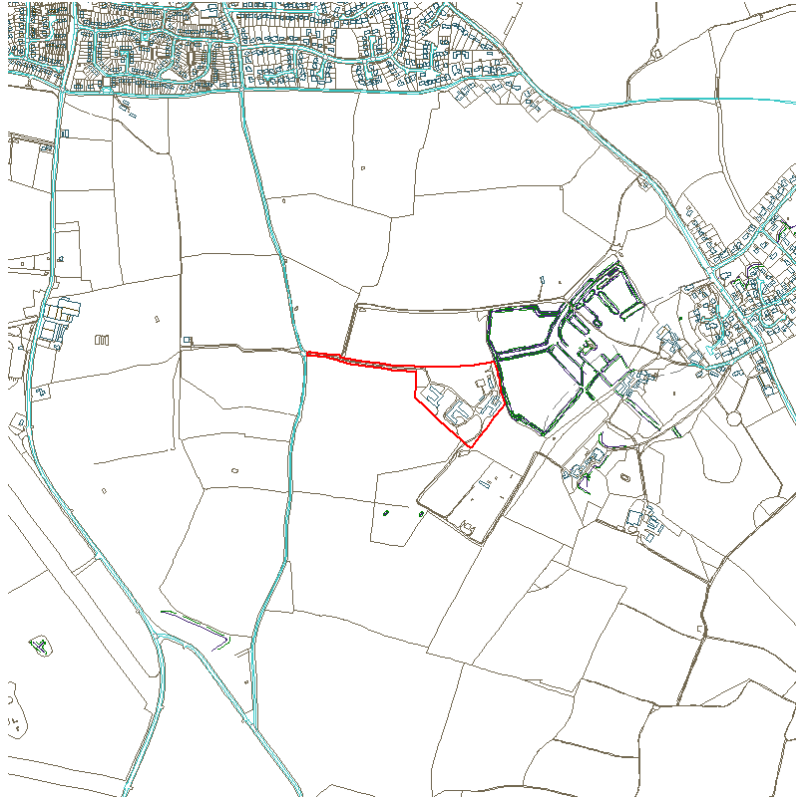


Reference: 12/00310/FUL
Date Submitted: 05.09.2013
Applicant: Agrinvest
Location: Sandy Lane Poultry Farm, Sandy Lane, Melton Mowbray
Proposal: Poultry farm (agricultural use/development)



Introduction:-

The application site lies to the east of Sandy Lane to the south of Melton Mowbray and to the west of Burton Lazars, within the open countryside. The proposal relates to the erection of a poultry farm with nine poultry houses each with associated grain silos, two farm worker dwellings, a GP building and generator, water storage tank, hardstanding, highway improvements and landscaping. The poultry units would have a capacity for in the region of 340,000 broilers. Due to the size of the operation, the development proposal has been supported with an Environmental Statement and a Planning Justification Statement in support of the two farm worker dwellings. All the associated documents are available at the Council Offices.

It is considered that the main issues relating to the proposal are:-

- **Impact upon the character of the landscape**
- **Impact upon highway safety**
- **Impact upon residential amenity (noise, odour etc)**

The application is presented to Committee as it is a major application which has attracted a large number of representation from the local residents.

Relevant History:-

03/00784/FUL Proposed demolition of existing sheds and erection of five detached houses, refused 03.12.03

Melton Local Plan (saved policies):

Policy OS2 - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing.

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy BE11 – Planning permission will only be granted for development which would have a detrimental effect on archaeological remains of county or district significance if the importance of the development outweighs the local value of the remains. If planning permission is given for the development which would affect remains of county or district significance, conditions will be imposed to ensure that the remains are properly recorded and evaluated and, where practicable, preserved.

Policy C3 describes the circumstances in which agricultural buildings are permissible and states that planning permission for agricultural buildings outside the town and village envelopes will be granted provided:-

- the building is reasonably necessary for agriculture and would not occupy a prominent position in the landscape which in itself could not be ameliorated by tree planting or other suitable methods of screening;
- the size, scale, design and construction materials of the building are appropriate to its setting and specific use;
- the development would not cause loss of amenities through unacceptable noise, smell, dust or other forms of pollution;
- there would be no significant adverse effects on residential amenities;
- satisfactory access and parking is provided to accommodate the level and type of traffic likely to be generated.

Policy C4 – allows for the erection of agricultural buildings providing they are within existing groups of buildings and amongst other things will not have a detrimental impact upon the rural character of the area, would not cause loss of amenities through unacceptable noise, smell dust or other forms of pollution and that there will be no adverse effects on residential amenities or highway safety.

Planning Policies:-

The National Planning Policy ‘Framework’ 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.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver business and industrial units,
- Seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Recognising the intrinsic beauty of the countryside and supporting thriving rural communities within it
- Promoting sustainable transport
- Supporting a prosperous rural economy
- Effective use of brownfield land
- Conserve heritage assets in a manner appropriate to their significance

On Specific issues relevant to this application it advises:

Building a strong competitive economy

- Planning should do “everything it can” to encourage growth, not prevent it and should plan proactively to encourage economic growth
- Significant weight should be given to the need to support economic growth

Sustainable Transport:

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Prosperous Rural Economy

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.

Wide choice of high quality homes

- New isolated homes in the countryside should be avoided unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

Good design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Contribute to and enhance the natural and local environment.
- Encourage the effective use of land by re-using land that has been previously developed.
- Aim to conserve and enhance biodiversity
- Decisions should aim to avoid noise and other adverse impacts which give rise to significant adverse impacts on health and quality of life.
- Minimise other impacts on health and quality of life through conditions

Conserving and enhancing the historic environment

- Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.
- In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

This 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 para. 12)

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – No objection subject to conditions.</p> <p>Sandy Lane is not considered suitable in its current form to cater for the traffic likely to be generated by the proposed use. However the applicants have offered to provide improvements to Sandy Lane to the south of the site, and these improvements should mitigate any increased dangers that their traffic would have caused. These improvement works should be carried out before the development commences, so that Sandy Lane is suitable to cater for the construction traffic generated as well as the development traffic. Once the traffic is out on to the B6047, it is on to a lorry route, from where it will have to abide by Weight Restrictions on the surrounding routes.</p> <p>Whilst Sandy Lane is subject to a 7.5 tonne weight restriction, this would not apply to those</p>	<p>The proposed development is to be accessed from Sandy Lane and via a narrow track. The Environmental Statement (ES) submitted with the application has a section on Transportation which sets out to assess the potential transport effects the proposal may have on the area and around the site.</p> <p>The ES refers to predicted trip generation of the proposed development and states that there will be 117 HGV trips per cycle. It is understood that the number of crops per annum would be approximately 7 and a crop typically last for seven weeks. During the seven week period, bird collection and litter collection takes place in week six and no HGV trips take place in week seven. It is expected that the busiest period of the crop cycle is week six and there would be a maximum of 10 HGV movements generated each day. Outside of week six it is expected that HGV movements, associated primarily will feed/chick deliveries would generate on average two HGV</p>

<p>vehicles that require access within the weight restricted area. Vehicles requiring access are not limited to the route they take within the zone, and therefore under the current restrictions, these vehicles would be able to enter the site through the residential areas to the north of the site in Melton. This would be unacceptable and therefore the developer will be required to enter into a Section 106 agreement or similar routeing agreement (unless suitable conditions could be imposed), that restricts HGV movements to and from the site to use the section of Sandy Lane to the south of the site only, appropriate signage will also be required to help enforce this, at the applicants expense.</p> <p>Request the imposition of conditions.</p>	<p>movements per day. There would also be traffic associated with employees and additional employees will be required towards the end of each cycle. It is expected that these employees will be recruited from an agency and transport being provided to/from the site via a minibus etc.</p> <p>The ES proposes mitigation measures for the potential impact of the HGV's and employee vehicular trips. These mitigation measures include a route for HGV's, the routing would be northbound on the B6047 Dalby Road and through Melton Mowbray, avoiding Great Dalby. It is proposed to have an HGV signing strategy, directing vehicles to exit via the appropriate route. There will be five passing bays along Sandy Lane to ensure the safe passage of vehicles. It is also proposed to improve the Sandy Lane/Site Access Road junction and the Sandy Lane/Aerodrome Road junction.</p> <p>The Highway Authority is satisfied with the proposed mitigation measures subject to conditions and routing agreement. Based on the proposed improvement to the highway surrounding the development and the anticipated quantity in traffic generated is not considered to result in a danger to highway users.</p> <p>The applicants have confirmed that they are willing to enter into a legal agreement.</p> <p>The NPPF states in paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are "severe". Having considered the likely traffic movements and the improvement proposed it is not considered that the proposal would have an impact on highway safety of the nature that would justify refusal of permission..</p>
<p>Travel Choice and Access Team – Public Rights of Way.</p> <p>The first 100m of the access road to the site is a recorded as a restricted byway, D106, this provides a link between Sandy Lane and Melton Road for non-motorised traffic. The proposed alterations to Sandy Lane have been noted, the access track and the road junction between the two to accommodate the increased traffic flows to the site. No objection in principle to proposal, but concern with regards to the more intensive use of this quiet road network in particular by HGVs.</p> <p>Installation of warning signs to drivers should be included in the highway works to be agreed with the Highway Authority under Section 278 of the Highways Act 1980.</p>	<p>Noted.</p> <p>The Highway Authority have been asked for advise and have stated that with the Section 278 Agreement to cover the highway works they can ask for warning signs to be provided as part of</p>

<p>The following comments should be noted which relate to the period of development should the proposal go ahead:</p> <ol style="list-style-type: none"> 1. The developer must ensure that the restricted byway is kept safe, open and available whilst construction work is going on. 2. No machinery of building materials should be stored on the right of way. 3. No new structures (gates or other barriers) should be placed <i>across</i> the route of the right of way without the prior consent of the Highway Authority. 	<p>those works.</p> <p>Noted, this can be imposed by means of a condition and informative.</p>
<p>Environment Agency – Originally raised objection to the proposal In the absence of an acceptable Flood Risk Assessment (FRA) and because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant.</p> <p>The Environment Agency also advised that the development will require a permit from the Environment Agency. The location of the proposed development is quite close to the village of Burton Lazars. It is also positioned so the prevailing wind may cause any odours created by the farm to reach the village. Down wind of the prevailing winds there are properties within 300 metres. There are also residential properties less than 100 metres away. They feel that there may be issues regarding odour that may be generated on site which may result in complaints from residents in the area.</p> <p>On submission of a Flood Risk Assessment the Environment Agency withdraws its objection subject to the imposition of condition. It also advises that they have issued an Environment Permit for this activity, Permit Number EPR/SP3634FL.</p>	<p>Noted, a flood risk assessment and details of foul drainage were submitted and the Environment Agency have raised no objection to the proposed development, subject to the imposition of conditions in relation to surface water drainage, pond construction and protection/mitigation for newts.</p> <p>The issue of odour has been noted and is addressed below. The Environment Agency have issue a permit for the operation of the site which will address odour issues (amongst other) environmental concerns under separate legislation.</p>
<p>Melton Borough Council Environment Health Officer : recommends conditions</p> <p>Based on the information submitted with the application, requested a qualitative assessment as there are sensitive receptors within 400m, they are Burton Hall and the Burton Hall Stable Complex. The Hall is converted to flats. The Stable Complex is converted to residential accommodation. There is no commercial farming activities associated with these properties.</p> <p>Comments on the Assessment of the Odour Impact of the Proposed Poultry Unit on land east of Sandy Lane received in October 2013</p> <p>Summary and Conclusions reproduced below:</p>	<p>Odour is regulated under the statutory nuisance provisions of the Environmental Protection Act 1990, in addition, odour is a consideration when applying for an environmental permit from the Environment Agency. A permit has already been granted for this proposed development by the Environment Agency.</p> <p>However, Policy BE1 of the adopted Local Plan states that there should be no adverse impact on the amenities of neighbouring properties. Policy C3 of the Local Plan also states that the development must not cause loss of amenities through unacceptable noise, smell, dust or other forms of pollution; and there should be no significant adverse effects on residential amenities. The NPPF states in paragraph 109 the</p>

“The aim is to focus in particular upon how odour emissions from the proposed poultry unit would affect the surrounding area.

Odour emissions from the proposed poultry unit have been assessed and quantified using an emissions ‘blueprint’ developed by ADAS, the Met Office and the Silsoe Research Institute. These emission rates were then used in atmospheric dispersion modelling in order to assess the impact of odour emissions from the proposed poultry unit in the area around the farm under two different scenarios. In Scenario 1 summer boost ventilation was modelled with low level horizontal discharge gable end wall fans and in Scenario 2 with high level vertical discharge end wall fans. The modelling was performed by the Met Office Rural Environment Team. The modelled off-site odour impacts from the proposed new poultry unit are all within or below the benchmark range of 3.0 ouE/m³ to 5.0 ouE/m³ at all discrete receptors. These impact levels are below levels which would cause any significant impact on residential amenity. The Scenario 2 (high level gable end summer ventilation boost fans) model output shows a beneficial reduction in off-site impacts in comparison with the proposed Scenario 1 (low level gable end wall fans) at the most sensitive receptors (Burton Hall and Hall Farm) with impacts reduced below 4.0 ouE/m³”

Scenario 1 above involves the proposed method of summer boost ventilation.

Scenario 2 provides involves an alternative summer boost ventilation with a better outcome particularly with regards to the nearest properties.

The findings of the report state that :

“The report uses computerised modelling to demonstrate that the nearest residential properties the modelled off-site odour impacts for the proposed poultry unit are within or below the benchmark range of 3.0 ouE/m³ to 5 ouE/m³ at all discrete receptors. These impact levels are below levels which would cause any significant impact on residential amenity”.

ADAS’ use of the figures above has been questioned as they differ from guidance of the Environment Agency. It was explained that these figures are taken from precedent, quoting an appeal decision This appeal referred to a Small Sewage Treatment Works. The inspector comments in the decision state; *“I consider that a more appropriate threshold in this case is 3 - 5 OUE/m³, the level of the DEFRA guidance’s “faint odour”.”*

planning system should prevent unacceptable levels of soil, air, water or noise pollution. Therefore, when considering the impact of a proposed development on residential amenities the issue of odour is a consideration.

The ES sets out to consider the likelihood of significant effects of odour and the need for mitigation measures. The ES considers potentially sensitive receptors, meteorological data and predicted operation effects. It was considered by the EHO that this information was insufficient to make a judgement on the potential odour impact of the proposal and a qualitative assessment was requested.

The assessment was submitted in October 2013 and concludes that these impact levels are below levels which would cause any significant impact on residential amenity. However, this has been challenged in respect of the Environment Agency’s guidance on odour (The Environmental Permitting Regulations; H4 Odour Management, 2011). **This applies a threshold of unacceptable odour levels which the predicted odour levels would exceed in some locations.**

The agent has stated that appeal decision have supported the higher level and have provided a single decision which related to a small water treatment plant. This is not considered to be the comparable to this proposed development; the Inspector concluded in respect of “this development” it cannot be interpreted to apply to all development. Therefore, it is considered reasonable to apply the guidance produced by the Environment Agency as this is used in respect of the permit issued.

When applying the guidance of the Environment Agency on this type of development, an intensive farming unit is classed as ‘moderately offensive’. The ADAS report submitted identifies residential properties within the Burton Hall complex and part of the Burton Hall Farm which are in a position which, based on the information available to this Authority, indicates the likelihood of unacceptable odour pollution.

Therefore, it is considered that the proposed development would have a detrimental impact on the nearby residential amenities of properties in respect of odour. Contrary to Policy BE1, C3 and the NPPF.

Defra Guidance "Odour Guidance for Local Authorities" states;

At 2.2.1 Odour Thresholds and Odour Units, provides the following guideline values:

- 1 ouE m⁻³ is the point of detection;
- 5 ouE m⁻³ is a faint odour; and
- 10 ouE m⁻³ is a distinct odour.

These figures are referenced to the Environment Agency document "H4 Odour Management-How to comply with your Environmental Permit " H4 states;

"Benchmark levels

The benchmarks are based on the 98th percentile of hourly average concentrations of odour modelled over a year at the site/installation boundary. The benchmarks are:

- 1.5 odour units for **most offensive** odours;
- 3 odour units for **moderately offensive** odours;
- 6 odour units for **less offensive** odours.

Any modelled results that project exposures above these benchmark levels, after taking uncertainty into account, indicates the likelihood of unacceptable odour pollution."

The ADAS modelling shows the Burton Hall complex and part of Burton Hall Farm as being positioned within the 3 to 5 odour isopleths ('contour lines' drawn on a map through all points of equal value of some measurable quantity).

It is therefore concluded that the Burton Hall complex of residential property and part of the Burton Hall Farm are in a position at which the information available indicates the likelihood of unacceptable odour pollution.

Noise

No objection to proposal subject to the imposition of a condition in relation to the extract ventilation fans. The condition should state that when adjusted in accordance with BS4142 the fans must not exceed 30dBA L90(5 minutes) when measured at the boundary of all residential accommodation within the Burton Hall complex, that is to include Burton Hall, the converted stables and the house named "Meneghie" and all residential properties associated with Burton Hall Farm.

The proposed development includes a ventilation management system which will control the ventilation rates according to the health and welfare needs of the birds. Each house will have high speed ridge-mounted extraction fans. The comments of the EHO are noted and it is considered that noise emissions from the ventilation units can be controlled by means of a condition.

English Heritage –

<p>Note that the site is to be densely developed for an intensive use on a small industrial scale and consider that it would have a harmful impact upon designated and undesignated heritage assets as well as on the setting of the scheduled monument.</p> <p>Undesignated assets – these structures are of local interest and significance and advice that the applicant should be required to record the buildings prior to them being demolished. This can be controlled by means of a condition.</p> <p>Scheduled monument – by virtue of the mass, height and proximity of the proposed structures the proposal will have some visual impact upon the setting of the scheduled monument. Need to consider if the harm can be mitigated by landscaping and tree planting.</p> <p>Overall, it is considered that the proposed development by virtue of its density, physical form and nature is likely to have a negative impact upon the setting of the scheduled monument which represents harm to its significance.</p> <p>English Heritage were consulted again after the mitigation proposals were received and advised that it is not necessary to consult them again on this application. Hence it is for the Authority to address national and local planning policy and guidance and the specific advice set out in their previous letter in relation to the setting of the adjacent scheduled monument and the undesignated World War II structures associated with Polish Displaced Persons. Notwithstanding this, the submitted additional information 'Sandy Lane Report' does not exhibit specialist knowledge or expertise in relation to the significance and setting of historic assets. It should not therefore be relied upon in understanding the significance of the nationally important designated remains of the Hospital of St Mary and St Lazarus or setting impacts upon that significance.</p>	<p>The site is adjoined immediately along the eastern boundary by a Scheduled Monument, the site of St Mary and St Lazarus hospital which dates for the 11th Century. The application site forms part of the setting of the scheduled site.</p> <p>On the site are a group of derelict WWII buildings that were originally associated with Melton airfield and were later used to house Polish nationals who had been displaced after the war. These buildings have no statutory designation. It can be conditioned, if consent is granted, that the prior to removal from the site that a full record of the buildings be taken.</p> <p>Noted, see below for an assessment of the proposal in relation to the Scheduled Monument.</p> <p>Noted, an assessment of the Scheduled Monument is contained below in the report (page 10).</p> <p>The applicants have stated that English Heritage have not raised an objection in relation to the impact of the proposed scheme on the SM and noted that the adverse impact on its setting could be mitigated through landscaping and increase tree planting. They consider that the revised scheme has addressed the concerns.</p>
<p>Leicestershire County Council Archaeologist: Objection;</p> <p>The site lies within an area of archaeological interest. Of particular significance are the designated earthwork remains, described in the scheduling description as a former medieval hospital complex of the Order of the Knights of St Lazarus of Jerusalem (SM ref.: 17029; HER ref.: MLE3475). The SM description notes that</p>	<p>The NPPF states, in relation to designated heritage assets, of which scheduled monuments are regarded as of the highest significance:</p> <p><i>When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through</i></p>

Burton Lazars was the principal English hospital of the Order, a military order especially devoted to the foundation and protection of Christian leper hospitals. More recent interpretation, suggests the site, rather than functioning as a hospital, may in fact have been the preceptory, or administrative headquarters of the Order. Excavations were undertaken on the building foundations by Charles Lindsay and the Duke of Rutland in 1913, which revealed a large fragment of pavement and a pair of 'round ovens', interpreted as tile kilns. More recent fieldwork identified dressed and decorative masonry fragments during dredging of the moats and recorded possible evidence of structures toward the southern edge of the site. Documentary records note the former presence of a chapel, gatehouse and chapter house, whilst there are likely to have been associated gardens and fishponds.

Following dissolution, a mansion house (owned in the 17th century by the Hartopp family) was built on the site, lasting until it was damaged by a storm in 1705. The mansion probably incorporated elements of the former buildings and grounds, modifying them as necessary and it is thought that many of the earthworks currently contained within the designated area are likely to relate to this later phase. It is therefore difficult to ascribe a particular function or date for many of the features present.

The current scheme occupies an irregular plot of land, immediately abutting the western edge of the scheduled monument. As such it imposes no direct impact upon the earthworks and probable buried remains of the designated heritage assets (hospital and/or preceptory, mansion house and gardens). However, it is possible that remains of, or associated with, the preceptory or mansion may extend outside the scheduled extent. In that context, appropriate provision for their investigation and recording should be provided for in the event of any future planning approval.

Of greater potential concern is the risk of significant detrimental impact upon the setting of the scheduled monument. The latter represents a material consideration in the planning process, and is detailed in the National Planning Policy Framework, para. 132:

In their opinion the current assessment presents an inadequate assessment of the impact of the scheme upon the setting of the nationally important designated archaeological remains of the preceptory of the Order of St Lazarus and the garden earthworks and remains of the Hartopp Mansion. We also recommended that, notwithstanding the suggested planting proposals,

alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification... Substantial harm to or loss of designated heritage assets of the highest significance, notable scheduled monuments,... should be wholly exceptional. (NPPF Paragraph 132).

*Where a proposed development will lead to substantial harm to ...[the] significance of a designated heritage asset, local planning authorities should **refuse** consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, ... (NPPF para 133)*

Of the subsequent clauses to paragraph 133, all of which require consideration, the only one that appears to offer any mitigation states:

The harm or loss is outweighed by the benefit of bringing the site back into use.

The adjoining site is a designated heritage asset of the highest significance as it is a scheduled monument. The area has also been identified as being of archaeological interest.

Impact on the Scheduled Monument

After seeking advice from English Heritage and LCC Archaeology it is clear that the proposed development would have an impact upon the setting of the scheduled monument (SM). **The assessment under the requirements of the NPPF is to consider whether this harm would be substantial or significant and whether it could be mitigated or whether the benefits of the scheme outweigh the harm.**

The proposed development adjoining the site is considered that impact directly upon the earthworks and probable buried remains of the SM and the setting of the SM. As a SM it is considered under paragraph 132 of the NPPF that **great weight** should be given to the asset's conservation.

It is considered that the density and massing of the

the scheme, in its present form, is likely to have a 'large' and detrimental effect on the setting of the designated assets. As such we object to the scheme and recommend refusal of the current application.

Currently the site comprises relatively densely planted deciduous woodland, surrounding four separate clusters of derelict former WWII airfield structures, understood to have functioned, at least in part, as an officers' mess, associated with Melton airfield (HER ref.: MLE15970). The buildings were subsequently used as part of a facility to house Polish displaced military personnel and civilians (MLE20531). In this context the site is of significant historic interest, warranting careful consideration and appropriate management in response to any redevelopment of the site.

On submission of further details;

Maintain previous recommendation for **refusal**. Feel the primary issue is over-development of the site. Would also like clearer information on smell and noise, neither of which appear to have been given great weight in the submitted report.

Purpose of the report: whilst, from a heritage perspective, the primary purpose of the report is the address the effects of the scheme upon the designated heritage asset (St Mary & St Lazarus's Hospital – Scheduled Monument), no reference is made to the known archaeological/heritage interest of the development area itself, as previously outlined the site forms part of RAF Melton Mowbray, a former WW2 airfield and post-war refugee centre (HER ref.: MLE15970 & 20531). The current scheme will lead to the destruction of all surviving physical traces of those sites within the boundary of the application. It is therefore essential that appropriate provision be made for those heritage assets. As discussed previously, this is a matter that can be dealt with by condition upon any approved planning application.

Location and extent of the SAM: published analysis of early to mid-16th century historical documents indicates that the application area lies within the holdings of the St Lazarus estate. With the exception of possible boundary features (e.g. ditches and/or banks), it seems unlikely, that archaeological remains directly associated with the hospital site occur within the current application area. The earthworks defining the western edge of the scheduled area appear to represent the perimeter of the preceptory, including a probable entrance located immediately adjacent to the NE corner of the

proposed development is significantly greater than that currently on the site. The location of the units allows for limited spaces for marginal landscaping, especially to the north and south-east. It is considered that a minimum 25m depth for screening, not including trackways and ponds, etc. A similar depth of screen should be extended along the south-eastern and northern boundaries. To achieve this level of screening would impact upon Sheds 1, 7 and 9.

The information submitted with the application accepts the scheme will have at least short term (up to year 15), high magnitude adverse impacts upon the designated heritage asset. The submitted report judges the impact to be of moderate significance to the visual setting of the monument. The long term (greater than 15 years) impacts are judged to be minor and of neutral significance. However, it is considered by LCC Archaeology that the scheme in its present form will result in **substantial harm** to the monument and its setting.

Paragraph 133 of the NPPF states that if as development will lead to substantial harm to a designated asset the **planning permission should be refused**. Paragraph 133 does go on to state that this is unless it can be demonstrated that substantial public benefits outweigh the harm.

Therefore, when making a judgement on the impact on the heritage asset the harm to the heritage asset will need to be judged against the benefits of the scheme. The benefits of this scheme, are considered to be the reuse of a brownfield site for economic growth, the stated environmental benefits through the removal of derelict buildings and the mitigation proposed.

The applicants argue that the scheme does not lead to substantial harm to or total loss of significance of a designated heritage asset, otherwise English Heritage would have stated this in their response. They consider that the scheme falls under paragraph 124 of the NPPF which deals with less than substantial harm and must be weighed against the public benefits of the proposal. In terms of public benefits the applicants have stated that the scheme provides a permanent solution to a nuisance site, will remove derelict buildings which presently detract from the asset. It will bring a range of employment opportunities and will promote agriculture in accordance with paragraph 28 of the NPPF.

English Heritage have advised that *'the proposed development by virtue of its density, physical form and nature is likely to have a negative impact upon the setting of the scheduled monument which*

development site. To the east, within the site, this entrance is defined by parallel banks and ditches, interpreted as a possible droveway with stock enclosures to either side (overlying earlier ridge and furrow cultivation). Effectively the northern, eastern and possibly south-eastern boundaries of the application site are likely to have been formed during the medieval period and may date from the consolidation of the order's holding during the 14th and 15th centuries, as the estate economy moved from arable to livestock - chiefly sheep - farming. Marcombe, drawing upon previous earthwork and landscape analysis of the site, suggests the droveway may have provided links to the Order's wider Leicestershire landholdings in the surrounding parishes and beyond.

Although there is no evidence on the ground, it is possible that the droveway may have extended westward, linking to Sandy Lane. The continuation of the parish boundary along the droveway, the northern edge of the application area and the access track to Sandy Lane, suggests a historic routeway. A second route is formed by the bridle path that passes to the north of the scheduled site, linking the Melton – Oakham Road with Sandy Lane, this is depicted on mapping dating from the early 19th century, historic documents apparently note this a 'Lange Dike', and it survives today as a distinctive landscape feature.

The Archaeological Remains: Within the scheduled area the archaeological remains survive as exceptionally well preserved earthwork features, in addition to buried archaeological remains. These features are readily accessible to the general public (open access land and several PROWs running SE across the site), some interpretation of the earthworks is available on site and they are clearly marked on the Ordnance Survey maps. The site has been the subject of academic and amateur study and publication. Previous limited archaeological excavation has shown that the earthworks and wider landscape preserve high quality buried archaeological deposits, recognition of which is afforded by the scheduling of the site, a designation reserved for only the best preserved and most important of heritage assets.

Landscape Character of the SAM: The hospital occupies a prominent location on the ridge to the west of Burton Lazars, the ground falls steeply to the SSE, and more gently to the west and north. As noted in the report views to and from the monument are especially open to the north and north-east, toward the main Melton-Oakham road (A606) as well as from the PROWs crossing the site toward Great Dalby. The proposed poultry farm will be located immediately adjacent to the

represents harm to its significance.' It is not considered that this therefore means that there would be less than substantial harm. The heritage asset is one of the highest significance and the Planning Authority needs to determine whether the negative impact described by English Heritage amounts to 'substantial harm' or a lesser level of harm. The harm then is then required to be balanced against the benefits of the scheme.

The application does propose some mitigation in terms of landscaping to the site. However, it is considered that the proposed landscaping is inadequate to alleviate the impacts of the scheme on the setting of the SM.

Whilst the scheme would bring a site back into use, as per paragraph 133 of the NPPF this is not a stand alone factor. It is not considered that the heritage asset prevents all reasonable use of the site or that the heritage assets ensure no viable use. Therefore, it is not considered that the proposal meets the exceptions specified in the NPPF.

Conclusion
Having considered the advice from LCC Archaeology and English Heritage it is considered that as the heritage asset is of the highest significance and the proposal, due to its density and massing on the boundary with the SM, will have substantial harm. It is considered that the environmental and economic benefits are limited and do not substantially outweigh the harm to the asset and therefore it is recommended that the application be refused in accordance with paragraph 132 and 133 of the NPPF.

western boundary of the scheduled monument, in a relatively recently developed copse of trees shrouding the former WW2 administration/accommodation buildings. Today the copse provides a clear visual boundary to the monument and a screen for the surviving derelict military structures. To the south and east, Burton Hall, Chestnut and Hall Farms all provide historically embedded features within the landscapes, their scale and form in keeping with the rural/agricultural setting of the monument.

Baseline Influence of the Poultry Farm Site on the SAM: It is broadly agreed that the existing derelict structures within the copse to the west of the monument are currently reasonably well screened from the monument, particularly during the Spring-Autumn period. However, It is interesting to note that the report still, however, identifies some local visibility of the present structures, given that the proposed scheme will significantly increase the density and scale of building within the site. A site visit (June 2013) confirms that even with the tree cover at its maximum thickness, the existing derelict buildings in the south-east corner of the application area are visible from within the scheduled site, despite the development of the current copse and fairly coherent hedges. The current landscaping proposals will substantially reduced the depth of tree cover along the eastern site boundary, and largely remove the existing cover to the north and south east, both aspects being visible from the monument and provide existing or historic entry points to the monument.

No mention is given within this section of the report to the likelihood, scale, or impact of noise or smell to the setting of the scheduled site, although subsequent comments touch upon the issue, and suggest some modest mitigation with regard to HGV movements.

The Proposed Scheme: The site visit suggests the derelict former WW2 structures are of a similar height to the poultry sheds proposed, although narrower and shorter in length; it might be helpful for clarification of this to be provided. The main point however, is clearly made that the extent, density and massing of the proposed development is significantly greater than currently present, leaving little room for marginal landscaping, especially to the north and south-east. Site inspection suggests the existing eastern boundary, shared with the scheduled monument, forms a reasonable screen for the present buildings but would require thickening and on-going maintenance to function in the context of the current proposals. I would suggest a minimum 25m depth for such a screen, not including

trackways and ponds, etc., a similar depth of screen should be extended along the south-eastern and northern boundaries. To achieve this level of screening would impact upon Sheds 1, 7 and 9. The addition of solar panels to the ‘south-facing’ (actually south-east or south-west) elevations of each to the sheds can only make the proposed structures more visible, I would suggest deleting the proposal for the southern-most of the sheds.

Predicted adverse effects on the SAM: The report accepts the scheme will have at least short term (up to year 15), high magnitude adverse impacts upon the designated heritage asset. The submitted report judges the impact to be of moderate significance to the visual setting of the monument. The long term (greater than 15 years) impacts are judged to be minor and of neutral significance. We would argue that the scheme in its present form will result in substantial harm to the monument and its setting.

Mitigation against Adverse Effects on the SAM: The report suggests up to an average distance of 30m between the eastern site boundary and the nearest edge of Shed 9. However plans show that the maximum depth of tree/shrub landscaping is around 10m. Much of the available area is occupied by the swale and permanent ponds or, to the south, by the HGV turning area. To the north and south of the site the screening will be partial or non-existent. Some of the landscaping/screening proposals are welcomed, notably that the existing eastern hedge boundary is to be retained and strengthened; however, the main screen to the present derelict structures is not formed by boundary but by the body of the copse. I see limited value in using of climbing plants and sedum roof given the overall scale and mass of development proposed. Similarly, the provision of an acoustic barrier to the HGV turning area is welcomed, however, it is also the noise and smell of industrial scale poultry farming that gives concern re setting of the monument.

Based on further assessment of aerial photographs and a site inspection, the copse appears to have been planted in the late 1980’s, the existing cover is probably around 20-25 years old, it is therefore difficult to envisage an effective screen developing, within a much narrower strip, in a shorter period. At around 5-10m deep it is considered that the proposed planting arrangements are inadequate to provide an effective visual screen and provide little or no effective management of either noise or smell. Neither of the latter issues is given any significant consideration within the scope of the report, despite the site lying immediately adjacent to the monument and to its south-west, frequently

<p>down-wind of the site.</p> <p>Conclusions:</p> <p>Concern that the proposed landscaping will be entirely inadequate to alleviate the impacts of the scheme on the setting of the SM. Whilst a limited depth of the existing tree cover is proposed for retention, it is focused predominantly to the east of the site, and is only some 5-10m in depth. Immediately to the north and especially to the south of the eastern edge of the development site, views to and from the SM will be open onto the development area. The report draws some parallels with the existing farm buildings to the south of the monument, these are both partially down slope of the monument, and most significantly of a very different scale, density and massing. The single silo at Hall Farm is entirely in keeping with the historic agricultural use of the site and surrounding landscape. It is recommended that a significantly more robust landscaping scheme is necessary, in addition to consideration of the effects of odour and noise associated with the operation of the site on the setting of the scheduled monument. In its present form, we take the view that the scheme constitutes substantial harm to the scheduled monument owing to its high magnitude of adverse visual impact, and potential, currently unquantified, odour and noise impacts upon the statutorily designated heritage asset.</p>	
<p>Conservation Officer</p> <p>The site is currently derelict but still displays some Nissan hut buildings which probably date back to WWII and were possibly associated with the Dalby airfield. As such these must be considered to be heritage assets of some significance and although in poor condition these are important buildings in terms of the social history of the town and its wartime associations. In those terms their loss would be regrettable and a full record would need to be made prior to demolition, should consent be granted.</p> <p>Furthermore there is a Scheduled Monument Site (St Mary the Virgin and St Lazarus Hospital) abutting the site and its setting will of course be affected to a degree by any new development. This is of course a designated heritage asset.</p> <p>In those terms there will surely be archaeological implications to this proposal on both the development site and SM.</p> <p>Assuming from the description that the site was previously used as a poultry farm and the current buildings were utilised for that purpose. The site</p>	<p>Noted. English Heritage, LCC Archaeology and the Conservation Officer have stated the importance of the existing huts on the site. These are not a designated asset but are considered to be historically important buildings. It can be conditioned, if consent granted, that the prior to removal from the site that a full record of the buildings be taken.</p> <p>Noted, see above under Archaeology.</p> <p>A landscaping scheme has been submitted showing the retention of plantation trees along the north east and eastern boundary as well as</p>

<p>is also particularly well screened by a belt of mature trees and as such careful positioning of proposed new buildings would ensure that they are screened from view from the SM and more distantly.</p> <p>The heritage assets within the closest village, Burton Lazars, are sufficiently distant as not to be directly affected by the proposal.</p>	<p>additional tree planting.</p> <p>Noted, the village of Burton Lazars and the south of Melton Mowbray have no designated Conservation Area. There are two listed buildings in Burton Lazars, the church of St. James and Chestnut Farm. Chestnut Farm is located 450 metres from the site boundary and the church is 640 metres from the proposal separated by the A606. It is considered that the proposed development is sufficient distance from the proposed development to not have a detrimental impact on the setting of these listed buildings.</p>
<p>Melton Civic Society: Objection The environmental impact of such a development would be detrimental to the area; the cumulative effect of noise, odours, waste disposal, and additional traffic would be extremely unpleasant and adversely affect the quality of life of many of Melton Borough's residents.</p> <p>However, the foremost issue is the proximity of the proposed development to the Scheduled Ancient Monument of the Burton Lazars Leper Hospital. This site is of major national importance. It was the headquarters of the Order of St. Lazarus in England and was joined by a road, guarded by a gatehouse, to Sandy Lane (once called the London Road). Thus the area to the west of the Scheduled Ancient Monument is archaeologically important.</p> <p>The National Planning Policy Framework emphasises the need to conserve and enhance the historic environment (Section12) and states that "Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting" (para 132). A poultry farm located in the setting of the Scheduled Ancient Monument would cause irreparable damage.</p>	<p>Noted, these issues are addressed within the report above.</p>
<p>Natural England: Natural England objected to this application on two grounds. The first was on grounds that the application's drainage scheme / information provided was insufficient and therefore it was likely the schemes implementation would damage or destroy the interest features for which the River Eye SSSI had been notified. Secondly, that the application provided insufficient information in respect of Great Crested Newts and Bats. The ecological survey submitted with this application had not identified that there will be any significant</p>	<p>When considering this application Paragraph 118 of the NPPF states that Local Planning Authorities should aim to conserve and enhance biodiversity. It goes on to state that if significant harm resulting from the development cannot be avoided, adequately mitigated or compensated for then planning permission should be refused. It also states that opportunities to incorporate biodiversity in and around the developments should be encouraged.</p> <p>It has been identified that there is a large and</p>

<p>impacts on statutorily protected sites, species or on priority Biodiversity Action Plan (BAP) habitats as a result of this proposal.</p> <p>Following the review of the applicant's Flood Risk Assessment (July 2013, Waterman Boreham Limited), Natural England removes its objection to this development which related to drainage concerns affecting the River Eye SSSI. Natural England is content that the special interest features for which the River Eye SSSI is notified will not be affected.</p> <p>It is evident that a large and significant population of Great crested newts exists on and around the site. The pond on site appears to be the focus of, and support, a significant proportion of this population as does the immediate surrounding habitat, yet both the pond and this habitat are intended for removal. Natural England's Great crested newt mitigation guidelines require new mitigation ponds to be constructed at least 6 months prior to translocation and for proposed refuge sites to be of equivalent size to the habitat lost. The application proposals do not adhere to these requirements and therefore their objection in respect of Great crested newts must be maintained. Therefore, our objection in respect of Great crested newts remains unchanged. From the information provided in support of the application, it appears that evidence of great crested newts has been found on, or in the vicinity of the site and, individuals and/or their breeding sites and resting places may be affected by the proposals. Unfortunately the information supplied is insufficient for Natural England to provide advice on the likely impact on the species.</p> <p>Natural England removes its previous objection to the proposed development. On the basis of the information available to them, their advice is that the proposed development is likely to affect bats through disturbance of a European protected species and the damage or destruction of a breeding site or resting place. We are satisfied however that the proposed mitigation is broadly in accordance with the requirements of the Bat mitigation guidelines and should maintain the population identified in the survey report. Recommends conditions.</p>	<p>significant population of Great Crested newts on and around the site and will be affected by the proposal. It is considered that on the basis of the information provided that the proposal would have an adverse impact on great crested newts and would not be compliant with paragraph 118 of the NPPF.</p>
<p>LCC Ecology: objection</p> <p>Bats. The surveys revealed a small amount of bat activity/roosting within Building E. Satisfied with the mitigation proposed in section 5.3 of EMEC's report.</p> <p>Barn Owls The surveys revealed roosting within Building E.</p>	<p>Noted</p>

Satisfied with the mitigation proposed in section 5.3 of EMEC's report.

Badger.

The survey found the sett in the NE corner to be an outlier. There was no badger activity recorded in the holes in the centre of the site. Satisfied that the impact on badgers can be mitigated. However, don't understand why the sett needs to be closed during the construction; this seems to be an unnecessary degree of disturbance.

Great Crested Newts.

A very significant and large population of GCNs was discovered, dispersed over a cluster of ponds in farmland and parkland around the development site. The pond within the site itself supported a medium-sized population in its own right. The pond would be lost as a result of the development, and a significant amount of good newt-foraging habitat around the pond would also be lost (scrub, rough grassland, ditches, rubble, etc.) Whilst there is no immediate threat known to the remaining ponds in the cluster, they are in different ownership and therefore their continued survival cannot be guaranteed or tied into a planning approval.

EMEC have provided a mitigation strategy for GCNs. This involves trapping and removal of GCNs from the pond and the rest of the development site, under licence from Natural England, and exclusion of newts from the site during construction. After construction, 2 new ponds will be created in compensation for the lost pond.

Two concerns about the mitigation plan:

1. GCNs removed from site during trapping will be placed in one of 3 refuges or receptor areas – see fig 4 of EMEC's report. One of these is along the main construction access and one is directly adjacent to the construction site and is a narrow corridor sandwiched between the site boundary and the development. These two refuges areas have very tenuous links to the proposed replacement ponds, and due to their narrowness and potential for disturbance, during construction and in future, it is not felt that they are acceptable. The third refuge site is better; a new pond is proposed here within an area of meadow grassland, and it is a larger area. However, the main concern is that it appears that the replacement ponds are proposed to be constructed AFTER development. Pond construction is also not shown on the mitigation timetable in

Noted, **LCC Ecology have recommend refusal on the basis that it is not possible to adequately mitigate for the impact on a European Protected species (Great Crested Newt), in accordance with NPPF paragraph 118 and the ODPM Circular 06/2005.**

<p>table 6.5. This is entirely against Natural England's recommendations in their Great Crested Newt mitigation guidelines (2001) - see para 8.3, which states towards the end of p.40 that new ponds should be constructed at least 6 months prior to translocation. Habitat creation after construction means that the newt refuges will be disturbed again, and they will have to endure an unspecified amount of time before a replacement habitat is made for them. This is not considered to be acceptable.</p> <p>2. The second concern is the loss of terrestrial habitat. The development site is currently scrub, rough grasslands and rubble piles etc. It presents by far the best and largest area of terrestrial foraging available to the population of GCNs. Apart from the grounds of Burton Lazars Hall, the rest of the population is dispersed over an area of arable and grazing land, which is not good amphibian foraging habitat. In these areas, GCNs will be mainly confined to hedges and ditches and small patches of scrub. It is felt that the development site is probably the focus for the population; it is centrally placed, and greater quantities of GCNs were found in the on-site pond than in other ponds in the cluster – this may be due to the quality of terrestrial habitat immediately around the pond. Some compensatory habitat creation is proposed as part of the development, but it is minimal and in no way compensates for the loss – note that Natural England's Great Crested Newt mitigation guidelines (2001) in 8.2.4 state that receptor sites should be 'of equivalent size to the habitat due to be lost'. This is clearly not the case here, as there is in effect no new habitat to be provided, whereas perhaps 80% will be permanently lost. In addition, connectivity along the SE and SW edges is very poor, as the development is almost up against the boundary of the site. GCNs would be constrained to a narrow corridor, which would be prone to disturbance in the future, and connectivity to the part of the population to the south of the development site (and to the pond immediately adjacent at the southern tip of the site) might be lost and at best severely compromised.</p> <p>The conclusion therefore is that it is not possible to adequately mitigate for the impact on Great</p>	
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<p>Crested Newts, and therefore recommend refusal of the application on these grounds, in accordance with paragraph 118 of the NPPF, and paragraph 98 of the ODPM Circular 06/2005 (Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system).</p> <p>It is felt that the problem is over-development of the site, which leaves virtually no scope for mitigation or compensation and creates difficulties with phasing the mitigation and construction works, unless additional adjacent land could be acquired purely for GCN mitigation. A smaller scheme of perhaps half the area of built development might be acceptable, in that it would allow better opportunities for habitat compensation and would allow retention of corridors along the boundaries. This would allow for better connectivity within the population outside the site boundary, and would permit better phasing and integration of the construction with the mitigation and licensing for GCNs. If this was possible, then it would be recommend that the north-eastern and south-eastern edges at least are retained with wide connecting corridors, as it is felt it is most important to retain connection with the ponds at the old Hospital site, the Hall and the pond immediately adjacent.</p>	
<p>Burton and Dalby Parish Council – Object</p> <p><u>Local Plan –</u></p> <p>Intensive food production units and central grain stores are usually of an industrial design and create greater environmental problems than general agricultural buildings (para 6.23). It is therefore important that good access to classified roads is available and that the units are located well away from residential areas.</p> <p><i>Policy C3 –</i> the site is on the highest point in the area and the landscaping is predicted to have 15 year period to predominantly offset the adverse visual impact.</p> <p>The materials are not appropriate being immediately adjacent to a Scheduled Ancient monument of National Importance.</p> <p>Loss of amenities – the area is used by residents of Melton Mowbray and Burton Lazars for recreational purposes and borders a National</p>	<p>The comments of the Parish Council are noted and are echoed in the significant number of objections reported below.</p> <p>Local Plan Policy OS2 supports agricultural development within the open countryside whilst policy C3 stipulates; amongst other criteria for new buildings, that development would not cause loss of amenities through unacceptable noise, smell, dust or other forms of pollution. An assessment in respect of the impact of noise, smell, dust and pollution is considered within the report above.</p> <p>The materials proposed are considered to be suitable for the nature and type of building and soften their visual appearance.</p> <p>Noted, an assessment in relation to the National Cycle Route, Village Hall and SM is contained within the report</p> <p>Noted, this is assessed within the report above.</p>

<p>Cycle Route, in addition to many visitors and students to the Scheduled Monument. It is immediately upwind from the village hall that serves 10,000 visitors each year for a variety of amenity pursuits.</p> <p>Noise, smell, dust or other forms of pollution – Independent Academic Study demonstrate that an annual throughput of 3 million broilers would produce in excess of 9,000 tonnes of ‘fresh’ manure. This yields, assuming ideal husbandry conditions –</p> <ul style="list-style-type: none"> • 3,000 + tonnes pa. of ‘solid’ or 4000 tonnes of bedding every six week cycle; and • 6,000+ tonnes pa. of ‘odour laden evaporate’ vented directly into the atmosphere, UPWIND and within 400 metres of 27 private homes, one grade 2 Listed, with another 46 homes within 600 metres. <p>Residential amenity – the Environment Agency advises that the ‘location of the proposed development is quite close to the village of Burton Lazars. It is also positioned so the prevailing wind may cause any odours created by the farm to reach the village. Down wind of the prevailing winds there are properties within 300 metres. There are also residential properties less than 100 metres away. We feel that there may be issues regarding odour that may be generated on site which may result in complaints from residential in the area’. The applicants have failed to address this issue.</p> <p><i>Policy BE11-</i></p> <p>This development offers little benefit to the local economy, offering two full time jobs for which they demand 2 three bed bungalows in a non-sustainable location. Set against this is the amenity value of the Scheduled Ancient Monument, the premier Leper Hospital in 12th Century England. The whole of this site, in line with the prevailing wind, will be adversely affected by smell, dust and noise. This location is entirely unsuitable for any form of intensive animal rearing as set out in 6.23 of the Retained Local Plan.</p> <p><u>NPPF –</u></p> <p>Sustainable Development – Environmental Role – the application is incompatible and would serials damage the natural, built and historic environment.</p> <p>Positive improvement in the quality of the built, natural and historic environment, as well as in</p>	<p>Noted, this is assessed within the report. Additional information supplied has been quantitatively assessed and it is concluded it shows that some nearby dwellings will be exposed to unacceptable levels of odour.</p> <p>The proposal is considered to have some environmental benefit in reusing a brownfield site for development in this location. The site is currently derelict and has been subject to vandalism and flytipping.</p> <p>The proposal is also supported in terms of the NPPF by providing economic growth which is given significant weight (paragraph 19 of the NPPF, and rural economic growth). The applicants have stated that as well as 2 full time workers on site there would be 13 FTE jobs created by the development. The have also stated that they would be prepared in principle to enter into a planning obligation that secures training and employment opportunities for local people and in respect of the construction phases, to work with Construction Futures.</p> <p>These benefit would need to be balanced against any harm of the proposal, an assessment of which is contained within the report.</p>
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<p>people's quality of life – the massive wave of local objections shows concern over all these aspects.</p> <p>Core Principles –</p> <ul style="list-style-type: none"> • Recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it; • Be a creative exercise in finding ways to enhance and improve the places in which people live their lives; • Conserve heritage assets in a manner appropriate to their significant, so that they can be enjoyed for their contribution to the quality of life and this and future generations <p>The application overwhelmingly contravenes these principles.</p> <p>Natural Environment – The Environment Agencies Officer has stated in writing that this new development will lead to complaint and therefore must surely be considered 'unacceptable risk'. The applicant accepts that there will be air pollution in their own Environmental Statement.</p> <p>Paragraphs 109, 120 and 122 encapsulate the primary objections and the Parish have demonstrated that this proposed development in 'not appropriate for this location' and 'is not an acceptable use of this land'.</p> <p>Historic Environment – The Local Plan paragraph 6.23 and BE11 offer protection against such development.</p> <p>The new development is hugely negative in respect of contribution to local character and distinctiveness.</p> <p>The benefits of the proposal are clearly not 'wholly exceptional' when compared to the Scheduled Ancient Monument of National Importance.</p> <p>Request for site visits from Burton Hall, Lime Street, Chestnut Farm (Grade 2), Child Close, the village hall and Church.</p> <p><u>Comments on the Environmental Statement and Planning Justification Statement:</u></p> <p>The statement that the site if not developed will continue to attract tipping and anti-social behaviour is irrelevant in planning terms. This is an issue of enforcement and there is adequate legislation available to solve the problem.</p> <p>Sandy Lane is a designated National Cycling</p>	<p>Noted, this is assessed within the report above.</p> <p>Noted, this is assessed within the report.</p> <p>Noted, if the proposal is not considered acceptable then state of the site can be controlled by other legislation.</p> <p>Noted, this is assessed within the report.</p>
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Route and is used by a significant number of residents from the surrounding area for amenity and recreational purposes.

Statements in relation to **odour** (distance, properties, sensitive receptors) are the most important, relevant and factually incorrect in the whole of the applicants EIA and Planning justification statements.

The detail is so deeply flawed that it can only have been written either with the intent to deceive or by using a simple superficial desk study from an OS map.

- Burton Hall is in fact wholly residential consisting of some 24 properties with no association to agriculture – therefore very sensitive not slightly sensitive as in the ES.
- Hall Farm should be sensitivity moderate.
- The village Hall accommodates 10,000+ ‘users’ per annum, in use 7 days per week. The external amenity space to the rear of the hall has, with the aid of several recent grants, been further developed for a variety of uses including children’s parties, wedding receptions, barbeques, coffee mornings and as an added amenity for a host of other events should be very sensitive.
- Childs Cottage is a private residence and has no association with agriculture – very sensitive.

The Parish has identified eight points on the map which are all within 600 metres of the site. They are all, except, Hall Farm, private residence and must be classified as highly sensitive.

There are 26 private residences within 400m metres and downwind making them very sensitive, Chestnut Farm is a private residence and grade 2 Listed within 400 metres and downwind, very sensitive. 46 private homes are within 400 to 600 metres, plus the village Hall, St James Church and the Garden of Remembrance, again downwind, very sensitive. There are a further 126 private homes situated down wind in the village, all ignored and all within 1,050 metres, very sensitive. In view of this the predicted operation effect are considered to be worthless.

Archaeology

The Church is only 600 metres downwind from the site.

Visitors to the Scheduled Monument would be immediate adjacent to the pollution.

Noted, there are errors within the report and the ES. However, the information submitted by the applicants is not accepted unchallenged and is independently assessed through a range of factors including site visits, maps and local knowledge.

Noted, this is assessed within the report above.

<p>The visual impact would be dramatic due to the size and height of the buildings.</p> <p>The schedules site is not adjacent to farm buildings issuing odour, dust or noise pollution.</p> <p>The new perimeter vegetation will take 15 years to mature and implies that even after this period there will still remain an adverse impact whilst clearly failing to recognise the designated status of national importance.</p> <p>Landscape and Visual Amenity</p> <p>This is a site of 10.5 acres. The feed silos alone will intrude some 8.5 metres into the skyline, which be admission is on the highest land in the area. Part of the Green Infrastructure, this area has been designated specifically to maintain the spatial character and setting of the ‘area of separation’ between Burton Lazars and Melton Mowbray.</p> <p>The Site and Setting</p> <p>The Local Authority has only ever licensed the site for a small unit on a temporary basis. The current application is not the original, traditional, poultry farm.</p> <p>Alternatives to the Project</p> <p>Statement by the applicant is contradictory in terms of alternative sites stating that no other locations have been considered since is the only site in their ownership to meet requirements of Moy Park and that alternative sites have been considered. Moy Park have publically stated that they are not part of, nor party to, this application which undermines the use of their name and the business plan. This is a speculative and opportunistic attempt by a developer of residential properties.</p> <p>Local Road Network</p> <p>There is no provision for the increase in vehicular movement created by the proposed 2 x 3 bedroomed bungalows.</p> <p>The application provides 2 full time jobs in the area. The claim that the equivalent of 15 new positions would benefit Melton is false, as the agencies providing temporary staff, for one week at a time, at 6 weekly intervals, are unlikely to involve local staff, being used on such a temporary and intermittent basis.</p> <p>Workers Dwellings</p>	<p>Noted, this is assessed within the report.</p> <p>Noted, the proposal is for an intensive agricultural production unit.</p> <p>Noted.</p> <p>Noted, the application has been assessed by the Highway Authority who have not objected in respect of vehicular movements and highway safety.</p>
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<p>The actual reasoning for the erection of two properties lies with levels of profitability, not security or welfare of the livestock. How many other businesses require 7 day, 24 hour cover, build housing to accommodate this need?</p> <p>Housing is available locally if required. However, the provision of sufficient staffing levels would easily accomplish adequate cover and provide more permanent local employment but would impact on profitability.</p> <p>Comments on the ADAS Odour Report; A superficial report which contains errors and omissions and more importantly fails to properly model a cross section of scenario's from best to worst case.</p> <p>Odour emissions can be at their highest levels when buildings are cleaned out at the end of each bird crop. However according to independent specialist advice and acknowledged on p.7 at 3.2 in the report there is no satisfactory method of theoretically quantifying emissions from these operations to allow odour impact to be modelled and this is confirmed by environmental officers. These facts alone, added to the statements by 3 separate specialist officers of the Environment Agency who predict both odour problems and totally undermine the validity of 'predictive' environmental assessment modelling, suggest this document is of no value when deciding the suitability of the Sandy Lane site.</p>	<p>Noted, this is assessed within the report below.</p> <p>Noted, an assessment of the ADAS report is contained within the report above.</p>
<p>Seven Trent Water Authority: No objection, subject to the imposition of conditions in relation to surface and foul sewage.</p>	<p>Noted.</p>
<p>CPRE: Objection</p> <p>In April 2011 Melton Borough Council invited CPRE (the Campaign to Protect Rural England) to attend a consultation on the 6Cs Green Infrastructure Strategy. The consultation identified link corridors and networks of multifunctional greenspace which contribute to the type of high quality natural & built environment historic & other existing assets required to deliver sustainable communities. networks including sustainable transport. This document shows Sandy Lane as the most significant, all weather route from the centre of Melton Mowbray to the south, linking the residential areas of Dorian, Craven and Warwick wards and their 5 schools to Sustrans National Cycle Network route 64, the Leicestershire Round and Burrough Hill Country Park, in addition it offers footpath links to Great Dalby and Burton Lazars. The Green Spaces Consultation document identified the route as a City Scale Green</p>	<p>Noted, the proposed development is considered to have a limited impact on the green corridor. The site is considered to be a brownfield site with existing buildings and tracks. The proposal is not considered to have an adverse impact on the highway or public footpath (see commentary above).</p> <p>The Highway Authority have advised that whilst Sandy Lane is on the National Cycle Route, this on its own would not be sufficient to recommend refusal of the planning application, especially as the developer is proposing to carry out works to improve the route, by series of passing bays and junction improvements.</p>

<p>Infrastructure Corridor (Fig 4.4)</p> <p>The purpose of the Green Infrastructure Strategy is to reduce and mitigate the impacts of development on the environment and communities. To ensure that the Borough's communities have access to well maintained, usable green spaces that meet the various needs of the community.</p> <p>Sandy Lane is a well used and popular leisure route that retains a quiet rural character. The proposed industrial scale poultry farm (12/00310/FUL) would generate heavy traffic and have an unacceptable impact this route. In addition, the environmental impact of associated smells would not only impair its leisure use but would also badly affect the nearby residential areas and the neighboring scheduled ancient monument.</p> <p>The site is in an elevated location and has well established tree screening at present, yet the size of the proposal would require these trees to be removed and new ones planted, taking time for them to establish and with little space for them to flourish.</p> <p>The proposed poultry farm is too large in scale and is not appropriate for such a sensitive and elevated location.</p> <p>Poultry kept in confined buildings require constant ventilation and the fans carry out not only stale air but dust and small feathers. Given the prevailing wind direction much of this would be carried onto the SAM having a considerable effect on the ambience experienced by visitors to the site.</p>	<p>Noted, the area has a number of trees which screen the existing building on the site from the north, east and south east. The site is more exposed when viewed from the south west. If the proposal is considered acceptable then a landscape condition requiring replacement planting would be required. It is acknowledged that this would take some time for them to become established.</p> <p>An assessment of the size and scale of the proposal in relation to the location is contained below.</p> <p>Noted, an assessment of noise and odour is contained in the report above.</p>
<p>Agricultural Advisor:</p> <p>Advice: that there is an essential need for one agricultural dwelling to be sited adjacent to the unit on the proposed site, and enable the manager of the unit to be available to provide any essential need necessary outside normal working hours.</p>	<p>Noted. The application proposes two dwellings to enable a manager and assistant manager to live on site. A planning justification statement for the permanent farm worker dwellings has been submitted as part of the application. This statement has been assessed by an agricultural advisor who has stated that there is only an essential need for one dwelling.</p> <p>It is considered that as the site is within 800 metres (1/2 mile) of Melton Mowbray, where there are dwellings suitable and available to house the assistance manager. Any alarm calls could be responded to with 5 to 20 minutes.</p> <p>The applicants have submitted information in respect of a prospective operator of the proposed scheme dealing with the number of on-site staff</p>

	<p>required to operate the farm and therefore the number of dwellings required. This evidence has been considered by our advisor who still maintains that there is only an essential need for one agricultural dwelling on the site. The applicant has stated that the operator's preference would be for two dwellings.</p> <p>An assessment of the need for two agricultural dwellings on the site will need to be considered as part of the balance of the merits of the application on the basis of the advice received. However, the concession to housing in the countryside within the NPPF is where there is 'essential need' for on-site accommodation, and the description of it as a preference is not considered to meet this specification.</p>
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Representations:

A site notice was posted at the site entrance along with a notice published in the local press. As a result 143 separate letters of objection representing objections from 89 households and groups have been received to date. Additional letters have been submitted from objectors in relation to additional information and these have been counted in the above numbers. The objectors have commented on the proposal on the following grounds:

Representations	Assessment of Head of Regulatory Services
<p>Character and appearance of area:</p> <p>Detrimental impact on the surrounding countryside. This type of factory is out of keeping with the nature and character of the surrounding countryside.</p> <p>The site is located substantially above the surrounding area.</p> <p>Industrial development is unsuitable for this location.</p> <p>A 10 acre site with grain silos approaching 30 feet high and multiple buildings would be enormously prominent and an eyesore.</p> <p>The landscape proposals are inadequate.</p> <p>Claims of screening by mature ash trees, the screening would disappear if the forecast spread of 'ash die back' affect the area.</p>	<p>The application proposes the erection of poultry farm which would comprise of nine poultry units each with associated grain store. Each unit (shed) would have a ridge height of 4.56m with the vents extending a further 0.70m in height. Units 1 – 8 are proposed to be 91.44m long and 20.117m wide. Unit 9 is the same width but 88.34m long. The total floorspace of the units would be 16,433m² allowing for up to 350,000 birds. The grain silos would have a maximum height of 8.52 metres. To the north of the site would be a water tank which is 2.3m high.</p> <p>Within the site the sheds are arranged in a group of seven orientate northeast to south west and a group of two sheds orientated northwest to southeast. To the north of the site would be two x 3 bed. bungalows and a GP building.</p> <p>The sheds are proposed to be constructed of corrugated panels.</p> <p>The application proposes a landscaping scheme to mitigate the proposed development.</p> <p>It is agreed that the proposal is an intensive agricultural unit and is on a large scale. The appearance of the sheds are considered not to be unusual within the open countryside. The site is considered to be previously developed and has existing structures within the site. Whilst the proposed units are not of the same size, scale and density as the existing units they have been designed to be typical of this type of farming</p>

<p>Claims that it is clearing the site which is subject to vandalism – better is the Council issue an enforcement notice ordering to clean up the site and return it to an acceptable state.</p> <p>Does not make a positive contribution to the local character and distinctiveness of the village.</p> <p>Would be a blight on the village.</p>	<p>practice. Proposed landscaping will provide visual screening.</p> <p>It is not considered that the buildings in this location would have an unduly detrimental impact upon the character of the countryside.</p> <p>The site has a number of existing buildings but has been left in a state of disrepair and has been subject to vandalism. Whilst leaving a site to be derelict is not considered to be grounds to allow development the reuse of brownfield site is encouraged in the NPPF, paragraph 111. It should be acknowledged that developing the site can be considered to be an environmental benefit which should be given some weight in considering the benefits of the application.</p> <p>The site lies within approximately 550 metres of the main residential area of Burton Lazars. The site is separated by various fields, a Scheduled Monument and the proposed screening to the eastern boundary. Due to the distance separation, various field boundaries and screening it is not considered that the proposal would have an adverse impact on the character of the village.</p>
<p>Impact upon the Highway:</p> <p>Sandy Lane is residential and is not adequate for heavy transport.</p> <p>Danger to pedestrians and cyclists from heavy traffic on unsuitable road.</p> <p>Sandy Lane is a narrow road and a designated cycleway and bridlepath unsuited to HGV's.</p> <p>The infrastructure is not suitable for the amount of heavy traffic.</p> <p>A right turn out of the site will force HGV's into a residential area where there are further narrow roads, schools for small children and turnings with obscured views.</p> <p>If the trucks break the rules, they head along unsuitable road into the tranquil village of Dalby.</p> <p>Need to consider vehicle movements to collect waste and the 390,000 chickens, feed and employees.</p> <p>Lorries used are huge and will not be able to traverse the roads without difficulty, particularly the estate roads.</p> <p>Sandy Lane forms part of the Sustrans National Cycle Network. National Route 64 runs from Market Harborough via Melton Mowbray (along Sandy Lane) and Newark-on-Trent to</p>	<p>Please see Highways comments above and response to them.</p> <p>The proposed use of Sandy Lane by the Poultry Farm should not create any more dangers to existing road users than currently exist. The provision of passing bays should improve the road. Currently the road is lightly trafficked, but the increase in traffic likely to be generated is relatively small. Currently any walkers using Sandy Lane would have to move on to the grass verge to avoid existing vehicles, and this would be the same for the traffic generated by the Poultry Farm. It could perhaps be argued that the relatively small number of HGVs generated, may lead to vehicle speeds reducing on Sandy Lane, which would be beneficial. Currently Sandy Lane will have agricultural vehicles using it, so the problems identified already exist to some degree, and there have not been any reported personal injury accidents within the last 5 years.</p> <p>It is not considered that the proposal could be resisted on highway safety grounds, given the improvements proposed to Sandy Lane.</p> <p>With regard to the concerns that HGV's will not keep to their restrictions this is a matter that can be controlled by the Planning and process and enforced by the Authority, it would not be reasonable to seek to resist the planning application on the grounds that it was feared the applicant would not comply to the</p>

<p>Lincoln. The intended purpose of such is to encourage families and children to venture into the countryside from towns to enjoy cycling. This forms a route from the town into the quieter roads to the south from the residential areas in the town. HGVs using the lane would take up all of the road as the lane is only single track. This is contrary to the ethos of Sustrans and would adversely affect this already established route.</p> <p>Bus services on the A606 and Sandy Lane are infrequent making them unsuitable for shift-based work. There is no suitable public transport framework here.</p> <p>If ring road built there is no access to site from northerly direction only from the south. Access will be maintain by ramp footbridge over the road over ring road as it is route 64 cyclists.</p>	<p>conditions/restrictions placed upon it.</p> <p>With regard to HGV movements the TA includes movements for litter collection (waste).</p> <p>Regarding Swallowdale School, given the relatively high flows of traffic on Dalby Road already, the increase in traffic passing the school as a result of the development will be insignificant and therefore there could be no requirement for the developer to fund any measures on Dalby Road outside the school nor could a reason for refusal be justified on that basis.</p> <p>The highway authority have advised that whilst Sandy Lane is on the National Cycle Route, this on its own would not be sufficient to recommend refusal of the planning application, especially as the developer is proposing to carry out works to improve the route, by series of passing bays and junction improvements.</p> <p>No objection has been received by the Highways Authority and it is considered that a refusal based upon the increase in traffic movements could not be supported in this instance.</p>
<p>Impact on Residential Amenities:</p> <p>Too close to residential properties and the village facilities of the Village Hall and the Church of St James.</p> <p>The site is within only 250 metres of the closest 25 properties, barely 500 metres from properties on Lime Street, the Bovis Estate and village hall.</p> <p>Burton Hall is only 250 metres from the proposal</p> <p>The Regulations suggest that this type of development should be a minimum of 400 metres from residences.</p> <p>Impact on the peace and tranquillity of village life for families and future families.</p> <p>The maps and plans are wrong and should be rejected for this alone. The site is too close to dwellings, Burton Hall and Quenby Park. Both will be directly affected.</p> <p>The odour and pollution will affect use of gardens and quality of life.</p> <p>Airborne contamination will adversely affect all the residents of Burton Lazars.</p> <p>Affect the quality of life of the residents.</p> <p>Intensive factory farming too close to residential</p>	<p>A significant number of objections have been received in relation to the proximity of the proposed development to residential properties. There are a number of properties within 250 metres and information contained within the application have made errors in respect of some of the distances.</p> <p>The main concern is in respect of noise and odour and the impact that this would have on the amenities of these properties and their enjoyment of the outdoor space. An assessment in respect of noise and odour is contained above within the report.</p> <p>The development will also need to be assessed in respect of the impact of the proposed on residential privacy and outlook. Due to the distance separations involved and the nature of the buildings it is not considered that the proposal would have an undue impact on residential amenities in respect of privacy and outlook.</p> <p>However, as stated above, the odour modeling that has been undertaken shows that a number of properties would be affected by unacceptable odour pollution. Therefore, it is considered that the proposed development would have a detrimental impact on the nearby residential amenities of properties in respect of odour. Contrary to Policy BE1, C3 and the NPPF.</p>

<p>properties.</p> <p>Smell and dust will be blown into residential area, especially due to the prevailing wind direction. Causing significant loss of amenity.</p> <p>Dwelling will be on the front line to receive the effects of smells and noise from ventilation fans.</p> <p>It will cause a great deal of disturbance and seriously change the environment.</p> <p>The community is very active with street parties, Cream Teas, Patronal Festivals, Pancake Races which will be threatened by the development.</p>	
<p>Heritage Site</p> <p>Proximity to a heritage site which should be conserved.</p> <p>Threatens the ancient ruin of the Leper Hospital.</p> <p>Contrary to BE11.</p> <p>The site is immediately adjacent to a Scheduled Ancient Monument. The Leper Hospital is the largest and most important site pertaining to the Order of St Lazarus and is poorly understood, particularly in terms of its boundaries. To site a industrial plant in an area that could be one of Leicestershire's most valuable but least explored historic sites is scandalous.</p> <p>Sympathetically excavated the site could be a major tourist attraction in future years, helping Melton and Burton financially.</p> <p>The ancient St Mary and St Lazarus Hospital dating from the 12th century Order of St Lazaurs of Jerusalem should be protected as a heritage asset.</p> <p>Any development in such close proximity may jeopardise its integrity and conservation.</p> <p>The application will result in significant loss of vegetation and the new buildings will be clearly visible, the planned planting will only afford 'better' not complete or even adequate cover after 15 years.</p> <p>Ancient Grade I Listed Church lies within 500 metres of the proposal. Devastating for the congregation.</p> <p>The plant is directly in line with the value and historic St James Church and its Gardens of Remembrance, impacted by the smell.</p>	<p>Noted, the site adjoins a Scheduled Monument which is a heritage asset of the highest significance. As stated above in the report, the proposal would have a detrimental impact on the setting of the SM. The proposal due to its density and massing on the boundary with the SM will have substantial harm (see above).</p> <p>Noted, commentary in relation to the proposed landscaping is contained above within the archaeology section above.</p> <p>Noted, due to the distances involved and the odour modeling undertaken it is not considered that the Church or Garden of Remembrance would be detrimentally affected in respect of odour.</p>

<p>Having run the local Archaeology group 'Melton Fieldworkers Group' and several of my members were part of the 'Burton Lazars Research Group' which undertook over 25 years of research on the Burton Lazars Preceptory (SAM next to the site to the east) and published a book. My/Our main concern having hosted guided walks of the site and put together research etc of my own is it is unknown how far the preceptory site extends that way(westwards). There was a gatehouse in the vicinity as well as access to the London Road (now Sandy Lane). If this site is to be developed a full archaeological investigation/assessment/recording of the site etc should be undertaken before the site is developed/concreted/built over to avoid significant harm to the potential archaeology underneath. Putting 'green roofs' on the buildings will not help the archaeology which is under the ground! The other concern is that of the existing buildings. These were part of a camp during the war and are part of Melton's history and should not be destroyed without being recorded.</p>	<p>Noted, conditions could be imposed if the development were considered acceptable to ensure sufficient recording and assessment.</p>
<p>Odour</p> <p>The location is very near a populated area where people will be affected by the smell.</p> <p>The prevailing wind blows directly towards the village.</p> <p>Whilst there will be undertakings to mitigate the offensive odour of chicken manure it has been shown beyond reasonable doubt that mitigation is not the same as elimination by a very large measure.</p> <p>Odour will occur from the running of the battery pens, the washing out process, caged lorries used to transport to and from the site and smell lingering in the summer nights so not able to sit in garden.</p> <p>Figures demonstrate that the amount of chicken manure produced will be in the region of 9000 tons per annum of which 2/3 will evaporate into the air.</p> <p>Polluting the air with smell and dust particles.</p> <p>The pollution from the manure of 400,000 birds will envelop the village.</p> <p>The Environment Agency have advised that there may be issues with odour and would result in complaints from residents.</p> <p>Due to prevailing winds the filth and stench</p>	<p>Noted, the main concern of the objections received has been in respect of concern over odour and the impact on residents, their properties and gardens and the village.</p> <p>A full assessment in relation to odour is contained in the report and it has been concluded that some of the residential properties would be exposed to unacceptable levels of odour.</p>

<p>vented from this industrial-sized plant will be carried East directly over and through the village. Also liable to pollute south Melton. The village will be heavily affected by reeking odours with a resulting damage to air quality.</p> <p>There is no guarantee that this factory will not engender unacceptable smells and dust pollution and the full extent of it cannot be ascertained until it is too late.</p> <p>Previous experience of living in the village when a battery chicken establishment of similar distance and wind direction but considerably smaller. At certain time of the year when sheds cleaned the odour was overpowering and unbearable. The smell was so intense and nauseating that villagers were forced indoors with windows firmly closed for days at a time.</p> <p>The odour distribution maps shoes that the whole village would be affected with the greatest affect being around the A606.</p> <p>Odour assessment contains errors in considering receptors, considering the receptors sensitivities, prevailing wind, It claims that the conditions would apply during cleaning operations, cleaning will be for a combined total of 10% of the year and thus subject to obnoxious smells for a considerable part of the year.</p> <p>Chicken manure is offensive.</p>	
<p>Noise</p> <p>The majority of the plant will be automated and mechanised will inevitably result in constant invasive noise, most noticeable at night.</p> <p>Unacceptable noise levels will result in loss of amenity to Burton Lazars village.</p> <p>Buildings will have a number of extractor fans, there will be a hum from these fans. This will be more noticeable due to intermittent use of the fans.</p> <p>Noise from distressed birds left in parked vehicles, particularly at night.</p>	<p>Matters relating to noise will be controlled by the Environmental Permit and can be controlled by means of a condition.</p>
<p>Pollution</p> <p>Risk of pollution every seven weeks from clearing our and cleaning out the units.</p> <p>Unpleasant dust clouds have already been experience in Dalby Lane (Road) from another intensive chicken production further west of the current site.</p> <p>The planning authority should be confident that</p>	<p>Matters relating to pollution will be controlled by the Environmental Permit</p>

<p>the developments will not result in unacceptable risks of pollution. Can we be confident that the risk of pollution will not occur.</p> <p>Rodent, bird and insect activity.</p> <p>The affect of chemical or harmful by-products on water course, Burton Lazars is well known for its spring waters.</p>	
<p>Drainage and flooding</p> <p>In the washdown process, water and fat from birds combines to give drainage problems.</p> <p>In the vicinity(Hall Drive) because we are down stream of all the natural drainage from that area and are below the level of the proposed site. This means that we already experience flooding in our properties when there is heavy rainfall from the fields above and behind us i.e the proposed site and the risk will be increased. Added to which some of the water from the site may well be contaminated.</p>	<p>All waste water from the chicken houses will be directed to underground waste water tanks. Waste water will then be removed from the site in appropriate containers. Run off from roof will be directed to a lagoon on the northern part of the site.</p> <p>Severn Trent Water have no objection to the proposal in terms of drainage.</p> <p>Surface water and flood risk form part of the Environmental Statement and a Flood Risk Assessment (FRA) has been required by the Environment Agency. The application proposes a new surface water drainage system which has the potential to influence the existing surface water on the site. The Environment Agency are satisfied that adequate surface water treatment is in place and they have raised no objection to the proposal.</p>
<p>Dwellings</p> <p>The proposal includes 2 large 3 bedroom bungalows in an unsustainable location.</p> <p>The site is unacceptable for housing and would not stand alone as a project.</p>	<p>The application proposes two agricultural workers dwellings. It is agreed that the location for the dwellings would not be considered sustainable in terms of residential properties. However, the NPPF does allow for exceptions to allow for rural workers to live at or near their work where there is an essential need. An assessment in respect of this is contained within the report.</p>
<p>Ecology</p> <p>Newts – treatment of them is inadequate and inhumane.</p> <p>Burton Hall and stables are a haven for wildlife.</p>	<p>Noted, an assessment in relation to ecology is detailed above in the report.</p>
<p>Policy</p> <p>The location, nature, design and scale of the factory fails to meet national policy framework recommendations.</p> <p>Contrary to NPPF paragraphs 109, 122, 123, 126 and 132.</p> <p>The planning department would be failing the core principles of the NPPF is it were to permit the application.</p> <p>Unsustainable village location.</p>	<p>Noted, an assessment of the relevant policy is detailed throughout the report.</p>

<p>Is contrary to Policy C3 and BE11 of the Local Plan.</p> <p>Paragraph 6.23 of the Local Plan state that ‘intensive food production units ...can create greater environmental problems than general agricultural buildings .. it is therefore important that good access to classified roads is available and the units are located well away from existing residential areas’ – these are not well away.</p> <p>Burton Lazars is a Category 3 village not suitable location for employment development.</p>	
<p>Animal Welfare</p> <p>Concern of welfare of the birds.</p> <p>Unnatural ways to raise birds.</p> <p>Cruelty to provide cheap meat.</p>	<p>Noted, it is not considered that this is a material planning consideration.</p>
<p>Health Issues:</p> <p>Health hazards – danger to sufferers of respiratory conditions.</p> <p>Dust from litter and feed will be a health hazard.</p> <p>Local residents are sensitive to airborne allergens.</p> <p>Suffers of acute asthma live within 600 yards of the proposed unit which is triggered by allergens such as house mite dust and cat protein. On exposure can be admitted to hospital in sever respiratory distress.</p> <p>The village has many elderly residents who will be at risk from airborne risks which will affect the lungs.</p> <p>Bird Fancier’s Lung – disease which can be fatal.</p> <p>Noroviruses – flu mutations in birds, often chickens.</p>	<p>There has been a significant number of objection in relation to health, in particular respiratory conditions.</p> <p>The main sources of dust are the milling of feed or the open delivery of feed. It is stated in the application that no milling will take place on site and modern enclosed systems will be used to deliver the feed from the lorry to the silos and then from the silo to the houses.</p> <p>Dust can be derived from the ventilation of the houses, however, good litter management will minimise this.</p>
<p>Other Matters:</p> <p>The potential owners have in the relatively recent past have had to defend themselves in a court of law for not complying with legal requirements covering the running of such a business. Moy Park failed to follow its own odour management plan.</p> <p>Impact on the letting of the village hall which is currently robust. Could fall into disrepair through lack of funding and a social amenity lost.</p> <p>Impact on weddings, funerals and christenings at the Church.</p> <p>Detrimental impact on community facilities of the</p>	<p>This matter is not a planning consideration.</p> <p>There has been a significant amount of objections in relation to the impact of the proposal on the Village Hall. The concern is in relation to odour, dust and smells. These have been addressed above in the report. However, on the odour modeling that has been undertaken the Hall in an area where the odour would be undetectable.</p>

<p>Church and Village Hall.</p> <p>The village hall has spent over £60,000 improving and renovating the Hall, over 40% of this on outside facilities. The location of the farm will mean inevitable obnoxious smells, dust and noise severely interfering with the enjoyment of these facilities.</p> <p>Noise, water and odour pollution.</p> <p>Impact on potential house buyers/value of properties.</p> <p>Light Pollution</p> <p>No economic benefit, the company has a policy of shipping in itinerant outside labour on a temporary basis.</p> <p>No local employment to be gained.</p> <p>No public consultation on a highly contentious application.</p> <p>Proper notice was not served on neighbours regarding the development even though they are well within the recommended 400 metres of such a development.</p> <p>Is factory farming good for Melton's Capital of Food image? Want to promote free range, organic, humane farming in rural communities.</p>	<p>Noted, addressed above in the report.</p> <p>Not a planning consideration.</p> <p>External lighting can be controlled by means of a condition in respect of location and timings.</p> <p>Economic benefits will be gained in other sectors and not just at this site.</p> <p>The NPPF seeks to support all economic development in the quest for sustainable development which includes economic, social and environment strands which make up the framework. The NPPF advises that 'Planning should do "everything it can" to encourage growth, not prevent it and should plan proactively to encourage economic growth' it goes as far to say that 'significant weight should be given to the need to support economic growth'. The proposal seeks to create a rural business on the site of previous agricultural and industrial use. The application states that proposal would generate equivalent to 15 full time workers. This development will have a knock on affect to the economy elsewhere (delivery drivers, slaughter house, product packaging etc) and the economic benefits will be more far reaching than just the immediate local area. It is considered that the proposed economic development on a brownfield site is considered to be a material consideration in the determination of the application.</p> <p>The applicants consulted with the Parish Council and the Planning Authority prior to submission of the application. The application has been advertised under the relevant statutory legislation, a site notice and press notice were posted. There is no statutory requirement to notify premises within 400 metres of the site only those that adjoin the boundary of the proposed development.</p> <p>Noted, the application is required to be determined on planning merits.</p>
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Other Material Considerations:

Compliance (or otherwise) with Planning Policy	The Local Plan policies are considered to be complemented by the NPPF and should not be set aside because of it.
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Conclusion

The determination of this application requires a balance of all the issues raised and considered through out this report. The benefits of the proposal will need to be balanced against the harm of the proposal.

The main benefit of the proposal is the economic growth that the proposal will deliver. Paragraph 19 of the NPPF state that significant weight should be placed on the need to support economic growth. As an intensive food production unit the application is consider to be supported by the NPPF. The NPPF also supports economic growth in rural area to create jobs and prosperity, paragraph 28, and the effective use of brownfield land, paragraph 111. The Local Plan is supported of agricultural development in the open countryside. As such it is considered that the proposed development is an acceptable use in the open countryside as it relates to agricultural and is suitable in a rural location.

The proposal is not considered to have an adverse impact on the highway, the outlook and privacy of residential properties or flooding and in these respects is considered to be ‘neutral’.

As detailed in the report the proposed development is considered to have **substantial harm on the setting of Scheduled Monument** (para 133 of the NPPF), would have a **detrimental impact upon a protected species** (para 118 of the NPPF) and would have an adverse impact on the **amenities of residential properties** due to unacceptable odour levels (Policy BE1 and C3 of the Local Plan). There is also concern over the number of residential properties proposed in the scheme and it needs to be considered as to whether the proposal would have a positive impact on economic growth.

Having balanced the benefits of the proposal against the harm it is considered in this instance that the substantial harm to the SM, the harm to a protected species and residential amenity is significant to outweigh the limited benefits of the proposal and it therefore recommended for refusal.

RECOMMENDATION: Refuse, on the following grounds;

1. It is considered that the proposal would have an detrimental impact on a heritage asset of the highest significance. The proposal, due to its density and massing on the boundary with a Scheduled Monument, will have substantial harm to the setting of the monument. It is not considered that the environmental or economic benefits substantially outweigh the harm to the asset and therefore it is considered to be contrary to paragraph 132 and 133 of the NPPF.
2. In the opinion of the Local Planning Authority it is considered that the proposal would have an adverse impact on great crested newts and it would not be possible to adequately mitigate for the impact to of the proposal on this species. Therefore it is not considered that the proposal would be compliant with paragraph 118 of the NPPF and ODPM Circular 06/2005.
3. It is considered that the proposed development, by virtue of the emission of odour, would have a detrimental impact on the nearby residential amenities of properties. Accordingly the development would be contrary to Policies BE1, C3 and the NPPF.
4. The proposed dwellings are in a countryside location, outside the envelope of any town or village as defined by the adopted Melton Local Plan, where there is a general presumption against the erection of new dwellings. It is considered that there is no essential, justified need for two additional dwellings at this location as stated in paragraph 55 of the National Planning Policy Framework (NPPF). Therefore new additional dwellings at this site would create an isolated dwelling in an unsustainable location without adequate justification, contrary to the NPPF and Policy OS2 of the Melton Local Plan.

Officer to contact: Mrs Jennifer Wallis

Date: 25th October 2013