

**Reference:** 14/00988/FUL

**Date Submitted:** 10<sup>th</sup> December 2014

**Applicant:** Long Clawson Dairy

**Location:** Long Clawson Dairy, 28 West End, Long Clawson

**Proposal:** Proposed Replacement milk silos for those previously approved 08/00724/FUL reducing from 5 to 4 but with increase in height.



**Introduction:-**

The site for development is within the Long Clawson Dairy site which is located to the western end of the linear village of Long Clawson. The Dairy itself is located partially within the village envelope, and following its significant redevelopment over recent years it is also within the open countryside, but within the defined operational dairy site. The Dairy has been operational within the village since before 1947 and the site extends to over 5.2 acres. The site for the proposed development is to the South of one of the main Dairy buildings, within the centre of the Dairy's operational facility. The area is screened both by existing buildings, high boundary fences, and further to the East by mature landscaping. Access to the site and parking is via a newly created entrance from the west off Hickling Lane.

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

- **Impact on residential amenities**
- **Character and appearance of the open countryside**
- **Impact on a Listed Building**

The application is required to be considered by the Committee due to the amount of representation received

### **Relevant History:-**

08/00492/FUL was approved 2. August 2008 for a new spur road off approved access road to link new car park.

08/00724/FUL was approved 17<sup>th</sup> October 2008 for an extension to production cheese storage areas, new milk unloading bay, new milk silos, alterations to yard areas and relocation of mechanical plant.

08/00822/FUL was permitted 1<sup>st</sup> December 2008 for a new oil and chemical store building, replacement roof and change of use.

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

10/00164/FUL was approved 6<sup>th</sup> May 2010 for a new prefabricated dock house. Extension of existing milk silo bund and addition of 2 new milk silos.

10/00952/FUL Installation of hoop topped fence and gates to former West End Entrance. Was approved 2<sup>nd</sup> March 2011

11/00463/FUL was approved 10<sup>th</sup> August 2011 for Formation of bunded area including site flow balancing tanks, flow metering; water sampling, rainwater protection system and amenity pond

13/00382/FUL was permitted 25<sup>th</sup> July 2013 Erection of new dry packaging storage building.

13/00505/FUL for Extensions to existing packing building. Was permitted 9<sup>th</sup> September 2013

13/00832/COU was permitted 29<sup>th</sup> January 2014 for change of use of land to garden.

### **Planning Policies:-**

#### **Adopted Melton Local Plan (Saved Policies)**

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

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

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

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

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are

out-of-date, granting permission unless:  
 any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or  
 specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to 'emerging' policy depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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

- To proactively drive and support sustainable economic development to deliver businesses and industrial units that the country needs
- Seek to ensure high quality design and a good standard of amenity
- Encourage effective use of land by reusing land that has not been previously developed (brown field)
- Focus development in locations which are sustainable

Specifically, paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development. LPAs should support the sustainable growth and expansion of all types of businesses and enterprise in rural areas.

It is considered that the development plan is not in conflict with the NPPF and compliments the objectives NPPF in particular in supporting sustainable development.

**On Specific issues relevant to this application it advises:**

**Building a strong competitive economy**

- Planning should 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.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority:</b> No objection,</p>	<p>Aprevious approval, 08/00492/FUL, for a new spur road off the access road which linked to a new car park has been implemented which in turn has directed traffic away from the Old West End entrance away and out of the village to Hickling Lane.</p> <p><b>The proposal for the replacement silos will have no further impact on Highways and it is not considered that the proposal would have a detrimental impact on highway safety.</b></p>

<b>Parish Council:-</b> Have no objection.	Noted.
<p><b>Conservation Officer:</b> The proposed silos are situated on the main dairy site on the edge of the village outside the conservation area boundary. They are 17 m high and some concerns have been raised that they may compromise the Church.</p> <p>The Church is grade II* listed and sits in an elevated position, within an elevated churchyard. The Conservation Area Appraisal describes the church as a focal point within that part of the conservation area. However as the Church has a central tower, which is not particularly tall, and the churchyard is well treed, which serves to screen the building, so it is not particularly prominent within the village scene in general.</p> <p>Whilst there may possibly be some distant views from the east of the village where the Church and silos will potentially be in the same view I am of the opinion that the silos will not directly impact on the Church or its setting.</p> <p>I also note the site level plans submitted with the application which indicates that the dairy site is considerably lower than the Church which serves to further reduce the impact of the silos.</p>	<p>The Church is set at the highpoint of the village, on a raised protected green in the centre. The proposed silo location is at the low point of the dairy site, some 5.4 m below the ground level of the church itself. Detailed site levels of the Church on drawing 6939A-01 show a level of around 73m as opposed to the silo base level of 67.6m.</p> <p>The site location is topographically depressed and heavily screened by mature landscaping, some 365 metres to the east of St Reginus Church. There may however be some vantage points when entering down into the village from the Salt Way but it is not envisage that such a construction will deflect from the vistas of this heritage asset but be seen akin to any other agricultural dairy holding with milk or grain silos, a common sight in rural areas of modern day farming.</p> <p><b>It is considered that the proposal would not, therefore have a significant adverse impact on that of the Grade II* listed St Reginus Church or any other historical Listed building within the vicinity.</b></p>

**Representations:**

A site notice was posted and as a result 16 letters of objections have been received including two from the same households.

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Residential and Visual Amenity</b></p> <p>The size of the silos At 17 metres tall are much taller than existing silos which are already visually unacceptable.</p>	<p>The proposed new silos are 17 metres tall, however they are set at the lowest point of the site in terms of surrounding topography. The aim is to eventually decommission the older silos positioned further up toward the West End entrance which are currently higher and closer to the village and its residents. Due to the drop in ground levels within the site the proposed new silos are in fact lower in overall height than the existing ones set at the elevated end adjacent to West End</p> <p>Furthermore the new silo location within the heart of the operational Dairy site shields the visual impact of the silos from many vantage points, with the amelioration of maturing landscape, screening around the perimeter of the site reduce visual impact further.</p>

<p>There is no reason for the Dairy's profits to take precedence over the quality of life of residents of Long Clawson.</p> <p>Expansion of the dairy will inevitably result in additional traffic and noise pollution and have a direct negative impact on the local residents</p> <p>This application implies further traffic movements which added to the huge number of lorries currently using the site will cause even more noise and nuisance to residents.</p>	<p>Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Authorities should support the sustainable growth and expansion of all types of businesses and enterprise in rural areas, while safeguarding the character of the area and to not have a detrimental impact upon existing residential amenities.</p> <p>It is considered that the proposal is of a location, positioned deep within the site and of a use and size comparable to the scale of the buildings already existing, not to have a detrimental impact on the residential amenities of neighbouring properties by virtue of noise, smell and pollution but further improve the overall functions and manufacturing to reduce lorry movement and any associated noise further away from the built residential environment.</p> <p>Improvements were undertaken to relocate the site entrance and associated parking out and away from the village centre, which has eased traffic flow and parking for employees and visitors to the benefit of residents and highways users. The proposed silos will store milk for use within the site, their size accumulating the same if not more than those originally proposed. There will be no additional noise or travel movement associated with the new silos than those already existing.</p> <p>The proposed new silos are part of a site reconfiguration, a replacement for those already approved in application 08/00724/FUL which were never constructed, with the aim of relocating further away from the old West End with a resultant benefit of an increased separation distance from the village to the benefit of local residents.</p> <p><b>It is not considered that the proposed silos would have a detrimental impact on the surrounding open countryside or have an adverse impact on the residential amenities of adjoining properties.</b></p>
<p><b>Heritage Impact</b></p> <p>They will, if approved be taller than St Regimus Church, albeit slightly at 16.5m and therefore create an impact on a heritage asset.</p> <p>Object to any increase in height as it is not in keeping with the rural aspect of the area. There are some listed buildings within sight and this will also affect these.</p>	<p>Please see comments on page 4 above opposite response from the Conservation Officer.</p> <p><b>It is considered that the proposal would not have a significant adverse impact on that of the Grade II* listed St Reginus Church or any other historical Listed building within the vicinity.</b></p>

**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Design</b>	<p>The proposal is for 4 No silos of 250m<sup>3</sup> with an external diameter of 4.8 m. being 17 m. high. Although the silos are large, they are grouped with other similar existing large buildings on site and will be clad with profiled metal sheeting in the moorland green colour which is predominant on the site.</p> <p><b>The proposal is considered to be in keeping with the locality and the Dairy to which it relates.</b></p>
<b>Application of the Development Plan Policies.</b>	<p>The proposal complies with policy OS1 which states that planning permission will only be granted where (firstly) the form, character and appearance of the settlement is not adversely affected and (secondly) the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the locality. Although the proposed milk silos are not particularly aesthetically pleasing they will be barely visible from the road as the tanks will be grouped together and well screened by the existing buildings on the site together with dense landscaping.</p> <p>The proposal also complies with Policy EM9 which seeks to ensure that development is appropriate to the surroundings and would not cause visual intrusion; there would be no loss of amenities by virtue of noise, smell, dust or the wider operational effects of the development and there would not be an unacceptable increase in traffic levels. The proposal will in fact reduce lorry movements to the top end by around 90%</p> <p><b>Therefore, it is considered that the proposal accords with the Development Plan.</b></p> <p>The National Planning Policy Framework is a material consideration in the determination of this application that is considered to be of significant weight. The NPPF is clear in its advice that the <b>presumption is in favour of sustainable development</b>. The guidance also states that where the development plan is absent, silent or relevant policies are out-of-date, local planning authorities should grant planning permission unless “<b>any adverse impacts of doing so would significantly and demonstrably outweigh the benefits</b>”.</p> <p>The NPPF supports economic development and states its commitment to securing sustainable economic growth, explaining that planning should do “everything it can” to facilitate this. Paragraph 28 of the NPPF relates to supporting a</p>

	<p>prosperous rural economy. It states that <b>local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural area</b>. The key to this policy is considered to be the consideration of <b>'sustainable'</b>.</p>
--	--

**Conclusion**

The application site lies within the village envelope of Long Clawson and thus benefits from a presumption in favour of development under policies OS1 and BE1, and fulfils the objectives of EM9 and the NPPF which support economic growth within rural areas. It is also considered that the proposal would not have a detrimental impact on either residential amenity, the streetscene, open countryside or that of the Grade II\* Listed Building St Remigius Church and satisfactory access and parking are provided within the site. Accordingly the proposal is recommended for approval.

**RECOMMENDATION: Permit, subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. The development hereby permitted shall be constructed strictly in accordance with the plans submitted (drawing No 6939P-01 and 6939 -02) received by the Local Planning Authority dated 8<sup>th</sup> December 2014.

Reasons:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the external appearance of the development.
3. For the avoidance of doubt.

Officer to contact: **Deborah Dowling**

**9th February 2014**