey castle, which is a Scheduled Ancient Monument and is adjacent to the historic core of the village. There is potential for heritage assets, buried archaeological remains of medieval date to be present within the proposed development area and that the significance would be adversely affected by the proposed development.

If planning permission is granted, we therefore ask that this be subject to a programme of archaeological work in accordance with National Planning Policy Framework 2018 paragraphs 199 and 188.

In this case the programme of archaeological mitigatory work will commence with informative trial trenching to determine the scope and extent of any further mitigatory work that may be required (e.g. an archaeological excavation or monitoring of groundworks during construction). A brief for the archaeological work can be obtained from Norfolk County Council Environment Service.

We suggest that the following conditions are imposed:-

A) No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation; and

B) No development shall take place other than in accordance with the written scheme of investigation approved under condition (A); and

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition (A) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

We also suggest that you consult Historic England regarding any potential setting issues related to the Scheduled Ancient Monument.

CSNN: NO OBJECTION subject to conditions relating to the submission of a noise survey of the plant in operation within one month of commission of the plant and appropriate methods for attenuation if necessary; odour management (in accordance with the submitted odour management plan; hours of construction and no external lighting unless agreed in writing prior to installation.

Arboricultural Officer: NO OBJECTION

REPRESENTATIONS

Objections have been received from **six** third parties. The issues raised can be summarised as:

- Noise – the plant will be working 365 days a year, 24 hours per day. Concerns that the information submitted is not specific enough
- Odour – in addition to smells already experienced
- Flood lighting
- What screening is proposed
- Drainage and Flooding. One objector mentions flooding from an underground spring that runs directly under their property. They are concerned that any increase in water to

be discharged to local water ways and from grounds works for cabling and pipework may increase the frequency and intensity of these flooding events

- Maintenance and monitoring requirements are onerous – including daily monitoring of alarms, upkeep of carbon filters
- Inappropriate comments were made from a Cllr indicating that the application would be passed at the Parish Council meeting
- Overlooking and overbearing impacts from the 5.4m high tank
- Dust and flies
- Cumulative impact from site expansion over the years
- What is the purpose of the site visit on the 7th March when the planning meeting is scheduled for the 4th March?
- How can planning permission be granted on retention and extension of the plant when permission was not granted in the first place?
- The bund is being extended without permission and only forms part of the application as the planning authority was informed by neighbours
- The number of employee cars parked on narrow roads will get worse
- Potholes in the village and damage to cars in the village from HGVs is an ongoing problem
- The plant is already being extended outside of the proposed construction working hours
- Believes that monitoring for the Create consulting Engineers report (noise) took place when activity was limited and therefore does not reflect true working conditions / activities
- How can the applicant accord with the pre-commencement condition proposed by the Historic Environment Services?
- Confusion over what the HGV movements actually are and what they will be reduced to
- How will the developer control water from contamination as they have previously been fined £12,000
- This is not the right location for such a use as it is too close to residential properties; additionally it is outside the development boundary and should therefore not be permitted
- The bund is not in accordance with size requirements where hazardous liquids are handled, processed or stored
- Ecological impacts
- Ongoing issues from existing flood lights
- An Anglian Water investigation showed that in 18 of 21 test drillings that water levels were too high to install sewers
- Impact on intrinsic character of countryside / landscape
- Impact on Wormegay Castle
- The noise surveys relate to a similar plant – how do they relate to the Wormegay site?

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS10 - The Economy

CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The main issues for consideration in the determination of this application are:

Principle of Development
Highway Safety
Environmental Impacts
Neighbour Amenity
Impact on Schedule Ancient Monument (SAM) and wider Countryside
Other Material Considerations

Principle of Development

The development is an extension to an existing established business that is almost wholly located in the countryside immediately to the south of, and abutting, the Rural Village of Wormegay.

New development in the countryside is generally restricted. However, both the NPPF 2019 and Development Plan acknowledge the need to support the rural economy subject to compliance with other relevant policy and guidance.

Paragraph 83 of the NPPF, 2019 (Supporting a prosperous rural economy) states that: *Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

d)the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.'

It goes on at paragraph 84 to state: *Planning policies and decisions should recognise 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 that are 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 any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*

The principle of the proposed development is therefore considered acceptable subject to compliance with other relevant planning policy and guidance.

Highway Safety

The Local Highway Authority raises no objection to the proposed development on the grounds of highway safety noting the overall reduction in HGV movements associated with the proposed development.

Environmental Impacts

Paragraph 183 of the NPPF, 2019 states that *'The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.'*

In relation to this, the site currently holds an environmental permit for discharge of trade effluent consisting of treated vegetable wash water to the Polver Drain. This permit, whilst not regulating noise or odour from the treatment process, regulates the quantity and quality of the effluent discharged to the environment. Whilst an application will be required to vary their existing permit, the LPA considers pollution of effluent to the environment from the proposed DAF is controlled by a separate regime.

Neighbour Amenities

Construction hours, vehicle movements, noise, flies and odour arising from the proposed DAF will not however be regulated by the EA permit. As such these issues need to be fully considered in the consideration of this application, and in this regard the appropriate statutory consultees' comments are paramount.

Paragraph 180 of the NPPF, 2019 states that: *'Planning policies and decision should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’

The proposed DAF would reduce HGV movements considerably from the baseline figure; would reduce odour associated with tankering waste water away, the latter of which should result in less flies. As such the conclusion of the CSNN team is that the proposed DAF is likely to address a number of issues relating to the current manner in which the site deals with its waste.

Odour from the DAF itself, subject to proper operation and maintenance of the plant (in particular the sludge holding tank passive activated carbon filters) is likely to be minimal. CSNN is satisfied that operation in accordance with the odour management plan that accompanied the application will ensure odour from the plant is within acceptable levels. This can be suitably conditioned if permission is granted.

In relation to noise, as the plant is currently not in operation, actual noise from the plant cannot be fully established. As such the applicants have used figures from a comparative installation in Kent (the only difference being that the proposal before committee has a sludge press that the comparative installation did not have).

CSNN consider using the comparative plant *“is a reasonable approach and is satisfied that it enables the author [of the noise report] to make appropriate calculations”*. To ensure that noise from this specific installation is acceptable, a condition would be appended to any permission granted requiring the submission of a noise survey of the plant in operation within one month of commissioning of the plant. The condition would also require appropriate methods for attenuation at source should any annoyance be identified.

In relation to the bund, the noise assessment suggests it provides very little, if any attenuation, and has therefore not been factored into the noise calculations. The EA has confirmed that a bund is not required in relation to containment of potentially polluting substances for vegetable washing effluents. As such the only real purpose of the bund is to offer screening. Planting on the bund, to soften its appearance and offer greater screening, can be suitably conditioned if permission is granted. Such a condition has also been requested by Historic England in relation to mitigating any visual impact the development may have on the nearby SAM.

In relation to flood lighting, none is proposed. If floodlighting is required in the future in relation to the proposed development, a condition could be appended to any permission granted requiring details prior to installation.

One neighbour has a serious problem with drainage in their garden which they appear to largely attribute to an underground spring at operations at AG Pearce. The LPA has discussed this issue with all statutory consultees and none are aware of drainage / flood risk issues in this location that would warrant their involvement (over and above commenting on the current application). The proposed operation would mean that all run-off from all areas of hardstanding would also go through the proposed effluent treatment plant. As such at no time would any water run-off from the site enter the ground (it all going into a sealed system prior to treatment in the plant). The proposed development should therefore have no effect on groundwater levels.

Impact on Schedule Ancient Monument (SAM) and Wider Countryside

The NPPF identifies protection and enhancement of the historic environment as an important element of sustainable development. Sustainable development includes the need to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life for this and future generations as set out in Chapter 16 of the NPPF.

Historic England has confirmed, subject to planting on the bund, that they consider that the proposed development would have less than substantial harm on the SAM. Historic England therefore raises no objection to the proposed development subject to a condition requiring planting on the bund.

The scale of the proposed development, its location adjacent to existing and larger buildings associated with the existing use, together with the limited public views of the proposed development suggests that the impact on the intrinsic character of the countryside from this development would not be of a degree to warrant refusal.

Third party comments not covered above

In relation to third party comments not covered above, your officers respond as follows:

- Inappropriate comments were made at the Parish Council meeting by a Cllr indicating that the application would be passed – third parties have been advised to contact the Monitoring Officer if they wish to make a formal complaint;
- Overlooking from the 5.4m high tank – overlooking would not occur from the tank (other than perhaps during maintenance);
- What is the purpose of the site visit on the 7th March when the planning meeting is scheduled for the 4th March? – A site visit may not be necessary. This will be a consideration of the Committee at their meeting on 4 March. If a site visit is called for then the meeting will reconvene after the site visit on the 7 March;
- How can planning permission be granted on retention and extension of the plant when permission was not granted in the first place? There is nothing preventing a retrospective application for development in planning law (other than in relation to a Listed Building);
- The plant is already being extended outside of the proposed construction working hours – There are currently no construction working hours. However, if planning permission is granted the development will need to accord with the conditions placed upon it;
- Believes that monitoring for the Create Consulting Engineers report (noise) took place when activity was limited and therefore does not reflect true working conditions / activities – CSNN are satisfied that the report reflects operations at the site;
- How can the applicant accord with the pre-commencement condition that is proposed by the Historic Environment Service? - The existing plant has been decommissioned and therefore, it is considered that this aspect can be suitably conditioned;
- Confusion over what the HGV movements actually are and what they will be reduced to – HGV movements associated with the removal of wastewater without any effluent treatment plant (i.e. the baseline figure) is currently (due to decommissioning) and would continue to be 98 per week; this does rise in periods of heavy rainfall. HGV movements associated with the removal of wastewater if this application is approved should reduce to 0 other than during maintenance of the plant which would take place every 12 / 15 months;

- How will the developer control water from contamination as they have previously been fined £12,000 – this will be controlled by the EA permit;
- Ecological impacts – the plant will not be sited in an area of ecological value within the wider site;
- Ongoing issues from existing flood lights – this application can only deal with flood lighting associated with the proposed effluent treatment plant.
- An Anglian Water investigation showed that in 18 of 21 test drillings that water levels were too high to install sewers – Anglian Water’s investigations have nothing to do with the site or its operation.

CONCLUSION

The determination of this application requires the balance between the needs of an existing rural business and the amenity of residential neighbours and historic environment.

Neighbours consider the business should not be able to expand. However, documentation submitted with the proposal has shown, to the satisfaction of all statutory consultees, that the proposed development, subject to suitable conditions, would not cause unacceptable amenity or environmental issues of a degree to warrant refusal. Historic England has confirmed, following a site visit, that the development would have less than substantial harm on the nearby SAM. Furthermore it is a proposal to deal, in a more efficient manner, with the wastewater associated with the existing business that should result in betterment in terms of neighbour amenity and HGV movements.

It is therefore recommended that this application be approved subject to the following conditions

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason: To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans: 18:054:06:E, 1017.0011 Rev.E, 1017.0010-2 Rev.A, 1017.0011-Concrete and 1017.0010-1 Rev.A.
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.
- 3 Condition: No development shall commence on site until full details of the surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The drainage details shall be constructed as approved before any part of the development hereby permitted is brought into use.
- 3 Reason: To ensure that there is a satisfactory means of drainage in accordance with the NPPF.

This needs to be a pre-commencement condition as drainage is a fundamental issue that needs to be planned for and agreed at the start of the development.

- 4 Condition: No development shall take place until an archaeological written scheme of investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and 1) The programme and methodology of site investigation and recording, 2) The programme for post investigation assessment, 3) Provision to be made for analysis of the site investigation and recording, 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation, 5) Provision to be made for archive deposition of the analysis and records of the site investigation and 6) Nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.
- 4 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF. This needs to be a pre-commencement condition given the potential impact upon archaeological assets during groundworks/construction.
- 5 Condition: No development shall take place other than in accordance with the written scheme of investigation approved under condition 4
- 5 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 6 Condition: The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological written scheme of investigation approved under condition 4 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
- 6 Reason: To safeguard archaeological interests in accordance with the principles of the NPPF.
- 7 Condition: Within one month of the first use of the development hereby permitted, a noise survey of the plant in operation shall be undertaken and submitted to the LPA. The report should identify any broadband or tonal elements likely to cause annoyance at receptors.
- 7 Reason: To ensure that noise levels at the receptors are below background levels as described in Table 7.1 of the Create Consulting Acoustic Report (ref: JDB/JEB/P18-1540/01 Rev A) in the interests of neighbour amenity in accordance with the NPPF and Development Plan.
- 8 Condition: Where broadband or tonal elements are identified in the Noise Survey required by condition 7 the Noise Survey shall include appropriate methods for attenuation at source to be agreed in writing by the Local Planning Authority. The approved method(s) of attenuation shall be erected, constructed, or otherwise provided within six weeks of their approval unless and thereafter retained otherwise agreed in writing by the Local Planning Authority.
- 8 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan.

- 9 Condition: The development hereby permitted shall be operated in accordance with the Odour Management Plan that was submitted with the application (Prepared by S.R.Pickin, dated 27/08/2018).
- 9 Reason: In the interests of the amenity of the locality in accordance with the NPPF and Development Plan.
- 10 Condition: Construction activities associated with the development hereby permitted shall only take place between the hours of 07:30-17:30 Monday to Friday, 08:00–13:00 Saturdays with no working on Sundays or Bank Holidays unless otherwise agreed in writing by the LPA.
- 10 Reason: In the interests of the amenities of the locality in accordance with the NPPF and Development Plan.
- 11 Condition: Prior to the installation of any external lighting in relation to the development hereby permitted, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of lights, the orientation / angle of the luminaries, the spacing and height of any lighting columns, the extent / levels of illumination over the site and adjacent land and the measures to contain light. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 11 Reason: In the interests of minimising light pollution and to safeguard the amenities of the locality in accordance with the NPPF.
- 12 Condition: In relation to the bund, prior to the first use of the development hereby approved, full details of soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include finished levels or contours, planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants noting species, plant sizes and proposed numbers and densities.
- 12 Reason: To ensure that the development is properly landscaped in the interests of the visual amenities of the locality in accordance with the NPPF.
- 13 Condition: All soft landscape works referred to in condition 12 shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species as those originally planted, unless the Local Planning Authority gives written approval to any variation.
- 13 Reason: To ensure that the work is carried out within a reasonable period in accordance with the NPPF.
- 14 Condition: Notwithstanding Condition 13 (Landscaping of Bund) within 6 months of the date of the first use of the development hereby permitted a landscape management and maintenance scheme shall be submitted to and agreed in writing by the LPA. The scheme should include the on-going management and maintenance of the bund and the planting thereon (past the 5-year period of replanting required by Condition 13). Screen

retention (bund and planting) shall thereafter be retained and maintained in accordance with the details hereby approved unless otherwise agreed in writing by the LPA.

- 14 Reason: To ensure appropriate screening of the development hereby permitted in perpetuity in the interests of the amenity of the locality in accordance with the NPPF and Development Plan.