

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2020/1484/F	<b>CASE OFFICER</b>	Fiona Hunter
<b>LOCATION:</b>	WELLINGHAM Land to the west of The Street Wellingham	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Mr Richard Thompson Grove Farm Holbeach Hurn	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Mr Nick Moys Ground Floor The Atrium St Georges Street	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	Erection of dairy unit, including cattle house, milking parlour, loose yard building, general purpose building, feed store, feed bin, milk silo, silage clamps, slurry lagoon, attenuation pond, hardstandings and new access.	<b>LB GRADE:</b>	N
		<b>TPO:</b>	N

**DEFERRED REASON**

Application was deferred on 15th February 2022 for a site visit.

Recommendation continues to be for approval subject to conditions for the details listed in the report below.

**REASON FOR COMMITTEE CONSIDERATION**

The application is locally significant and has received a significant number of representations.

**KEY ISSUES**

Principle of Development  
Highways, Road Network and Parking  
Design and Landscape Impact  
Drainage and Flooding  
Ecology, Biodiversity, Emissions and Protected Sites  
Residential Amenity  
Recreational Amenity  
Archaeology and Contamination

**DESCRIPTION OF DEVELOPMENT**

Full planning permission for the development of a dairy unit including cattle house, milking parlour, loose yard building, general purpose building, feed store, feed bin, milk silo, silage clamps, slurry lagoon, attenuation pond, hardstandings and new access.

The cubicle building has a floor area of 1,788sqm, is 66m in length, 27.6m in width, 3.8m to eave and 9.8m to

ridge. The walls are proposed to be made of concrete panels with openings.

The Parlour Building as a floor area of 710sqm (covered), is 42.6m in length, 18.8m in width, 3.3m to eave and 6.19m to ridge. The walls are proposed to be concrete blocks.

A slurry lagoon is proposed to the south-west of the dairy unit and would be 65m in length and 45m in width with a low earth bund.

The Design and Access Statement details the dairy unit would accommodate/ process a herd of 350 dairy cows. During the winter, the cows would spend six months housed in the cattle house, fed home grown maize silage, grass silage, fodder beet and bought in concentrate feed. Around 105 hectares of grass, 43 hectares of maize and 12 hectares of fodder beet would support the dairy unit.

## **SITE AND LOCATION**

The site is 2.7ha in size and is currently in agricultural use. A hedge and tree border the east and south of the application site, together with a further hedgerow splitting the site into north and south parcels.

1,000m to the north is Wellingham village. The closest residential properties include 12 Wellingham Road approximately 1,170m to the east and Crabapple Cottage 14 The Street approximately 1,079m to the north.

## **EIA REQUIRED**

### Environment Impact Assessment Screening Opinion

The development will house up to 350 cows undercover for 6 months of the year and provides a milking parlour. The development does not fall within any Schedule 1 categories where an Environmental Statement is always required. The development could be described as an intensive livestock installation and the floor area exceeds 500sqm. It therefore falls within Schedule 2, 1(c) of the Regulations and thus needs to be screened to determine whether an Environmental Statement is required.

Having considered the Selection Criteria in Schedule 3 of the Regulations following the detailed assessments set out below it is considered that the development is not likely to have a significant environmental effect. Of particular relevance for this development in coming to this conclusion is the: distance to the nearest dwellings; the height of the development; and generation of ammonia emissions and nitrogen deposition being below the 1% of the Critical Level at the River Wensum Special area of Conservation (SAC)(UK0012647), River Wensum SSSI and River Nar SSSI.

## **RELEVANT SITE HISTORY**

No relevant site history for the application site.

Land to the north east, immediately adjacent has a live planning application reference 3PL/2020/1466/O connected to the application for the erection of farm worker's dwelling. It is recommended these two applications are determined in tandem, if possible.

## **POLICY CONSIDERATIONS**

The following policies of the Breckland Local Plan, 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

COM01	Design
COM03	Protection of Amenity
EC01	Economic Development
EC03	General Employment Areas
EC04	Employment Development Outside General Employment Areas
ENV01	Green Infrastructure
ENV02	Biodiversity protection and enhancement
ENV03	The Brecks Protected Habitats & Species
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN03	Settlement Hierarchy
GEN05	Settlement Boundaries
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR01	Sustainable Transport Network
TR02	Transport Requirements

**OBLIGATIONS/CIL**

Not Applicable

**CONSULTATIONS**

**WELLINGHAM P C**

Object to the application due to:

- Construction of thinly disguised industrial units in open countryside, damaging views and the entire approach to Wellingham.
- Large increase in HGV movements which are likely to go through Wellingham and Litcham and routing conditions unlikely to be successful
- Air Pollution, Odour and Pests from the development
- There has never been any established dairy farm in Wellingham of any scale
- No pre-application public consultation
- No local community benefit
- Loss of open countryside
- Highways difficulties with the construction traffic including long steel beams and causing wear and tear

including to byways

- Development unlikely to be economically viable without further expansion
- Why is the applicant's operation in Tittleshall expanded instead
- The application documents are not accurate

#### **NORFOLK COUNTY COUNCIL HIGHWAYS**

We are advised that the vehicular traffic associated with the use will be:-

- 1 milk tanker every 1 to 2 days.
- 1 HGV delivering concentrated feed every 2 months
- 1 tractor and trailer delivering feed every day.
- 8/10 car movements associated with staff and the manager house.

It is anticipated that the milk tanker, which currently visits the applicants other holding High House Farm, will also serve the application site. However, since there is no guarantee of this, we have based our assessment on a stand alone milk tanker visiting the site independently.

The site is served by a network of single track highways with limited formal passing provision. The applicants submission highlights that the land around the proposed dairy unit is used for sugar beet production and that this use generates HGV traffic during the sugar beet campaign. It is proposed that this use would cease as the land would be used instead for grazing and for growing fodder crops to support the dairy.

In order to assist in mitigating the effects of the development the applicant proposes providing a passing place on The Street, improving the junction of The Street with Heath Road where damage is already occurring and maintaining the verge to the west of the junction of Heath Road with The Street to improve visibility which is currently severely restricted.

Based on the vehicular generation figures provided, and taking into account the proposed mitigation works, we consider it would be difficult to substantiate an objection to the proposals. It would however be essential that all HGV traffic follows the route proposed and does not turn left out of the site to travel through Wellingham.

With that in mind I have proposed HGV traffic routing conditions which will apply for both the construction phase and the operational phase. This will also apply to the excavation of the lagoon.

If consent is granted recommend several conditions.

#### **ENVIRONMENT AGENCY**

Following receipt of additional information we are able to remove our objection and recommend a conditions for storage lagoon constructions scheme and not store any digestate until the construction quality assurance validation report has been submitted to, and approved in writing by, the Local Planning Authority.

#### **ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objection, recommend conditions.

#### **NATURAL ENGLAND**

Natural England considers that the proposed development will not have likely significant effects on the River Wensum Special Area of Conservation and also consider that the proposed development will not damage or destroy the interest features for which the River Nar & River Wensum Sites of Special Scientific Interest has been notified and has no objection.

#### **TREE AND COUNTRYSIDE CONSULTANT**

No objection, recommend condition.

**AIR QUALITY OFFICER**

No objection, recommend condition in relation to pests.

**CONTAMINATED LAND OFFICER**

No objections or comments on the grounds of Environmental Protection, providing the development proceeds in line with the application details. The applicant should ensure that the proposed development meets Environment Agency controls for storage and use.

**FLOOD & WATER MANAGEMENT TEAM**

The County Council as Lead Local Flood Authority has no comments to make.

**NATIONAL GRID**

No objection.

**HISTORIC ENVIRONMENT SERVICE**

No objection or recommendation for conditions.

**CPRE NORFOLK**

We have major concerns regarding the location of the site in terms of the HGV access to it along the surrounding minor road network. In particular we feel this would lead to potential conflicts between members of the public and the HGVs which would be using the site. This would potentially have the most serious impacts on pedestrians, cyclists and horse riders. The local lanes have no designated and few informal passing places, making the meeting of an HGV with any of these users, but also other users of motor vehicles, potentially dangerous. Given the lack of adequate passing places, the narrowness of the lanes, and the poor condition of the roads especially during wet weather, it is difficult to see how the listed road users could continue to use the road safely as there would be no point of refuge for them. Bearing in mind that these road users could also include those using pushchairs or mobility scooters, the safety implications are even more serious. This would make the proposal contrary to NPPF paragraph 108 as this significant impact on highway safety from the development could not effectively be mitigated for. We feel the development would lead to an unacceptable impact on road safety and should therefore be refused permission, in line with NPPF paragraph 109.

The other major concern of CPRE Norfolk is with regard to any external lighting which may be included with the development, as it is not clear from the application documentation whether and to what extent this is proposed. While we would like to see the application being refused, if it is granted permission we would ask for any external lighting to be subject to a condition which would ensure the following, bearing in mind the requirements of NPPF paragraph 180c).

**LITCHAM PARISH COUNCIL**

Litcham Parish Council were not notified of this planning application and feel that they should have received notification for consideration. Presently the milk tankers pass through Litcham from the A1065 every two days to reach the existing dairy farm.

The Litcham Primary School is on a very narrow road, and this will be the proposed route that the construction traffic will use to reach the site. During school hours, this road will increase in traffic with picking up and dropping off at the school, potentially this could become a Health and Safety concern if heavy construction vehicles were passing during this time. Another consideration is the environmental impact.

Litcham Parish Council are also concerned about the possible increase of traffic flow, not only heavy construction traffic, but for the milk collection and delivery of feed, as well as considering the highway

road surface.

The route to the Wellingham proposed site is mainly rural lanes which are very narrow and do not allow for two way traffic, the Parish Council would like to request for Highways to assess the route.

#### **ENVIRONMENTAL HEALTH OFFICERS**

No objection, recommend a condition restricting odour from the development not to exceed the Environment Agency recommended guidance benchmark of 30uE/m<sup>3</sup> at the boundary with the nearest affected domestic property.

In addition, a further condition is recommended to control flies.

#### **NORFOLK WILDLIFE TRUST**

No Comments Received

#### **Norfolk Wildlife Trust**

Wish to raise the potential presence of Priority Habitats nearby for further consideration prior to determination. Whilst not designated as a formal wildlife site, we are concerned at the potential for emissions from the proposed development to impact on an area of potential grassland and heathland habitats approximately 220 metres to the south of the proposal. Four fields around the junction of Wellingham Road and Heath Lane are labelled as Wellingham Heath and Tittleshall Heath on Ordnance Survey mapping, and online habitat mapping information indicates these fields potentially being lowland dry acid grassland. Both habitat types are listed as Priority Habitat types under Section 41 of the Natural Environment & Rural Communities Act.

*Case officer note: a response to the above has been submitted by the applicant and re-consultation gone out to NWT. The response, if received, will be reported to planning committee.*

#### **REPRESENTATIONS**

A site notice was erected on 29th January 2021 and an newspaper advert published on 18th January 2021. Persons who had sent a local representation/ comments were directly consulted on 10th May 2021 following receipt of additional Highways information and again on 13th January due to amended redline and relocation of slurry lagoon. 62 local representations, some of which are a second or third responses, have been received raising the following key points:

- Highways issues including: safety, existing rural narrow road network, amount of traffic, lack of suitable passing places, damage to roads and verges
- Roads already in poor state of repair
- Sugar beet is not grown every year due to crop rotation
- Passing places urban in nature and will detract from the unspoilt lanes and countryside
- Loss of hedgerow
- Odour including from slurry lagoon
- Noise disturbance
- Sizeable development of 3ha of greenfield land
- Large buildings
- Landscape harm and harm to countryside
- Not a sustainable location
- Conflicts with the adopted development plan
- Traffic movement estimates inaccurate

- Routing proposed unlikely to be followed and would not be enforceable
- Ecology and biodiversity harm including to the habitat network
- Ammonia emissions
- Pests and pathogens
- Would make road unsuitable for recreational activities including walking
- Poor animal welfare
- Not enough consultation
- Milk produce may be higher on certain days/ weeks
- Slurry and waste spread on fields
- Developer should enlarge his existing unit rather than build a new one
- Could lead to further development
- No pre-application consultation
- Cumulative impact with other development including solar farm
- Where will the cows pasture
- Flooding issues
- Where is the EIA Screening Opinion
- errors in the verbal committee presentation

Of the 62 responses received 6 were in support of the application raising the following:

- The off-site highways improvements will benefit all road users
- Resident who lives near a dairy farm with 350 cattle has not experienced any odours
- Important employment sector which does and need to continue evolving
- Development area is out of public view
- No field boundaries are being changed or trees or hedges being removed
- The crop change to grass will improve Carbon Sequestration
- State of art design which will improve animal welfare and efficiency
- Will be change in traffic movements and character which will be appropriate for the location
- Will reduce transport movements
- Odours unlikely to be noticeable above other existing operations in the area
- Direction of traffic can be managed
- Food producing development has to go somewhere and this in the norm in the countryside
- To reduce environmental impact suggest they increase screening, add solar panels and a pond
- Max milk production will be 30,000L and a tanker can hold 29,000L, thus only 1 tanker per day required
- Relocation of slurry lagoon is an improvement on an already acceptable development
- Slurry lagoons don't smell

## **ASSESSMENT NOTES**

### **1.0 Principle of Development**

1.1 The application is for the development of a dairy unit including cattle house, milking parlour, loose yard building, general purpose building, feed store, feed bin, milk silo, silage clamps, slurry lagoon, attenuation pond, hardstandings and new access. Policy EC 04 of the Breckland Local Plan (adopted 2019) permits employment uses in the countryside where it would be detrimental to local amenity if located in settlements, including general employment areas, which is the case for this development, subject to highways impact which is discussed at Section 2.0 of this report. The principle of development also accords with paragraphs 83 and 84 of the NPPF which seeks to support a prosperous rural economy.

1.2 The development would result in the loss of Grade 3 agricultural land (good (a) to moderate(b)), which assuming it is 3(a) forms part of the best and most versatile agricultural land as defined by NPPF. Paragraph 170 of the NPPF sets out that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. The loss of 3ha of grade 3 agricultural land is a negative of the proposal which must be assessed in the planning balance, which is undertaken at the end of this report.

## **2.0 Highways, Road Network and Parking**

2.1 The application sets out that the operational vehicle traffic will be:

- 1 milk tanker every 1 - 2 days.
- 1 HGV delivering concentrated feed every 2 months
- 1 tractor and trailer delivering feed every day.
- 8/10 car movements associated with staff and the manager house
- Occasional tanking of dirty water off-site

2.2 The site is served by a network of single track highways with limited formal passing provision. The applicants submission highlights that the land around the proposed dairy unit is used for sugar beet production and that this use generates HGV traffic during the sugar beet campaign. The agent has further advised that a number of crops are grown on this part of the farm, with sugar beet being grown every year on rotation, with fields being used for sugar beet one year in every three. Therefore, should the dairy proposal not go ahead, HGV traffic would continue to be generated here (sugar beet pad adjacent) with up to 12 lorries a day during the campaign period.

2.3 The direction of travel for the Milk Tanker is most likely be southwards down The Street, turning westwards on Heath Lane and then onto A1065 with the end destination London due to the Arla contract. Other traffic movement could be to High House Farm which is in the same ownership via Heath Road and then Back Street or through Tittleshall.

2.4 To provide mitigation off-site highways are proposed as follows:

- Passing Place installed at The Street
- Improvement Junction at The Street and Heath Road
- Maintaining the verge to the west of the junction of Heath Road with The Street to improve visibility

2.5 Highways have not raised an objection. However, they have advised that it would be essential that all HGV traffic follows the route proposed and does not turn left out of the site to travel through Wellingham. Unfortunately routing conditions are not considered to be enforceable as it is extremely difficult to track, monitor and enforce vehicle movements. Signage directing drivers away from Wellingham is possible and can be conditioned, and it is recommended a note is added to the decision notice if approved to request Wellingham is avoided.

2.6 Whilst we are not recommending the routing condition is applied it is considered that due to the low traffic movements and that Wellingham is not the natural route drivers would go through, the residual cumulative impact on the road network is not considered to be severe and the application should therefore not be refused on these grounds, having regard to advice provided by paragraph 109 of the NPPF. No highway safety conflict has been identified, subject to the mitigation measures being secured via condition.



2.7 The development is considered to comply with paragraph 109 of the NPPF and Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

### **3.0 Design and Landscape Impact**

3.1 The site extends to 2.7ha and the application includes 2 large agricultural buildings creating 2,498sqm of floor space combined. The larger building, the cubicle building, is 66m in length, 27.6m in width, 3.8m to the eaves and 9.8m to the ridge. The design is agricultural and functional in nature and walls and roof are formed from concrete panels and blocks. The design of these principle buildings are considered acceptable for the proposed use. The muted concrete colour will limit visual impact.

3.2 The site is screened to the south and east by existing trees and hedgerows along the site boundary. A further tree and hedgerow dissects the site with the slurry lagoon to the north and the rest of the development to the south, this hedge is proposed to be retained and will provide screening to the buildings and silage clamps. 230 metres to the west is a further hedge and tree row. The development will therefore benefit from established mature screening from public vantage points, albeit in winter months. With the loss of leaves the development will be more visible. There are no public rights of way adjacent to the application site.

3.3 The application is supported by a Landscape Assessment including viewpoints and concludes that "The greatest effect on visual amenity is likely to be experienced immediately adjacent to the site only. Any more distant views of the proposed development beyond this are limited and if experienced, are fleeting or partial only. It is therefore considered that there is little potential for the development to result in any significant effects on visual receptors beyond the immediate field enclosure".

3.4 The application site will change fundamentally from agricultural fields to a built site. Beyond the site the development will only likely been seen from Heath Lane when people are travelling down this route. Overall the landscape and visual harm is considered to be minor. The development of this nature is not suitable for sites in or adjacent to residential settlements or employment sites due to noise and odour and as such a minor harm is considered acceptable. As recommended in the submission, hedge infilling should be provided as mitigation into any existing gaps.

3.5 For the aforementioned reasons the development complies with Policy ENV 05 of the Breckland Local Plan (adopted 2019) and Section 15 of the NPPF.

### **4.0 Drainage and Flooding**

4.1 The application site is in flood risk zone 1 which is at the lowest risk of flooding from rivers and sea. The site is at very low risk of surface water flooding and no identified risk of groundwater flooding or flooding from reservoirs.

4.2 For hard standing (roof, yards and access) rainwater will discharge into a 1.3 deep attenuation basin which will outfall into the ditch to the south of the site. Surface water runoff from the yard and access will go through an interceptor prior to outfalling to the basin. The system is designed for the 1 in 100 year rainfall event plus 40% allowance for climate change. Drainage from the feed area, collecting yard, and silage clamps have been excluded from the above and they will drain to a separate dirty water system which will be tankered off site.

4.3 Percolation tests were undertaken on-site however these found that infiltration testing was not a feasible option for this site due to poor porosity rates.

4.4 The LLFA have advised they have no comments to make on this application. The Environment Agency following amended and additional information have withdrawn their objection subject to conditions. Based on the foregoing, the drainage arrangements are found to be acceptable and accord with Policy ENV 09 of the Breckland Local Plan (adopted 2019).

## **5.0 Ecology, Biodiversity, Emissions and Protected Sites**

5.1 The site is a agricultural field boarded by hedge and tree belt and development will change this to an intensive milking unit. The Ecology Assessment including a Shadow Habitats Regulations Assessment advised that great crested newts are not presented locally, that there is likely to be a small assemblage of foraging bats and nesting birds together with hedgehogs and invertebrates. The development will cause some harm by the loss of arable and improved grass swards land, creating a gap in a protected hedgerow and some light spill. As such mitigation and enhancement is required. The applicant recommends this takes the form of:

- Any clearance of vegetation should be undertaken outside of the nesting bird season (March to August inclusive) or otherwise under a watching brief.
- New infill planting of the existing south entrance of the east hedgerow to mitigate the creation of the new breach.
- New hedgerow planting around the dwelling.

5.2 The Council's Ecological and Biodiversity Consultant has not objected subject to conditions requiring compliance with the Preliminary Ecological Report and a condition to secure net gains for biodiversity in accordance with Policy ENV 02 of the Breckland Local Plan (adopted 2019).

### Habitats Regulations Screening

5.3 The Local Planning Authority (LPA) as the competent authority must consider and conclude whether the potential for likely significant effects to European Sites can be excluded. If they cannot, the LPA must make an Appropriate Assessment (AA) of the implications of the development for that site, in consideration of the effected European Sites conservation objectives. The information required to enable the LPA to under take the assessment is provided by the Applicant's submitted Habitats Regulations Assessment (HRA) October 2020.

5.4 The site is 3.36km from the River Wensum Special area of Conservation (SAC)(UK0012647). The qualifying features for the SAC are: Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation (3260); White-clawed (or Atlantic stream) crayfish (1092); Desmoulin's whorl snail (1016); Brook lamprey (1096); and Bullhead (1163).

5.5 The aspect of the development which could affect the SAC is the generation of ammonia emissions and nitrogen deposition. The maximum annual nitrogen deposition rate is 0.12 and 0.09kg/ha or 0.8% and 0.6% of the Critical Load. This is below the 1% of the Critical Level. As such It is concluded that the scheme will not impact the site integrity of the River Wensum SAC and an Appropriate Assessment is not required.

5.6 Natural England and the Council's Ecological and Biodiversity Consultant have advised in their view a likely significant effect can be ruled out.

5.7 Based on the foregoing, the Council agrees with and adopts the submitted Habitats Regulations Assessment October 2020, which provides the full assessment with the above a summary, as our Habitat Regulations Assessment.

5.8 Other protected sites which could be affected by the development is River Wensum SSSI and River Nar SSSI due to generation of ammonia emissions and nitrogen deposition. The submitted reports conclude the impacts to these SSSI's will be negligible which Natural England and the Council's Ecological and Biodiversity Consultant have advised that the proposed development will not damage or destroy the interest features for which the site has been notified and have no objection.

5.9 Norfolk Wildlife Trust (NWT) have raised potential impact to an area of potential grassland and heathland habitats approximately 220 metres to the south of the proposal and impact to these from emissions. The applicant has submitted a response to this and Norfolk Wildlife Trust has been re-consulted. Their response will be reported separately if received. The response concludes that "the fields are not a priority habitat type (acid grassland or heathland). This conclusion is based on the past arable use (until at least the late-1980s), the vegetation structure and species seen, and the species and characteristics that were not seen. It is recognised that the survey and assessment is constrained, but there is sufficient confidence in the assessment to conclude that the fields are not a priority habitat and are a semi-improved neutral grassland."

5.10 In respect of protected species, biodiversity, European sites and National sites the development is found to be acceptable and accords with Policies ENV 02 and ENV 03 of the Breckland Local Plan (adopted 2019), together with Section 15 of the NPPF.

## **6.0 Residential Amenity**

6.1 The application is supported by a Dispersion Modelling Study of the Impact of Odour which concluded that, at all residences in the area around the site of the proposed dairy unit at High House Farm, the odour exposure would be well below the Environment Agency's benchmark of 3.0 ouE/m<sup>3</sup> as a maximum annual 98th percentile hourly mean. This is visualised in Figure 5 of the Report. The Council's Environmental Health Officer raises no objection subject to a condition to limit odour levels at the nearest affected dwelling and to control flies.

6.2 Noise levels are not anticipated to be at a level to provide an unacceptable impact at the residential properties.

6.3 The other aspect of the development which could negatively impact residents is external lighting. To this end, it is recommended that external lighting is controlled by way of condition. This would also have an ecological mitigation purpose.

6.4 The impact to residential amenity is found to be acceptable. The development therefore accords with Policy COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 127 of the NPPF.

## **7.0 Recreational Amenity**

7.1 Several local representations have raised that people use the local public road network and Public Right's of Way for recreational activities and exercise such as walking and horse riding. This includes The Street where access for the development is proposed from. The submitted Odour Report includes a modelling odour map showing the European Odour Units around the development (ouE/m<sup>3</sup>) as a maximum annual 98th percentile hourly mean (i.e. only 2% of hourly means will be above the report levels per year). The odour report advises that 1,100m The Street will experience odours of around 3 to in excess of 25ouE/m<sup>3</sup> which would take 1 to 13 minutes to walk at 3 to 3.2 miles per hour (light brisk pace).

7.2 The IAQM's Guidance on the Assessment of Odour for Planning 2018 advises that intensive livestock rearing is a Moderately offensive odour and that public highway is a low sensitivity receptor. Table 6 from this guidance document sets out that odour impacts at the levels set out above will have a slight to moderate negative odour impact. No survey has been undertaken to count the number of people using this route outside their cars, however, it will likely to affect a number of people every week and reduce the overall enjoyability of this public route.

7.3 On balance, given this is a transitional location and is shared by car and other vehicles with no pavement it is considered that the odour levels are acceptable given the economic benefits of the development. More specifically, had this been a high-quality safe route for walkers, cyclists etc. such as an off-road Public Right of Way then the odour impact would not have been considered acceptable. This is considered to be a matter of planning judgement.

7.4 Beyond this stretch of road there is no other public areas where the odours levels will be above the EA benchmark for offensive odours.

7.5 Policy COM 03 sets out that for all new development consideration will need to be given to general amenity impact issues. This development would generate odours but not to levels which are considered to give rise to unacceptable affects on residential properties or public road users. As consideration has been given to this, the development complies with Policy COM 03. However, this is a matter of planning judgement, as a negative of the development against the benefits which are economic and food supply chain.

7.6 From an EIA perspective odour levels along the highway which will have a time limited impact to road users is not considered to create a significant environmental impact.

## **8.0 Archaeology, Contamination and Gas Pipe Lines**

8.1 NCC Historic Environment Office have raised no objection nor recommended any conditions in respect to archaeology having checked their records. As such the development does not conflict with Policy ENV 08 of the Breckland Local Plan (adopted 2019) and Section 16 of the NPPF.

8.2 The Contaminated Land Officer has raised no objection nor recommended conditions.

8.3 The Environment Agency (EA) were consulted due to potential impact to the Principal Aquifer groundwater. Following receipt of further information the EA have been able to withdraw their objection. In particular the additional information included details of the (slurry) lagoon to be lined with in-situ clay to conform with the latest CIRIA standards with minimum permeability and 'leak detection and capture system'. Subject to conditions they do not object and the application is found to comply with Section 15 of the National Planning Policy Framework 2019 and Policy COM 03 of the Breckland Local Plan (adopted 2019).

8.4 A national grid gas pipeline is located to the south of the application site, and the southern part of the development is within the outer zone. National Grid have not raised an objection via their consultants.

## **9.0 Planning Balance and Conclusion**

9.1 The principle of development of an diary unit in the countryside away from any settlement accords with Policy EC 04 of the Breckland Local Plan (adopted 2019) and paragraphs 83 and 84 of the NPPF. The development would require the loss of 2.7ha of grade 3 agricultural land which is classed as (good (a) to moderate(b)) and is a negative of the proposal, as is the increased odour levels when people pass through

the area. However, the economic benefit of 3 new jobs, creation of a food product and construction jobs (direct and chain) are considered to outweigh the loss of Grade 3 agricultural land and increased odour levels.

9.2 The highways impacts of the development including road capacity and safety have found to be acceptable subject to off-site mitigation and are to be controlled by way of planning condition resulting in compliance with paragraph 109 of the NPPF and Policies TR 01 and TR 02 of the Breckland Local Plan (adopted 2019).

9.3 The development is for 2 large agricultural buildings and the due to their location, design, materials, existing boundary screening by hedges and trees the impact to the character and appearance of the landscape and views are considered to have a minor harm. On balance, the minor visual and landscape harm is outweighed by the economic benefits of the development.

9.4 A detailed drainage strategy has been submitted and which demonstrates that an acceptable system can be created which will prevent flooding on-site and which does not increase risk of flooding off-site. The drainage system avoids deepbore hole discharge and together with the containment of dirty waters protects the groundwater protection zone. However, because the relocated slurry lagoon the attenuation basin slightly overlaps a drainage condition, is required. The development therefore accords with Policy ENV 09 of the Breckland Local Plan (adopted 2019) and Section 14 of the NPPF.

9.5 The development has been found to cause negligible to protected species, biodiversity, national sites or European sites, having undertaken a Habitats Regulation Assessment, subject to conditions. The development is thus compliant with Policies ENV 02 and ENV 03 of the Breckland Local Plan (adopted 2019) together with Section 15 of the NPPF.

9.6 Harm to residential amenity will be within acceptable parameters in particular with regard to noise, odour, dust and light subject to conditions and resulting in compliance with Policy COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 127 of the NPPF.

9.7 Having regard to the above, the application is found to be acceptable and is recommended for approval, subject to conditions.

#### **RECOMMENDATION**

Recommended for approval, subject to conditions.

#### **CONDITIONS**

- 1 Full permission 3 year time limit**  
The development hereby permitted shall be begun before the expiration of THREE YEARS from the date of this permission.  
Reason for condition:-  
To comply with section 91 of the Town & Country Planning Act 1990 (as amended).
- 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 including the external materials and colours for the approved buildings. The approved external

buildings materials once erected must be retained in perpetuity or replaced like for like unless otherwise first agreed in writing with the Local Planning Authority.

Reason for condition:-

To ensure the satisfactory development of the site, in accordance with Policy COM01 of the Breckland Local Plan (adopted 2019).

**3 Land level and finished floor levels (pre-com)**

Prior to commencement of development details of existing and finished land levels and finished ground floor levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

Details are required prior to commencement to ensure that the land levels are not built above that needed to prevent internal flooding for the visual benefit of the character and appearance of countryside and local vistas including from the Public Right of Way to the west of the application site having regard to Policy ENV 05 and paragraph 170 of the National Planning Policy Framework 2019.

**This condition will require to be discharged**

**4 Parking for construction workers (pre-com)**

No development whatsoever shall take place until a scheme detailing provision for parking for construction workers, delivery and unloading arrangements and wheel washing arrangements for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented throughout the construction period.

Reason for condition:-

To ensure adequate off-street parking during construction in the interests of highway safety having regard to Policies GEN 02, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) and paragraph 108 of the National Planning Policy Framework 2019. This needs to be a pre-commencement condition as it deals with the construction period of the development.

**This condition will require to be discharged**

**5 Storage lagoon (pre-com)**

No development whatsoever shall take place until scheme to construct the storage lagoon has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme shall include the full structural details of the construction, including details of: plastic liner and geotextile specification, engineered secondary containment specification, gas relief and leak detection system design and specification, slope stability assessment (including basal heave), materials specification, digestate pipeline details and construction quality assurance plans.

The scheme shall be fully devliered prior to first use of the development hereby approved and subsequently retained and maintained, in accordance with the approved scheme, or any changes as may subsequently be first agreed, in writing, by the Local Planning Authority.

Reason for condition:-

This needs to be a pre-commencement condition to protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements and Policy COM 03 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**6 Vehicle Routing Construction (pre-com)**

Prior to the commencement of any development whatsoever a Construction Traffic Management Plan including signage proposals and Access Route which shall incorporate adequate provision for addressing any abnormal wear and tear to the highway together with wheel cleaning facilities shall be submitted to and approved in writing by the Local Planning Authority together with proposals to direct and manage construction traffic using the 'Construction Traffic Access Route' to reduce construction traffic using other routes.

For the duration of the construction period the approved Construction Traffic Management Plan shall be adhered to.

Reason for condition:-

In the interests of maintaining highway efficiency and safety and reduce disturbance to residential properties having regard to Policies COM 01 and TR 01 of the Breckland Local Plan (adopted 2019) and paragraphs 108 and 109 of the National Planning Policy Framework 2019. This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

**This condition will require to be discharged**

**7 Off-site highway improvement (foundations)**

No works above the laying of foundations shall take place until detailed drawings for the off-site highway improvement works as indicated on Drawing No.2023 03 002B have been submitted to and approved in writing by the Local Planning Authority.

Prior to the first use of the development hereby permitted the approved off-site highway improvement works shall be completed in full.

Reason for condition:-

In the interests of maintaining highway efficiency and safety having regard to Policies GEN 02, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) and paragraph 108 of the National Planning Policy Framework 2019.

**This condition will require to be discharged**

**8 Non-standard drainage condition (early stage)**

Prior to development beyond site clearance and leveling, the excavation of foundations, service runs and roads, a detailed drainage strategy including infiltration testing, drainage calculations and management and maintenance details shall be submitted to and agreed in writing with the Local Planning Authority. The approved drainage strategy shall be completed in full, and made fully functional prior to first use of the development hereby permitted. The drainage systems shall thereafter be retained and used in perpetuity and maintained in accordance with the approved details.

Reason for condition:-

This condition is required to prevent flooding to ensure that the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development having regard to Policy ENV 09 of the Breckland Local Plan (adopted 2019) and Section 14 of the National Planning Policy Framework 2021.

**This condition will require to be discharged**

**9 Vehicle Routing (pre-occ)**

Prior to first use of the development hereby approved a Vehicle Management Plan including identifying a preferred local road route for HGVs and staff vehicles to and from the site and Signage Proposals to encourage vehicles associated with the development to use the preferred local road route shall be submitted to and approved in writing by the Local Planning Authority. The approved signage shall be erected prior to first use of the development hereby approved and the Vehicle Management Plan implemented on first use of the development hereby approved and thereafter adhered to in perpetuity. The Vehicle Management Plan shall include details of:

-A preferred local road route which avoids Wellingham village

- A method and recording system of informing all drivers of vehicles under the control of the site operator, including those from external companies with contracts with the site operator, to be made aware of the approved preferred local road route and directed to adhere to it.

- A method of regular monitoring by the site operator of the approved arrangements during the life of the development including whether the vehicles associated with the development are using the approved preferred local road route for HGVs and staff vehicles both to and from the site. This could include the use of plate recognition cameras or a site operation manger undertaking monthly spot checks or vehicle tracker devices

- The creation and maintenance of a Monitoring Log which shall include no less than 24 months of the most recent preferred local road route monitoring data and shall be made available to the Local Planning Authority on request, within 21 days.

- Frequency of assessing monitoring data by the site operator

- Wheel cleaning facilities and their use/retention.

Reason for condition:-

In the interests of maintaining highway efficiency and safety, together with reducing disturbance to residential properties having regard to paragraph 108 of the National Planning Policy Framework 2019 and Policies GEN 02, COM 03, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019). This needs to be a pre-commencement condition as it deals with safeguards associated with the construction period of the development.

**This condition will require to be discharged**

10

**Vehicular accesses plan (pre-occupation)**

Prior to the first use of the development hereby permitted detailed vehicular accesses plan which accord with highways specification Field Type 1 shall be submitted to and agreed in writing with the Local Planning Authority. The access shall be built in accordance with the approved plan(s) and thereafter retained in perpetuity. 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.

Reason for condition:-

To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of highway safety having regard to Policies GEN 02, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) and paragraph 108 of the National Planning Policy Framework 2019.

11

**Biodiversity enhancement plan (pre-occupation)**

Prior to first use of the building hereby approved, a biodiversity compensation and enhancement plan shall be submitted and approved in writing by the local planning authority, detailing the compensation and enhancement measures for biodiversity on site as outlined in principle in section 8.5 and 8.6 of the Ecology Assessment including a Shadow Habitats



Regulations Assessment (Hopkins Ecology; December 2020). The biodiversity enhancement plan should include locations of hedgerow planting, species and percentages of species that will be used.

The development shall be carried out in accordance with the approved details and the improved scheme delivered in full prior to first use of the building and thereafter retained in perpetuity.

Reason for condition:-

To ensure a net gain in biodiversity in accordance with Policy ENV02 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**12 Full details of external lighting (erection)**

No external lighting shall be erected unless full details have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a lighting plan indicating luminance levels both on the site and beyond, and a schedule of equipment including mounting heights. Such lighting shall be kept to the minimum necessary for the purposes of security and site safety and shall prevent upward and outward light radiation. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason for condition:-

In the interests of the amenities of the area and local residents and to minimise light pollution in accordance with Policy COM3 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**

**13 Ecology Report Compliance**

The proposed development shall proceed in accordance with the recommendations detailed in the mitigation measures in section 8.5 and 8.6 of the Ecology Assessment including a Shadow Habitats Regulations Assessment (Hopkins Ecology; December 2020).

Reason for condition:-

To ensure wildlife on site is not harmed during construction works and to enable a net gain in biodiversity to be achieved in conjunction with Condition 11 having regard to Policy ENV02 of the Breckland Local Plan (adopted 2019).

**14 Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority prior to first occupation/ use of the development hereby approved. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority prior to first occupation/ use of the development hereby approved. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation/ use of the development hereby approved.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is

applied having regard to Policy COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 170 of the National Planning Policy Framework 2019.

**15 No gates/bollard/chain**

Any access gates/bollard/chain/other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 15 metres from the near channel edge of the adjacent carriageway. Any sidewalls/fences/hedges adjacent to the access shall be splayed at an angle of 45 degrees from each of the outside gateposts to the front boundary of the site.

Reason for condition:-

In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened having regard to Policies GEN 02, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) and paragraph 108 of the National Planning Policy Framework 2019.

**16 Visibility splays**

Prior to the first use of the development hereby permitted visibility splays measuring 2.4 metres x 59 metres shall be provided to each side of the access where it meets the near edge of the adjacent highway carriageway. The splay shall thereafter be maintained at all times free from any obstruction exceeding 1.05 metres above the level of the adjacent highway carriageway.

Reason for condition:-

In the interest of highway safety having regard to Policies GEN 02, TR 01 and TR 02 of the Breckland Local Plan (adopted 2019) and paragraph 108 of the National Planning Policy Framework 2019.

**17 Parking and access delivery**

Prior to the first use of the development hereby permitted the proposed access parking/servicing/loading/unloading/turning/waiting area shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason for condition:-

To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety having regard to Policy COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 170 of the National Planning Policy Framework 2019.

**18 Manure**

No manure or slurry (liquid or solid) shall be spread on fields within 200m of a residential property without written approval from the Local Planning Authority.

Reason for condition:-

To prevent unacceptable levels of odour to residential properties. This condition is applied having regard to Policies COM 03 of the Breckland Local Plan (adopted 2019) and paragraph 127 of the National Planning Policy Framework 2019.

**19 Digestate storage (prior to storage of digestate)**

The development hereby permitted shall not store any digestate until the construction quality assurance validation report has been submitted to, and approved in writing by, the Local Planning Authority.

Reason for condition:-

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF),

paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements and Policy COM 03 of the Breckland Local Plan (adopted 2019).

**This condition will require to be discharged**