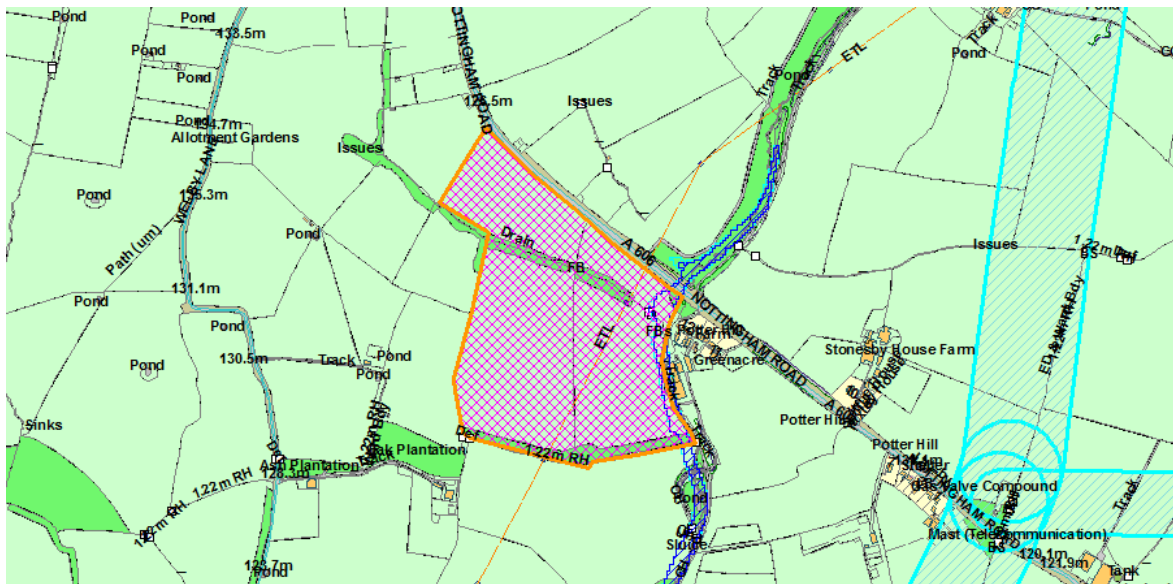


Reference: 18/00040/FUL
Date submitted: 17th January 2018
Applicant: Sunrise Poultry Farms Ltd.
Location: Fields 9820, 7800 and 0005, Melton Road, Ab Kettleby
Proposal: Proposed erection of free range egg laying unit including site access and associated works.



Proposal :-

The application comprises the erection of a free range egg laying unit including site access and associated works. The building would be rectangular with a length of 140 metres and width of 20 metres, height to the eaves of 3.6 metres and to the ridge 6.3 metres. The proposal would include feed storage hoppers with a height of 7.6m, areas of hardstanding and a new access.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Principle of development**
- **Impact upon the character of the area**
- **Impact upon residential amenities**
- **Highway Safety**
- **Contamination**

The application is required to be presented to the Committee due to the number of representations received.

History:-

There is no relevant history.

Planning Policies:-

The New Local Plan is expected to be adopted on 10th October 2018 and will for the Development Plan for the area. Under s 38(6) planning decisions must follow the policies of the of the Plan unless material considerations indicate otherwise

Policy SS1 sets out a presumption in favour of sustainable development,

Policy SS2 seeks to restrict new development in the countryside to that which is necessary and appropriate for the open countryside.

Policy EC2 states in order to support the rural economy the Council will allow for rural employment proposals that create or safeguard jobs including new well designed buildings and which include the use of land for agricultural activity subject to the proposal being of an appropriate scale for the location and having sufficient accessible off road parking provided.

Policy EN1 seeks to protect and enhance the Borough's landscape and countryside by ensuring new development is sensitive to its landscape setting, enhances the distinctive qualities of the landscape and requiring new development to respect existing landscape character and features.

Policy D1 seeks to raise the standard of design through siting and design being sympathetic to the character of the area, to protect the amenity of neighbours, utilise the existing trees and hedges together with new landscaping and make adequate car parking provision.

The National Planning Policy Framework

The NPPF states the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, an economic objective, a social objective and an environmental objective. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area. So that sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development. For decision-taking this means approving development that accords with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole.

At paragraph 83 the NPPF states planning decisions should enable the sustainable growth and expansion of all types of business in rural areas including through well-designed new buildings and the development of agricultural and other land-based rural business.

At paragraph 170 the NPPF states planning decisions should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing valued landscapes, recognising the intrinsic beauty of the countryside and preventing new development from contributing to unacceptable levels of air, water or noise pollution.

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
Ab Kettleby Parish Council: (Updated comments) The Parish Council have met with the above applicants and their concerns previously submitted have now been addressed and subject to approval by highways have no	Following the receipt of clarification the Highway Authority raised no objection to the proposal subject to conditions. This is detailed below. As such, it is considered the proposal would be adequately accessed and would not be harmful

objections.	to the local highway network.
<p>Highway Authority: No objection subject to conditions.</p> <p>The residual cumulative impacts of development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2018 subject to conditions.</p> <p>The Local Highway Authority submitted revised observations on 18th May 2018, advising the following:</p> <ul style="list-style-type: none"> • The submitted drawing was not based on an accurate topographical survey; • Visibility splays should be provided in line with the Design Manual for Roads and Bridges; • A 195 metre visibility splay to the north-west of the access should be demonstrated, along with a 174 metre forward visibility splay; • Clarification as to how the proposed 174 metre forward visibility splays stated by the Applicant were measured; • Consideration should be given to undertaking an additional speed survey at the site access in order to determine the wet weather 85%ile speeds. A speed survey should also be considered at the bend to the north-western extent of the visibility splay in order to determine the approach speeds; • Details should be provided with regards to the closure of the existing northern access; • Details are required with regards to demarcation of the highway boundary. <p>Additional comments in order to address the above were submitted. The Applicant confirmed visibility splays have been measured in accordance with the Design Manual for Roads and Bridges (DMRB) and maintains a splay of 2.4 x 189 metres can be achieved. The LHA have visited the site and accept splays of 2.4 x 189 metres can be achieved in a north-westerly direction to the centreline of the road. The LHA accept the Applicants view that due to the bend in the road drivers are unlikely to be approaching the site access from the north in excess of the recorded 85%ile southbound speed of 59.1mph, which was recorded at the proposed site access. In addition, it is accepted that vehicles would be unlikely to overtake on the bend due to the double white lines and therefore the visibility splay could be taken from the centreline of the road. Whilst the visibility splay falls six metres short of the desirable minimum of 195 metres requested by</p>	<p>The proposal seeks consent for a new access onto the A606 Nottingham to Melton Road and closure of the existing gated agricultural accesses. The application has been accompanied by a highway report and details of the vehicular movements to and from the site. The report states that on a weekly basis there would be 1 feed lorry, 1 waste removal vehicle and 3 lorries collecting eggs. Every 14 months there would be 8 lorries for delivery of pullets and removal of birds. The site would provide four parking spaces and one cycle space. The accompanying application form states that the proposal would employ 1 full time and 1 part time worker daily. The proposed development would generate, on average around 6 vehicle movements each day.</p> <p>The submitted highway statement concludes that as the site would be served from a new vehicular access from Nottingham Road, with the existing sub-standard access being permanently closed, this can be viewed as a highway safety gain.</p> <p>The proposed vehicular access would be designed and constructed in accordance with current Local Highway Authority standards and would have visibility splays out on to Nottingham Road which exceed the absolute minimum standards for sight stopping distances.</p> <p>Sufficient parking and turning can be provided within the site and it is not considered the use would generate a degree of additional traffic using this access and local highway network such that a refusal could be sustained.</p> <p>The findings of the Highway Authority on the revised proposals and additional information are noted. It is considered the site can be adequately accessed, that adequate parking would be provided and traffic generation would not be significant.</p> <p>Overall it is considered that the proposed would not have a detrimental impact on highway safety.</p>

<p>the LHA, based on the recorded speed of traffic the Applicant has maintained that the visibility splay is above the absolute minimum standard, which is 148 metres.</p> <p>The Applicants trip generation figures which have previously been accepted by the LHA indicate approximately 5.6 turning movements per day. With regards to larger vehicles, a total of four HGV's would visit the site per week, resulting in 8 turning movements per week and a single tractor would visit the site each week, resulting in two movements. Every 14 months 8 HGVs would visit the site removing the existing birds and bring in new birds, this would occur over a five week period. The LHA also accept that the site would generate a low volume of turning movements, particularly larger vehicles on a daily basis. The proposals would also result in the closure of two existing farm accesses on to the A606, one to the south of the site and one to the north which runs almost parallel to Nottingham Road and would require vehicles to undertake sharp manoeuvres on a bend if exiting to the right or entering from the left. Details of the closure of both accesses have now been provided on Redfern Kirton Design drawing number 1811/1B. Previous observations have advised this would be a highway gain.</p> <p>Overall, given the site specific circumstances outlined above, the LHA accepts the northern visibility splay of 189 metres. The LHA accepts the Applicants comments with regards to the delineation of the highway boundary, which would be considered at the detailed design stage.</p> <p>Adequate parking and turning facilities have been provided within the site and the LHA is satisfied the proposals would not lead to vehicles parking within or reversing into the highway.</p>	
<p>Environmental Health: Noise, odour and light are public health constraints associated with poultry & egg laying farms which can adversely impact on other land uses, residential amenity in particular. Poultry farms with places for 40,000 birds are deemed as intensive farming and require an environmental permit which is subject to conditions of operation and an odour management plan when placed within 400m of sensitive development. In this instance, the development is for 32,000 birds and falls short of the permitting threshold. There aren't any guidelines to indicate a suitable separation distance outside the permitting guidance so it is necessary to take a common sense approach based on the principle of acceptable land use.</p> <p>The nearest development is situated</p>	<p>Noted and other legislation not within the planning remit would also ensure that the proposal does not have a detrimental impact in terms of noise, odour and light.</p>

<p>approximately 400m to the east of the proposed poultry farm. This development appears to be agricultural/commercial with associated residential use. It is likely that the occupiers will be accustomed to agricultural odours. Residents in Ab Kettleby or Potter Hill are too distant to be significantly affected. Given the scale of development, separation distance and the nature of the nearest receptor, the development is considered to be acceptable and unlikely to adversely impact on other land users. The applicant is advised to follow the principles of 'best practical means' using 'best available technology' as per the permitting regime to minimise its environmental profile.</p>	
<p>Rights of Way Officer: No objection, subject to conditions.</p>	<p>Noted.</p>

Representations:

A site notice was posted, the application was advertised and neighbouring properties were consulted. As a result 37 representations of objection have been received and are detailed below:

Representations	Assessment of Head of Regulatory Services
<p>Character of the area</p> <p>The building will cover a very large area of land near the village, will be visibly intrusive and not in keeping with the area.</p>	<p>The proposal comprises a relatively large farm building with a footprint of 140 metres by 20 metres. However, given modern agricultural practices such buildings are not now unusual within the countryside. Furthermore, the building is relatively low with an eaves height of 3.6 metres and a ridge height of 6.3 metres. The site benefits from existing mature landscaping and further landscaping is proposed to comprise 5% of the of the total site area. Given the topography, the design and scale of the building and the existing and proposed landscaping it is not considered the proposed building would be visually prominent within the landscape.</p>

<p>Highways</p> <p>There will be an increase in traffic, especially HGV's which will cause an already dangerous and busy road to become more congested and increasingly dangerous.</p> <p>The location of the access is in a dangerous place, local residents are worried about the safety of the road users.</p> <p>Access is required 24/7 in the Design and Access Statement, but the daily hours are different in the Highways report.</p> <p>Who will be responsible for the cleaning of the roads, in case of spillage from waste vehicles – more accidents could be possible if this is the case.</p> <p>Impact on the public footpath crossing the area.</p>	<p>The Applicant states that on a weekly basis there would be 1 feed lorry, 1 waste removal vehicle and 3 lorries collecting eggs. Every 14 months there would be 8 lorries for delivery of pullets and removal of birds. The accompanying application form states that the proposal would employ 1 full time and 1 part time worker daily. Overall, the proposed development would generate, on average around 6 vehicle movements each day. The Highway Authority has confirmed the proposed traffic generation would not impact negatively on the local network and the access to serve the development would be acceptable.</p> <p>The hours of operation are stated as 0800 to 1700 Monday to Friday and 0800 to 1400 at other times. However, access is required at all times on the grounds of animal welfare.</p> <p>It is not considered the proposal would lead to further detritus on the highway as the site is already in agricultural use.</p> <p>The Footpaths Officer raised no objection to the proposal subject to conditions.</p>
<p>Policy</p> <p>Local Plan states that 'new developments will be restricted to that which is necessary and appropriate in the open countryside' – this development is neither.</p>	<p>The Local Plan policies seek to restrict development in rural areas to that which requires a countryside location and which is appropriate. The proposal requires a countryside location and is an agricultural operation; it is therefore a rural operation and requires a countryside location. In principle therefore the proposal complies with these Local Plan policies which themselves reflect the NPPF.</p>
<p>Environmental Concerns</p> <p>The removal of waste states once a week, this seems inadequate especially if it includes dead birds. A holding tank is mentioned in the Design and Access Statement but don't appear to be on the plans.</p> <p>The smell and noise from this development will be a blight on the local environment. Airbourne pollutants including poultry dust can cause respiratory issues including asthma and chronic bronchitis.</p> <p>Vermin and flies will be attracted to the area due to the food, dead and live birds.</p>	<p>Environmental Health has confirmed they have no objection to the proposal and are content the operation could take place without harm to residential amenity. A condition can be imposed to control the regime of clearing out the building and for waste management. This condition would also control the location of the holding tank.</p>

<p>The potential for the pollution of the local watercourses from run off.</p> <p>There may be light pollution from industrial lighting on the development</p>	
<p>Wildlife</p> <p>Wildlife will be adversely affected by the proposed wire netting surrounding the are; Deer especially may get caught in this.</p> <p>Tree planting will be 5%, will this be an additional 5%?</p>	<p>The site occupies a rural location and light pollution should be strictly controlled. A condition can be imposed to secure details of external illumination.</p> <p>There is no evidence wildlife would be adversely affected by the proposal. The site is in agricultural use already.</p> <p>The total tree planting for the area will cover 5% of the overall site; this includes existing and proposed planting. A condition to secure the landscaping scheme can be imposed.</p>

Other Material Considerations not raised through representations:

Consideration	Assessment of Head of Regulatory Services
<p>Principle of Development</p> <p>Melton Local Plan Policy SS2 seeks to restrict new development in the countryside to that which is necessary and appropriate for the open countryside.</p> <p>Policy EC2 states in order to support the rural economy the Council will allow for rural employment proposals that create or safeguard jobs including new well designed buildings and which include the use of land for agricultural activity subject to the proposal being of an appropriate scale for the location and having sufficient accessible off road parking provided.</p>	<p>Policy SS2 and EC2 are supportive of the development in principle, in its countryside location.</p> <p>The NPPF supports the development of agriculture and the sustainable growth and expansion of all types of business and enterprise in rural areas.</p> <p>The application proposes the erection of a free range egg laying unit for up to 32,000 laying hens. As such there is support for agricultural development in rural areas subject to an assessment of the visual impact, amenity, neighbouring properties and highway safety.</p> <p>Therefore, in principle the proposal is considered to meet the policy requirements of Local Plan Policies, SS2 and EC2 and the requirements of the NPPF.</p>
<p>Visual Amenity</p>	<p>The building is to be located in the open countryside detached from any settlement. The site is surrounded by open countryside with Potter Hill Farm to the south-east. The site is currently undeveloped arable land which contains a number of hedgerows and tree belts. The proposal is not in connection with an existing farm or agricultural use.</p> <p>This application proposes a new free range egg</p>

	<p>laying unit. The building would be of substantial size and scale and is to provide housing and feeding for 32000 laying hens. The site for the building and free range birds equates to 18.15ha and covers an area with different levels. The land slopes from the highway to the south and raises to the north-west.</p> <p>Whilst large, the building has been designed to be typical for this type of unit and similar to other poultry units within the Borough. The building would be constructed from brown tannalised timber weather boarding and a green metal panel roof. The proposed feed hoppers are to be painted juniper green.</p> <p>The application area is well screened by existing hedging to all boundaries and it is proposed to line the existing boundary hedging with agricultural wire netting fencing. The applicants have stated that the highway boundary hedge will be allowed to grow to 5 metres with bi-annual cutting to maintain its shape. It is also proposed to plant trees on 5% of the total site area.</p> <p>The proposed building can be screened within the landscape by existing hedgerows and the proposed planting and would not be unduly prominent in landscape. The proposed size, materials and design is typical of this type of building and as such the proposal is considered to be acceptable and in accordance with the above policies and guidance.</p> <p>It is considered that due to the proposed design, scale and mass of the building and the existing and proposed landscaping that the proposed development would not be visually intrusive and would be an acceptable form of development in the countryside.</p>
<p>Residential Amenity</p>	<p>The proposed building would be sited to the west of the site in close proximity to an existing boundary hedge. There are no adjacent properties to the north, south or west boundary of the site.</p> <p>The building is considered to be sufficient distance from adjoining land uses so as not to have any detrimental impact. Conditions can be imposed to control waste management and lighting. No other properties would be unduly affected by the proposal and the development would comply with Policy BE1, Policy D1 and the NPPF.</p>

Conclusion

The proposal comprises an agricultural building within the countryside. The proposal is supported in principle in policy terms by adopted, and national planning policies. The proposal would not have any undue adverse impact on residential amenity or highway safety and has been designed to respect the character and appearance of the locality. As such, the proposal is considered to be in compliance with the Local Plan policies referred to

above and principles of the NPPF. There are no material considerations present which it is considered would justify a departure from the Development Plan.

Recommendation: APPROVE subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. This permission relates to the following plans: 1811/b Layout and Location Plan and 1811/2 Layout and Elevations.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority.
4. 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.
5. 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.
6. No development shall take place until details of all external lighting and internal lighting visible from outside of the building has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be completed before the use hereby permitted is commenced. Development shall be carried out in accordance with the approved details and thereafter be so maintained.
7. Notwithstanding the detail of Drawing No. 1811/1b the field gate at the junction of Footpath G59 and the A606 should be replaced with a kissing gate compliant with LCC standard drawing SDFP12_REV_A.
8. Notwithstanding the detail of Drawing No. 1811/1a no agricultural wire fencing must be placed across the line of Public Footpath G59.
9. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Redfern Kirton Design drawing number 1811/1B have been implemented in full. Once provided, the visibility splays shall be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent highway.
10. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the two existing vehicular accesses on Nottingham Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.
11. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
12. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 17.5 metres of the highway boundary, nor shall any be erected within a distance of 17.5 metres of the highway boundary unless hung to open away from the highway.

13. No development shall take place until details of a waste management plan have been submitted to and approved in writing by the Local Planning Authority. These details shall include the method of removing waste from the building and site, the frequency, times and days, vehicle types and appropriate measures to minimise noise disturbance. The operation shall be carried out in accordance with these approved details.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To provide a reasonable period for the replacement of any planting.
6. To preserve the amenities of the locality.
7. To ensure access to the Public Footpath is retained.
8. To ensure access to the Public Footpath is retained.
9. To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2018).
10. In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2018).
11. To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.
12. To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2018).
13. In the interests of residential amenity.

Officer to contact: **Mr Joe Mitson**

Date: 2nd October 2018