

Committee Report

Item No: 4

Reference: 1307/17

Case Officer: John Pateman-Gee

Description of Development: Erection of 8 No agricultural buildings for the rearing of poultry

Location: Land South of Church Farm, Nicks Lane, Brome and Oakley, IP23 8AN.

Parish: Brome and Oakley

Ward: Palgrave

Ward Member/s: Cllr David Burn

Site Area: 2.30 hectares

Conservation Area: N/A

Listed Building: Affects the setting of St Marys Church (Grade II*), Brome Park Farmhouse (Grade II*) and it's barn (Grade II) and also affects the moated site at St Marys Church (Scheduled Monument)

Received: 03/04/17

Expiry Date: 06/07/17

Application Type: FUL – Full Planning Application

Development Type: Major Development

Environmental Impact Assessment: An Environmental Statement has been submitted with the application

Applicant: Mr Andrew West

Agent: Ms Louise Gregory, Acorus Rural Property Services

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

- Planning Application Form;
- Planning Statement prepared by Acorus Rural Property Services;
- Plans and other drawings relevant to the planning application prepared by C.E. Davidson Ltd (including Location Plan received 3rd April 2017)
- Flood Risk Assessment;
- Heritage Statement;
- Preliminary Ecological Appraisal by Eco-Check Consultancy Ltd;
- Landscape Character Typology 83 - South Norfolk and High Suffolk Claylands;
- Scoping Opinion by Development Management Planning Officer;

- Environmental Statement by Acorus Rural Property Services;
- Environmental Assessment Non-Technical Summary by Acorus Rural Property Services;
- Landscape and Visual Impact Assessment by Cedar Land Management;
- Transport Assessment by The Transportation Consultancy;
- Report on modelling of the dispersion and deposition of ammonia by AS Modelling & Data;
- Noise Study of existing poultry unit during bird removal by Acorus Rural Property Services;
- External Lighting Specifications;
- Surface Water drainage details;
- Landscaping Scheme prepared by Acorus Rural Property Services.

The application, plans and documents submitted by the Applicant can be viewed online via the following link;

<https://planning.baberghmidsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZW46CMPM643>

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

- The Ward Member has requested the application be brought before the committee

PART TWO – APPLICATION BACKGROUND

History

2. There is no planning history relevant to the application site.

All Policies Identified As Relevant

3. The local and national policies relevant to the application site are listed below and form part of the consideration of your officers. Detailed assessment of specific policies in relation to the recommendation and specific issues highlighted in this case will be carried out within the assessment:

Summary of Policies

NPPF - National Planning Policy Framework
FC01 - Presumption in Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach to Delivering Sustainable Development
CS02 - Development in the Countryside and Countryside Villages
CS03 – Reduce Contributions to Climate Change

CS05 - Mid Suffolk's Environment
GP01 - Design and layout of development
HB01 - Protection of historic buildings
HB14 - Ensuring archaeological remains are not destroyed
CL08 - Protecting wildlife habitats
CL11 - Retaining high quality agricultural land
CL13 Siting and design of agricultural buildings
CL14 Use of materials for agricultural buildings and structures
CL15 Livestock buildings and related development
T09 - Parking Standards
RT12 - Footpaths and Bridleways

Details of Previous Committee / Resolutions

4. None

Details of member site visit

5. None

Details of any Pre Application Advice

6. The applicant sought a scoping opinion which influenced the scope and extent of the Environmental Statement submitted with the application.

List of other relevant legislation

7. Below are details of other legislation relevant to the proposed development.

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

PART THREE – ASSESSMENT OF APPLICATION

Summary of Consultations

8. The responses below relate to the initial consultation carried out on the proposal;

Brome & Oakley Parish Council –The Parish Council considered the application and agreed to recommend refusal. This decision was based on the core of village possibly being affected by smell due to the south westerly prevailing wind (as detailed in the application report) and concerns that the

development was not compliant with either policy H17, residential development away from pollution and csfr, sustainable development.

BMSDC Environmental Protection (Other Issues) – Have no objection in principle to the proposal; operations of this type and size can give rise to the detriment of residential amenity by way of dust, noise, waste and odour.

Should the application be granted, given the number of birds to be housed on the site the applicant will need to be in receipt of an Environmental Permit from the Environment Agency. This permit relates to and conditions among other matters, environmental issues including noise, odour, dust and waste generated by the site and is enforced by the Environment Agency.

Recommends a condition relating to external lighting, as this will not be covered by the environmental permit.

BMSDC Environmental Protection (Air Quality)– No objection to the proposed development from the perspective of air quality. Would only add that any application that would result in the total number of chickens of over 40,000 individuals will result in the need for the application to be in receipt of an Environmental Permit.

BMSDC Environmental Protection (Sustainability) – Received information from the applicants agent to address the required 10% reduction in energy use required by policy CS3. Raises a few concerns with the methodology used.

BMSDC Heritage – In the event that the recommendation is for approval would request a condition to secure a scheme of landscaping.

ECC Place Services (Ecology) – Revised ecology comments 11th August 2017. No objection subject to condition to secure ecological mitigation and biodiversity enhancement.

ECC Place Services (Landscape) - The main development constraint is to ensure the development is adequately screened from nearby footpath and landscape receptors in a manner that respects and reflects the existing landscape character.

Environment Agency – The proposal for 350,000 intensively reared chickens will require an environmental permit in accordance with the Environmental Permitting Regulations 2016. In most cases we do not expect to raise major permitting concerns because the risks to the environment and people can be reduced using measures to prevent, minimise and control pollution. Further permitting advice for this site was provided for the scoping opinion referenced 3521/16, this can be found in our letter referenced AE/2016/120826/01-L01 and dated 16th September 2016.

National Grid – National Grid has no objection to this proposal which is in close proximity to a High-Pressure Gas Pipeline.

Cadent - Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Natural England – Based on the information provided in support of the application, Natural England's view is that the proposal is unlikely to have a significant effect on Waveney & Little Ouse Valley Fens Special Area of Conservation (SAC) or Redgrave & South Lopham Fens Ramsar site. We also consider that the proposal is unlikely to adversely affect Redgrave and Lopham Fens Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR), Gypsy Camp Meadows, Thrandeston SSSI or Major Farm, Braiseworth SSSI. We therefore have no objection to the proposal.

SCC Archaeological Service – There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

SCC Flood & Water – Recommend a holding objection at this time. The reason why we are recommending a holding objection is because the applicant has not demonstrated that they have considered all of the existing flood risk in the submitted Flood risk assessment and have not provide a detailed surface water drainage strategy for this full application.

The points below detail the action required in order to overcome our current objection:-

- Resubmit the flood risk assessment evaluating all types of flood risk
- Supply a detailed design drawings and other supporting documents for the surface water drainage system proposed.

SCC Highways – Notice is hereby given that the County Council as Highways Authority recommends that any permission which that Planning Authority may give should include conditions relating to the access, discharge of surface water onto the highway, deliveries management plan, HGV movements, visibility splays.

SCC Rights of Way – Should permission be granted would request that the following points are conditioned:

- Before any works on the Public Footpath commence the applicant is required to contact the Area Officer to seek permission for the works.
- A Temporary Closure of the Public Footpath(s) will be required during the works and the applicant will need to contact the Area Officer to apply for a closure.
- The Area Officer will inspect the Public Footpath prior to the commencement of works and again when all work is complete. Any damage caused will be the responsibility of the applicant and they will be expected to carry out any repairs. Failure to do so will result in Suffolk County Council taking Enforcement action.
- SCC has concerns regarding public safety particularly during peak times when there will be regular vehicle movements. SCC would like the applicant to install advisory 10mph speed signs to ensure that drivers are not approaching pedestrians at high speed.

Representations

9. Seventeen representations have been received making the following comments (summarised);
- The proposed development DC/17/03920 for the erection of straw barn and biomass building which is on the same site as other proposed developments including 1307/17 Erection of 8No agricultural buildings for the rearing of poultry. Clearly these applications are linked and relate to the same development and belong to the same overall strategy for development of a large-scale industrial poultry farm.
 - Deeply concerned about the environmental impact of the overall proposed development.
 - Concern for dust and smell from the poultry farm.
 - Report on dispersion and deposition of ammonia from the proposed facility completely fails to report on the impact to local residents.
 - Concerns from residents over rodents and flies that are highly likely to be worsened due to the proposed development.
 - On ethical grounds, strongly disagree with the proposal to support industrial chicken farming in the area.

- Mass produce factory chickens potentially grown on their own faeces with very little room per bird, in my opinion is cruel, unhealthy and unnecessary.
- The proposed development is located within a small and atypically sparse village which is at odds with the proposed intensive “mega-farm” proposal, and does not match the ethos of traditional values that the local community values.
- There is designated Economic Development Land located on the former Eye Airfield which is intended for large-scale industrial activities.
- Permitting this development sets a precedent which will see Brome become consumed into those industrial activities.
- The planning committee should be supportive of its young children, the elderly, the vibrant hospitality of Oaksmere Hotel or the numerous holiday cottages, the activities of the parish council and the village hall, and the numerous cottage industries and should not extend to permitting industrial mega-farming.
- The transport assessment uses accident data that is biased and out of date.
- The junction between Rectory Road and B1077 and area, is well-known accident hotspot and adding further industrial and agricultural traffic will only worsen the problem.
- Regularly suffer damage to our hedges and property due to large vehicles performing emergency stops onto our side of the road as they encounter on-coming traffic on the bend around the Oaksmere Hotel.
- Ask the planning committee to consider mandating a revision to the speed limits in force, and adding appropriate speed control measures to Rectory Road in order to discourage the proposed site traffic from using Rectory Road.
- Will add considerably to the long term HGV traffic through Brome as litter, feed, contractors and birds are moved in and out in addition to extra short term construction traffic.
- Using Nick’s Lane connecting to B1077 as the only access to the site seems unfair as this is one of the very few public footpaths in the area.
- Additional industrial traffic will worsen the already poor facilities for local public rights of way.
- I do not want the smell, dust, noise, heavy traffic and other disruption. If this factory is required at all, there are better places for it to go than near our homes.
- Site area is equivalent to three full size football pitches.
- The units will be heated by propane gas which goes against the clean air/carbon neutral ambitions of Suffolk County. No provision is in the application for solar panels, bio-digesters or wind turbines for heating/power, again potential environmental impact is worrying.
- Will be an eyesore on a landscape of gently sloping fields and hedges.
- Properties in Brome will be devalued.
- Point out on p48 of B&MSDC’s Joint Local Plan (August 2017) it states clearly that the region already has a substantial excess of economic development land to support potential growth. This should cast doubt on whether agricultural productive greenfield sites are the best sites for new developments of this type.
- The application says there will be employment for just three people. This minimal gain is way out of balance with the potential downsides.
- Whilst this is not a proposal to use an area of outstanding beauty or scientific interest, it is on productive farm land and could be better located on a brownfield site.
- It should be a planning condition that the trees and hedges are not removed.
- Unattractive industrial style building in a wonderful rural setting. Hope the planning authority will require a tree planting scheme for the area surrounding the development.
- Noise and disruption from deliveries and collections at unsociable hours.
- Contrary to statements in the proposal, it will be fully visible from Brome Avenue and other footpaths and some houses.
- There seems to be no benefits whatsoever to the village.
- All the work will be done by unnamed contractors.
- As opposed to being “visually linked with the built environment of the farmyard” it is in fact screened from the farmyard by long-established hedging and a sensitively planted reservoir bank

– and is part of a large field which has been in arable crop production for many years. As such, a largely undisturbed wildlife habitat has established itself.

The Site and Surroundings

10. The site is within open arable farmland but is screened to the north by the vegetation and hedgerow on the southern side of the embanked reservoir. The landscape immediately west is dominated by the Eye Airfield Industrial Estate and the Mid Suffolk Business Park, both of which are on the western side of the B1077.
11. Access to the site would be via Nicks Lane, which provides access to existing farm buildings and residential properties in the north. St Marys Church lies to the south of Rectory Road, approximately 190m to the east of the Nicks Lane junction.
12. The site consists of a parcel of land measuring 2.30 hectares in total.
13. The closest dwelling to the proposed development is at Little Garth, on the southern side of Nick's Lane.

The Proposal

14. It is proposed that a new unit consisting of eight individual sheds will be built to house approximately 350, 000 broiler chickens. The individual sheds will measure 22.9 metres x 91.4 metres.
15. The new buildings will provide a total floor area of approximately 16,722.6 m² (although the usable internal floor space will be slightly below this).
16. Eaves and ridge heights will be 2.4 metres and 5.6 metres respectively. Each of the new buildings will accommodate up to 44,000 broilers based on the maximum stocking density of 38 kg/m² with thinning. Therefore, the maximum number of birds housed in all the new buildings will be around 350,000 although the applicant indicates that for much of the time the stocking will be less than this with approx. 10 days empty each cycle. Also, other systems maybe operated with lower stocking densities.
17. Each pair of buildings will be equipped with 3 x 20 tonne feed bins. The buildings would be constructed of concrete panel walls with profile steel sheeting over and a profile sheet roof.
18. The proposal includes surface water drainage via an attenuation pond, which would lie to the southern side of the buildings. A new bank of tree planting is also proposed to the south of the buildings.
19. The application is supported by an Environmental Impact Assessment.

Main Considerations

20. The following are identified as the main considerations in assessing this application.

The Principle of Development

21. The proposal is for the erection of poultry houses, which constitutes an agricultural use and which as a matter of general principle is favoured in a countryside location and supported by Policy CS2 of the Core Strategy and paragraph 28 of the NPPF which supports the development and diversification of agricultural businesses.

22. Paragraph 2.4.27 of the Local Plan identifies that *“The Town and Country Planning (General Permitted Development) Order 1995 excludes the erection of buildings for the accommodation of livestock and related development, including the storage of slurry or sewage sludge from agricultural permitted development where they would be within 400 m of a protected building. The term protected building includes residential and most other permanent buildings such as schools, hospitals and commercial premises that are normally occupied by people. Where permission is required applications will be considered on their merits, with particular regard to any effect on residential amenity. Similar care will be taken when considering planning applications for houses or other protected buildings within 400 m of livestock units”.*
23. The Local Plan goes on to identify that *“New and existing livestock units can often be self-contained and are not necessarily related to the farming of the land on which they are situated. Such units have a considerable impact on the landscape and can produce large quantities of effluent which in turn can pollute watercourses and sources of ground water supply. The siting and design of livestock units and associated slurry tanks and lagoons should seek to minimise any adverse effects on the surrounding environment”.*
24. This section of the Local Plan culminates in policy CL15, which states;
- “Proposals for livestock buildings and associated structures, such as slurry tanks and lagoons will not be permitted where they significantly intrude into the landscape, materially injure residential amenity, where the local road system cannot accommodate the flow of traffic generated by the proposal, or where appropriate measures are not included for the containment and disposal of effluent”.*
25. Therefore, this policy and its supporting text raise a number of specific issues which, coupled with the issues raised through the Council’s scoping of the Environmental Impact, forms the basis of the following assessment. However, as set out at paragraph 21 above, the principle of this development is not objectionable in a countryside location.

Landscape Impacts

26. The application is supported by a Landscape and Visual Impact Assessment.
27. The site is not located nearby residential development and is naturally screened by existing vegetation to the north and southern boundaries and existing infrastructure to the west. There are occasional distant views of the site between trees from close to Brome Hall and there are also occasional distant views from along the footpath through gaps in the hedgerow.
28. The applicant has submitted an extract from the Suffolk Landscape Character Assessment, which defines the site and the surrounding area as part of the Rolling Valley Claylands. Included in the Suffolk Landscape Character Assessment are the Land Management Guidelines for this type of character area, which highlight that:
- Reinforce the historic pattern of sinuous field boundaries.
 - Recognise localised areas of late enclosure hedges when restoring and planting hedgerows.
 - Maintain and increase the stock of hedgerow trees.
 - Increase the area of woodland cover; siting should be based on information from the Historic Landscape Characterisation and in consultation with the Archaeological Service.
 - Maintain and restore the stock of moats and ponds in this landscape.

29. The Council's Landscape Consultants identify that the siting, form, orientation and colour of these buildings make a considerable contribution to mitigating their impact. The documents initially submitted with the application failed to show an adequate planting mitigation proposal such as a landscape strategy plan showing location, extent and indicative plant species appropriate to the existing landscape character. An appropriately detailed landscape and boundary plan was, therefore, requested to support the application to both address the constraints and planning requirements and provide a comprehensive landscape proposal, suitable to limit any negative visual effect the proposals may have on the existing settlement.
30. The applicant has subsequently submitted a revised landscaping proposal, which includes the planting of a band of trees to the southern side of the proposal. This would consist of a 'shelter belt' in two sections, measuring 150m long in total and 15 metres wide. The main species will be English Oak, Hornbeam and Small Leaved Lime, with an overall mixture of woody species which would provide a robust belt once established. A total of 562 trees will be planted in total.
31. The landscaping scheme sets out appropriate measures for plant protection and identifies that the maintenance of plants and hedgerows will continue 'for at least five years'. It recognises that the species proposed can achieve good rates of growth on fertile sites with good maintenance to control competing vegetation and to preserve soil moisture.
32. Given the existing screening which exists, the proposed planting would supplement this and provide adequate screening to the buildings once established. Whilst it is acknowledged that the impacts of the buildings would be more significant in the first five years, the proposal seeks to mitigate these impacts and would provide for a positive landscaping approach of native species and with adequate mitigation in place. The proposed landscaping will need to be controlled by condition if permission is granted.

Heritage Impacts

33. Policy HB1 of the Local Plan seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.
34. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
35. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
36. English Heritage (now Historic England) (HE) guidance indicates that setting embraces all of the surroundings from which an asset can be experienced or that can be experienced from or within the asset. Setting does not have a fixed boundary and cannot be defined, in perpetuity, as a spatially bounded area or as lying within a set distance of a heritage asset. The NPPF says that the significance of an asset is defined as its value to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. Heritage significance can be harmed through development within setting.
37. The application is supported by a brief heritage statement. The Council's Heritage Team have identified that the site lies to the south of Brome Church and to the north of Brome Park Farm. To the immediate south of the church is an area developed with agricultural buildings among trees,

with a medieval moat which is a Scheduled Monument. Otherwise the setting of the church is open and rural.

38. They recognise that the setting of the heritage assets has already been compromised by existing development, and that the modest contribution to the setting of the church and the separation to Brome Park House would result in minimal (“very low”) harm to this setting. They recognise that measures to reduce visual impact by means of planting and landscaping would reduce harm further.
39. The applicant has subsequently submitted a landscaping scheme in response to both the Heritage Officer’s comments and those of the landscape consultants. As detailed earlier in this report, this includes significant planting to the south which is considered to help screen the buildings in wider views in the landscape. As the level of harm was recognised to be very low, the provision of this landscaping would reduce this further such that the proposal is now considered to have an impact but not give rise to specific harm to the setting.
40. In the absence of harm now being identified to the heritage assets, the weighing of public benefits required by paragraph 134 is not enacted. The proposal is, therefore, considered to be acceptable in terms of both the NPPF and policy H7.

Highways Impacts

41. Within the initial scoping of this application, the LHA identified the need for a Transport Assessment (TA) and provided overarching advice for what should be included within the TA.
42. The application is supported by a TA, and this looks at the likely routing of vehicles to the site (which will be from the B1077 onto Nicks Lane), the numbers and sizes of vehicles which would access the site and capacity of junctions serving that route. It recognises the need for the upgrading of the junction of Nicks Lane to allow vehicles to access and exit without conflict, and confirms that these upgrades would enable the junction to operate in line with the requirements for the Design Manual for Roads and Bridges.
43. In terms of traffic generation, the TA identifies that the amount of traffic accessing the site will be very low and its impacts would therefore be negligible. The LHA have considered the TA and the supporting information and recommend a number of conditions are imposed which, it is considered, are reasonable and necessary in this instance and will therefore be imposed if permission is granted.
44. The TA also recognises the public footpath running along Nicks Lane and confirms that this would be retained once the construction was complete and that there would be minimal conflict with users of this path. SCC Rights of Way have identified some concerns in respect of this conflict, but request that 10mph safety signs be installed to mitigate these concerns.

Pollutants (Water, Litter, Muck Disposal, Noise, Dust, Odours) and Residential Amenity Impacts

45. Some of the main concerns of those who have made representations on this proposal are the issues of noise, dust, smell and litter, which cumulatively can be included under the headings of pollution and residential amenity impacts. This section will, therefore, look at the potential pollutants and how the applicant proposes to deal with/mitigate those, and how the proposal would impact on the amenity of properties/premises in the locality.
46. The proposal has been considered by the Council’s Environmental Protection (EP) Team who have identified that the Environment Agency are the most appropriate party to comment on these proposals, as they will be the authority that are required to issue an environmental permit and

would be the enforcing authority. However, the EP Officer has identified that a permit would not control external lighting, so recommends a condition to ensure that such lighting is brought under control through the planning process in the event that planning permission is granted. The details submitted with the application provide details of the lights to be installed, but do not show the location of those lights, how many would be installed or provide any lux diagrams.

47. The Environment Agency response identifies that *“The proposal for 350,000 intensively reared chickens will require an environmental permit in accordance with the Environmental Permitting Regulations 2016. In most cases we do not expect to raise major permitting concerns because the risks to the environment and people can be reduced using measures to prevent, minimise and control pollution. Further permitting advice for this site was provided for the scoping opinion referenced 3521/16, this can be found in our letter referenced AE/2016/120826/01-L01 and dated 16th September 2016”*.
48. In light of this, whilst these matters are clearly a material planning consideration, it appears that the appropriate mechanism to control these matters is through the environmental permit which the Environment Agency would scope, issue and enforce. The environmental permit deals with matters such as odour, slurry control, noise and vibration, emissions to land, air and water and regulatory provisions such as control over the conditions for the birds and the overall numbers of birds. In this respect, it would appear that these matters are more robustly controlled through a process other than the planning permission, and that these are not matters which would weigh against the proposal. Put simply, if these matters cannot be controlled to the Environment Agency’s approval, then a permit would not be issued and the buildings would not be constructed or operated.
49. With further regards to residential amenity, the proposal would undoubtedly result in an increase in traffic passing properties along the access route to the site, and there would be some potential for disturbance during the construction process. It is not clear whether the environmental permit would control the construction process and, therefore, it is proposed to include a construction management plan condition which would enable the LPA to control the construction impacts. The amount of traffic generated from the proposal is not considered to result in significant detrimental impacts which would warrant refusal of this proposal.

Ecological Impacts

50. The applicant has submitted a preliminary Ecological Assessment prepared by Eco-Check Consultancy Ltd. This has been assessed by the Council’s Ecological Consultant, who have raised no objection subject to a condition to secure ecological mitigation and biodiversity enhancement measures.
51. They consider that there is now sufficient ecological information available to understand the likely impacts of development on Protected Species ie Gt crested newts and bats, and Priority species eg lapwing & brown hare. The revised and updated Preliminary Ecological Assessment indicates that the Gt crested newt eDNA test was negative and confirms that no trees are being removed. This addresses the original deficit of information on Protected species that they had raised in their first consultation response.
52. The applicant has also offered habitat management for skylark, lapwing and brown hare and it is considered that this is adequate to mitigate the likely impacts of development on Priority species for this application. The mitigation and enhancement measures identified in the ecological report (Eco-Check, July 2017) should be secured and implemented in full. This is necessary to conserve and enhance Protected and Priority Species particularly bats, hares and farmland birds.

53. Furthermore, Natural England have identified that information provided in support of the application, demonstrates that the proposal is unlikely to have a significant effect on Waveney & Little Ouse Valley Fens Special Area of Conservation (SAC) or Redgrave & South Lopham Fens Ramsar site. They also consider that the proposal is unlikely to adversely affect Redgrave and Lopham Fens Site of Special Scientific Interest (SSSI) and National Nature Reserve (NNR), Gypsy Camp Meadows, Thrandeston SSSI or Major Farm, Braiseworth SSSI and therefore have no objection to the proposal.
54. For these reasons, the proposal is considered to adequately address the Ecological aspects relevant to this development.

Other Matters

55. The Council's Sustainability Officer has raised concerns over the absence of energy reduction measures in support of this application. Application DC/17/03920 proposes a biomass building to support this proposal, and this building would provide a heat source for the chicks. The Sustainability Officer supports that proposal but does not appear to have appreciated that DC/17/03920 relate to the same unit.
56. That separate proposal provides for a fully integrated thermostatically controlled indirect heating system powered by a renewable biomass boiler which will be used as the primary heating source for the sheds and heat supply will be by an indirect heating system to the poultry houses producing better bird welfare and a dry litter. The applicants farm sourced straw and other renewable fuels to be used with the system. The backup heating system will be by way of space heaters powered with propane gas. Bio energy is a renewable energy as boilers are fuelled by organic material which contains stored carbon, i.e. wood or straw. The boiler would be loaded with the straw/poultry litter and will be completely automated with a fuel hopper which will automatically top up the furnace whenever necessary.
57. The heat from the burning biomass will be distributed through the sheds using a hot water system. The heated water will be piped through heat exchangers, i.e. a simple radiator and a fan, or a series of pipes to heat the air in the poultry houses. The use of biomass heating is preferable to LPG as the heat from the biomass system is typically a 'dry heat', whereby LPG produces a 'moist heat' as there is a small amount of water contained within LPG. Whilst LPG provides heat to the sheds it also raises humidity levels and produces a moister litter. This will have odour benefits also as the drier the litter is, the less odorous it is. In any event, poultry litter produced on the farm will be utilised with the biomass system.
58. Furthermore, information was submitted to the Sustainability Officer with regards to the use of solar pv on the buildings. Whilst that approach is supported, the Sustainability Officer has some concerns over the efficiency of the proposed array. However, when considered with the biomass building, it is considered that this would meet the energy efficiency requirements of the development and, therefore, the proposal complies with policy CS3.
59. The applicant has submitted further information with regards to surface water drainage (including surface water resulting from construction) which is considered to address the concerns of the Flood and Water Team. This includes details of the attenuation pond that would be provided to the south-east of the buildings.

Crime and Disorder

60. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

PART FOUR – CONCLUSION

Planning Balance

61. There is, understandably, a degree of concern from local residents in respect of this development with particular regards to the nature of the operation, its potential impacts and the traffic generation which could result.
62. The application has been considered by all relevant consultees, and it is recognised that the appropriate consenting regime for matters such as noise, odour, slurry control and regulatory controls over the number of birds and their conditions would be through an environmental permit. That being said, the impacts on properties in the locality have been considered and it is not considered that there would be significant detriment such that would warrant refusal of this proposal.
63. Statutory consultees, including those specifically dealing with highways, ecology and sustainability, have concluded that the proposal is acceptable, albeit that the energy efficiency elements of the site are addressed through a separate application which provides for the biomass facility that will accompany this unit.
64. The proposal is considered to comply with the provisions of the development plan, in particular policy CL15, subject to suitable conditions being imposed. Those conditions are reasonable, necessary, relevant and enforceable and are therefore appropriate in this instance. Therefore, a recommendation of approval is made.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

65. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this instance the applicant has worked to address problems and has sought to resolve these wherever possible.

Identification of any Legal Implications of the decision

66. The application has been considered in respect of the current development plan policies and relevant planning legalisation. Other legislation including the following have been considered in respect of the proposed development.
 - Human Rights Act 1998
 - The Equalities Act 2010
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That the Corporate Manager – Growth and Sustainable Planning be authorised to grant planning permission subject to conditions including as set out below:

- 1) Standard Time Limit Condition.
- 2) Approved Plans
- 3) Details of Materials
- 4) As recommended by the LHA.
- 5) The submission of a detailed scheme of external lighting prior to occupation.
- 6) The delivery and maintenance of landscaping, in accordance with the submitted landscape strategy
- 7) Construction Environmental Management Plan
- 8) Surface water management in accordance with the submitted details
- 9) Details of the siting and design of 10mph signs to be located along the public footpath
- 10) Archaeology in accordance with schedule of works received.

Informative notes should be added regarding the proximity of the buildings to National Gas Transmission Pipelines and associated equipment and that the applicant should ensure they contact the relevant providers to ensure the proposal is constructed appropriately with regards to those assets.