

Draft planning permission including conditions and reasons

Town and Country Planning Act 1990

**APPROVAL OF PLANNING PERMISSION****Name and Address of Applicant**

Melton Meat Limited
 The Abattoir
 Nottingham Road
 Melton Mowbray
 Leics LE13 0ND

Name and Address of Agent (if any)**Part 1 - Particulars of Application****Date of Application**

28.01.10

Application No.

10/00055/FUL

Particulars and location of development:

Conversion and extension of existing farm building to form Abattoir and associated facilities (amended plans to include drainage arrangements and additional information)

Farm Buildings Next To Baytree Farm Stygate Lane Pickwell

Part II - Particulars of decision

In pursuance of its powers under the Town and Country Planning Act 1990, the Melton Borough Council grants permission for the carrying out of the development referred to in Part 1 hereof in accordance with the application form and plans submitted, subject to the following conditions :-

1. The development shall be begun before the expiration of three years from the date of this permission.
2. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
3. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
4. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

5. A strict watching brief shall be maintained for protected species before works begin and as they progress. In the event of any protected species being discovered, works must cease temporarily while expert advice is sought and appropriate mitigation measures for the protection of the species may be put in place before works resume.
6. Hedgerow removal shall take place only outside the bird-breeding season (March to end August).
7. Prior to the commencement of development, a scheme for the disposal of waste products and measures to control any consequential odour shall be submitted to and approved by the Local Planning Authority. The scheme shall provide for all forms of waste that are not included in foul and surface water disposal arrangements. The approved scheme shall be implemented upon the first operation of the premises as an abattoir and shall be maintained thereafter on a permanent basis.
8. The development hereby permitted shall not be commenced until such time as a scheme to dispose of all foul sewage to a Severn Trent Water Plc treatment works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
9. Effluent from vehicle washing is a trade effluent and should be treated as such. This should discharge to a sealed tank for disposal to appropriate treatment facilities or using the above route with the permission of Severn Trent Water.
10. The development hereby permitted shall not be commenced until such time as a scheme to prevent contamination of the nearby ditch by run-off from the dirty yard has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
11. Notwithstanding the provisions of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the building hereby permitted no development as specified in Classes A and B, shall be carried out unless planning permission has first been granted by the Local Planning Authority.
12. No development shall commence until a scheme for improvements to Stygate Lane, including passing places and widening at its junction with A606, have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until, the agreed improvements have been completed to the satisfaction of the planning authority.
13. Before development commences, the applicant shall submit to for the approval of the local planning authority in consultation with the highway authority, a detailed plan of the proposed access, designed to discourage/prevent movement into and out of the access from the Pickwell direction, such details to include kerbing, radii, surfacing, gradient and signing. The approved layout shall then be provided before the development is brought into use and shall thereafter be permanently so maintained.
14. The proposed parking and servicing/manoeuvring facilities shown within the curtilage of the site shall be provided, hard surfaced and made available for use before the development is first brought into use and shall thereafter be permanently so maintained.
15. Details of any external lighting shall be submitted and approved in writing by the Local Planning Authority before being erected on site. The lighting shall be installed in accordance with the approved details.
16. The premises shall be used for an abattoir only and for no other purpose (including any other purpose in Class B1, of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

17. The throughput of the Abattoir shall not exceed an average of 1900 livestock units per week in any twelve month period. A register of the quantity of livestock delivered shall be maintained and the records for the immediately preceding twelve months kept available for inspection at the premises at any reasonable time by the Local Planning Authority on request. On receipt of a written request from the Local Planning Authority to view the record, the record of livestock delivered for the period requested to the abattoir shall be made available for inspection by the Local Planning Authority at the premises within three working days of receipt of the request from the Local Planning Authority. For the purpose of this condition 'working day' does not include weekends or public bank holiday.
18. The abattoir shall be used for the slaughtering of sheep and goats only.
19. Prior to the commencement of development, signage for vehicles departing from the site shall be submitted to and approved by the LPA. This shall provide details of the content, size and location of signage. The approved scheme shall be implemented prior to the first use of the premises as an abattoir and shall be retained thereafter on a permanent basis.
20. Any refrigeration or air conditioning units to be installed on the abattoir building shall be sited on the north elevation only.

The reasons for the conditions are:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
3. To ensure satisfactory landscaping is provided within a reasonable period.
4. To provide a reasonable period for the replacement of any planting.
5. To protect any species that may be present on the site.
6. To ensure that no nesting birds are disturbed as a result of the development.
7. In the interest of residential amenity
8. To protect the water environment.
9. There is a designated Inland Freshwater along the boundary of the site near to the dirty yard area.
10. There is a designated Inland Freshwater along the boundary of the site near to the dirty yard area.
11. To enable the Local Planning Authority to retain control over future extensions in view of the form and location of the development proposed.
12. In the interest of highway safety
13. In the general interests of highway safety and to reduce potential for traffic to travel through Pickwell.
14. In the interest of highway safety
15. In the interest of the visual amenity of the area.
16. To ensure that the use remains compatible with the site and surrounding area.
17. To ensure the abattoir remains of a scale and capacity appropriate to its surroundings and that reflects the basis on which permission has been granted, in the interest of residential amenity and road safety.

18. To ensure the abattoir remains of a nature appropriate to its surroundings and that reflects the basis on which permission has been granted, in the interest of residential amenity and road safety.
19. To ensure that vehicles approaching the site and departing from it are directed to highways capable of accommodating them without detriment to road safety and avoid passing through residential areas, in the interest of highway safety and residential amenity.
20. To prevent the transmission of noise to residential properties, in the interest of residential amenity.

Under Article 31 of The Town and Country Planning, (General Development Management Procedure) Order 2010: a summary of the reasons and development plan considerations relevant to this decision.

1. A summary of the relevant development plan policies:

The East Midlands Regional Plan seeks to promote an improved economic prosperity, employment opportunities and regional competitiveness, whilst protecting the countryside. Policy 24 – Regional Priorities for rural diversification – seeks to promote the continued diversification and further development of the rural economy, where this is consistent with a sustainable pattern of development and the environmentally sound management of the countryside.

The site is located at Baytree Farm in open countryside, as identified within the adopted Melton Local Plan. Therefore, the proposal should be considered against policies OS2, BE1 and C6 of the plan. Policy OS2 does not allow for development outside the town and village envelopes shown on the proposals map except for limited small scale development for employment which is not significantly detrimental to the appearance and rural character of the open countryside. Policy BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

Policy C6 states that planning permission will be granted to reuse and adapt a rural building for a commercial, industrial or recreational use provided that:

- the building is of substantial, sound and permanent construction and if it is in the open countryside, is proposed for reuse and adaptation without major or complete reconstruction;
- the form, bulk and general design of the building is in keeping with its surroundings; a
- ny conversion work respects local building styles and materials;
- the traffic to be generated by the new use can be safely accommodated by the site access and the local road system;
- the proposed use will not harm the local environment through the creation of noise, dust, smoke, fumes, grit, vibration or any form of water, soil or air pollution;
- there is sufficient room in the curtilage of the building to park the vehicles of those who will work or visit there and also to service its use, all without detriment to the visual amenity of the countryside;
- no commercial, industrial or recreational activity or storage of raw materials or finished goods is to take place outside the building;
- and no new fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it will be erected if they would harm the visual amenity of the countryside.

A summary of the reasons for granting planning permission:

The proposed abattoir will be located in the open countryside close to the A606. The proposal is considered to be contrary to the Development Plan due to its scale exceeding the exceptions permitted by Local Plan Policies OS2 and the extent of rebuilding and extension exceeding those specified in C6. Employment developments outside of the main settlements are generally considered unsustainable within the Development Plan and emerging policy in the LDF. However, it is considered that there are material considerations unique to this proposal that should be balanced against the policy position. The proposal would eliminate the need for the transportation of animals from the site (which is currently used as a 'holding pen') to the abattoir in Melton Mowbray, thus eliminating these vehicle movements, removing the abattoir's contribution to the congestion within Melton town centre and assisting in improving animal welfare standards by reducing animal journeys. In addition site is considered to benefit from easy access links to the A606 and also its character makes it less suitable for allocated industrial locations. Accordingly, the development would contribute towards the aim reducing vehicular journeys as set out in PPS1.

The visual impact is considered to be acceptable given the partial re-use of an existing building and the landscaping proposals and with conditions to control lighting and materials. As such, with appropriate controls (implemented through conditions), it would meet with the objectives of policies insofar as they relate to the

protection of the countryside (including these aspects of Policies OS2 and C6). The Environment Agency and Severn Trent indicate that effluent can be accommodated, which can be similarly required by conditions. Conditions can also be applied to limit the capacity of the proposal and the nature of the operation (in terms of the species to be handled) to ensure it operates on the same basis as it has been submitted and assessed. With regard to safeguarding protected species there is no indication of their presence, but expert advisors have nevertheless recommended a condition to protect any encountered during the course of development. .

On balance, it is considered that whilst the proposals can be regarded as contrary to the development plan and emerging policy as set out above, its character is such that it is not ideally suited to locations normally identified for industrial purposes and its location would bring benefits in terms of sustainability (through the reduction of vehicle movements and congestion) which accord with wider policy objectives. On balance it is considered that these considerations outweigh the provisions of the development plan and the proposal is accordingly recommended for approval.