

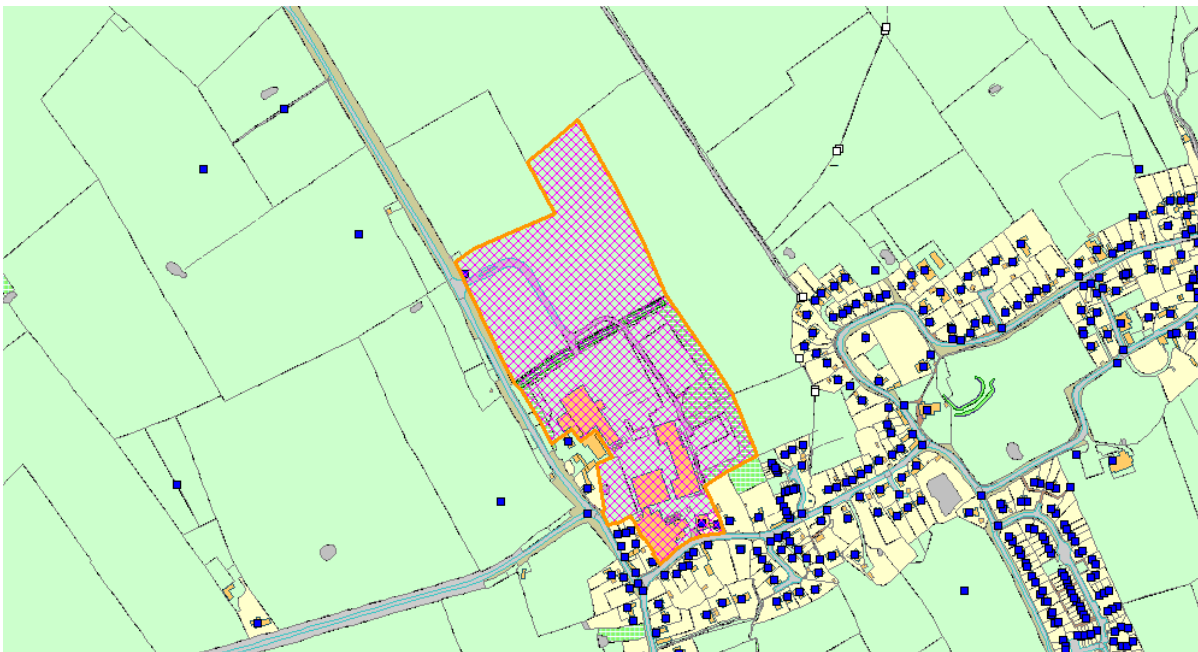
Reference: 14/00879/FUL

Date submitted: 27th October 2015

Applicant: Long Clawson Dairy Ltd

Location: Long Clawson Dairy Ltd, 28 West End, Long Clawson, LE14 4PE

Proposal: New packing building with cold storage facility and link to existing buildings, associated external plant area and external yard additions. New milk reception building and new covered milk offload area. Extension to service yard and removal of landscaped bund, with associated diversion of public footpath.



Introduction:-

The site for development is within the Long Clawson Dairy which is located to the western end of the linear village of Long Clawson. The Dairy itself is located partially within the village envelope, and following significant redevelopment over recent years it is also within the open countryside, but within the defined operational Dairy site.

The Dairy is a manufacturer and supplier of high quality cheese and food products. The Dairy makes a significant contribution to the local economy, and is a major employer providing local work for people in and around the Vale of Belvoir. Approximately 85% of the Dairy's total milk requirement comes from 30 farms that are members of a co-operative and are situated within a 15 mile radius of Long Clawson. This application is in response to the demands of modern corporate customer requirements both qualitatively and quantitatively, regarding production associated with the variety of products and their storage.

It is considered that the main issues relating to the application are:

- **Compliance with planning policy relating to the rural location**
- **Impact upon the open countryside**
- **Impact upon highway safety**
- **Impact upon residential amenity**

The application is required to be considered by the Committee due to the level of representations received.

Relevant History:

14/00988/FUL Replacement milk silos for those previously approved 08/00724/FUL reducing from 5 to 4 but with increase in height. Approved 20th February 2015

13/00832/COU Change of use of land to garden. Approved 29th January 2014

13/00505/FUL Extensions to existing packing building. Approved 9th September 2013

13/00382/FUL Erection of new dry packaging storage building. Approved 25th July 2013

11/00463/FUL Formation of bunded area including site flow balancing tanks, flow metering; water sampling, rainwater protection system and amenity pond. Approved 10th August 2011

10/00952/FUL Installation of hoop topped fence and gates to former West End Entrance. Approved 2nd March 2011

10/00164/FUL A new prefabricated dock house. Extension of existing milk silo bund and addition of 2 new milk silos. Approved 6th May 2010

09/00157/FUL 24th April 2009 & 10/00129/FUL 23rd April 2010 permitted extensions to existing loading dock to form marshalling area and new office.

08/00822/FUL New oil and chemical store building, replacement roof and change of use. Approved 1st December 2008

08/00724/FUL Extension to production cheese storage areas, new milk unloading bay, new milk silos, alterations to yard areas and relocation of mechanical plant. Approved 17th October 2008

08/00492/FUL A new spur road off approved access road to link new car park. Approved 2nd August 2008.

Development Plan Policies:**Melton Local Plan (saved policies):****Policies OS1, OS2, BE1 and EM9**

OS1 states that planning permission will only be granted for development within the town and village envelopes where:

- The form, character and appearance of the settlement is not adversely affected;
- The form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality;
- The proposed use would not cause loss of amenity by virtue of noise, smell, dust or other pollution;
- The development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity;
- Requisite infrastructure, including such facilities as public services, is available or can be provided;
- Satisfactory access and parking provision can be made available;
- The design, layout and lighting of the development minimises the risk of crime.

OS2 states that planning permission will not be granted for development outside town and village envelopes except for:

- Development essential to the operational requirements of agriculture and forestry
- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside
- Change of use of rural buildings

BE1 states that planning permission will not be granted for new buildings unless:

- The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing;

- The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight;
- Adequate public open space and landscaping is provided where appropriate;
- Adequate vehicular access and parking is provided.

EM9 states that planning permission will be granted for industrial development within the confines of an existing industrial site outside the village envelope provided that:

- The form, scale, design and construction materials of the development are appropriate to the surroundings and would not cause visual intrusion;
- There would be no loss of amenities by virtue of noise, smell, dust or the wider operational effects of the development;
- Adequate access and parking provision can be made available;
- The development would not result in an unacceptable increase in traffic levels;
- Landscaping can be provided to reduce the effect of the development in the locality.

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; *or*
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that **whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.**

It establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to respond positively to wide opportunities for growth.
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.
- Focus development in locations which are sustainable

On Specific issues relevant to this application it advises:

Supporting a prosperous rural economy

Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28). To promote a strong rural economy, LPAs should:

- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations, where identified needs are not met by existing facilities in rural service centres.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objections</p> <p>The Officer advises that the proposal involves the diversion of the existing public footpaths and the Rights of Way Officer will comments separately on this.</p> <p>The size of the packing buildings is the same as previously approved, and therefore this element of the application will not generate any additional traffic to that previously consented, in the form of the cold storage. According to the application however this could lead to a reduction in traffic generated by the site, as it will lead to efficiencies in assembling loads. Currently cold storage takes place off site rather than on site.</p> <p>On the basis that the proposal will not lead to additional vehicular movements being generated by the site, when compared to the existing approved development on the site, it would not be possible to sustain a highway reason for refusal of the development on the grounds of increased traffic movements.</p> <p>As such, should the Local Planning Authority be minded to approve the application, conditions requiring the diversion of public footpaths prior to development commencing, in addition to the new buildings not being brought into use until the proposed car parking and marshalling yard have been provided.</p>	<p>Noted.</p> <p>Planning approval was granted in 2008 for the development of a new packing building along with the approval for the relocation of the access road and staff car parking (07/00145/FUL, varied by 11/00942/VAC). A scheme for off-site highways improvements was also consented involving improvement along Hickling Lane and to the junction of West End and Broughton Lane. These approvals have been implemented through the commencement of the development of the new access road and internal infrastructure.</p> <p>The applicant states that the additional cold storage extensions included within this application are for the reorganisation of activities on site rather than expansion. It is likely that the vehicular movements will be reduced by this application as the additional storage facility will enable efficiencies in assembling loads to meet customer requirements. This will allow vehicles to leave the site will full loads rather than partial as currently exists. At present, off-site cold storage is undertaken in 3 separate locations and gives rise to operational traffic flows off and on-site. The applicant has stated that they expect a 20% reduction in non-milk related haulage should this application be successful. In addition, Stilton Potting that at present takes place in Bottesford will be relocated to this site, reducing the need for transportation between the two sites.</p> <p>An area of car parking originally approved in 2007 will also be implemented if this application is successful, bringing the car parking available on site up to 235 spaces.</p> <p>The Dairy has a routeing agreement in place which was set up with LCC Highways, and have a Travel Plan as required by condition of the original approval. The applicants state that the plan is regularly reviewed and monitored, and incentives re offered to staff in order to reduce reliance upon travel by private car and other associated vehicle movements.</p> <p>As it is highly likely that the proposal will lead to a net reduction in the amount of traffic movements, it is considered that the proposal meets the objectives of policies OS1, BE1 and EM9.</p>
<p>Parish Council: No Objections</p> <p>The Parish Council advised that they have no objections to the proposal.</p>	<p>Noted.</p>

<p>Rights of Way Officer: No objection</p> <p>Public footpaths G32 and G40 are affected by the proposal, and the Officer agrees that the best way of avoiding significant effect on the use and enjoyment of the existing public footpaths would be to divert the footpaths around the boundary of the property.</p> <p>The Officer has no objection to the proposed footpath diversion as shown on drawing 6733A-02 subject to conditions which have already been discussed and agreed with the applicant.</p>	<p>Noted.</p> <p>The diversion of the footpaths currently on site will ensure that users of the footpaths will not conflict with the traffic routes on site. This is preferable both for the safety of users of the footpath, and for the enjoyment of the users of the footpaths.</p>
<p>Ecology:</p> <p>The Great Crested Newt (GCN) assessment submitted with the planning application identified a number of ponds in the vicinity of the application site as being suitable for GCN. In addition, the Ecology department have a number of records of GCN in the area making their potential presence a consideration for this application. The submitted report concludes that the habitats on the application site are sub-optimal and therefore unlikely to support GCN, however there is some potential for GCN to be crossing the site. It is therefore proposed to use amphibian fencing surrounding the site as a precautionary measure.</p> <p>The additional information submitted in December 2014 addresses concerns regarding the mitigation for GCN in the development, and Ecology have advised that they have no objections to the development provided that the GCN mitigation can be made into a condition of the development.</p>	<p>Noted.</p> <p>A condition worded to this effect can be attached to any permission granted at the site which will ensure the protection of any GCN that may use the site for foraging.</p>
<p>Ramblers: No objection</p> <p>It is refreshing to see that a public footpath has been considered with thought in the development and is to be diverted. As such the Ramblers would not object to this application, or a future application to divert the footpath.</p>	<p>Noted.</p>
<p>Environmental Health: No objections</p> <p>The Officer has appraised the noise reported undertaken by M-EC on behalf of the Long Clawson Dairy and has advised the following:</p> <p>EXTERNAL PLANT</p> <p>The Officer is satisfied with the assessment methodology and the integrity of the data provided; the Officer would have preferred a third sampling location on Church Lane, however the distance from the proposed external plant compound to the nearest residence on Holly Tree Lane is roughly equal to that of the nearest residence on Church Lane. As such, the Officer is satisfied that the data obtained to characterise the noise environment at monitoring location 1 would also hold true for those properties on Church Lane.</p>	<p>Noted.</p> <p>A noise assessment was submitted by Long Clawson Dairy in response to an initial concern by Environmental Health regarding the acoustic impact of the proposed development on the nearest noise sensitive receptors. The remit of the noise assessment was agreed with the EHO prior to being undertaken.</p> <p>Following advice from the Officer it is considered that the development could proceed without breaching the noise levels specified within BS4142: 2014 "Method of rating industrial noise affecting mixed residential and industrial areas."</p>

<p>Comments in relation to this section:</p> <ol style="list-style-type: none"> 1. At monitoring location 1, the daytime LAeq,T noise values are at the limit for the onset of moderate annoyance in the outdoor living area and speech intelligibility / moderate annoyance for dwelling indoors assuming a 15dB reduction for a partially open window as per WHO guidance. 2. At monitoring location 2, the daytime LAeq,T noise values exceed the limit for moderate annoyance in the outdoor living area and intelligibility/moderate annoyance for dwelling indoors assuming a 15dB reduction for a partially open window as per WHO guidance. The night time LAeq,T noise values exceed WHO guidance for noise outside bedroom windows. 3. The arithmetic average night time background noise level at location one is 39dB; as such, the specific noise level should not exceed 39dB at the nearest receptor. However, using: $20 \log (r2/r1)$ I still calculate an LAeq,T 66dB(A) at 10m from the proposed external plant compound. 4. Noise from the proposed external plant compound at the specified levels will not exceed WHO guidance at monitoring location one. However, given that noise levels at monitoring location two already exceed WHO guidance, an increase (regardless of how small) would serve to increase the exceedance. <p>NEW MILK RECEPTION, PACKING BUILDING AND CHILLER / FREEZER STORES</p> <p>No acoustic data has been provided to quantify the impact of the proposed development from (a) packing machinery within the packing building and (b) machinery associated with pumping into silo storage at the new milk reception.</p> <p>Whist the Officer accepts that there will be no increase in HGV movement, it is likely that the proposed development represents an increase in operational production that would impart a noise increase associated with the above.</p> <p>The Officer is therefore prepared to support this application subject to the imposition of conditions relating to timing of construction / demolition works and noise levels.</p>	<p>As such, it is considered that any noise from the proposal would not cause adverse impacts upon residential amenity, and would meet the objectives of policies OS1, OS2, BE1 and EM9.</p>
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Representations:

The application was published in the Melton Times, a site notice was posted at the entrance to the site, and 18 neighbouring properties were advised of the application. In response, 21 letters of representation were received from 15 separate households.

Consideration	Assessment of Head of Regulatory Services
<p>Highways Impact</p> <p>Already there are hundreds of 40 tonne lorries accessing the site 24 hours a day, 7 days a week. Melton Road and Hickling Lane have a 7.5 tonne weight limit and are totally unsuitable for this type of traffic.</p> <p>The marshalling yard implies an increase in lorry traffic which is already a hazard for local residents.</p> <p>The Highways department already have to fix potholes every 3 or 4 weeks which the Council is aware of. These bills are picked up by tax payers, not the Dairy.</p> <p>There are currently no restrictions on vehicle movements in and out of the Dairy, as a consequence the flow of HGVs is 24hrs per day through a junction at Hickling Lane / West End that is simply not built to take such a massive volume of HGV traffic.</p> <p>LCC Highways have no idea of the impact of the Dairy day and day out. They do not live in Long Clawson and do not experience lorries speeding down Melton Road and into Hickling Lane, or when they are queued at the narrow part of Hickling Lane where even two cars struggle to pass side by side.</p> <p>The narrow lanes are not wide enough to two 40 tonne lorries to pass, and do not lend themselves to constant use by articulated lorries.</p> <p>Further 40 tonne lorries use Broughton Lane daily for access to Brinvale and Acre Hill Farms.</p> <p>The Council must consider a relief road for this end of Long Clawson to alleviate traffic issues.</p> <p>The current application states that there will be a reduction in traffic, but who will monitor this?</p> <p>Construction traffic will make the problem worse, along with the abandoning of cars by the roadside at KS Composites and the school bus pick-up. This causes a hazard at the junction of Hickling Lane / Broughton Lane.</p>	<p>Noted.</p> <p>As advised above, the Highways Officer has stated that as the size of the packing buildings is the same as previously approved, it is not considered that the cold storage would generate any further traffic to that previously consented. Indeed, the application states that traffic movements would be reduced by the approval of the application due to efficiencies in assembling loads and the storage taking place on-site.</p> <p>Therefore, as the proposal will not lead to additional vehicle movements on site this Highways department do not consider that the application could be refused on this basis. The use of planning conditions would prevent development commencing prior to the diversion of footpaths, and the new buildings not being brought into use until proposed car parking and marshalling yards have been provided.</p> <p>In addition, the applicant has undertaken further discussions with the Highways department with regards to the road surfacing and drainage issues on Hickling Lane. It is important to note that LCC Highways have full maintenance responsibility of the road following the Dairy's funded s278 works being completed.</p> <p>LCC Highways have advised that they are well aware of the pothole issues that have arisen following the winter and have a series of patch repairs and a more extensive resurfacing programme to undertake. They cannot however commit to any timescales at present. With regards to drainage, surface water is entering the Highway from fields on the opposite side of Hickling Road, LCC Highways are aware of this and have completed design work to rectify the issue (it appears that the formation of a new ditch / drain may have failed). Although there is no specific commitment to timeframes, LCC have advised that the issue will be resolved within 3 months.</p> <p>The Dairy is operating in accordance with the planning conditions that were agreed on their planning application 07/00145/FUL (and 11/00942/VAC) with regards to lorry routeing, highways works and parking. No conditions were specified regarding times of lorry movements.</p> <p>With regards to construction traffic, the Council can ensure that any construction traffic is parked within the site, and lorry wheels are cleaned prior to entering the Highway. The Council could also control the times at which construction traffic can delivery to the site by way of condition.</p>

<p>Footpath</p> <p>The proposal to re-route the footpath is dangerous. At present the footpath crosses the path of HGVs at the control gate which is kept permanently closed and acts as a very effective traffic calming measure with good visibility. Moving the footpath puts users at the mercy of traffic that is travelling far faster as it enters the site from Hickling Lane.</p> <p>The route of the footpath is currently easily accessible for walkers and offers an alternative for walkers to open fields especially on dark nights.</p>	<p>Noted.</p> <p>The Rights of Way Officer, and the Ramblers have advised that they have no objections to the diversion of the public footpath, and it is not considered that the diversion would place pedestrians in further danger.</p>
<p>Visual Impact</p> <p>The proposal involves the removal of trees that were planted to mitigate the impact of previous planning permissions. This is a mockery of the planning process if a plan is submitted with features designed to seduce a favourable decision only to have these features removed a couple of years later to facilitate further expansion.</p> <p>The formation of a marshalling yard on land bordering Hickling Lane will be inappropriate in terms of size and position in a rural area – it will be clearly visible from the lane. The bund is the most effective screening of the whole site from Hickling Lane, there appears to be no reason to remove it, on the contrary there is a need to increase the screening of the site.</p> <p>The removal of the bund and the new marshalling yard is incorrect in the design and access statement, and gives a false impression of the scheme.</p> <p>The bund provides very good screening of unsightly industrial buildings and to remove the bund is nonsense.</p> <p>Moving the marshalling yard to the other side of the bund will exaggerate the effect of internal lorry movements that are currently effectively screened by the bund.</p> <p>The proposal will generate additional light pollution</p> <p>The Dairy is already an eyesore and the removal of the bund and screen should not be permitted as it was a condition of previous planning consents.</p> <p>There is no mention of replacement screening, new screening should be coniferous trees.</p> <p>The character of the village will be hugely affected by the proposal.</p>	<p>Noted.</p> <p>The proposal involves the removal of approximately 40 metres of the landscaped bund to the north of the site to allow for open access to a new Marshalling Yard further to the north of the site. The existing landscaping to the road alongside Hickling Lane will remain unchanged by the proposal, as will the landscaping further to the north and the east.</p> <p>The Design and Access statement submitted alongside the application forms part of the application documents, and it is considered that the full set of plans detail the full extent of the alterations to the bund accurately.</p> <p>It is not considered that the removal of a relatively small part of the landscaping bund will cause harm to the character and appearance of the countryside further to the north, or to the appearance of the village when entering from the north. The proposed marshalling yard will remain well screened by the existing bund and planting further to the north and along Hickling Lane.</p> <p>As such, the proposal is considered to meet with the objectives of policies OS1, OS2, BE1 and EM9 of the Melton Local Plan. It is not considered that further screening of the site would be required.</p>
<p>Noise</p> <p>Dwellings including Willow Tree House (Hickling Lane) are situated north west of the Dairy site and directly down wind from the site. At present there is prominent</p>	<p>Noted.</p> <p>As this proposal seeks to reduce the amount of vehicle movements to and from the site a noise impact assessment on the noise generated by</p>

noise of vehicles manoeuvring in the existing Dairy yard which are relatively loud. These start at 5am or earlier each morning with sirens warning of reversing vehicles. This wakes up residents every morning, and is a foreign noise in the countryside.

The removal of the bund will mean that the manoeuvring area is to be greatly expanded and moved significantly closer to dwellings, exaggerating the intrusive and unacceptable noise further.

The Dairy needs to make proper provision to remove the existing noise nuisance which is not removed by the existing planting and bunding.

Objection will be withdrawn if the new provisions are to be made to remove the existing level of nuisance to local residents by way of vehicle movements and timings of movements, and ensure that vehicle movements on the new manoeuvring area to not reintroduce them.

Further refrigeration equipment will create additional noise which would be operational 24 hrs per day, 7 days per week.

Fork lift vehicles emit a high pitched shriek when reverse gear is selected.

The plant should be restricted to normal day time hours and further noise barriers should be installed as noise travels.

Noise limitations should be put into effect. The Dairy is a 24hr operation and marshalling of lorries with reversing warnings will be heard.

Environmental Health and the company who conduct the noise assessment will play down the concerns and allow the nuisance to continue or even increase.

The company who completed the noise assessment have not visited properties who have objected to the application, therefore the assessment cannot have addressed their objections. At paragraphs 1.1 and 1.2 the assessment specifically excludes the consideration of dwellings in LE14 4NW.

The noise assessment only relates to noise emanating from the packaging and chiller facilities which are not a problem.

The noise assessment does not refer to existing and enhanced vehicular movements and manoeuvres in the site as the result of the new development at any time of day or night.

The noise assessment is irrelevant to people affected by noise from the Dairy.

Whilst the noise assessment meets with the regulations

vehicle movements was not considered to be required by Environmental Health.

The marshalling yard proposed further to the north of the site will move some of the internal lorry movements further away from residential dwellings. Any existing noise nuisance at the site will need to be dealt with separately by Environmental Health to see if a statutory noise nuisance is being created by the operations at the Dairy. No complaint has been received to date. The Officer has reviewed the application and has acknowledged that some of the new structures would act as a partial sound barrier against vehicle movements, and no significant increase in vehicle movements would occur as a consequence of the development.

A noise impact assessment was submitted at the request of Environmental Health as the Officer was concerned that the activities associated with the development (chilling, packing etc.) would require machinery that may generate significant noise. Whilst some of the machinery would be located within the building, some would be located in the external environment (motors, condensers, extraction etc.).

The Officer is satisfied with the results of the noise assessment and has recommended conditions (please see commentary on pages 5 and 6).

With regards to noise from traffic movements, the HGV traffic is following the approved routes, and the Environmental Health Officer has been made aware of the complaints regarding the noise of traffic within the site (including reversing beepers etc) and will investigate to consider if these constitute a statutory noise nuisance. The noise of reversing beepers etc cannot be dealt with by this planning application as the application will not cause any increase in vehicle movements.

<p>and requirements of EHO, it excludes the impact of the noise of vehicle movements on houses in the locality which the Managing Directors of the Dairy are aware of.</p> <p>The noise assessment is not impartial, it should be commissioned by a party with no direct interest in a favourable outcome one way or another, and should not deliberately exclude some of those likely to be directly affected by any source of noise.</p>	
<p>Ecology</p> <p>The removal of the landscaped bund will result in a loss of natural habitat.</p> <p>The additional noise and light pollution will affect local wildlife.</p>	<p>Noted.</p> <p>The removal of a 40 metre section of bund will result in the loss of some trees and natural environment. The Environmental Health Officer is satisfied that there will be no significant increase in noise from the site, and the site however this is not considered to have a significant impact upon wildlife in the area.</p> <p>A lighting scheme can be conditioned on any approval issued should it be considered that the introduction of further lighting at the site would impact upon the open countryside.</p>
<p>Residential Amenity</p> <p>Such a large commercial venture in a small rural village has a negative effect on the quality of life for local residents.</p> <p>There may be air pollution or odours likely to be generated.</p> <p>Approval of this application will only add to the industrial feeling and atmosphere that this area of Long Clawson suffers from.</p>	<p>The Dairy received planning consent in 2008 for the expansion to the north of the site, away from the village to minimise the impact on residential amenity from the day-to-day running of the site.</p> <p>It is not considered that this proposal will have an adverse impact on residential dwellings in Long Clawson; the HGV traffic to and from the site is proposed to be reduced, and the development is further away from the village. The Environmental Health Officer has not raised any concerns with regards to air pollution or odours from the development, and as such the proposal is considered to meet the objectives of policies OS1, BE1 and EM9 of the Melton Local Plan.</p>
<p>Policy & Design</p> <p>There has been a steady creep of applications at the Dairy over recent years, the Council needs to consider how much is too much.</p> <p>The Dairy is simply too big for its location in a small rural village.</p> <p>The marshalling yard falls outside of the village envelope, the envelope is there to stop the creep of development into the countryside.</p> <p>Further development of the Dairy is not sustainable in terms of the NPPF, given the road infrastructure and the location of employees. The village cannot cope with</p>	<p>Noted.</p> <p>The NPPF advises at paragraph 28 local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversions and well-designed new buildings.</p> <p>Following the closure of the original site entrance onto West End, the operational production within the site has altered and the packing building requires relocation to enable better flow within the site. The relocation would allow the existing packing building to be converted into maturation storage.</p>

<p>further industrial expansion.</p> <p>The Council should allow the site to be redeveloped for housing and encourage the Dairy to relocate to a purpose built location at a more suitable site, for instance the bottom of Waltham Lane if it wanted to retain its association with the village.</p> <p>The Council should refer back to previous agreements on noise and other topics and enforce.</p> <p>There is a link between the Dairy and the village, but the Dairy is part of the village, not the other way around.</p>	<p>The proposed new chill store and packing building would have a similar eaves and ridge height as the building previously approved under 07/00145/FUL. The footprint of the main building is larger at 7118 square metres compared to the previously approved packing building at 3970 square metres. The building would have a lower height overall at 11.225 metres from the fixed floor level which is 2 metres above ground level due to the changes to the land levels on site. The new building is proposed to be clad with profiled metal sheeting in a moorland green colour which is already predominant on the site. It is considered that this colour helps to blend the development into the countryside and minimises the impact of the site in the open countryside. The new milk reception building has an eaves height of 4 metres but is surrounded by buildings of a larger height, and will also be clad in the same way as the packing building.</p> <p>The proposed development is on land considered to be part of the operational site of the Dairy as agreed in 2008. As such, policies BE1 and EM9 allow for further development outside of the village envelope subject to a number of criteria being met (as stated above), including the form, scale, design and construction materials being appropriate to the surroundings and not causing visual intrusion; there being no loss of amenities due to noise, smell, dust, or the wider effects of development; adequate access and parking being available; the development would not result in an unacceptable increase in traffic levels and landscaping provision to reduce the effect in the locality.</p> <p>It is considered that the form, scale, design and construction of the buildings are appropriate to the surroundings. In addition, it is considered that the development would not give rise to an unacceptable loss of amenities, and adequate access and parking is available. The development will result in an overall reduction in vehicular movements to and from the site. The removal of a 40 metre section of landscaped bund will result in a slight loss of landscaping provision, however this is within the site, and it is not considered that its loss would impact upon the village or the character and appearance of the countryside. As such, the proposal is considered to meet the objectives of policy EM9.</p>
<p>Economic</p> <p>The dairy has a very prominent position in a market that is restricted to just 6 producers, with only 3 suppliers of any size in reality. The Dairy does not have any issues in remaining competitive in a market it dominates.</p> <p>The Dairy is simply too big for its location in a small</p>	<p>Noted.</p> <p>Stilton Cheese has been granted the status of a Protected Designation of Origin (PDO) by the European Commission that requires that only cheese produced in the three counties of Leicestershire, Derbyshire and Nottinghamshire may be made and called 'Stilton'. This will</p>

<p>rural village and vastly larger than any of its competitors.</p> <p>The benefit as a local employer is massively oversold, how many people from Long Clawson or nearby villages actually work there?</p> <p>Denying this application will not affect the support that the Dairy gives to the local farming industry.</p>	<p>inherently affect the number of producers of the cheese. In addition, the planning system cannot interfere in this way in the market and competition.</p> <p>The NPPF introduces the presumption in favour of sustainable development and advises that development which accords with the local plan should be approved without delay. The Dairy is well established in the village and has been for a significant period of time. The business supports local farmers, and is considered to make a significant contribution to the local economy. The Dairy provides employment for local people, and have advised that approximately 20% of the workforce are residents of Long Clawson and neighbouring villages.</p> <p>It is considered therefore that the proposal meets the overall objectives of policies OS1, OS2, BE1 and EM9, and the NPPF which seeks to promote the sustainable growth and expansion of rural businesses.</p>
<p>Other Considerations</p> <p>The increasing size of this and neighbouring industrial operations will diminish the value of homes, and the value of living in a rural village environment.</p>	<p>Noted.</p> <p>The planning system operates in the public interest and does not seek to protect the value of individual dwellings.</p>

Conclusion

The proposals are stated as being required to enhance the operational production within the site and reduce the vehicular movements to and from the Dairy currently caused by having cold storage off site at present. The proposals are large in scale, but have been shown to not cause any additional impact upon residential amenity and will not harm the character and appearance of the countryside. The application is considered to meet the objectives of policies OS1, OS2, BE1 and EM9 of the Melton Local Plan; in addition, it is considered that the proposals are supported by the NPPF, which at paragraph 28 seeks to support the sustainable expansion of rural businesses. As such, the proposal is recommended for approval, subject to conditions.

RECOMMENDATION:- Approve, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This decision relates to the approved plans received at these offices on 27th October 2014 numbered 6733P-01; 6733P-02; 6733P-05; 6733P-06; 6733A-01; 6733A-02; C615.100.P01 and C615.101.P01, and received at these offices on 31st October 2014 numbered 6733P-100 Rev B.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
4. Works must only proceed in accordance with the recommendations in the Great Crested Newt Assessment (CBE Consulting, November 2014), the Ecology Protection Plan (drawing 6733A-03, HSSP Architects) and the letter from CBE Consulting to Richard Cooper dated 20th December 2014. Should any Great Crested Newts be found during the development a licensed ecologist must be contacted and works should only continue on the advice of the ecologist.

5. No construction works shall commence on site, until such time as the proposed diversions to the public footpaths have taken place to the written satisfaction of the Local Planning Authority.
6. The proposed new buildings shall not be brought into use until such time as the proposed car parking and marshalling yard have been provided, hard surfaced and made available for use. Once provided these facilities shall thereafter be permanently so maintained.
7. The footpath shall be diverted as shown in drawing number 6733A-02; in addition the following shall apply (relating the approved plan)
 1. A - Gap (minimum 1 metre wide) to be provided in post and wire fence, remove top rail and barbed wire from existing stile.
 2. E, F, G and B - New yellow-topped waymark posts.
 3. H - Improve drainage and raise level of footpath to avoid flooding.
 4. At main entrance to Dairy site:
 - 4.1 Move "Long Clawson dairy" signs back from road to allow the footpath to run on a clear line in front of the signs.
 - 4.2 Re-profile landscaping bunds to allow footpath to run in a straight line on flat, level ground.
 - 4.3 Provide dropped kerbs
 - 4.4 Provide line marking across the entrance driveway.
 - 4.5 Remove 2 metres of hedge (southern side) to improve visibility to and from Hickling Lane.
 5. A-E, F-D-G and H-B, where the alternative footpath runs through tree plantations a 2 metre wide stone surfaced footpath, with edging is to be provided to Leicestershire County Council standard specification. Trees to be removed to ground level where necessary, other branches sided up to avoid overhanging vegetation and give a minimum head clearance of 2 metres.
 6. E-F and G-H, other parts of the new footpath to be a minimum width of 2 metres, provided and maintained as grassy tracks.
 7. Other works as necessary to remove public access to those routes to be stopped up.
 8. The existing footpaths must remain open and available until such a time the new, alternative footpaths are certified as constructed to an appropriate standard and until such time as the Public Path Diversion Order is confirmed.
8. Construction work, demolition work and associated deliveries to the site should only be permitted between the following hours. Any deviation from this requirement shall be approved in writing by the Local Planning Authority.

07:00 - 19:00 Monday to Friday
 08:00 - 13:00 Saturdays
 No works to be undertaken on Sundays or bank holidays
9. The noise level of all noise associated with the proposed external plant compound shall not exceed 66dB(A) LAeq,1 hour at any time at a distance of 10m from any façade of the proposed compound as per the M-EC Noise Assessment ref: 21408/02-15-3910.
10. No development shall take place until an assessment to show that the rating noise level of the external plant compound, as part of this development, will not exceed 66dB(A) LAeq,T at a distance of 10m from any façade of the proposed compound has been submitted to and been approved in writing by the Local Planning Authority. The assessment will include a detailed scheme of plant type/specification and of noise mitigation measures.

The assessment must be carried out by a suitably qualified acoustic consultant/engineer and be in accordance with BS4142: 2014-"Method of rating industrial noise affecting mixed residential and industrial areas".
11. The rating noise level of all noise associated with the development will be at the background level or below at any noise sensitive receptor. For the purpose of this condition, background noise levels are defined in tables 2 & 3 of the M-EC Noise Assessment ref: 21408/02-15-3910.

The assessment methodology must be in accordance with BS4142: 2014-"Method of rating industrial noise affecting mixed residential and industrial areas".

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.
4. To ensure that the potential impact on Great Crested Newts is mitigated for.
5. In the interests of the safety of the users of the public footpaths affected.
6. To ensure that adequate parking facilities are provided within the site so the proposal does not lead to indiscriminate car parking within the site or on the highway.
7. In the interests of users of the public right of way.
8. In the interests of residential amenity to minimise noise disturbance to occupiers of adjacent residential dwellings.
9. In the interests of residential amenity.
10. In the interests of residential amenity.
11. In the interests of residential amenity.

Officer to contact: **Mrs Sarah Legge**

Date: 17th March 2015