

DEVELOPMENT COMMITTEE

8th NOVEMBER 2012

REPORT OF THE APPLICATIONS AND ADVICE MANAGER

GLEBE FARM MAIN STREET SAXELBY- 12/00418/FUL

1. PURPOSE OF THE REPORT

1.1 To report the receipt of further objections to the proposal.

2. RECOMMENDATION

2.1 **That the Committee note these further objections but adhere to the original decision to approve the development.**

3. BACKGROUND

3.1 At the Development Committee meeting of the 16th August consideration was given to the proposal for the erection of 5 barns for the storage of grain and 1 barn for the installation of a grain dryer at the above site.

3.2 Following discussion, in particular the impact of traffic on the immediate area, the application was recommended for approval subject to a further Condition, condition 11, requiring an additional two passing bays along the section of road connecting to the A6006 Asfordby bypass. In addition a Section 106 Agreement was requested requiring traffic to use this means of access to and from the site to prevent any impact upon the village of Saxelbye.

3.3 With regard to the Section 106 this is currently being progressed between the County Council, as Highway Authority, and the applicant and will consist of a routing agreement ensuring that delivery of raw materials and distribution of finished produce use only the road linking directly to the A6006.

3.4 At the Development Committee of the 18th October, having considered representations from the applicant, further consideration was given to omitting Condition 11 requiring the additional passing bays, which was approved.

3.5 Following that decision a further 21 letters of objection have been received objecting to the application on the following grounds:

- the impact of the proposal upon the tranquillity and peace of the area and in particular
- its impact upon horse riders, cyclist and walkers using the roads which form part of the National Cycle Route 48.
- Insufficient passing bays along the roads
- Increased risk of flooding
- Horses likely to be frightened by increase in traffic and increased risk of accidents
- Both Saxelbye and Asfordby riding centres use the area

3.6 In coming to the decision to approve the application in August members were aware of concerns by objectors in particular to the use of the roads by heavy vehicles and its impact upon the National Cycle Route. It should be noted that the County Highways Department have no objections to the proposal. The original Committee report is attached as **Appendix A** and Members will note the detail relating to traffic flow and implications are addressed on page 3,

together with the formal position of the Highway Authority. With regard to flooding, Members will also recall that condition 10 was imposed, to ensure an adequate system is put in place to retain water run off and prevent an impact downstream.

- 3.7 It is not considered that the recently received representations provide any information that the Committee was not aware of when considering the application in August. i.e the Committee's understanding of traffic implications based on information from the application, the Highway Authority, the site inspection carried out and of course representations received from other sources prior to that determination. Accordingly, it is not considered reasonable to reverse the decision in the light of the recently received additional representations.

4. CONCLUSION

- 4.1 That members note the further objections to the proposal but adhere to the original decision given in August and approve the development.

Background Papers:

Appendix A: Committee report 16th August 2012 12/.00418/FUL

Officer to contact: Paul Green, Planning Officer

Reference: 12/00418/FUL
Date Submitted: 8th June 2012
Applicant: Mr Bill Wright
Location: Glebe Farm Main Street Saxelby LE14 3PQ
Proposal: Proposed erection of 5 barns for the storage of grain and 1 barn for the installation of a grain dryer

**APPEN
DIX A :
Commit
tee
report
for
meeting**

of 16th August.

Committee Date: 16th August 2012



Introduction:-

The site lies in open countryside approximately ½ mile due east of Saxelbye village at the junction of the Main Street and the road to Ab Kettleby to the north and Asfordby to the south. The premises are a former dairy farm now redundant and latterly used for livery. There is a brick built farmhouse and various redundant farm buildings on site. The existing access is from the road to Asfordby and Ab Kettleby.

The applicant is being relocated from Rothley where his farm has been sold for housing development. The proposal is to erect five new grain stores and grain dryer with an improved access from the Asfordby Road. The buildings are large with 3 metre reinforced concrete panels with slate blue cladding to eaves. Two of the buildings with the grain drier in between them would front the Asfordby Road and the other two be sited on the Main Street frontage. There would be no change in ground levels.

Glebe Farm's own land, 120 acres, will be harvested and other grain sources in the in the Melton area will be imported for processing by the proposed grain drier facilities.. The movement of vehicles will be seasonal with the busiest time being harvest. The proposed stores will take approximately 300 tons of grain per day; each trailer carries 15 tons, resulting in 20 deliveries per day; additional traffic to this is not seasonal and comprises of 30 ton grain lorries which collect grain to food processors averaging 3.2 loads per week.

It is considered that the main issues relating to the application are:

- **Impact of traffic upon the immediate area**
- **Design /massing of the agricultural buildings**

The application is required to be considered by the Committee as it represents a departure from the approved policies of the Development Plan.

Relevant History:-

None.

Planning Policies:-

The National Planning Policy Framework was published 27th March and replaced the previous collection of PPS. It introduces a 'presumption in favour of sustainable development' meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to 'emerging' policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes (etc) that the country needs
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildinrecognising the intrinsic character and beauty of the countryside and supporting thriving communities within itConserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

On Specific issues relevant to this application it advises:

Building a strong competitive economy

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- Significant weight should be given to the need to support economic growth

Sustainable Transport:

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Prosperous Rural Economy

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.

Adopted Melton Local Plan (Saved Policies)

Policy OS2 planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for development essential to the operational requirements of agriculture and forestry;

Policy C3 concerned to ensure agricultural buildings blend with their surroundings and are not prominent in the open countryside. Intensive food production and central grain stores are usually of an industrial design and can create greater environmental problems than general agricultural buildings. In principle they constitute appropriate activities within the countryside but related activities can have an adverse impact on the general locality. It is therefore important that good access to classified roads is available and that units are located well away from existing residential areas.

The Melton Local Development Framework Core Strategy (Publication) Development Plan document February 2012

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection, Although the road between Wartnaby and Asfordby is generally single width, it does have passing bays along it and given that the site is already a farm and could generate significant traffic anyway, and therefore it would be difficult to resist despite the narrowness of the road. In order to control the routes larger vehicles take to and from the site, a condition or perhaps legal agreement is required, so ensure such vehicles use the most appropriate routes.</p>	<p>The question of traffic has been the subject of meetings and further consultation with the Highway Authority. It is important to note that previously when the farm was used for dairy purposes there was substantial traffic generated which also passed through the village of Saxelby. The applicant is fully aware of the need to ensure vehicles use the direct link to the Asfordby by pass and minimise any impact upon the area. Signage would be erected adjacent to the farm entrance for drivers exiting to ensure they use this access. The critical period is obviously the harvest period but this only extends for two months at most then the lorry movements would reduce to 4 collections per week. On balance it is considered that the proposal will not significantly impact upon the area.</p> <p>The applicant has provided a detailed comparison of journey distances to customer locations, compared to his existing facilities. These show that overall miles travelled in process of delivering grain will be reduced by approx 25% and that the location proposed negates the need to travel through villages to reach main customers. The site is more centrally located to the applicants client base in Colston Bassett, Asfordby, Kirby Bellars, Seagrave and various Charnwood locations and also has direct linkages to major roads.</p> <p>With regard to the comments concerning a possible legal agreement /condition requiring the</p>

	routing of lorries it is considered that this would be difficult to enforce because of the applicants own vehicles servicing his own fields.
<p>Saxelby Parish Council:-</p> <ol style="list-style-type: none"> 1. The Parish Council supports the way modern farming is carried out and understands the buildings will only be used for farm purposes. 2. The Parish Council would like assurance from Melton Borough Council that the proposed grain dryer is up to modern specification and will not create noise problems. 3. There are concerns from residents in Saxelby regarding “run off” from the proposed buildings. The Parish Council suggest the Environment Agency are contacted for their expert opinion bearing in mind there has been some local flooding. 4. The preferred route for traffic to and from Glebe Farm may not be up to standard and may need upgrading. The Parish Council suggest there should be one proper passing place where a lorry can pull off the road. 	Noted.
<p>Environmental Health Officer: The new grain dryer will be a new generation large capacity machine designed to be more environmentally friendly using less fuel, emitting less noise and because of its efficiency it will be operating for less hours during a harvesting season. The applicant has explained that the exhaust from the dryer is not only the main source of noise but it is also a directional noise, the new machine will not only have a quieter fan than previous machines but the exhaust can be directed towards the ground and away from any areas that could possibly be affected.</p> <p>In addition to the technical improvements of the grain drier it is positioned (in a ‘straight line’) half a kilometre from the outskirts of Saxelby, the dryer is sited to the far side of Glebe Farm with three large grain stores and associated farm building in-between it and the village helping to prevent any directional noise, the farm is sited downwind of the prevailing westerly winds and because of the new dryers larger capacity there should be little need for it to operate late at night during the August and early September harvesting season.</p> <p>The applicant’s previous farm in the centre of the village of Rothley also had a large grain dryer and none of the residents of this village have ever complained about the noise generated by the dryer because it was always used responsibly.”</p> <p>As a result of which there are no environmental health comments particularly as the village is ½ mile from the site.</p>	Noted . It is not anticipated that the development will be a source of noise intrusion.

Representations:

A site notice was posted and as a result three letters of objections have been received and one letter of support.

Representation	Assessment of Head of Regulatory Services
<p>The area is a quiet beautiful area and this development will impact upon this particularly because of the lorry movement. Considers the road is not capable of withstanding heavy vehicle movement.</p>	<p>Noted see Highway Authority comments.</p>
<p>Concerned that the lorries would pass through the village with subsequent danger to the children of the village</p>	<p>As above.</p>
<p>Noise from the grain drier would be a problem particularly because of its prominent hill location.</p>	<p>Noted see Environmental Health comments.</p>
<p>Increase in flooding in the area with the additional surface water from the roofs of the buildings.</p> <p>The first concern is that this application is for the construction of grain stores that are not for the sole purpose of storing grain grown on this particular agricultural holding (Glebe Farm) Glebe Farm will only produce 300-400 tonnes yet this application is to store 6000 tonnes. The intention is to transport grain, both during harvest and the rest of the year, from a number of other holdings dotted around Leicestershire.</p> <p>The application is more of a commercial agricultural application than not. There should be some protection built into the planning conditions that ensure the use doesn't slip beyond what has been applied for.</p> <p>The second concern about "siting" is that the access to this site is simply not suitable for heavy use by heavy goods vehicles. Irrespective of which route is proposed over 800 tractor (+trailer) journeys will be made along single carriageway ("Gated") road which are not only used by many dog walkers, horse riders and cyclists but is part of the National Cycle Way, this route also already has a 7.5 tonne restricted access so the highways authority would need to have a detailed look into the impacts should such traffic be generated.</p> <p>It was recognised by Parish Councillors during their meeting that as a minimum improvements would need to be made to the passing places on the Gated Road.</p> <p>There appears to be a number of further concerns that were raised with regard to noise, flood risk (Saxelbye suffers from flash flooding and the increased run off from the structures and hard aprons could pose a threat) and indeed visual impact however appropriate conditions could be placed to mitigate these concerns.</p>	<p>The agent has confirmed that the intention is to harvest the surface water.</p> <p>Detail of locations of the distribution of grain is within the report above.</p> <p>Noted – the application seeks to provide storage for both the farm's own produce and imported grain, both of which will be processed.</p> <p>The Highway Authority comment further that . the route is part of the blanket 7.5t weight restriction, however vehicles in excess of that weight would be exempt if they are delivering to and from a site within the area, as is the case with the existing farms. According to highway records, the route is not part of the National Cycleway network yet , it is shown as being proposed.</p> <p>See Highways comments above.</p> <p>Rainwater is intended to be 'harvested' on site. Details of how this can be achieved can be the subject of a condition to ensure it is adequate to prevent excessive run off.</p>

<p>Saxelbye is a conservation village that is wonderfully rural and quiet and the environment we enjoy and live in should not be negatively impacted upon without due consideration of all the facts.</p>	
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Design The grain stores are sited in two locations, two buildings to the Main Street frontage measuring 64 metres by 30 metres and 8.4 m to eaves. The other three buildings to the road frontage with the grain dryer sandwiched between the buildings and reaching an eaves height of 12.67 metres.</p>	<p>Although the buildings are large, they are grouped with other similar existing large buildings and the farmhouse. The farm is on a ridge with its most prominent elevation to the west towards Saxelby village. Additional tree planting is proposed to this frontage to supplement the existing trees along that boundary and the agent has confirmed the use of grey roofing materials. It is not considered that a refusal based upon impact upon open countryside could be sustained.</p>
<p>Application of the Development Plan Policies.</p>	<p>The proposal is located within the open countryside and therefore OS2 is the applicable policy. The application proposes large commercial buildings and therefore it is not considered that the proposal complies with OS2 of the Local Plan.</p> <p>The East Midlands Regional Plan supports economic development but states that it should be promoted in sustainable locations and concentrates new development and economic activity in and adjoining existing urban areas. The application site is some distance from any sustainable settlement and therefore it is not considered that the proposal complies with the requirements of the Regional Plan.</p> <p>The Core Strategy supports small scale economic development, this proposal is not considered to be small scale.</p> <p>Therefore, it is not considered that the proposal accords with the Development Plan.</p> <p>The National Planning Policy Framework is a material consideration in the determination of this application that is considered to be of significant weight. The NPPF is clear in its advice that the presumption is in favour of sustainable development. The guidance also states that where the development plan is absent, silent or relevant policies are out-of-date, local planning authorities should grant planning permission unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.</p> <p>The NPPF supports economic development and states its commitment to securing sustainable economic growth, explaining that planning</p>

	<p>should do “everything it can” to facilitate this. Paragraph 28 of the NPPF relates to supporting a prosperous rural economy. It states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural area. The key to this policy is considered to be the consideration of ‘sustainable’.</p> <p>The NPPF defines sustainable development as economic, social and environmental. The site proposed is located within the open countryside, some distance from any settlement and some distance from Melton Mowbray. The location of the proposal is intended to reduce overall travel distances for the collection of raw materials and their subsequent distribution, and of course facilitates the storage and processing of materials from the applicants immediately surrounding land without the need for their transportation.</p> <p>Whilst it is considered that the proposed development would be located in a rural area, remote from any significantly sized settlement, it is considered that it would bring advantages in terms of overall travel distances and uses of the highway network and would represent economic growth of the type encouraged by the NPPF.</p>
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Conclusion

The application seeks to build upon the use of the farm as part of a relocation from Rothley. This will be a more central location for the applicant’s activities and that there will be a significant reduction in road mileage throughout the neighbouring Districts as he will continue to serve Colston Bassett, Seagrave, Asfordby / Kirby Bellars and the Charnwood area. The impact of the traffic will be restricted mainly to the harvest time when such activities would be anticipated in the countryside and the Highways Authority have no objections. The NPPF post-dates the Development Plan and supports rural economic growth. Accordingly the application presents the need to **balance economic growth considerations with those of sustainable development**. On balance it is considered that this location has a specific advantage and will decrease traffic in a wider area and is recommended for approval :-

RECOMMENDATION: Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers bollards, chains or other such obstructions erected shall be set back a minimum distance of 11 metres behind the highway boundary.
4. Before first use of the development hereby permitted, the farm access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 11 metres behind the highway boundary and shall be so maintained at all times.
5. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 120 metres shall be provided at the junction of the the access in each direction out on to the highway. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres within the visibility splays.

6. Prior to the use commencing details of the size and siting of internal signs for the direction of traffic directly to the Asfordby By Pass shall be submitted to and agreed in writing by the local planning authority.
7. Before the first use of the development hereby permitted a tree planting scheme for the western boundary of the site shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be planted within the first available planting season and thereafter maintained.
8. The development shall be constructed in accordance with the following plans hereby approved:
 - 070612A access arrangements (amended)
 - 220512- grain store elevations
 - 160512- grain stores and dryer elevations
9. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the premises shall be used for the storage and drying of grain only, and not for any other purposes, including those falling within Classes B2 and B8 of the Order
10. Prior to the commencement of development, details of surface water drainage arrangements shall be submitted to and approved by the Local Planning Authority. The development shall not be used until the agreed details are implemented.

Reasons:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the external appearance of the development.
3. In the interests of highway safety.
4. In the interests of highway safety
5. In the interests of highway safety.
6. In the interests of highway safety.
7. In the interests of the general amenity of the area.
8. To specify the details of this permission
9. To ensure the use remains compatible with its location, and in the interest of highway safety.
10. To ensure adequate drainage arrangements.

Officer to contact: **Paul Green**

6th August 2012