

Item 2

Application Reference Number P/20/1176/2

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

Background

This application has been to Plans Committee on 25/11/21 and 27/1/22. The previous committee reports and extras reports are attached as Appendix A.

At the 27/1/22 Plans Committee it was resolved that planning permission be granted subject to the conditions, reasons and advice notes set out in the report of the Head of Planning and Regeneration, with the amendments set out in the extras report of the Head of Planning and Regeneration.

The application was accompanied by an Environmental Statement, and therefore the application needs to follow the process and procedures within the Town and Country Planning (EIA) Regulations 2017 (as amended). On preparing to issue the decision, the Council identified that Regulation 20 of the Regulations had not been followed, in relation to the submission of the Environmental Statement during the course of the application. The Regulations require that the applicant must publish a notice in a local newspaper advertising the application (Regulation 20.(2)). The agent was advised of this requirement and agreed this had not been undertaken and therefore re-submitted the Environmental Statement so the publicity requirements could be satisfied. The Environmental Statement remains the same as previously submitted.

The purpose of this report is to set out an update on the application, in relation to the consultation responses that have been received to the re-submitted Environmental Statement.

Consideration of Planning Issues:

1. Consultation on the re-submitted Environmental Statement

The agent confirmed that a site notice was posted on 16/2/22, a newspaper advert placed in the Loughborough Echo on 16/2/22 and the Environmental Statement was re-submitted on 24 March 2022. A re-consultation was undertaken on 5 April 2022. The Council placed an advert in the Loughborough Echo on 13 April 2022 and a site notice was also posted on 6 May 2022.

During the consultation period, further consultee comments were received on the application, as summarised below:

CBC Environmental Health	No further comments.
CBC Biodiversity	No further comments.
LCC Highways	No further comments.
LCC Lead Local Flood Authority	No further comments.
Seagrave Parish Council	Endorse the public comments received.

During the consultation period, two further public comments were received, raising the following issues:

- No site notice has been placed
- The original site notice was placed at the gate of Paudy View Farm
- The landscape appraisal does not consider the view from Paudy Lane travelling SSW along Berrycott Lane towards the site, this route is the most used and the view would have a major impact and effect on the countryside and reduce the value of the landscape.
- The proposal will erode Seagrave village.
- Alternative sites have not been considered in the Environmental Statement.

2. Consideration of the further consultation responses received

No additional comments have been raised by the consultees. All consultee comments are summarised in the original committee reports (Appendix A).

The further public comments are considered below.

A site notice was placed by the Agent on 16/2/22 and by the LPA on 6/5/22. The original site notice was placed in a visible position to advertise the application.

The Environmental Statement included a Landscape and Visual Impact Assessment. The original committee report (see Appendix A) recognised that the proposed building will impact on the character and appearance of the countryside and its landscape setting, but that the harm will not be unacceptable subject to existing and proposed landscaping and the sensitive choice of external materials and colours. This is secured by the conditions approved by Members on the 27/1/22. The committee presentation to Members on 27/1/22 included several views from Berrycott Lane travelling SSW towards the site. It is considered that the landscape setting of Seagrave village has been fully considered.

The Environmental Statement does not consider alternative locations for the building. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) sets out that the Environmental Statement (ES) should include 'a description of the reasonable alternatives studies by the developer, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment'. The ES explains that the other alternative locations for the building were not considered, as the location of the development was already proposed when the requirement for an Environmental Statement was identified (the Screening Direction dated 6 January 2021) in relation to this planning application which was received 28 July 2020. The original committee report (see Appendix A) sets out that the building is appropriate in scale for its use and that it is accepted as being essential for the long-term efficiency of the farm. The building will be a pullet rearing facility in order to allow for the replacement of laying stock. Currently replacement pullets are purchased from farms in Yorkshire and Scotland.

Following the final review of the application it was noted that the text in the conditions which requires the development to be carried out in accordance with the approved details (the implantation clause) for the surface water drainage (conditions 11 and 12) was missing. Additionally a maintenance condition for the surface water drainage is necessary and was unfortunately omitted from the recommendation in error. Therefore a further condition has been included in regards to this. This condition is necessary and in accordance with the details outlined by the LLFA within their consultation response to ensure the management of surface water on site is satisfactory for the life of the development.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies unless material considerations indicate otherwise. Plans Committee resolved on 27/1/22 to approve this application and there have been no material changes to the application since that date. The following paragraphs provide an overview of the overall conclusions on the application.

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, it is recommended having regard to the above considerations that planning permission is granted conditionally. The Plans Committee resolution of 27/1/22 has been updated in the Recommendation below, to reflect the new Environmental Statement received March 2022.

RECOMMENDATION

That the resolution of the Plans Committee on 27/1/22 (minute 48(1) 21/22 refers) be amended to include the following updates to the conditions and reasons:

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"> • Location Plan – IP/PC/01 Revision A • Site Plan – IP/PC/02 A • Elevations and Plan – IP/PC/03 • Ancillary Structures – IP/PC/04 • Passing Places – IP/PC/05 <ul style="list-style-type: none"> • Soft Landscaping Proposals – IPA1155-SL • Environmental Statement – February 2021 (received March 2022) • Environmental Statement – Appendix 2 – Location Plan • Environmental Statement – Appendix 3 – Noise Assessment • Environmental Statement – Appendix 4 – Odour Assessment • Environmental Statement – Appendix 5 – Ecology Report • Environmental Statement – Appendix 6 – Ammonia Report • Environmental Statement – Appendix 7 – Flood Risk Assessment <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 of the Core Strategy (2015).</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 of the Core Strategy (2015).</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> <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 in accordance with CS2 of the Core Strategy (2015).</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 and retained on perpetuity, to ensure access to and from the site for HGVs shall be from the north only (Berrycott Lane/Paudy Lane) as this section of Berrycott Lane will include passing places.</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 public highway in accordance with the National Planning Policy Framework (2021).</p>

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. The drainage works shall be constructed and completed in accordance with the approved plans before the first use of the approved building.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies CS2 and CS16 of the Charnwood Local Plan Core Strategy. (2015).</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. Thereafter the development shall be carried out in accordance with the approved details.</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 though the entire development construction phase in accordance with policies CS2 and CS16 of the Charnwood Local Plan Core Strategy. (2015).</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"> 1) The retention and enhancement of ecological features across the wider holding. 2) Prior to the occupation of the building, a Biodiversity Management Plan (BMP) will be prepared and implemented. <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>

15	<p>Notwithstanding the approved plans, within two months of the commencement of development, a landscaping scheme, to include those details specified below, shall be submitted in writing to the local planning authority for approval:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard areas; ii) full details of tree planting; iii) planting schedules, noting the species, sizes, numbers and densities of plants; iv) finished levels or contours; v) any structures to be erected or constructed; vi) functional services above and below ground; and vii) all existing trees, hedges and other landscape features, indicating clearly those to be removed. <p>The approved landscaping scheme shall be in accordance with the Ecological Mitigation Strategy approved under condition 14.</p> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with policy CS11 of the Charnwood Local Plan Core Strategy (2015) and saved policy CT/2 of the Borough of Charnwood Local Plan (2004).</p>
16	<p>The approved landscaping scheme shall be fully completed, in accordance with the details agreed under the terms of condition 15 in the first planting and seeding seasons following the first use of any part of the development or in accordance with a programme previously agreed in writing by the local planning authority. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.</p> <p>REASON: To make sure that the appearance of the completed development is satisfactory and to help assimilate the development into its surroundings in accordance with policy CS11 of the Charnwood Local Plan Core Strategy (2015) and saved policy CT/2 of the Borough of Charnwood Local Plan (2004).</p>

17	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall be maintained thereafter in accordance with the approved details.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with policies CS2 and CS16 of the Charnwood Local Plan Core Strategy.</p>
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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.

