

## Item No. 1

### Application Reference Number P/20/1176/2

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|--------------------------|---|--------------------|-----------------|
| <b>Application Type:</b> | Full Planning   | <b>Date Valid:</b> | 28/07/2020      |
|                          | Permission  |                    |                 |
| <b>Applicant:</b>        | Mr Phil Crawley   |                    |                 |
| <b>Proposal:</b>         | Erection of agricultural building for rearing livestock<br>(Accompanied by Environmental Impact Assessment) |                    |                 |
| <b>Location:</b>         | Paudy View Farm, Paudy Lane, Seagrave, LE7 4TB  |                    |                 |
| <b>Parish:</b>           | Seagrave  | <b>Ward:</b>       | Wreake Villages |
| <b>Case Officer:</b>     | Shaun Robson/<br>Susan Garbutt  | <b>Tel No:</b>     | 07864 603389    |

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### Background

This application was brought to Plans Committee on 25/11/21 as it was called in by Cllr Poland who had concerns about the proposal, specifically the additional traffic movements onto Berrycott Lane. The officer committee report and additional items presented to the 25/11/21 Plans Committee are attached at Appendix A.

At the 25/11/21 Plans Committee, it was resolved that application P/20/1176/2 be deferred for clarification from the highway authority about the suitability of Berrycott Lane for HGVs. This report provides the requested update.

In addition, this report notes any changes to policy since the application was considered at Plans Committee on 25/11/21.

### Consideration of Planning Issues:

#### Clarification regarding the suitability of Berrycott Lane for HGVs

Members will recall that the proposed agricultural building (123 metres by 29 metres and 7.357 metres tall) is proposed to be accessed from the western side of Berrycott Lane, approximately 640 metres from the junction of Berrycott Lane with Paudy Lane to the north. At that junction are signs that indicate a 7.5T weight limit on the Lane and a sign that states the Lane is 'unsuitable for heavy goods vehicles'. Berrycott Lane is a C class road with a 60mph limit.

The new access proposed from Berrycott Lane is a 7.3 metres wide carriageway with a 15.0 metre control radius on its northern side, and a 6.0 metres control radius on its southern side. The larger radius on the northern side is because the vehicles that use the site will approach the site from the north, from Paudy Lane. The smaller radius to the south is to prevent large vehicles entering or leaving the site from the south, via Seagrave.

The Highways Authority does not object to the proposal, subject to the imposition of conditions. Further to the resolution at Plans Committee on then 25/11/21, the Highways Authority were re-consulted and have confirmed that the proposals would only generate 62 two-way HGV movements per flock cycle, which equates to 186 two-way HGV movements per year: an average of 1 HGV movement per day. During the course of the application, the Highways Authority raised concerns that the Lane was weight restricted and the applicant has proposed improvements to mitigate the impact of additional traffic associated with the development.

The Local Highway Authority has confirmed that in its professional opinion, the impact of the HGV movements would not be severe in the context of the NPPF. The Highways Authority also note that the Lane is a rural road with existing field accesses, that will already be in use by large agricultural vehicles. Therefore, based on the impact of an average 1 HGV movement per day, the Highways Authority does not consider it could sustain an objection to the proposal based upon the potential impact of large vehicles on the existing road structure.

The NPPF paragraph 111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Saved Policy TR/17 of the Charnwood Local Plan seeks to prevent development where it would result in significant change in the amount or type of traffic using rural roads and safety of vulnerable road users would be endangered, or the roads are of unsuitable width, alignment or condition, or the increase in traffic and/or improvements necessary would harm the rural character of the road.

It is considered that the proposal would not result in a significant change to the rural road, given its existing use, no safety concerns have been highlighted, the roads are suitable (subject to the proposed addition of two passing places) and the rural character of the road would be maintained. The access into the site has been designed to prevent large vehicles entering and exiting the site in a southerly direction via Seagrave. The proposal includes two new passing places on Berrycott Lane between the site access and the junction with Paudy Lane.

Therefore, subject to the imposition of planning conditions recommended by the Local Highway Authority, the proposed development would not have an unacceptable impact on the highway. It is considered that the development would accord with saved policy TR/17 and paragraph 111 of the NPPF is a material consideration that indicates the development should not be prevented or refused.

#### Material Considerations update

All material considerations remain as per the previous report and additional item (Appendix A) with the exception of the emerging Local Plan, as set out below.

The Draft Charnwood Local Plan 2019-37;

The Pre-Submission Draft Charnwood Local Plan (July 2021) was consulted upon from 12<sup>th</sup> July 2021 to 23<sup>rd</sup> August 2021 and submitted to the Secretary of State on the 3<sup>rd</sup> December 2021. The Plan will now proceed to examination during 2022. The Plan sets out strategic and detailed policies for the period 2019-37 and will replace the adopted Charnwood Local Plan Core Strategy (2015) and the saved policies of the Borough of Charnwood Local Plan 2004. In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to; (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given), (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given). The following emerging policies are considered relevant:

DS1 Development Strategy  
DS5 High Design Quality  
C1 Countryside

E3 Rural Economic Development  
CC1 Flood Risk Management  
CC5 Sustainable Transport  
EV1 Landscape  
EV6 Conserving and Enhancing Biodiversity and Geodiversity  
EV11 Air Quality  
INF1 Local and Strategic Road Network

The proposed development is not considered to conflict with the above emerging policies. At this stage in production, the emerging Local Plan is given limited weight.

## **Conclusion**

Decisions on applications need to be made in accordance with the adopted Development Plan policies unless material considerations indicate otherwise.

The method of assessment contained in the Environmental Statement is considered sound and robust. The potential significant adverse environmental effects have been appropriately addressed and can be adequately mitigated, subject to the recommended planning conditions and other pollution control regimes.

The Environmental Statement discusses Odour, Ammonia Deposition and Ecological Impacts. It concludes that none of these considerations would result in significant adverse effect on health or the environment. It is accepted that the proposal would have an effect on the landscape. However, this impact can be mitigated in part and would be localised to areas within and immediately adjacent to the site.

The proposal accords with the national policy in the NPPF, specifically paragraph 85, relating to the growth of the rural economy. In addition to policy CS10 of the Core Strategy, it is considered that as the proposal is suitable in terms of scale, essential for the long-term operation of agriculture and, (providing correct management procedures are followed), without an adverse environmental impact that it complies with the principles of policy CT/1. There would be no unacceptable or significant material harm to the character or appearance of the countryside in the long term and accordingly compliance with policy CT/2 is achieved. The EIA reveals that there would not be a threat to the health or general amenity of nearby residents or ecology meaning that the proposal meets policies CS2 and CS13.

The development would not result in an unacceptable impact on highway safety or a significant change to the rural road and accords with the NPPF and policy TR/17 in this regard.

Accordingly, the Planning Balance and Conclusion outlined within the original report and additional item (see appendix A) has not altered and therefore it is recommended having regard to the above considerations and those set out within the original report and additional item (Appendix A) that planning permission is granted conditionally.

## **RECOMMENDATION**

That planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

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| 1. | <p>The development, hereby permitted, shall be begun not later than 3 years from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>   |
| 2. | <p>The development hereby permitted shall be carried out and the use operated only in accordance with the details and specifications included in the submitted application and as shown on the drawings below:</p> <ul style="list-style-type: none"> <li>• Location Plan – IP/PC/01 Revision A</li> <li>• Site Plan – IP/PC/02 A</li> <li>• Elevations and Plan – IP/PC/03</li> <li>• Ancillary Structures – IP/PC/04</li> <li>• Passing Places – IP/PC/05</li> <li>• Environmental Statement – February 2021</li> <li>• Environmental Statement – Appendix 2 – Location Plan</li> <li>• Environmental Statement – Appendix 3 – Noise Assessment</li> <li>• Environmental Statement – Appendix 4 – Odour Assessment</li> <li>• Environmental Statement – Appendix 5 – Ecology Report</li> <li>• Environmental Statement – Appendix 6 – Ammonia Report</li> <li>• Environmental Statement – Appendix 7 – Flood Risk Assessment</li> </ul> <p>REASON: For clarity and the avoidance of doubt and to define the terms of the permission</p> |
| 3. | <p>Only those materials and finishes specified in the application shall be used in carrying out the development hereby permitted.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory in accordance with Policies CS2 and CS11</p>   |
| 4. | <p>Notwithstanding what is shown on the approved plans, within three months of commencement of development, exact details of the location, scale, appearance and material of all boundary treatments and fencing shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and maintained in the approved form.</p> <p>REASON: To ensure the satisfactory appearance of the development in accordance with policies CS2 and CS11.</p>  |
| 5. | <p>No use of the building shall take place until a written plan detailing the frequency and method of manure handling and removal, and a Fly Monitoring and Management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plans shall thereafter be implemented while the unit is in use.</p>   |

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|     | <p>REASON: To ensure that manure is removed from site and fly levels do not reach a level where they are harmful to the amenity of nearby residents.</p>   |
| 6.  | <p>No part of the development shall be occupied until such time as the offsite works shown on Ian Pick Associates Ltd Drawing Number IP/PC/05 have been implemented in full.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).</p>  |
| 7.  | <p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p> |
| 8.  | <p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Ian Pick Associates Ltd Drawing Number IP/PC/02A have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>  |
| 9.  | <p>The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.</p> <p>REASON: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).</p>  |
| 10. | <p>Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 20 metres of the highway boundary and hung to open away from the highway.</p> <p>REASON: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the</p>  |

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|     | public highway in accordance with the National Planning Policy Framework (2021).  |
| 11. | <p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.</p>   |
| 12. | <p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>REASON: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.</p>  |
| 13. | <p>No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.</p> <p>REASON: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.</p>  |
| 14. | <p>No development approved by this planning permission shall commence until an Ecological Mitigation Strategy has been submitted to and agreed in writing by the Local Planning Authority. As a minimum these details shall include:</p> <ol style="list-style-type: none"> <li>1) The retention and enhancement of ecological features across the wider holding.</li> <li>2) Prior to the occupation of the building, a Biodiversity Management Plan (BMP) will be prepared and implemented.</li> </ol> <p>The development shall be carried out and retained thereafter in accordance with the approved details.</p> <p>REASON: To ensure the design and construction of the development does not result in the loss of any biodiversity features, habitats or protected species in accordance with Policy CS13 and the NPPF</p> |

The Following Advice notes will be attached to the decision

Informative Note(s):

1. Planning Permission has been granted for this development because the Council has determined that it is generally in accordance with the terms of Development Plan policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, WV1, WV2, WV3, WV5, WV6, WV7, WV8, WV10, WV11, WV12, WV14, WV15 and WV16. Because the benefits of the proposal are not significantly and demonstrably outweighed by the harm

identified. There are no other issues arising that would indicate that planning permission should be refused. Before granting this permission the Council has taken into account the environmental information relating to the development (in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)).

2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2021), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
4. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
5. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
6. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

