

ITEM:		RECOMMENDATION:	APPROVAL
REF NO:	3PL/2017/0878/F	CASE OFFICER	Fiona Hunter
LOCATION:	STOW BEDON/BRECKLES Wayland Farms Ltd Cherry Tree Farm, Stow Bedon	APPNTYPE:	Full
APPLICANT:	Wayland Farms Ltd Cherry Tree Farm Stow Bedon	POLICY:	Out Settlemnt Bndry
AGENT:	Clayland Architects The Glass House Lynford Gardens	ALLOCATION:	N
PROPOSAL:	Expand Pig Production to 6990 pigs. Demolish some existing buildings (10 no) & erect 7 new pig sheds with roof fan ventilation, new roof covering over existing manure store	CONS AREA:	N
		LB GRADE:	N
		TPO:	N

REASON FOR COMMITTEE CONSIDERATION

The application is a major as defined by the Council's scheme of delegation. In addition, the application has been called in by the request of a ward member if recommended for approval.

KEY ISSUES

Principal of Development
Highways
Ecology and Biodiversity
Air Emissions
Contamination and Drainage
Landscape and Character and Appearance of Area
Residential Amenity

DESCRIPTION OF DEVELOPMENT

Full planning permission for the demolition of 10 existing buildings and erection of 7 new pig sheds to accommodate 6990 pigs together with ventilation equipment and new roof for existing manure store. The development would be for the finishing of pigs, with no breeding or piglets or slaughter on site.

Total building to be demolished have a cumulative floor area of 1,577sqm. The new buildings have a total floor area of 6,386sqm.

The new buildings would be: 15m in height, 61m in length, 4.2m to eave and 7.3. to ridge. The walls are proposed of metal siding and the roof corrugated metal. There will be new hard standing around the buildings.

The development constitutes Environmental Impact Assessment (EIA) development, as it falls within

Schedule 1, article 17(b) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The application has therefore been accompanied by EIA and EIA Non-Technical Summary. The Non-Technical Summary details the process and conclusions of how the likely significant environmental effects have been identified, assessed and mitigated in respect of: Ecology, Surface Water, Groundwater, Flood Risk, Air Quality, Odour, Noise, Waste, Compliance with Nitrate Vulnerable Zone Regulations.

SITE AND LOCATION

The site is an existing sow farm producing piglets with a capacity of 600 sows. The farm comprises 13 buildings of various sizes and design and hardstanding, extending to 2.9ha. Access to the farm is via a track, which connects to the Stowlay Lane to the north. Adjacent to the site entrance is numbers 1 and 2 Cherry Tree Farm Bungalows which are owned by the applicant.

The surrounding land uses are arable agriculture land. The nearest settlement is Stow Bedon 843m to the north of the main part of the site. The site is not covered by any planning policy designations.

The following are located within the vicinity of the site:

- A Corridor of Movement (840m to the west)
- Ancient Woodland (900m to north)
- The River Thet (200m to east)
- A Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC) (1,500m to the west)
- A Special Protection Area Buffer for Stone Curlews (Stone Curlew SPA) (1,900m to west)
- A number of County Wildlife Sites (CWS) the closest of which is 'South-East of Stow Bedon Hall' (340m to east)
- Grade II* St Botolph's Church (500m to east) & Grade II Listed Stow Bedon House (400m to north)

EIA REQUIRED

The proposed development falls within Schedule 1, article 17(b) of the Regulations, Installations for the intensive rearing of pigs with more than 3,000 places for production pigs (over 30 kg). The development therefore is EIA development, where an Environment Impact Assessment is required and has been duly submitted.

RELEVANT SITE HISTORY

No recent relevant site history.

POLICY CONSIDERATIONS

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.04

Infrastructure

CP.09	Pollution and Waste
CP.10	Natural Environment
CP.11	Protection and Enhancement of the Landscape
CP.14	Sustainable Rural Communities
DC.01	Protection of Amenity
DC.12	Trees and Landscape
DC.16	Design
DC.17	Historic Environment
DC.21	Farm Diversification
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
SS1	Spatial Strategy

OBLIGATIONS/CIL

A legal agreement is required to tie the bungalows at the site entrance to the business or business owner.

CONSULTATIONS

STOW BEDON & BRECKLES P C

Objects to this application on the following grounds:

1. This is a massive increase in the size of the operation. The proximity of the Upper Thet watercourse gives great concern, and possibly this is why roofing the existing manure store is proposed.
2. These units are situated upwind (SW prevailing) of residential areas. Some residents frequently have to endure odour issues, although it may be that this is partly due to other (e.g. duck) units in the area, plus the constant drone from the fans. If these residents already have a problem, then the increase in size is likely to make matters worse.
3. Breckland Council has recently refused permission for a residential application partly because of the inadequacy of the access road (Cherry Tree Lane/Sandy Lane) and this refusal was upheld by the Planning Inspector on appeal. This development will increase traffic on the same road.

NORFOLK COUNTY COUNCIL HIGHWAYS

No objection subject to conditions including off-site works.

CONTAMINATED LAND OFFICER

No objection.

ENVIRONMENTAL HEALTH OFFICERS

No object subject to compliance with the most recent noise and odour management plans that have been submitted to the Environment Agency.

ENVIRONMENT AGENCY

We have no objection to the proposed development in principle. Our requirements for the operation of this

proposal will be met through an Environmental Permit (EP).

ECOLOGICAL AND BIODIVERSITY CONSULTANT

No objection subject to conditions.

NATURAL ENGLAND

We provided the Environment Agency with detailed comments on the Environmental Permit for this application and are therefore satisfied that, with the permit in place, the application is not likely to lead to a significant effect on any of the components of Breckland Special Protection Area (SPA), Breckland Special Area of Conservation (SAC) or the Norfolk Valley Fens Special Area of Conservation (SAC) due to changes in air quality.

PUBLIC RIGHTS OF WAY OFFICER

No objection.

FLOOD & WATER MANAGEMENT TEAM

No comment.

HISTORIC ENVIRONMENT SERVICE

No objection no recommended conditions.

ENVIRONMENTAL HEALTH OFFICER - AIR QUALITY

No objection.

AIR QUALITY OFFICER

No Comments Received

REPRESENTATIONS

The application was found to be EIA development and following receipt of the Environmental Statement (ES) that application was re-advertised and neighbours re-consulted on 7th March 2019. As the ES has been submitted after validation of the application, the applicant erected a site notice and advertised in the Diss Mercury in February 2019.

4 local representations have been received raising the following:

- Concern in regards to the additional large vehicle movements with particular regard to pedestrian safety.
- Can the vehicles not use the lane and roads to the east of the farm.
- Development should pay for or towards passing places along Sandy Lane required via 3PL/2017/1309/F, as the development will increase use of this road .

ASSESSMENT NOTES

1.0 Principal of Development

1.1 The application seeks full planning permission for the demolition of dated piggery buildings and the erection of 7 modern building which would increase the sites capacity to 6,990 pigs. The application thus comprises the intensification and expansion of an existing agricultural business.

1.2 Core Strategy Policy SS 1 advises that minimal development predominantly comprising the diversification of rural enterprises will be accommodated in the countryside. Policy CP 14 sets out that the diversification of

existing rural enterprises and the development of new enterprises where a rural location is either environmentally or operationally justified will be supported, provided there are no significant detrimental environmental, landscape, conservation or highway impacts. Policy DC 7 permits employment uses outside General Employment Areas where they relate to an expansion of an existing business based on agriculture. Finally, the NPPF 2019 states that planning decision should support development of under-utilised land and buildings (para 118) and development of agricultural businesses (para 83).

1.3 The principal of development would therefore comply with all of the Policies listed above together with paragraph 83 and 118 of the NPPF, and is thus found to be acceptable in principle.

2.0 Highways

2.1 It is understood that the development would result in an average lorry movement of 9.6 per week (counting in and out separately and summer hay deliveries). However, due to how this type of business operates, certain weeks in the business cycle would have noticeably more movements than others. In week 14 there would be 15 lorry movements, whereas Week 4 there would only be 4 lorry movements. On top of these movements, during harvest usually mid July to mid September (i.e. 2 months) there would be an additional 18 lorry movements per week. Both the average and the busiest week needs to be considered, with the busiest week being 33 movements which would occur 1 to 2 times a year.

2.2 NCC Highways have not objected to the application and associated uplift in vehicle movements, subject to conditions including those to secure the widening of Cherry Tree Lane to 5.5m for its first 15m to enable two large vehicles to pass, together with two passing places along the same road further towards the site. The applicant has agreed to these and they should be translated into conditions.

2.3 Local residents have raised whether a new access could be created westwards direct to the B1111 or A1075. This has been considered, but would not be reasonable as the land to facilitate this is not in the applicants ownership, nor is considered necessary or relateable in scale in context of the number of traffic movements. Local residents have also asked that certain roads are not used by the vehicles going to and from the site. Most vehicles will head directly westward to the B1111 or A1075 rather than rural roads to the east, and therefore a vehicle routing strategy is not considered necessary.

2.4 The site's impact on local junctions and the highways network is considered to be acceptable having regard to Policy CP 4 and paragraphs 108(b) and 109 of the NPPF.

3.0 Ecology and Biodiversity

3.1 As detailed in the Site and Location section of this report, the site is near to a number of sensitive ecology/ biodiversity areas including CWSs, an SSSI, SPA Buffer and the River Thet. As such, the development if uncontrolled could potentially cause harm to these areas as well as any wildlife on or near to the site.

3.2 The Environment Agency have not objected to the application and have advised that they have liaised with the site operator in respect of obtaining an Environmental Permit (EP). The supporting EIA document advised this has now been granted (reference: EPR/UP3936RLN002). The EP includes requirements and details of:

- Environment Management system and compliance with published Best Available Techniques (BAT) for intensive farming operations
- Noise Management Plan

- Odour Management Plan
- Site drainage
- Manure Management Plan

3.3 Natural England were consulted and provided detailed advice and requirements for the associated, but non-planning, Environmental Permit. They advised that subject to this Environmental Permit in Place, that the application is not likely to lead to a significant effect on any of the components of Breckland Special Protection Area (SPA), Breckland Special Area of Conservation (SAC) or the Norfolk Valley Fens Special Area of Conservation (SAC) due to changes in air quality. They had no further comment to make on the application.

3.4 The Natural Environment Team have reviewed the application and the EIA and have advised that site management and pollution control measures, including ammonia reduction measures and water run-off control measures, should ensure avoidance of adverse impacts on nearby designated sites or local priority habitats both during construction and operation. The necessary permits issued by the Environment Agency provide the confidence in these matters. They further advised that no protected species were identified on site but old swallow nests were present. As such, a timing requirement for demolition of the building(s) supporting old swallow nests is recommended in the EIA (paragraph 4.5.13). In respect of enhancement, they noted that some enhancements for biodiversity ('net gains') are required in line with the requirements of the NPPF. The EIA includes some enhancements for biodiversity in paragraph 4.5.14. NET considered these are appropriate and should be conditioned as follows: 10x Schweglar artificial, 10x Swallow nest, 2x barn owl boxes, 10x other bird boxes, and 10x bat boxes.

3.5 The site must operate in compliance with the Environmental Permit and any subsequent agreed variations. In addition, it is recommended the NET/ ecology conditions are also included if consent is granted. On this basis, the development has not been found to give rise to harm to ecology or biodiversity on or off site in accordance with the requirements of Policy CP 10.

4.0 Air Emissions

4.1 The increased operation of the site will increase green house gas omissions from increased vehicle movements and the increase in number and types of pigs.

4.2 Paragraph 3.3.32-35 of the EIA advises that the average large vehicle movements per week would be 28.4 (inward and outward bound) or 4 per day. This would be an increase of 25.56 movements per week as the existing large vehicles movements is 2.84 per week.

4.3 In respect of ammonia, these have been assessed via computer modelling, and it has been concluded that there would not be adverse impacts to sensitive ecological sites.

4.4 As under Section 3.0 of this report, Natural England have raised no objection and have advised that the Environmental Permit will prevent any significant effect on any of the components of Breckland Special Protection Area (SPA), Breckland Special Area of Conservation (SAC) or the Norfolk Valley Fens Special Area of Conservation (SAC) due to changes in air quality. The impact from air emissions is therefore considered to be acceptable having regards to Policies CP 9 and CP 10.

5.0 Contamination and Drainage

5.1 The Contaminated Land Officer has considered the application and raised no objection or requests for conditions, noting that applicant will be required to submit a closure report regarding the condition of the land

upon cessation of the activity under the requirements of the Environmental Permit.

5.2 In relation to the drainage proposal, this will also be controlled via the Environmental Permit. The EIA details that the dirty water from the piggery building will be directed to a dirty water tank which will be taken off site by vehicle. Clean water will be directed to the River. The LLFA have advised they have no comments to make on the application.

5.3 The proposal has been found acceptable in respect of contamination and drainage in accordance with Policies CP 9 and DC 13.

6.0 Landscape and Character and Appearance of Area

6.1 The buildings would have a functional appearance which is considered appropriate for their use. Due to the existing site being majority brownfield with dated buildings, the visual character will remain similar, albeit with greater building massing.

6.2 The site is set back from the adopted Highway (B1111 & Cherry Tree Lane) and as currently existing is only visible from a few vantage points. Due to the set-back from the road, it has very limited visual presence. The development if granted and built, would also have limited visual presence due to the grouping of the building and the expansion area being the rear of the existing further away from the roads again.

6.3 The development would also be visible from the PRow to the east of the site. However, given the existing buildings, the difference is not considered significant.

6.4 On the foregoing basis, the development is considered compliant with Policy CP 11.

7.0 Residential Amenity

7.1 The nearest neighbours are numbers 1 and 2 Cherry Tree Farm Bungalows which are located to the west of the site access where it meets the adopted highway. These properties gardens are 500m away from the main site where the pigs will be housed and the delivery area. The bungalows are owned by the applicant and one of them is let to a member of staff.

7.2 To the north-east is Breckles House (also known as Manor Farm) which garden is 272m away from the main part of the site, with its rear elevation 390m distant. Between the development and Breckles House is a poultry/ bird farm which has associated noise and odour. Stow Bedon House (also known as Manor Farm Cottages) is 411m distant to garden boundary and 451m to rear elevation. Beyond these properties to the north of Cherry Tree Lane is Prince of Wales Lodge (also residential), this property has two planning applications which were dismissed at appeal for housing. There are no houses to the west of the site along Cherry Tree Lane where the additional vehicles will travel along.

7.3 Given the separation distances, the sites existing use and dated buildings, and the other livestock farm, the impact on residential amenity is considered acceptable. To prevent the situation becoming unacceptable in the future, it is recommended that a S106 agreement is prepared, preventing the 2 bungalows at the site entrance being sold off to persons not related to the business. This is because future non connected residents may raise a nuisance objection to the development which may affect its ability to function.

7.4 No objections have been raised in respect on vibrations.

7.5 The development has therefore found to not give rise to harm to residential amenity to unacceptable

levels, and is therefore compliant with Policy DC 1.

8.0 Conclusion and Planning Balance

8.1 The development is for expansion of an existing pig farm business which is supported by Policies SS1, CP14, DC 7 and paragraph 83 and 118 of the NPPF. The principle of development considered to be acceptable.

8.2 Due to its remote location away from the highway and limited neighbours, its existence is not expected to cause harm to the landscape or neighbours.

8.3 The rigorous EA Environmental Permit process has dealt with the technical matters including impact on biodiversity area, water systems, contamination and air emissions. As such, the statutory consultees have not raised an objection.

8.4 The development has found to be policy compliant and no material considerations have been raised which indicate that the application should be refused. On the foregoing basis, it is recommended the application is approved subject to conditions and a legal agreement.

RECOMMENDATION

Having taken into account the Environmental Information contained in the EIA and EIA Non-Technical Summary, together with the application supporting information, in the context of no statutory consultee objections, approval is recommended subject to conditions and legal agreement.

CONDITIONS

- 1 Full Permission Time Limit (3 years)**
The development must be begun not later than the expiration of THREE YEARS beginning with the date of this permission.

Reason for Condition:-
As required by section 91 of the Town and Country Planning Act 1990.
- 2 In accordance with submitted plans NEW 2017**
The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-
To ensure the satisfactory development of the site.
- 3 Non-standard condition**
No more than 6990 pigs of 30kg or over shall be kept on site, as defined by the redline shown on the approved Location and Site Block Plan reference 01 Rev B, at any one time.

Reason for condition:-
To prevent unacceptable environmental impacts including to biodiversity and residential amenity. The development has only been assessed to allow for 6990 pigs, and any increase would need further consultation with statutory consultees including the Environment Agency.
- 4 Access Improvements**

Prior to the commencement of the use hereby permitted the vehicular access indicated for improvement on drawing number 1717 09 Rev D shall be upgraded / widened in accordance with the Norfolk County Council Field Type 1 access construction specification for the first 15 metres as measured back from the near channel edge of the adjacent carriageway. Arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason for condition:-

In the interest of highway safety and traffic movement.

5

Off-Site Highways Works Details

A. Notwithstanding the details indicated on the submitted drawings no works shall commence on site above slab level, unless otherwise first agreed in writing with the Local Planning Authority, until a detailed scheme for the off-site highway improvement works as indicated on drawing number 1717 09 Rev D have been submitted to and approved in writing by the Local Planning Authority.

B. Prior to first use of the development hereby permitted, the approved off-site highway improvement works referred to in Part A of this condition shall be completed.

Reason for condition:-

To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

6

Nesting Birds

No removal or demolition of buildings, shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the buildings are removed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason for condition:-

For the protection of local wildlife and near to the site having regard to Policy CP 10 of the Breckland Core Strategy and Development Control Policies Development Plan Document 2009.

7

Ecology Mitigation and Enhancement

The development shall take place in accordance with paragraph 4.5.14 of the Environment Impact Assessment dated January 2019. This shall include the erection of the following either on site, or on adjacent land, prior to first occupation and there after retained in perpetuity:

- 10 Schweglar artificial
- 10 Swallow nest
- 2 barn owl boxes
- 10 other bird boxes
- 10 bat boxes

Reason for condition:-

For the deliver of net biodiversity gains and mitigation as required by paragraphs 118, 170

and 174 of the National Planning Policy Framework 2019, together with having regards to Policy CP 10 of the Breckland Core Strategy and Development Control Policies Development Plan Document 2009.