

For Plans Committee – 23rd June 2022

Additional items received since the report was drafted.

Pages 21-30

Site Address: Paudy View Farm, Paudy Lane,
Seagrave

Item No. 2

P.A. No. P/20/1176/2

Issue 1

The officer report refers to Appendix A and this is not within the Committee papers.

Officer Response:

Issue 1

Appendix A is appended to this extras report, but the information has been within the public domain as the Appendix relates to previous committee paper and extras.

Recommendation:

No change to the recommendation in the agenda report.

Pages 31-33

Site Address: Sturdee Poultry Farm, Sowters
Lane, Burton on the Wolds

Item No. 3

P.A. No. P/21/0615/2

Issue 1

The officer report refers to Appendices A and B and this is not within the Committee papers.

Officer Response:

Issue 1

Appendices A and B are appended to this extras report, but the information has been within the public domain as the Appendices relates to previous committee papers and extras.

Recommendation:

No change to the recommendation in the agenda report.

Item 2 - Appendix A

Item No. 1

Application Reference Number P/20/1176/2

Application Type:	Full Planning	Date Valid:	28/07/2020
	Permission		
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 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 12th July 2021 to 23rd August 2021 and submitted to the Secretary of State on the 3rd 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:

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 • Environmental Statement – February 2021 • 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</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>

	<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>

	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"> 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>

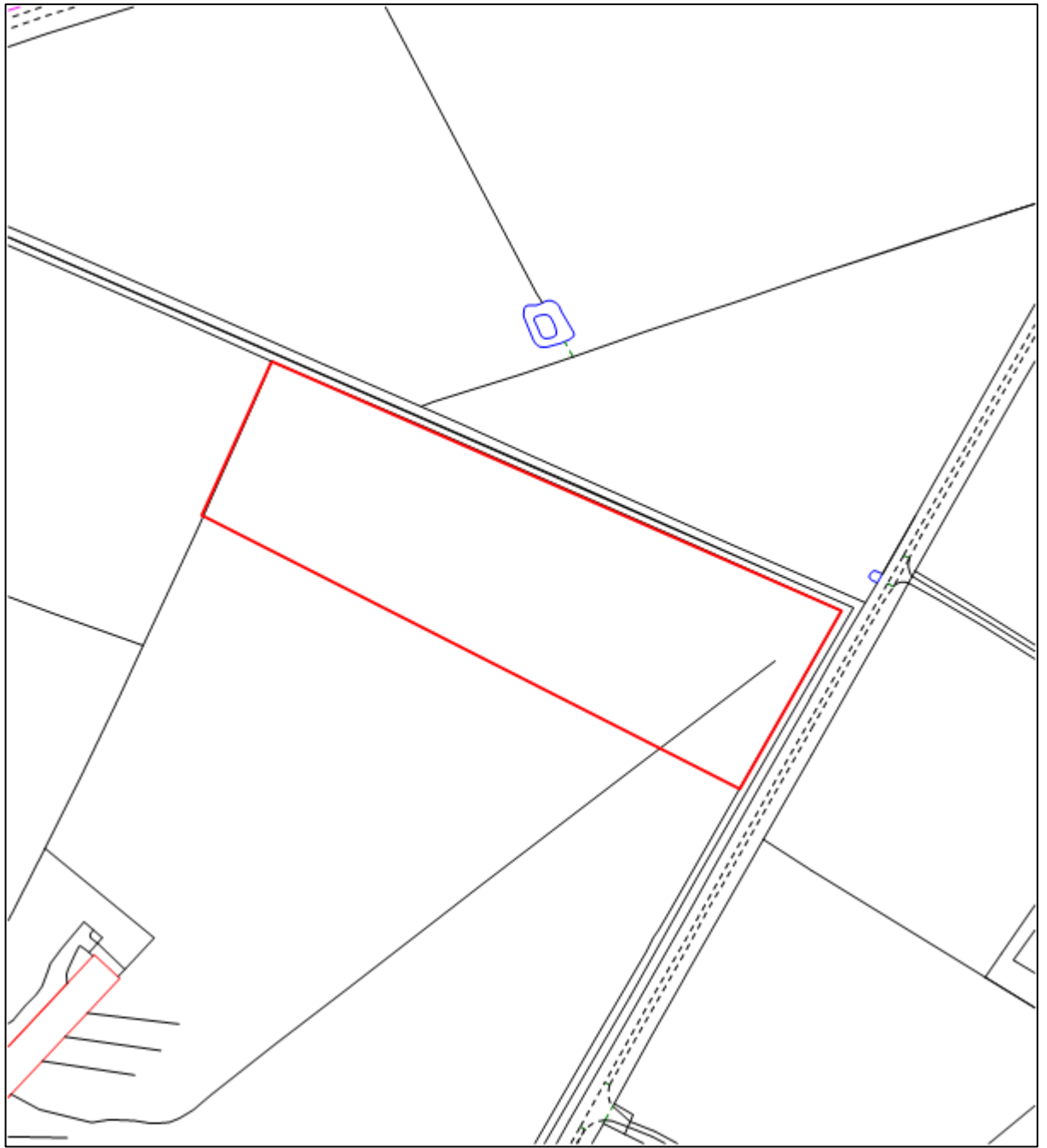
The Following Advice notes will be attached to the decision

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.



Appendix A

Item No. 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 Statement)		
Location:	Paudy View Farm Paudy Lane Seagrave		
Parish:	Seagrave	Ward:	Wreake Villages
Case Officer:	Shaun Robson	Tel No:	07864 603389

Background

This application has been brought to plans committee as it has been called in by Cllr Poland who has concerns about the proposal, specifically the additional traffic movements onto Berrycote Lane.

Description of the Application Site

The site is located within gently undulating countryside to the east of Loughborough. It is currently screened from the road by a field hedge which is set behind a grass verge.

The site forms part of a wider use consisting of three groups of poultry houses owned by Sunrise Poultry. There is a group of sheds at Seagrave Road in Sileby, where the main egg packing operation takes place, and a further group at Back Lane, Walton in the Wolds.

The site currently forms part of a field in agricultural use which is defined by hedgerows with trees, field boundaries and pockets of woodland in the local landscape.

Description of the Proposal

The application relates to the erection of a pullet rearing unit consisting of a purpose built poultry building. The proposed building will extend to 123m x 29m with an eaves height of 3.4m and a ridge height of 7.357m. The proposed building will accommodate 64,000 birds, reared from day old chicks to point of lay hens at 17 weeks. The development also incorporates four feed bins, gas tanks, backup generator, water tank, underground dirty water tank, hard standings and a new highway access onto Berrycott Lane.

The proposed development falls within the definition of Section 17a of Schedule 1 of the Environmental Impact Assessment Regulations 2017, 'Installations for the intensive rearing of poultry or pigs' as it exceeds the threshold of 60,000 hens as

defined in Section 17 part (a) and accordingly the application has been accompanied by an Environmental Statement (ES). The accompanying Environmental Statement discusses Odour, Flies, Waste and Vermin, Ammonia Deposition, Ecological Impacts, Flood Risk, Drainage and Protection of the Water Environment, Highways and Transportation Impacts, Landscape and Heritage Impacts. It concludes that none of these considerations would have a material impact on the environment or residential amenity.

The site would fall under the control of the Environment Agency under the Environmental Permitting Regulations (England and Wales) 2016, which require regulators to control certain activities that could harm the environment or human health.

The application includes the following supporting documents & plans:

- Application form
- Location Plan
- Site Plan
- Ancillary Structure Plan
- Elevations and Floor Plan
- Passing Places Plan
- Ammonia Report
- Hedgerow Assessment
- Transport Assessment
- Minerals Assessment
- Landscaping Proposals
- Flood Risk and Drainage Report
- Design and Access Statement
- Environmental Statement

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS 1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

Policy CS 2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS 6 – Employment and Economic Development – supports development that will promote growth, job opportunities and prosperity requirements of agriculture.

Policy CS 10 – Rural Economic Development – supports the sustainable growth and expansion of businesses in rural areas both through the conversion of existing buildings and well-designed new buildings provided that the scale and character of the development is designed and operated so as to cause no detriment to the character and appearance of the countryside.

Policy CS 11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS 12 – Green Infrastructure – states that we will protect and enhance our green infrastructure assets for their community, economic and environmental values.

Policy CS 13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS 16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS 25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy CT/1 General Principles for areas of countryside - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design – This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/17 The impact of Traffic on Minor Roads - Local Plan seeks to prevent development where it would result in significant change in the amount or type of traffic using rural roads.

Other material considerations

The National Planning Policy Framework (NPPF 2021)

The National Planning Policy Framework sets out the Government's view of what sustainable development means.

It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the National Planning Policy Framework give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the National Planning Policy Framework as a whole.

Section 2: Achieving sustainable development.

The National Planning Policy Framework sets out a presumption in favour of sustainable development. The framework identifies the economic and social roles of the planning system, both to build a strong responsive economy by ensuring land (and presumably buildings) are available in the right place at the right time, and supporting the health of the community by ensuring housing for present needs that has a high quality built environment, which encompasses social and cultural well-being. One of the principles of planning is to seek a good standard of amenity for all existing and future occupants of land and buildings. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Section 6: Building a strong, competitive economy

The National Planning Policy Framework, specifically Paragraph 85, states that decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation

infrastructure for new developments. It replaces the former 6C's Guidance.

Leicestershire Minerals and Waste Local Plan (LMWLP)

The Leicestershire Minerals and Waste Local Plan deals with the allocation and protection of mineral sites and provides policies for assessing both mineral and waste planning applications.

Policy M11 (Safeguarding of Mineral Resources) – protects identified resources from permanent sterilisation by other development.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 provide for the submission of an Environmental Statement for certain types of development. The Regulations prescribe the types of development for which EIA is mandatory (Schedule 1 Development). Regulation 17a provides for mandatory EIA with all proposals which exceed 60,000 hens. The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Protection of Badgers Act 1992

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

The Draft Charnwood Local Plan 2019-36

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This

document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire Lead Local Flood Authority – LCC	The proposals are considered acceptable to the LLFA but advises planning conditions securing site drainage be attached to any permission granted.
Leicestershire County Council, (LCC) - Minerals	The application site falls within a Mineral Consultation Area (MCA) for Gypsum and therefore Policy M11 (Safeguarding of Mineral Resources) from the Leicestershire Minerals and Waste Local Plan (LMWLP) applies. The minerals assessment submitted with the application confirms that the site potentially contains approximately 64,000 cubic metres of gypsum and the development would result in the sterilisation of this gypsum. However, given the proximity to other existing buildings and the relatively small scale of the development the Mineral Planning Authority does not object.
Environmental Protection - CBC	Is satisfied with the environmental statement, odour and noise study's conclusions that the risk to nearest residential receptors will be low. No objection to the development in principle, but recommends a condition to prevent stockpiling of manure on site or spreading of manure around the vicinity of the farm, to minimise odour impact.
Environment Agency	No objection to the application.
Leicestershire County Council, (LCC) - Highways	Advises the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019), subject to the use of appropriate conditions.
Seagrave Parish Council	Raises concerns at how it is intended to ensure that HGV's travelling to the site do not access the site via the A46 Seagrave junction. This would lead to them coming through the village of Seagrave and going up Berrycote Lane to access the site.

Ward Councillor Poland	Raises concerns about traffic going onto Berrycote Lane (which is a single track road) and called in the application asking if Traffic can be routed via Paudy Lane instead and questioning the Highway Authority's view on the use of HGV's on a single track lane.
Charnwood Biodiversity	No objection to the proposal subject to an enhancement being created across the wider holding.
Charnwood Landscape	The positioning of the building creates a more prominent feature within the wider landscape. An opportunity may exist to accommodate additional feature to soften the impact of the building.

Other Comments Received

5 objection letters have been received from local residents. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website www.charnwood.gov.uk

- Impact of HGVs from the new development will lead to further violation of the weight limit on the village roads
- Serious problem through the village due to the weight limit being ignored.
- Berrycott Lane is a very narrow single track lane and cannot accommodate the additional traffic
- The poultry house will be sited at an elevated level and would be visually obtrusive in terms of size, scale, and design, creating an adverse environmental impact that would not comply with the principles of CT/1 or CT/2
- The development will cause material harm to the character and appearance of the countryside

Planning History

Recent planning history of note for the application site are as follows:

P/14/0707/2	Erection of a free-range poultry building and 4 food silos
P/13/0655/2	Retention of dwelling with amendments to fenestration (P/11/0254/2 refers)
P/11/0254/2	Erection of 1 agricultural dwelling. (Revised scheme P/10/2548/2 refers)

Consideration of the Planning Issues

The main issues to be considered in the determination of this application are:

- Principle of development

- Design and the Impact on the character of the landscape and countryside
- Environmental impact in terms of odour, flies, noise and ammonia
- Impact on Ecology
- Highway Safety
- Other Matters

Principle of the proposed development

The starting point for decision making on all planning applications is that they must be made in accordance with the Development Plan unless material considerations indicate otherwise. Policies in the adopted Core Strategy and the saved policies in the Borough of Charnwood Local Plan and policies contained in the Leicestershire Minerals and Waste Local Plan (LMWLP) are therefore the starting point for consideration.

Policy CT/1 supports small scale new development essential to the efficient long term operation of agriculture. Policy CS10 of the Core Strategy (2015) supports the sustainable growth, and expansion, of businesses in rural areas and supports farm diversification whereby farming remains the dominant element of the business. Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including: "the breeding and keeping of livestock (including any creature kept for the production of food...". The keeping of poultry for egg production accordingly falls under the definition of agriculture.

It is understood that the new building is required to help improve the sustainability of the egg production unit by developing a pullet rearing facility in order to allow for the replacement of laying stock. Currently, the business purchases its replacement pullets from rearing farms in Yorkshire and Scotland. In order for the farm to remain commercially viable, in the long term, it is accepted that there is a need for this building in order to achieve that strategy.

The application site falls within a Mineral Consultation Area (MCA) for Gypsum and therefore Policy M11 (Safeguarding of Mineral Resources) from the Leicestershire Minerals and Waste Local Plan (LMWLP) applies. The minerals assessment submitted with the application confirms that the site potentially contains approximately 64,000 cubic metres of gypsum and the development would result in the sterilisation of this gypsum. However, given the proximity to other existing buildings and the relatively small scale of the development, the Mineral Planning Authority does not object to the proposal.

The proposal is therefore considered to be appropriate in scale for the agricultural use and is accepted as being essential for the long term efficiency of the farm business. The size of the building will not detrimentally impact on the minerals resources within the area. Accordingly, it is considered to comply with CT/1, and CS10 of the Core Strategy and Policy M11 of the Minerals and Waste Local Plan (LMWLP) providing it does not have a significant adverse environmental impact. This is discussed below under headings relating to the specific areas of potential impact.

Design and the Impact on the Character of the Landscape and Countryside

Local plan policies CT/2 and CS11 requires new development to protect landscape character and the rural tranquillity of the countryside. Policy CS10 in addition to CS11 and CT/2 also supports rural economic development, particularly agricultural diversification providing that it does not have a detrimental impact on the character and appearance of the countryside. Paragraph 85 of the National Planning Policy Framework also supports local businesses in rural areas and recognises that developments are often located remote from settlement boundaries in locations that are not well served by public transport. It also recognises that development should be sensitive to the surrounding area and not have an unacceptable impact on local roads.

Policy CS2 and EV/1 require a good standard of design that responds positively to its context. The shed, whilst relatively large, is agricultural in nature and of familiar design not out of place to this rural setting.

The landscape within the immediate area is characterised by an undulating landform interspersed with hedgerow, occasional trees and infrequent rural dwellings or farming structures. Berrycote Lane, a tranquil country lane runs along a ridge affording good vantages for the wider landscape across the Wolds and to the uplands of Charnwood Forest.

Representations raise concerns about the visual impact of the proposal in the landscape and it is the case that the proposed poultry shed would be sited in an area which is more elevated than the existing sheds. The proposed poultry shed would be visible along Berrycote Lane and would intersperse the views to the wider countryside. The proposal would be viewed in combination with the current built form within a localised area of the landscape. The existing sheds are further away and visible albeit partially screened

The proposal has been accompanied by a Landscape Visual Impact Assessment (LVIA) which is referenced and read in conjunction with the Environmental Statement. The assessment selected five viewpoints (VP) within the accompanying Landscape Visual Impact Assessment, namely:

- Access to bridleway from Paudy Lane, 0.29km to the south of the application site;
- Access to Public Right of Way (PRoW) from Berrycote Lane, 0.03km to the north west of the application site;
- Berrycote Lane, 0.34km to the north east of the site;
- Route with public access, 0.41km to the north east of the application site; and
- Route with public access, 0.34km to the north east of the application site.

The combined effect of the proposed development with that of the existing sheds cannot be readily mitigated. However, it is considered that the enhancement of the hedgerow along Berrycote Lane, through additional planting to add to the screening provided by the existing hedgerow, will eventually lessen the impact. The inclusion of tree planting adjacent to the hedgerow will assist in the restoration of the historic tree

lined hedgerow and the eventual integration of the application site into the wider area.

Whilst the building cannot be readily integrated into the surrounding area, the use of existing and proposed landscaping and the sensitive choice of material and colour to the external finishes results in the proposal not causing an unacceptable harm to the character and appearance of the countryside and its landscape setting to an extent that would sustain a reason to refuse the application. Therefore, it is considered the proposal broadly complies with policies CT/2 and CS11.

Environmental impact in terms of odour, noise and ammonia

Odour

The closest residence not associated with the poultry unit is New York Farm, which is approximately 280 m to the east-south-east of the proposed pullet rearing house. There are also residences at The Lodge, which is approximately 400 m to the south-west of the closest existing poultry house and Walton Thorns, a farmstead that is approximately 450 m to the north of the proposed pullet house.

The odour modelling submitted predicts that the proposed pullet chicken rearing house, along with the existing free range egg-laying chicken houses at the farm, would increase odour. The modelled odour exposure is stated as marginally exceeding the Environment Agency's benchmark for moderately offensive odours (a 98th percentile hourly mean of 3.0 ouE/m³ over a one year period) at one residence, the farm house at Paudy View Farm. At all of the discrete receptors included in the modelling not associated with Paudy View Farm, the predicted odour exposure would be below the Environment Agency benchmark.

The findings of the Environmental Statement and odour modelling are not disputed by the Council's Environmental Health Officer. It is also recognised that the Environment Agency permit, which has been obtained by the applicant, provides additional controls over the way the use operates and including waste management.

Accordingly, it is not considered that the proposal would give rise to unacceptable levels of odour. It is therefore considered that the proposal would not result in unacceptable adverse impact on amenity of residential properties within the sites locality and therefore does not conflict with policies CS2 and EV/1 in respect of residential amenity.

Noise

The submitted Environmental Statement (ES) states that the proposed development involves limited noise generation.

A noise survey has been conducted to determine the typical background noise levels at the nearest dwellings (280m and 400m) to the proposed pullet rearing unit at Paudy View Farm, off Paudy Lane. The extract fan and transport noise (HGV movements and loading/unloading using a forklift within the concrete apron) as a result of the proposed development have been assessed in accordance with

BS4142:2014. The noise impact of the extraction fans and transport activities during the day will be low and during the evening and night the aggregate Rating Levels of the extract fans are more than 10dB below the typical background noise levels, which indicates a negligible noise impact.

The supporting information, within the Environmental Statement, concludes that the proposed development will not result in an adverse noise impact at the nearest dwellings. The Council's Environmental Health officer has assessed the development and has not raised issue with any potential noise issues.

Ammonia

The submission has been accompanied by a report, as part of the Environmental Statement, on the modelling of the dispersion and deposition of ammonia from the proposed unit. The rates from the proposed pullet rearing unit have been assessed and quantified based upon the Environment Agency's standard ammonia emission factors. The submitted reports conclude that the emission rates will be lower than the Environment Agency's lower threshold. Based on this it is not considered that ammonia levels would have an adverse environmental impact sufficient to justify refusing planning permission on amenity grounds.

It is not considered, therefore, that the proposal would give rise to an odour or noise nuisance that would justify refusal of planning permission and therefore the proposal is not considered to conflict with policies CS2 or EV/1.

Ecology

Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The Council's Senior Ecologist raises no objection to the proposed development, subject to the imposition of a planning condition to mitigate any potential biodiversity loss. It is considered, therefore, based on the provision of the condition that the proposal accords with policy CS13 in respect of biodiversity and ecology.

Highway Safety

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. Paragraph 111 of the NPPF states that new development should only be resisted on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.

The applicant has advised the proposals would generate a vehicular flow in line with the predicted flock cycle of the birds (every 17 weeks). The generation equates to 124 vehicle movements throughout the 17 week cycle by either goods vehicles or tractor and trailers. These movements equate to an average of 1 movement per day. In addition to this, there will be staff movements, and visitors such as vets and inspectors, with such movements generally taking place in cars or vans.

The applicant has confirmed that the new access proposed equates to a 7.3 metres wide carriageway, and with a 15.0 metres control radius on its northern side, and a 6.0 metres control radius on its southern side.

Respondents have raised concerns about HGV movements along a single track road and Cllr Poland has asked if Paudy Lane could be considered instead. However, the local planning authority is obliged to consider the proposals in the planning application that has been submitted to it rather than any other. The Local Highway Authority has considered the proposal and concluded that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Therefore, subject to the imposition of planning conditions recommended by the Local Highway Authority, it is not considered this development will have a severe impact on the highway in accordance with Paragraph 111 of the NPPF and therefore a reason for refusal on such grounds could not be sustained under Policy TR/17

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 advice given 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 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 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 CS2 and CS13. There is nothing to suggest that the proposal would lead to unsafe operation of the road network 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.

RECOMMENDATION

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

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 • Environmental Statement – February 2021 • 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</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>

	<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>

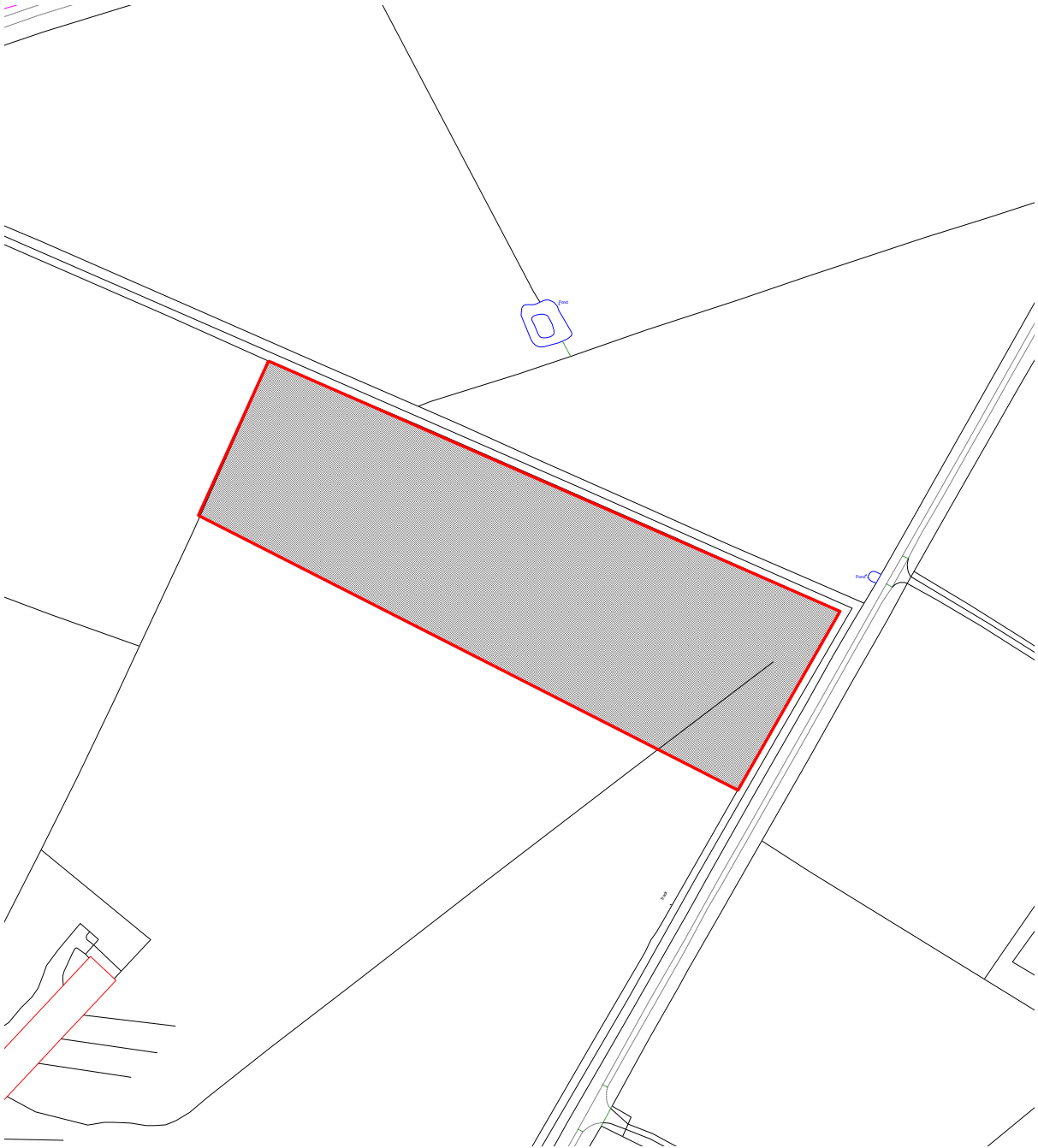
	public highway in accordance with the National Planning Policy Framework (2021).
11.	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.</p> <p>REASON: 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 though 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"> 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>

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.

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.





PLANS COMMITTEE

This meeting will be recorded and the sound recording subsequently made available via the Council's website: charnwood.gov.uk/pages/committees

Please also note that under the Openness of Local Government Bodies Regulations 2014 that other people may film, record, tweet or blog from this meeting. The use of any images or sound recordings is not under the Council's control.

To: Councillors Bentley (Vice-Chair), Campsall, Capleton, Charles, Forrest, Fryer (Chair), Gerrard, Grimley, Hamilton, Lowe, Ranson, Savage and Tillotson
(For attention)

All other members of the Council
(For information)

You are requested to attend the meeting of the Plans Committee to be held in Woodgate Chambers on Thursday, 25th November 2021 at 5.00 pm for the following business.

Chief Executive

Southfields
Loughborough

24th November 2021

AGENDA SUPPLEMENT – EXTRAS REPORT

5. PLANNING APPLICATIONS

2 - 3

The list of planning applications to be considered at the meeting is appended.

For Plans Committee – 25th November 2021

Additional items received since the report was drafted.

Pages 31 - 46

Site Address: Paudy View Farm Paudy Lane, Seagrave

Item No. 2

P.A. No. P/20/1176/2

Issue 1

An additional representation has been received from a local resident, since the publication of the report agenda pack. Full copies of this correspondence is available on the planning file and can be accessed through www.charnwood.gov.uk. However, the matter(s) raised are summarised below;

1. The Landscape and Visual Assessment considered only five viewpoints, no impact assessment was made on the approach from Paudy Lane, which is used by more people, than from any other viewpoint. The LVIA has chosen to select the views immediately opposite the PROW on Berrycott Lane and from the south, rather than the most used route from the north looking across the Soar Valley. An assessment from this route would clearly demonstrate significant visual harm, for which there would be no appropriate mitigation. The development will result in visual harm and as such contrary to the relevant policies within the Development Plan.
2. The submitted Biodiversity Impact Assessment is lacking and the potential impacts of the proposal are not adequately assessed.
3. The entrance to the site onto Berrycott Lane is considered to be unacceptable. The impact of traffic on minor roads should be prevented where it would result in significant change in the amount or type of traffic using rural roads. Proposal would have an unacceptable impact and contrary to the relevant Development Plan policies.
4. Site notice was posted some distance from the site at Paudy View Farm, as such the council failed to ensure there was full, effective and meaningful community engagement.

Officer Response:

1. The impact of the development within its elevated position has been fully considered in the context of this rural setting and considered in the round within the report. The potential impact of the development can be lessened through additional planting.
2. In terms of the Biodiversity Impact Assessment (BIA), the submitted information has been assessed by the Council's Senior Ecologist who has requested the imposition of an appropriate condition to ensure that there is no net biodiversity loss for the wider site.

3. The full potential impact of the development through the proposed vehicular movements has been fully assessed by the County Council's Local Highway Authority. It is acknowledged that the proposal will increase the number and consistency of vehicles along Berrycott Lane, however, that increase together with those existing use is not considered to result in an unacceptable cumulative impact.
4. The application was advertised and consulted on in accordance with the Councils adopted Statement of Community Involvement, including consultation letters, neighbour letters, site notice and advert in local newspaper. Accordingly, it is considered sufficient community engagement and consultation has taken place.

Recommendation:

No change to recommendation

Item 3 - Appendix A

Item No. 3

Application Reference Number P/21/0615/2

Application Type:	Outline Planning Permission	Date Valid:	13/05/2021
Applicant:	Jack Casey		
Proposal:	Outline Application for the erection of up to 60 residential dwellings, with all matters reserved except access.		
Location:	Sturdee Poultry Farm Sowters Lane Burton on The Wolds Leicestershire		
Parish:	Burton on The Wolds	Ward:	The Wolds
Case Officer:	Shaun Robson	Tel No:	07864 603389

Background

This application has been brought to plans committee as it relates to a major housing development and is considered a departure from the development plan and is recommended for approval.

The application has also been called in by Cllr Bokor who has concerns about the proposal, specifically the over development of Burton village causing accumulative harm from a lack of infrastructure/services; the additional traffic being directed through the existing housing estate known as The Saints; and the lack of community S.106 monies which contributes to combating that accumulative harm

Description of the Application Site

The application site is located to the south of Burton on the Wolds and is approximately 3.04 ha in size. The site is currently formed by a number of poultry sheds of various sizes and a small number of low quality structures and associated hardstanding, relating to the current use of the site as a poultry farm.

The eastern boundary of the site is defined by Turvy Motors, with a small number of residential units located east of Sowters Lane. To the south is open countryside and arable fields. To the west of the site, there is a small field separating the site from main village. To the north there is residential development associated with St Phillips Road and St Leonards Close.

Description of the Proposal

The application seeks outline planning consent for the residential redevelopment of Sturdee Poultry Farm for up to 60 dwellings which will include a mixture of dwelling types and sizes, including bungalows. All matters, other than the access arrangement, are reserved for future consideration.

The Sowters Lane access will be retained and improved to form a standard priority T junction. The intention is for this access to be a secondary access for vehicles with the main access to the site for vehicles, pedestrians and cyclists being provided via a connection to St Leonards Close.

The proposal is accompanied by an illustrative masterplan which shows how the site could be developed for a scheme of up to 60 dwellings. The masterplan suggests a central access road which is to be accessed via St. Leonards Close (to the north) and the secondary access Sowters Lane (to the east). The access road is proposed to loop into the site with three small off shoot roads serving a number of dwellings. Members are reminded however the master plan is submitted for illustrative purposes only, and only the principle of up to 60 dwellings and access details are submitted for approval as part of this application.

The submitted illustrative masterplan also indicates a detention basin could be incorporated within the public open space to the southern tip of the site with a further small detention basin to the north adjacent to the access from Sowters Lane.

The application includes the following supporting documents & plans:

- Application form
- Site Location Plan
- Illustrative Masterplan
- Landscape and Visual Assessment
- Ecological Appraisal
- Arboricultural Report and Tree Survey
- Transport Statement
- Travel Plan
- Flood Risk Assessment & Drainage Strategy
- Noise Assessment
- Design and Access Statement
- Statement of Community Involvement
- Heritage Statement

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS 11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 - Heritage - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside... - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design – This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development – This seeks to set the maximum standards by which development should provide for off street car parking.

Wolds Villages Neighbourhood Plan (2018 – 2028)

On June 10, 2021 the Wolds Villages Neighbourhood Plan was “made” part of the development plan, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Relevant policies in relation to the proposal are:-

Policy WV1 – Landscape Character and Locally important views - sets out that in the countryside, new development should conserve or enhance the character of the local landscape.

Policy WV2 - Green Infrastructure - states that development proposals should seek to conserve and enhance the local green infrastructure which includes a wildlife corridor and woodland along Melton Road.

Policy WV3 – Trees – seeks to ensure protection of important trees and hedges or replacement if loss is unavoidable.

Policy WV5 – Water Management – states that new development should take account flood risk and that it should be effectively drained

Policy WV6 – Local Green Space – designates areas as local green space and includes the allotments to the north of the site

Policy WV7 – Local Heritage Assets – lists local assets where the benefits of the proposal must be balanced against harm to significance. It includes ridge and furrow within the site in this list. It also seeks to protect archaeological remains.

Policy WV8 – Community Services and facilities – sets out that community facilities including the allotments to the north should be protected and supports retention and improvement of these.

Policy WV10 – Infrastructure – seeks to ensure new housing is supported by appropriate infrastructure

Policies WV11 & WV12 – Housing Provision & Sturdee Poultry Farm – Policy WV11 sets out the framework for the delivery of new housing within the Parish. This sets out within the Limits to Development of Burton on the Wolds within which permission for housing development will be supported. The Policy states that beyond the Limits to Development, housing will be restricted save for the delivery of land at Sturdee

Poultry Farm (in accordance with Policy WV12), previously developed land, rural workers accommodation, replacement dwellings, the reuse or adaption of rural buildings, affordable housing through exception sites and development that supports sustainable businesses. Policy WV12 permits housing upon the Sturdee Poultry Farm site in the event there is a need for housing identified within the emerging local plan by policy WV12.

Policy WV14 – Housing Mix – requires new housing development to have regard to recent assessments of housing need within the Wolds. It specifically focuses on the needs of older households and the need for smaller homes.

Policy WV 15 – Affordable Housing – supports conditions or planning obligations ensuring local people are prioritised for affordable units when they are allocated

Policy WV16 – Design – states that development proposals must comply with Burton in the Wolds Village Design Statement

Other material considerations

The National Planning Policy Framework (2021)

The National Planning Policy Framework sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the National Planning Policy Framework give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The National Planning Policy Framework policy guidance of particular relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes

The National Planning Policy Framework requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 75). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places.

The National Planning Policy Framework recognises that good design is a key aspect of sustainable development and that high quality, beautiful, sustainable and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change

New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

National Design Guide

This document sets out the Government's design guidance to support the National Planning Policy Framework.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

This document provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

Burton on the Wolds Village Design Statement (2006)

This document sets out residents aspirations for design within the village. It emphasises the need to protect the natural environment and work with the natural landscape "bowl" that the village lies within. Smaller scale developments are supported that complement existing styles and materials and avoid monotony.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Protection of Badgers Act 1992

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their

functions to have due regard to the need to eliminate discrimination and advance equality.

The Draft Charnwood Local Plan 2019-36

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire Lead Local Flood Authority – LCC	Does not object to the proposal but has requested further clarification that Severn Trent are satisfied that the site can be adequately served in terms of water disposal. The additional clarification has been forwarded to the LLFA.
Housing Strategy & Support CBC	In accordance with policy CS3 requests 40% of new homes are affordable comprising a mix of 77% social and affordable rent and 23% shared ownership.
Environmental Protection - CBC	Does not raise any objections to the application subject to a condition requiring a ground investigation in order to ascertain if further mitigation measures are required in order to build out the development.
Environment Agency	Does not object to the proposal, subject to the inclusion of an informative relating to the use of the proposed pumping station on site.
Leicestershire County Council, (LCC) - Highways	The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe, therefore they have not objected to the proposal subject to it being carried out in accordance with the access details included within the Transport Assessment. Conditions are suggested relating to the timing of the provision of the accesses and the provision of a construction management plan. Contributions are also sought regarding travel passes and the provision of sustainable travel packs.
LCC Education	Seeks contributions of £262,656.00 towards remodelling and improving capacity at Burton on the Wolds primary school, £179,117.52 towards increasing the capacity at

	the Humphrey Perkins School and £38,267.46 towards improving capacity for 16+ education at Rawlins Academy.
LCC Libraries	Seeks a contribution of £1820 towards library facilities at the Barrow Library.
Burton on the Wolds, Cotes & Prestwold Parish Council	<p>Objects to the application on the grounds that the impact would significantly and demonstrably outweigh its benefit. The Council considers that the intention of Policy WV12 of the Neighbourhood Plan was to release the Poultry Farm site only in specified circumstances, which do not apply in this case.</p> <p>Attention is also drawn to the recent conversion to 91 residential units under the provisions of the GPDO and the cumulative impacts of this on the community.</p> <p>Concerns are raised with regard to limited amenities and employment, poor public transport, highway safety, landscape impact, school capacity and the impact on the amenity of neighbouring dwellings. Additionally it highlights concerns regarding highway safety, impact of construction vehicles migrating to the site, the on-going maintenance of Sowters Lane and the flooding of the site and surrounding area.</p> <p>The Parish Council have also raised the issue that the village hall was built on a small, central site to serve a much smaller community and has no parking facilities, giving little scope for accommodating an expanding community. They have stated that should this development take place they would expect a significant contribution via Section 106 towards a new community meeting place, as stated in Neighbourhood Plan WV10.</p>
Ward Councillor Boker	Considers that the development will result in over development of Burton village causing accumulative harm from a lack of infrastructure/services, the resulting additional traffic being directed through the existing housing estate known as The Saints and the lack of community S.106 monies which actually contribute to combating that accumulative harm.
Charnwood Open Spaces	<p>No objection raised to the proposal but has made the following request to mitigate the impacts of the development.</p> <p>The development shall include the following on site provision(s):</p> <ul style="list-style-type: none"> • Parks – 0.05ha on site in the form of a multi-functional green space area combined with the Amenity Green Space provision; • Natural and Semi Natural Open Space – 0.29ha

	<p>defined habitat areas should be identified and created within the proposed on site open space. These areas should be laid out and managed for their ecological/wildlife value in accordance with a landscape and biodiversity Strategy/Management Plan for the site;</p> <ul style="list-style-type: none"> • Amenity Green Space – 0.07ha on site in the form of a multi-functional green space area combined with the Parks provision; • Provision for children – 1 facility on site (suitable LEAP to be provided – Equipment and design to be approved by CBC prior to commencement of development) <p>The following developer contributions have been requested, where on-site open space provision is not to be met on-site, in order to mitigate the impact of the proposed development in accordance with Policy CS15 of the Charnwood Local Plan Core Strategy 20011-2028:</p> <ul style="list-style-type: none"> • Provision for young people - £57,239.00; • Outdoor sports facilities - £19,762.00; • Allotments - £6,775.00; • Indoor Sport - £27,251.00 (indoor pool), £26,331.00 (indoor courts) and £3,888.00 (indoor bowls rinks).
NHS - CCG	Seek a contribution of £30,378.74 towards improving the capacity of Barrow Health Centre to allow for the accommodation of 145 additional patients generated by the scheme.

Other Comments Received

37 objection letters have been received from local residents. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website www.charnwood.gov.uk

- No justifiable need for the houses within the village
- Impact on services
- Unsustainable location
- Contrary to local and national policy, including the Wold Villages Neighbourhood Plan
- Poor public transport
- Sewer system can't cope
- The current use results in a contaminated site

- Local school does not have capacity
- Air pollution
- Noise
- Density of development is too high
- Poor local amenities
- Access onto Sowters lane is unsafe due to it being narrow and unlit
- Flooding
- Pollution and climate change
- Traffic surveys are flawed
- Sowters Lane is a private road
- Disruption during construction
- Poor or absent pavement links
- No safe route to school
- Tracking at roundabout for larger vehicles
- 91 dwellings have recently been allowed therefore the development is not required
- Site cannot accommodate development / over development of site

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011 – 2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991 – 2026 (2004) which have not been superseded by the Core Strategy and the Wolds Villages Neighbourhood Plan 2018 – 2028. It is acknowledged that several of these plans are over 5 years old; therefore it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly there is no reason to reduce the weight given to them in this regard.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years), and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are National Planning Policy Framework policies that protect areas or assets this can be a clear reason to refuse

an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although there is an area of Local Green Space designated via the Neighbourhood Plan, which is remote to the site, it is unaffected by the proposal. The site is also recognised within the Neighbourhood Plan as the preferred location for new housing development in the Parish, and should come forward for redevelopment in accordance with the Draft Charnwood Local Plan upon adoption, either by being directly allocated or as a result of an increased local housing requirement being confirmed for the village. For these reasons it is not considered by officers that in this instance paragraph 11 i) would apply.

In situations where para 11d of the presumption applies consideration should be given to paragraph 14 in relation to Neighbourhood Plans in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery. The Neighbourhood Plan for the Wolds has recently been made as such it stands to be assessed under paragraph 14. Paragraph 14 states:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c. the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d. the local planning authority's housing delivery was at least 45% of that required over the previous three years.*

The main issues are considered to be:

- The principle of the proposed development;
- Housing mix;
- Landscape & Visual Impact;
- Design;
- Open space;
- Amenity;
- Heritage;
- Arboriculture;
- Ecology;
- Flood risk/drainage;
- Highway matters;
- Contaminated Land and Public Safety; and
- Developer contributions

Principle of the proposed development

The application site is located outside but partly adjacent to, the Development Limits to the settlement of Burton on the Wolds, as established under “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991 – 2026 and latterly updated under Policy WV11 of the Wolds Neighbourhood Plan. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Within the settlement hierarchy, Burton on the Wolds is identified as an “other” settlement where a limited level of housing growth which is predominantly small scale and within limits to development is acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

The supporting text to WVNP Policy WV11 states that “Burton on the Wolds might be said to be expected to deliver at least 36 dwellings”. This housing need has been based on a percentage share of the “other” settlements housing target deriving from the draft local plan. It takes the stance that the housing requirement in the current Core Strategy has already been met with regard to “other” settlements and does not seek to increase housing targets to cater for this. The Neighbourhood Plan anticipates that this housing requirement will be met within the limits to development that it sets out. In the event that a future need is identified once the Draft Local Plan is adopted, the Plan identifies the application site, under policy WV12 as a reserved housing site subject to a requirement being identified for the settlement through the Local Plan housing requirement. Policy WV12 indicates that if the criteria regarding the need are met then the site would be suitable for development of at least 36 dwellings.

These policies are those that are the most important ones for establishing whether development of the site for housing is acceptable in principle.

The development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development and the requirement to bring forward the site, which is a reserve allocation within the Neighbourhood Plan as identified by Policy WV12, has not been enacted. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, conflict with the above policies can be considered as an adverse impact but given the age of policies CS1, CT/1, CT/2 and ST/2, (all over 5 years old), the weight that can be ascribed to them would be reduced. Accordingly there is harm resulting from conflict with the development approach set out in policies CS1, CT/1, CT/2, ST/2 and WV11, which seeks to direct growth away from smaller settlements, which weighs against the proposal and needs to be considered within the planning balance for the proposal. However, if a specific need for growth is

identified policy WV12 permits the redevelopment of the site. However, given that a need is yet to be established through the Local Plan, which is in a draft format, the development also conflicts with this policy at this time.

Paragraph 14 of the National Planning Policy Framework states that in situations where paragraph 11d applies, the adverse impacts of allowing development that conflicts with a neighbourhood plan are likely to significantly and demonstrably outweigh the benefits where all of four criteria apply. Criterion b) is of particular importance here. This states that for paragraph 14 to apply, the neighbourhood plan must contain policies and allocations to meet its identified housing requirement.

Policy WV11 states that *“Burton on the Wolds might be said to be expected to deliver at least 36 dwellings”*. The Planning Inspector in their recent appeal decision, (dated 24th June 2021) at Land off Melton Road Burton on the Wolds (APP/X2410/W/20/326448), stated that:

“I acknowledge that the Planning Practice Guidance (PPG) states that a local requirement could be set exceptionally by the neighbourhood planning body. However, the figure of 36 dwellings is set out only in supporting text and thus does not have the status of development plan policy. This must limit the weight that can be given to this figure.”

“Secondly, the figure is based on a proportionate share of the provisional housing figure for ‘Other Settlements’ in the draft Local Plan. However, this plan is still at a very early stage of preparation and carries very little weight. The figure has not therefore been based on any adopted strategic plan or an up-to-date assessment of local needs. I am not therefore persuaded that this constitutes an ‘identified housing requirement’ in the context of paragraph 14.”

“Even so, the PPG also states that the neighbourhood plan must contain policies and allocations to meet the need. Windfall policies alone are not sufficient. The Sturdee Farm site is the only site identified for any form of housing. WVNP Policy WV12 states that this site will be released in accordance with the draft Charnwood Local Plan, when it is adopted, if a local housing requirement is identified for which the site is appropriate. It is clear, therefore, that the Sturdee Farm site is not intended to be released prior to the adoption of the new Local Plan. Even in those circumstances, this would only be the case if the plan identifies an additional extra need. Therefore, even if the 36 dwellings were an identified requirement now, the Sturdee Farm site is not seen as the means of meeting this need.”

Accordingly, whilst the neighbourhood plan is less than two years old there is no unreserved housing allocation to meet an identified housing need within the plan. Therefore any contradiction with policies relating to the provision of housing cannot be considered as a significant and demonstrable harm sufficient to outweigh identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

Whilst it is acknowledged that the mechanism and circumstances for releasing the Sturdee Farm has not presently been met, it is material that Policy WV12,

nevertheless does identify the site as suitable for housing and reserves it for future residential development.

In conclusion, the proposal would result in the provision of up to 60 dwellings at a time when the Local Planning Authority cannot demonstrate a five year housing land supply and, although there is conflict with the Development Plan and the neighbourhood plan, the provision of housing is a significant material consideration that weighs in its favour.

In addition the provision of housing on previously developed land and cessation of a potentially problematic use within close proximity to existing residential properties, is also considered to weigh heavily in its favour.

Although there is some conflict with the Development Plan this does not outweigh this benefit. Accordingly the proposal is considered to be acceptable in principle.

Housing mix

Policy CS3 of the Core Strategy and Policies WV14 and WV15 of the Wolds Neighbourhood Plan help define an appropriate housing mix for this site. Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 60 dwellings (24), should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this policy. Policy WV14 requires new housing development to have regard to recent assessments of housing need within the Wolds with particular focus on older households and smaller homes. Policy WV15 seeks to ensure that affordable units are used to meet local need.

These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them in this regard.

The proposal is in outline and includes an undertaking to provide 24 affordable homes (40%). The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It is noted that the applicant has indicated the provision of bungalows on the site in a response to local representations following their consultation. Nevertheless, it is still considered appropriate to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that a condition could be used to do this.

The Leicestershire Housing and Economic Development Needs Assessment (HEDNA) outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

Affordable	
1 bed	40 – 45%
2 bed	20 – 25%
3 bed	25 – 30%
4+ bed	5 – 10%
Market	
1 bed	0 – 10%
2 bed	25 – 35%
3 bed	45 – 55%
4+ bed	10 – 20%

It is suggested that a size mix profile to reflect this, a locally identified need and the character of the area could be achieved although care would need to be taken, (as per CS3), to ensure the character of this edge of village location was not harmed by this. It is considered that a proposal which complies with CS3, WV14 and WV15 could be achieved.

Landscape and Visual impact

Policies CS2, CS11 and WV1 are concerned with protecting the landscape and ensuring new development does not result in visual harm. A Landscape and Visual Appraisal (LVA) has been submitted with the application which looks in detail at these impacts. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Landscape

The Landscape and Visual Appraisal (LVA) finds limited impact on nationally defined character areas and the removal of the existing built form together with the potential to integrate soft landscape buffer within the development will integrate the development into the existing built form of the settlement.

The site lies within ‘The Wolds’ character area as defined by the Borough of Charnwood Landscape Character Assessment. The strategy for the character area is to ‘conserve and enhance’ by positioning new development on lower slopes and around edges of existing settlements, to avoid breaking the horizon and minimising the impact on the open rolling landscape character. The development, due to its position, is considered to meet the requirements of the strategy as it is positioned on the edge of the village and will therefore not break the horizon.

Visual Impact

The LVA addresses visual impacts from several key locations, including Sowters

Lane, Six Hills Road and more distant views from rights of way and the surrounding area.

Overall, it concludes that views from the north and west towards the site will not be possible due to landform and the intervening built form of the village. The site will be readily visible from views from the south from south west around to the east.

The viewpoints are found from roads and PRow within approximately. The locally important views identified within the Wolds Villages Neighbourhood Plan were assessed and the LVA has concluded that none were found to have visibility of the site.

The site is visually prominent due to the lack of vegetation and the large scale and colour/materials of the buildings, which are distinctly different to the surrounding built form.

The LVA concluded that from most viewpoints the site is viewed alongside properties within the village and is currently noticeably different in character.

It is therefore considered that the proposal would not result in adverse or unacceptable landscape or visual impact in accordance with policy CS11. It is also considered that a development could be brought forward which respects the location at this edge of village location and therefore accords with policy CS2 of the Core Strategy and EV/1 of the Local Plan.

Design

Policies CS2 and WV16 seek high quality design for new development. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative layout has been included which shows how the site could be developed and design principles are also set out within the Design and Access Statement.

Open space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. Within the Neighbourhood plan policies WV2, 6, 8 and 10 are all concerned with ensuring the village is served by an adequate framework of open space and that there is infrastructure to support the needs of residents. The Neighbourhood Plan also identifies areas of local green space that are important to the community and seeks to protect these.

The indicative plan suggests that within the site there will be 0.93ha of open space provided in the northern part of the site adjacent to Sowers Lane and along the southern edge of the development.

As a result there is an ample quantum of space to meet informal recreation needs and for children's play. There is, however, no provision for older children or sports.

Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the village could be secured.

The neighbourhood plan includes policies to protect and enhance green spaces and community areas in the village.

It is considered that the development would provide good quality open space proportionate to its size, accordingly the proposal is considered to comply with policies CS15 and WV6, 8 and 10 of the Development Plan.

Amenity and Noise

Policies CS2 and EV/1 require the amenity of existing and future residents to be protected. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

It is recognised that the site is adjacent to a garage which has the potential to cause noise and disturbance to the new dwellings. However Environmental Health Officers have considered the proposal and raise no objection to the application on amenity grounds.

It is clear from the indicative layout that there is ample space to ensure that the amenity of adjacent houses is not harmed by loss of light, privacy or outlook. This will be a matter which is dealt with more fully at the detailed reserve matters stage.

Heritage

Policy CS14 of the Core Strategy is concerned with heritage and seeks to ensure heritage assets are protected and conserved. This policy accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The site is not within a conservation area and there are no listed buildings within the vicinity that the proposal would impact upon the setting of. It is considered that given no national or local assets are affected by the proposal the development complies with policies CS14 and WV7.

Arboriculture

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. Policy WV3 of the Neighbourhood Plan seeks to retain and protect valuable trees and hedges in

the area. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Arboricultural survey work submitted with the application shows that the majority of the trees and hedges are to be retained with the exception of a few trees. The survey also identifies that the trees that are to be removed are poor specimens which have become damaged by virtue of previous works or thinning of trees. The potential exists to secure additional planting/tree replacement by virtue of a condition. Accordingly it is considered, therefore, that the proposal complies with Development Plan policies CS2, CS11 and WV3.

Ecology

Policy CS13 of the Core Strategy seeks to protect biodiversity and to ensure that where there is any loss this is avoided, mitigated or compensated. Policy WV2 of the Neighbourhood Plan is concerned with green spaces and recognises the value of these in terms of biodiversity. This policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The current site has little or limited biodiversity value, due to the high levels of hardstanding, existing structures and current use as a poultry farm.

The redevelopment of the site has the potential to create new areas of open space and an attenuation pond which will both create new areas for wildlife leading to biodiversity gains.

To ensure that this is the case planning conditions would need to be attached to secure a detailed strategy. Accordingly the proposal is considered to comply with Development Plan policy CS13.

Flood risk/drainage

Policy CS16 of the Core Strategy and policies WV5 of the Neighbourhood Plan seek to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The site lies within flood zone 1 where the risk of flooding is generally low.

The application includes a drainage strategy to ensure that drainage problems are not created in the surrounding area. The strategy suggests that surface water would be collected within a detention basin and discharged at a controlled rate into the existing Severn Trent assets.

The Lead Local Flood Authority has not objected to the submitted drainage strategy although has asked for clarification from Severn Trent in terms of their acceptance to

accommodate the surface water reduced discharge rate.

It is however considered that the proposal can be satisfactorily drained and that there would be no flood risk to future or existing residents. As a result it would comply with Development Plan policies CS16 and WV5.

Highway matters

Policy CS2 of the Core Strategy seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Capacity

The Souters Lane access will be retained and improved to form a standard priority T junction. The intention is for this access to be a secondary access for vehicles with the main access to the site for vehicles, pedestrians and cyclists via an extension of St Leonards Close which connects to St. Philips Road. The submission has been accompanied by a Transport statement and a safety audit to which clarity has been sought and received from the applicant.

The statement identifies a maximum traffic count for the use and suggests a maximum increase of 32 two way vehicle movements during the morning peak. At a rate of approximately 1 vehicle per minute this is not considered to give rise to capacity issues on the adjacent highway network. The Local highway Authority raises no objection to this assessment and considers the junction can operate without significant queuing or delay.

Safety & Suitability

The proposed access is not controlled and is onto a stretch of road with a 40mph speed limit. Although there is no personal injury accident data recorded in the vicinity of the site it has nevertheless been designed with appropriate visibility and geometry and a road safety audit has been carried out. Concerns have been raised by residents that the site is not suitably located to encourage walking or provide safe walkable access into the village. Residents would be required to either cross Melton Road in order to reach the footway on the northern side of Melton Road to reach the village centre or alternatively walk along St. Leonards Close to reach the village centre. It is considered that the alternative route may be the preferred route for a number of residents.

The Local Highway Authority (LHA) raises no objection on pedestrian or highway safety grounds providing the development is carried out as per the submitted access plans.

Sustainability

The proposal includes a foot and cycle links to the village including via St. Leonards Close. These would help integrate the site with the village and would encourage journeys to local facilities and green space on foot. There are bus stops within easy reach of the development on Melton Road, and the applicant has indicated a willingness to supply new residents with travel packs and bus passes to encourage the use of this service. Whilst the location in itself does not offer the best transport choice within the Borough the development itself is designed to maximise the potential that this location can offer. In this regard the development is considered to comply with policy CS17.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. Accordingly the proposal is considered to comply with relevant development plan policies and not to give rise to transport related harm.

Contaminated Land and Public Safety

Objections have been received from local residents raising concerns due to the current use of the site as a poultry farm and the potential of contaminants within the ground. The Council's Environmental Protection Team have been consulted in connection with the proposal and whilst they do not raise any objections to the proposal in principle they have suggested planning conditions requiring further survey work and mitigation/remediation measures as necessary.

Based on the information submitted with the application, and the advice of the Environmental Protection Team, it is not considered that there would be any risk to existing or future residents that cannot be adequately mitigated and therefore the application is considered to accord with Paragraph 174 of the National Planning Policy Framework.

Infrastructure

Policy CS24 states that new development should contribute either on or off site to any infrastructure arising as a result of the proposal. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Whilst such an assessment takes into account other developments and commitments in the area it cannot be used to address shortfalls created by other commitments. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development.

Education	A contribution of £262,656.00 towards remodelling and improving capacity at Burton on the Wolds primary school, £179,117.52 towards increasing the capacity at the Humphrey Perkins School and
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	£38,267.46 towards improving capacity for 16+ education at Rawlins Academy.
NHS	A contribution of £30,378.74 towards improving the capacity of Barrow Health Centre to allow for the accommodation of 145 additional patients generated by the scheme.
Open Space	On site provision of open space, natural and semi natural areas and the accommodation of a LEAP. The provision of off-site contributions for; <ul style="list-style-type: none"> • Provision for young people - £57,239.00; • Outdoor sports facilities - £19,762.00; • Allotments - £6,775.00; • Indoor Sport - £27,251.00 (indoor pool), £26,331.00 (indoor courts) and £3,888.00 (indoor bowls rinks).
Burton on the Wolds, Cotes & Prestwold Parish Council	The Parish Council have requested that, should this development take place, they would expect a significant contribution via section 106 towards a new community meeting place.
Libraries	A contribution of £1820 towards library facilities has been requested.
Sustainable Transport	A request has been made for the provision of travel packs for each dwelling, which will include two six month bus passes, two per dwelling. A travel plan monitoring contribution will also be required, which will cover a five-year period. Fees for this service are set at £6,000 for a full travel plan.

These contributions (with the exception of indoor sport and the community meeting space) are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24.

There are concerns regarding the contributions requested towards indoor sports. This is because they are based on a national threshold that does not consider existing provision, local need and/or circumstances. As a result, it has not been fully demonstrated that the contribution towards indoor sport provision is necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122. Therefore the amount requested which are considered CIL compliant and acceptable are provision for young people - £57,239.00, outdoor sports facilities - £19,762.00 and allotments - £6,775.00. Burton on the Wolds, Cotes & Prestwold Parish Council has requested developer contributions towards a new community meeting place, as stated in Neighbourhood Plan Policy WV10. Unfortunately based on the evidence submitted it is considered the request for a contribution has not been satisfactorily justified nor is it considered necessary to make the development acceptable in planning terms. Furthermore, a Planning Inspector recently considered this request and recorded the following within

a decision relating to an outline application at Land off Melton Road Burton on the Wolds (APP/X2410/W/20/326448). It states:

51. Turning to other concerns raised in relation to the S106, my attention was drawn to WVNP Policy WV10. This sets out a requirement for additional community meeting space. My understanding is that this was not requested by the Borough Council. Neither the development nor the S106 therefore make provision for this policy requirement.

52. The Parish Council confirmed at the Inquiry that there are currently no plans in place for new community meeting space in the village. It is not clear therefore what any contribution would be spent on, or when it would be spent. There is also no indication as to what level of contribution would be necessary from a development of this scale. Based on the evidence before me, I am also not convinced that the failure to meet this objective would result in tangible material harm to the village or its residents. There is also no clear evidence that any impacts would be mitigated in a reasonable timescale. As such, I do not consider this to be clear evidence that the development would fail to secure necessary infrastructure or service improvements.

57. In conclusion on this matter, I am satisfied that the development would make sufficient provision for affordable housing and necessary infrastructure provision. Although the development would not contribute to community meeting spaces, as required by Policy WV10, I am not persuaded by the evidence before me that any technical conflict with this policy would result in material harm.

No further details/evidence has been submitted in support of this request and as a result, it cannot be demonstrated that the contribution towards a new community meeting place is necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122.

Planning Balance

As there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the National Planning Policy Framework. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide up to 60 new units of which 24 would be affordable homes, at a time when there is an acute need for housing within the Borough. This is a significant benefit of the scheme. Whilst it is recognised that these dwellings would not be provided adjacent to the most sustainable type of settlement in the Borough, Burton on the Wolds is a settlement where there are some local facilities and a bus service, albeit low frequency, to higher order centres. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, contamination or flooding that cannot be mitigated and additional landscape can be secured by way of detailed landscape design. Impacts on infrastructure can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this the conflict with the Development Plan including the recently adopted Neighbourhood Plan.

Whilst the development does not currently comply with Policy WV12, it is relevant that the site has been identified as suitable for future residential development. In addition the provision of housing on previously developed land and cessation of a potentially problematic use within close proximity to existing residential properties, is considered to weigh heavily in the balance.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing.

RECOMMENDATION A:-

That authority is given to the head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Education	£262,656.00 towards remodelling and improving capacity at Burton on the Wolds primary school, £179,117.52 towards increasing the capacity at the Humphrey Perkins School and £38,267.46 towards improving capacity for 16+ education at Rawlins Academy.
Affordable Housing	40% of units to be affordable equating to a mix of 77% social and affordable rent and 23% shared ownership
Open Space	On site provision of open space, natural and semi natural areas and the accommodation of a LEAP. The provision of off site contributions for; <ul style="list-style-type: none"> • Provision for young people - £57,239.00; • Outdoor sports facilities - £19,762.00; • Allotments - £6,775.00;
Sustainable Transport	Travel packs for each dwelling to include two application forms for 6 month bus passes, which can be provided through Leicestershire County Council at (average) £510.00 per pass. A Travel Plan Monitoring contribution. This contribution will cover a five-year duration. Fees for this service are set at £6,000 for a full travel plan.
NHS – CCG	A contribution of £30,378.74 towards improving the

	capacity of Barrow Health Centre to allow for the accommodation of 145 additional patients generated by the scheme.
Libraries	£1820 towards library facilities at the Barrow Library.

RECOMMENDATION B:-

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

1.	<p>Application for the approval of the reserved matters shall be made within three year of the date of this permission and development shall commence within two years of the date of approval of the last of the reserved matters.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> • PA/02 Site Location Plan • SFB-BWB-GEN-XX-DR-TR-100 Rev P1 Proposed Access Arrangements <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council’s identified need profile in order to ensure that the proposal complies with Development Plan policies CS3, WV14 and the advice within the NPPF.</p>
5.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard surfaced areas; ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the

	<p>planting belt to the east of the site; iii) finished levels or contours within any landscaped areas; iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure. v) functional services above and below ground within landscaped areas; and vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</p> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 and WV1 of the Development Plan.</p>
6.	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and WV16 of the Development Plan and associated national and local guidance.</p>
7.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space: i. 0.29ha of natural and amenity green space ii. 0.12ha of multi-functional green space (Parks 0.05ha, Amenity Green Space 0.07ha) iii. 1 equipped LEAP</p> <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15, WV2 and WV8.</p>
8.	<p>The details submitted pursuant to condition 2 above shall include the following:</p> <ul style="list-style-type: none"> • A biodiversity audit for the site which shows that the landscaping scheme provides a strong net gain for biodiversity • Details of external lighting for the site that minimises light spill onto boundary habitats <p>REASON: To ensure that there is no adverse unmitigated impact on ecology and that there is compliance with policy CS14 of the Development Plan and associated national and local guidance.</p>
9.	<p>The development shall be carried out in accordance with the Sustainable Drainage Statement dated April 2021 submitted with this planning application.</p> <p>REASON: To ensure that there is no risk of flooding to future residents and that the proposal drains adequately and does not lead to flooding elsewhere. This is to ensure compliance with development Plan policies CS16 and WV5 and national guidance.</p>

10.	<p>No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:</p> <ul style="list-style-type: none"> • Details of the management of surface water during construction • Details of construction vehicle parking • Details of construction traffic routeing • Hours of operation for construction and delivery of materials <p>REASON: To ensure that the development does not cause harm to amenity or the environment during the construction phase and ensure compliance with Development Plan policies CS2, CS16 and WV5.</p>
11.	<p>Prior to occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS15, CS16 and WV5</p>
12.	<p>Development shall not commence until an assessment of the risks posed by any contamination has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
13.	<p>Where the above approved risk assessment identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
14.	<p>Unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development (or relevant phase of the development) is first occupied.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
15.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements Northern Access Option 2 shown on</p>

	<p>drawing number SFB-BWB-GEN-XX-DR-TR-100 Rev P1 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>
16.	<p>The development hereby permitted shall be carried out in accordance with the Travel Plan Prepared by BWB Consulting SFB-BWB-GEN-XX-RP-TR-0002-Travel Plan-S2-P01 which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>

Informative Note(s):

1. Planning Permission has been granted for this development considering 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. Whilst the development does not fully comply with all of these Development Plan Policies it is considered 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.
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. Advice to Applicant / LPA It is proposed that the foul sewers on the development use a pumping station to transport sewage to the existing Severn Trent sewers at Saint Leonards Close. If it is intended for this pumping station to have an emergency overflow then it will require a Discharge Permit under the Environmental Permitting (England and Wales) Regulations 2016. An appropriate management system should be developed to ensure the pumping station and foul sewer network are properly maintained and regularly inspected for blockages etc. prior to adoption of the network by Severn Trent Water Ltd. An action plan should also be developed in case of failure of the pumping station to minimise any resulting pollution from a sewage overflow. Consideration should be made at the design stage of the pumping station to

ensure the building and its immediate surroundings are designed to contain any sewage spills or overflows if the station fails and minimise any escape to surface water.

According to Environment Officer observations when inspecting the existing poultry site there is a private storm-water drain from the site at NGR SK5925520850; this discharges to the Walton Brook upstream of the Sewage Treatment Works. This does not appear to be shown on any maps/diagrams in the proposal. The applicant should End 2 plan appropriately to block or remove this drain so that it cannot serve as a pollution pathway. Or the applicant could potentially incorporate the drain into the site design but should inspect/map the drain and ensure it is fit for purpose.

Environmental Permit

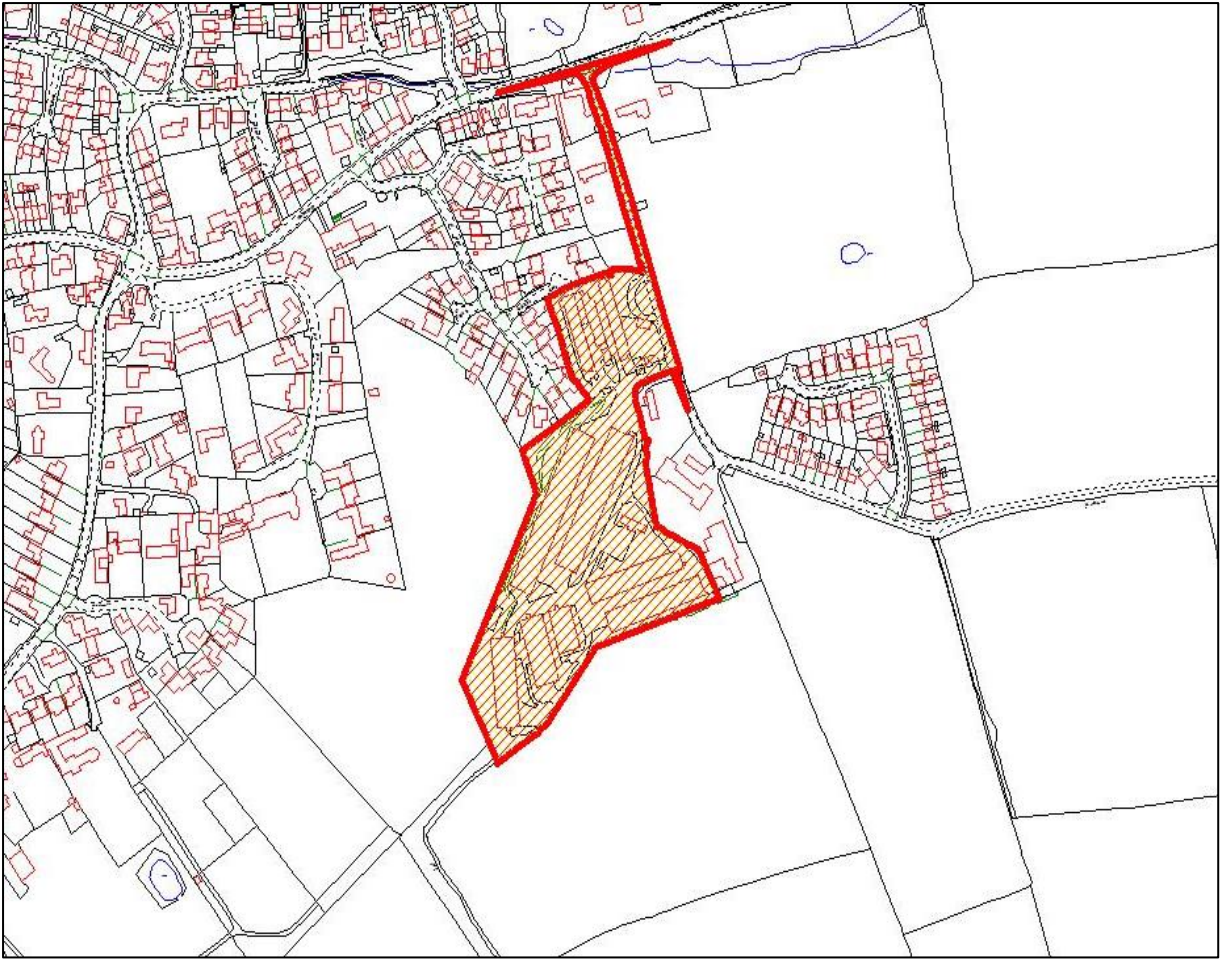
The site currently has an environmental permit from the Environment Agency to operate an intensive poultry farm, Permit Reference: EPR/TP3132NJ/S003 dated 13/05/20. The operator shall discharge their responsibilities under Condition 4.3.6 – ‘the Environment Agency shall be given at least 14 days notice before implementation of any part of the site closure plan’.

In addition, the Operator will be required to provide an H5 Site Condition Report (SCR) as part of the Permit surrender process; the SCR must provide the evidence necessary to convince the Environment Agency that the site does not pose a pollution risk and is in a satisfactory state. A link can be found here:

<https://www.gov.uk/government/publications/environmental-permitting-h5-site-conditionreport>

Further information regarding cancelling an installation permit can be found here:

<https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmentalpermit#cancel-surrender-your-permit>.



Additional items received since the report was drafted.

Pages 34 – 63

**Site Address: Sturdee Poultry Farm, Sowters Lane,
Burton on the Wolds**

Item No. 3

P.A. No. P/21/0615/2

Issue 1

An additional representation has been received since the publication of the report agenda pack from a planning agent acting on the behalf of an adjacent landowner. The matters raised are summarised below;

1. The Plans Committee Report makes no reference to specific correspondence nor to planning permission Ref. P/19/0919/2.
2. The Road Safety Audit and its recommendations conflicts with land in a separate ownership.
3. The Highway Authority acknowledges problems, but has made no formal comment because they consider Sowters Lane is not a public highway. Highway safety is a material consideration which should be taken into account.
4. The problems with the access onto Sowters Lane need to be addressed before a decision is made on the application.
5. The access onto Sowters Lane is shown with no specific construction details. The application should not be determined until details of a suitable access has been submitted and approved or a condition requiring details to be agreed.
6. There appears to be some inconsistency between the drawings to be “approved” concerning the visibility splay and hedge.
7. Secondary Access - the proposed access onto Sowters Lane will be a “secondary access” for vehicles although there are no details as to how this will be achieved.
8. Noise from Nearby Employment Uses - The application is accompanied by a Noise Assessment although it appears that the full extent of potential noise disturbance arising from the nearby industrial premises has not been properly taken into account.

Full copy of the correspondence is available on the Council’s website www.charnwood.gov.uk

Officer Response:

1. The initial comments received in regard to the conflict with application P/19/0919/2, specifically the requirements of that decision and assessment of the impact to Sowters Lane, the concerns in regard to the submitted RSA accompanying this application, the recommendations of the RSA have been raised with the County Council Highways team. The County Council Highways team has had no objection and has stated that

“As the vehicular access is proposed off Sowters Lane which is an unadopted private road the LHA have no further comments.”

2. In regard to the use of the access arrangements, the shortest route to the main body of the settlement is via the proposed access/connection to St. Leonards Close. Given that St. Leonards has a footpath and wide access road it is likely that it will be the preferred route for residents.
3. In regard to the potential noise/disturbance to residents, the application was accompanied by a noise assessment that has been assessed by the Councils Environmental Health Officers. Following the assessment of the information, the Councils Environmental Health Officer has not objected to the submission or raised an issue with neighbouring uses.

Recommendation:

No change to recommendation

Item 3 - Appendix B

Report subject: LCC Education contributions for primary schools following the publication of “Advice note for Leicestershire District Councils (Local Planning Authorities) Revised Cost Multipliers for Leicestershire County Council Education Contributions”

Case Officer: Jacqueline Jackson

Purpose

The purpose of this report is to seek delegated authority for the Head of Planning and Regeneration to consider revised primary school education requests made by Leicestershire County Council, following the publication of its “Advice note for Leicestershire District Councils (Local Planning Authorities) Revised Cost Multipliers for Leicestershire County Council Education Contributions” (October 2021).

Background

The “Advice note for Leicestershire District Councils (Local Planning Authorities) Revised Cost Multipliers for Leicestershire County Council Education Contributions” was published by Leicestershire County Council on the 28th October 2021.

This document sets out that the Leicestershire County Council Planning Obligations Policy (LPOP) was last revised in June 2019. For education infrastructure the policy states that “the cost multipliers used to calculate the value of each school place required will be reviewed on an annual basis in April and will be based on the average cost per pupil place for extension and rebuild projects in the National School Delivery Cost Benchmarking Report (NSDCBR)”.

The NSDCBR report is commissioned by the Department for Education (DfE) and is normally published annually. The figures referred to in the LPOP are based on the NSDCBR report that was published in February 2019. Due to the pandemic, there was no data collection in 2020 so therefore no annual report was published. As a result, the County Council made no adjustments to its request for contributions last year.

The 2021 DfE report was completed in May 2021 and advice to education authorities was circulated at the end of June 2021.

The table below shows the current and proposed cost multipliers, including a location factor of 1.04 to take account of regional variations in costs.

Sector	Current amount per pupil place	Figures included in 2021 NSDCBR Including location factor	% increase
Primary	£14,592	£18,356	25.8%

Alongside the information provided in the NSDCBR, the County Council has completed a benchmark project for comparison purposes. This shows the costs for school projects have increased beyond the figures shown in the DfE guidance due to the requirements for enhanced fire safety measures, particularly the installation of sprinkler systems into new and most extended buildings, additional insurance requirements and requirement to respond to the climate change agenda. Collectively, these add in the region of 10% to project costs. It is hoped that these additional costs can be absorbed within the cost multiplier set out above.

Accordingly, Leicestershire County Council are requesting revised primary school education requests for all undetermined planning applications, including those that have a resolution to grant but where the s106 agreement has not yet been signed since 1 July 2021.

It is confirmed in the advice note that the cost multipliers for the remaining Education sectors, including Early Years, will remain unchanged,

The planning authority is obliged to consider all information submitted to it before making a decision on planning applications and coming to a view as to whether it is material or not. Education contributions are material and in circumstances where there is a resolution to grant planning permission but the s106 agreement has not been signed, the procedure would normally be to return the application to committee for a new resolution to be made. However, the nature of the requests is not new only the value of the request has changed. In this situation the Plans Committee may consider that delegating authority to amend the resolution to accommodate the County Council's request in the heads of terms is appropriate.

Conclusion

The increase in the primary education contribution is sought on these planning applications to bring the sum requested in line with current build costs, it does not provide any additional mitigation and ensures the impact of the development as previously assessed can still be mitigated, accordingly officers consider that the previous assessments of both CIL compliance and the planning balance are not affected by the proposed change.

Recommendation

That the following resolutions of the Plans Committee be amended to include a delegated authority to the Head of Planning and Regeneration to agree updated heads of terms for Section 106 education contributions where the decision notice has not yet been issued and the change will not materially impact the planning balance:

Application Reference	Address	Date of resolution to grant/Minute Number
P/21/0615/2	Sturdee Poultry Farm Burton on the Wolds	23rd September 2021 (24(3) 21/22 refers)
P/20/2140/2	Land South of Farmers Way/Brookfield Road Rothley	17th June 2021 (9(2) 21/22 refers)
P/20/2383/2	Melton Road East Goscote	26th August 2021 (19(2) 21/22 refers)
P/20/2088/2	Ashby Road, Shepshed	15th July 2021 (14(3) 21/22 refers)