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Agenda

Meeting name	**Planning Committee**
Date	**Thursday, 13 October 2022**
Start time	**6.00 pm**
Venue	**Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH**
Other information	**This meeting is open to the public**

Members of the Planning Committee are invited to attend the above meeting to consider the following items of business.

Edd de Coverly
Chief Executive

Membership

Councillors

P. Posnett MBE (Chair)
R. Browne
C. Evans
E. Holmes
D. Pritchett
P. Wood
T. Webster (Vice-Chair)
P. Chandler
C. Fisher
J. Illingworth
R. Smith

Quorum: 6 Councillors

Meeting enquiries	Democratic Services
Email	democracy@melton.gov.uk
Agenda despatched	Wednesday, 5 October 2022

No.	Item	Page No.
1.	**APOLOGIES FOR ABSENCE**	
2.	**MINUTES** (a) To confirm the minutes of the special meeting held on 11 August 2022 (b) To confirm the minutes of the meeting held on 29 September 2022 (To follow)	1 - 8
3.	**DECLARATIONS OF INTEREST** Members to declare any interest as appropriate in respect of items to be considered at this meeting.	9 - 10
4.	**SCHEDULE OF APPLICATIONS**	
4.1	**APPLICATION 21/00836/FUL** 36 Main Road, Kirby Bellars	11 - 30
4.2	**APPLICATION 21/01223/FUL** Saltby Airfield, Skillington Road, Sproxton	31 - 54
4.3	**APPLICATION 22/00944/GDOAGR** Crossroads Farm, Scalford Road, Eastwell	55 - 60
5.	**URGENT BUSINESS** To consider any other business that the Chair considers urgent	

Melton Borough Council

Minutes

Meeting name	**Special Planning Committee**
Date	**Thursday, 11 August 2022**
Start time	**6.00 pm**
Venue	**Parkside, Station Approach, Burton Street, Melton Mowbray, Leicestershire, LE13 1GH**

Present:

Chair Councillor P. Posnett MBE (Chair)

Councillors

T. Webster (Vice-Chair)
P. Chandler
C. Fisher
J. Illingworth
R. Smith
R. Browne
C. Evans
E. Holmes
D. Pritchett
P. Wood

Officers

Planning Development Manager (LP)
Solicitor (TP)
Senior Planning Officer (AC)
Senior Planning Officer (RR)
Democratic Services Officer (HA)
Democratic Services Officer (SE)

Minute No.	Minute
PL27	**Apologies for Absence** There were no apologies for absence.
PL28	**Declarations of Interest** Councillor Posnett held a standing personal interest in any matters relating to the Leicestershire County Council due to her role as a County Councillor. Councillor Chandler declared a prejudicial interest due to the ownership of the site in question being part of the Belvoir Estate and her family farm rented land from the Belvoir Estate. Also her son occupied land on Castle View Road.
PL29	**Schedule of Applications**
PL30	**Application 20/01182/FUL** **Application:** 20/01182/FUL **Location:** Land East of Jericho Covert, Jericho Lane, Barkestone Le Vale **Proposal:** Installation of a solar farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 49.9MW and associated infrastructure (Councillor Chandler here left the meeting and moved into the public gallery due to the interest declared at minute PL28.) The Senior Planning Officer (AC) addressed the Committee and provided a summary of the application and advised the application was recommended for approval subject to conditions. The Senior Planning Officer responded to Member queries as follows: • Spacing between the rows of solar panels was 4-5 metres • The site comprised 183 acres • Electricity generated from the solar farm would transfer to the national grid and benefit 15,000 homes • The electricity generated could be used anywhere in the UK • The land would be repurposed as a solar farm for 40 years and after then the land would be reverted to agricultural use • Some of the visuals displayed at the meeting were taken from one of the highest points, being Belvoir Castle • The panoramic view shown from Belvoir Castle was approximately 8 per cent of a 30 degree arc • The land in question had been classified as grade 3b which was not high quality land and was available for alternative usage in accordance with policy EN10 • Fire risk would be considered along with health and safety, maintenance and repair and these were separate requirements to the planning process • Access for emergency vehicles would be along Jericho Lane

- The Solicitor advised that emergency access was not part of the planning application process
- There were ecological gains in terms of a wildflower meadow and other landscaping initiatives and the ecological plan would include conditions to protect wildlife
- Access would be by a new road across existing farmland and there would be screening adjacent to the public right of way
- Solar panels would be reused and recycled and this was referenced in the report
- There would be CCTV to monitor the site and take account of the flightpath for which an assessment had been completed
- EN10 advised that category 3b land was not the best agricultural quality of land
- In response to mention of a Cabinet Minister advising against the use of category 3b land for solar farms, the Solicitor advised that he was not aware of this information and this was not a current planning policy consideration

Pursuant to Chapter 2, Part 9, Paragraphs 2.8-2.28 of the Council's Constitution in relation to public speaking at Planning Committee, the Chair allowed the following to give a 3 minute presentation:

- Councillor Tom Parry, Barkestone, Plungar and Redmile Parish Council
  Councillor Parry responded to Member queries as follows:
  - There were other options to help meet the climate emergency, individuals and business may wish to take up solar panels on public buildings and houses, but this solar farm would take up all grid capacity and others that may wish to feed into the grid would not be able to if the solar farm was installed
  - The Parish Council had recently taken up a licence for a circular path to connect the Grantham Canal and the 3 villages in the parish for equestrian and pedestrian use. However part of the path would run alongside the solar farm site boundary and there were also concerns that the intention was to lay cables under the pathway which could be damaged due to the potential risk of flooding as well as other issues
- There had been no public meetings at which the agent nor the developer were present. The application was consulted on during the pandemic and a brochure was mistakenly sent to residents in Barkestone for a solar farm in Sussex. The Parish Council had asked for a public meeting and there had been a display in the village hub that was arranged by the Parish Council. The Parish Council had liaised with the agent and requested a smaller development and construction access. The six month access road had been negotiated but a smaller overall concern had not been accepted

- Chris Noakes, Objector
  Mr Noakes responded to Member queries as follows:
  - The proposed access road on Flawborough Lane was a rutted track and in his view could not accommodate a 2 metre wide fire engine in the case of an emergency

- Nick Beddoe, Agent, Lighthouse Development Consulting
  Mr Beddoe responded to Member queries as follows:
  - The landscaping scheme could include a higher hedgerow for screening the view for Barkestone village
  - The discharge of conditions process would include precise guidance and

best practice for solar farms on biodiversity and ecological matters
- Health and safety matters were part of secondary legislation and they would have to comply with these requirements
- With regard to fire risk of the individual solar units, each unit would be controlled remotely and could be isolated if required
- The company had significant experience in setting up and running solar farms
- There had been a reduction in scale due to an increase in wildflower planting and the public footpath had been remodelled
- The scheme had started in lockdown, site notices had been displayed and there had been consultation with the Parish Council as the representative and conduit of the views of the community. There had been online representations received as well as a village hall event and all of this had been under the pressures of the pandemic
- The scheme was policy compliant in terms of construction and maintenance of the site
- Sheep would be able to graze under the solar panels and this would be a secondary source of revenue for the farmer
- Grass was able to grow under the solar panels and a drainage scheme would ensure the site did not become waterlogged

The Senior Planning Officer (AC) advised that the site was not in a floodzone and the drainage scheme had been accepted by the Environment Agency and Flood Authority. The Highway Authority had approved the transport arrangements based on worse case scenario. Additional viewpoints had been circulated to Members at the meeting and these included views from the Grantham Canal towpath.

It was noted that there had been a consultation process which included a site notice, press notice, Parish Council liaison and Rushcliffe Borough Council been consulted too.

During discussion the following points were noted:

- Condition 13 stated that the site must be accessed by the appointed access route which would protect Jericho Lane from construction traffic
- With regard to decommissioning of the units, the underground cable would be removed at the same time as the dismantling of the site
- Members felt the report was good and gave the positives and negatives of the site and it was for the Members to weigh these up in order to make a decision
- There was concern at the impact on the natural beauty of the area, tourism and on local businesses
- There was concern that there were no details on emergency arrangements
- There was concern as to whether the existing road network could accommodate the construction traffic
- The impact on the historic building of Belvoir Castle and the views of the vale was a concern
- There was disappointment that homes in the Borough would not directly benefit from the electricity generated from the solar farm
- There was support for the application which considered that the impact on a historic building should not come before a forward-thinking project that would help people and the environment with the global economic energy crisis
- It was explained that there was evidence to show that solar farms did not

increase flood risk
- Although homes in Melton may not directly benefit from the electricity generated, the farm would benefit the electricity grid nationally and ultimately everyone would gain and it was considered that Members had to consider the wider picture and not just the local impact
- A Member considered that there needed to be consistency in the decision-making and felt that a cross-check with each policy in the Local Plan was needed

There was a comfort break adjournment at 7.40 pm to 7.48 pm.

- It was felt to be a historically important area in a remote location with nothing modern around it
- When considering a windfarm application, there had to be public support and it was felt that this application had not been properly consulted on
- The solar farm would be there for 40 years and it was felt by a Member that the benefits did not outweigh the harm to the open countryside and would set a precedent
- The Solicitor referred to case law connected to a windfarm appeal and read out that it was a balance for Members to consider all the evidence for and against when decision-making
- There was strong support that views and tourism should not be compared to the positive impact the solar farm would have on climate change and the world's environmental future
- It was considered that windfarms and solar farms should be welcomed as part of a modern landscape as well as ensure the future for generations to come and help to reverse the damage that had already been done
- The application fulfilled green obligations and could set a positive precedent
- The landscape was constantly changing and the existing location was not a natural one and had previously been open fields
- There was concern that once the construction was complete, a better access was needed for the site
- It was felt that should this application be approved, it would set a precedent to approve smaller solar farms
- There was uncertainty as to the damage to the ground after a solar farm had been on the site
- The Solicitor advised that there were no issues raised by the Highway Authority relating to access
- It was noted that that there was high hedge screening already agreed as well as a willingness by the developer to provide more screening as requested
- There was a preference for deferment by a Member to enable queries raised to be resolved

Councillor Smith proposed that the application be approved. Councillor Wood seconded the motion.

RESOLVED

That the application be APPROVED subject to conditions set out in Appendix C.

4 for, 4 against, 1 abstention (the Chair did not vote)

Due to a tie in the vote, in accordance with the procedure rules set out in the Constitution, the Chair exercised her casting vote for the application which carried the motion to approve the application.

(Councillor Browne left the meeting at 7.17 pm and return at 7.18 pm.)
(Councillor Fisher left the meeting at 7.18 pm and returned at 7.19 pm.)
(Councillor Evans left the meeting at 7.35 pm and returned at 7.37 pm.)

REASONS

Planning law requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would result in a solar farm with a 49.9 MW output for a temporary period of 40 years, including battery storage units, associated infrastructure, permanent grid connection hub and ecological enhancements.

The expected site energy generation would provide the energy equivalent of the demand from 15,000 houses, equating to an annual reduction in carbon emissions of 21,500 tonnes of carbon. The development would provide a significant environmental benefit, especially given significant and growing climate change pressures.

In addition, it should be noted that In July 2019 MBC formally declared a climate emergency. A Climate Change Policy Development Group was established to ‘develop an action plan for how the Council will work towards ensuring its operations become carbon neutral by 2030 and further promote cutting of emissions within the wider Borough of Melton. The Council will explore a number of areas including how to improve the energy efficiency of local homes and increasing renewable energy’.

The climate emergency is a material consideration in planning decisions.

Although there would inevitably be some impacts upon the landscape, particularly visual, associated with a development of this scale, it is considered that these can be suitably mitigated through an appropriate landscaping scheme and this development proposal would result in slight / negligible visual harm. Further, any minor conflicts that have been identified with the development plan policies, including those of heritage are significantly outweighed by the benefits of the proposal. In carrying out that balance, the Council has had regard to the great weight that should be given to the conservation of heritage assets (NPPF, section 16), and having regard to the statutory duties set out in sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

It is not considered that the proposal would result in adverse impacts upon other material planning considerations including highway safety, flood risk, residential amenities, and noise. Indeed, there would be an overall net gain in biodiversity

	across the site arising from the development. The proposal accords with the requirements of Policies SS1, SS2 and specifically Policy EN10 which strongly emphasise that Renewable proposals, including solar, will be supported and considered in the context of sustainable development and climate change. In addition, Bottesford Neighbourhood Plan Policy 9 supports development that delivers renewable energy.

The meeting closed at: 8:09 pm

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Advice on Members' Interests

PERSONAL AND NON-PECUNIARY INTERESTS
If the issue being discussed affects you, your family or a close associate more than other people in the area, you have a personal and non-pecuniary interest. You also have a personal interest if the issue relates to an interest you must register under paragraph 9 of the Members' Code of Conduct.

You must state that you have a personal and non-pecuniary interest and the nature of your interest. You may stay, take part and vote in the meeting.

PERSONAL AND PECUNIARY INTERESTS
If a member of the public, who knows all the relevant facts, would view your personal interest in the issue being discussed to be so great that it is likely to prejudice your judgement of the public interest and it affects your or the other person or bodies' financial position or relates to any approval, consent, licence, permission or registration then **you must state that you have a pecuniary interest, the nature of the interest and you must leave the room*.** You must not seek improperly to influence a decision on that matter unless you have previously obtained a dispensation from the Authority's Audit and Standards Committee.

DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS
If you are present at any meeting of the Council and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting, if the interest is not already registered, you must disclose the interest to the meeting. You must not participate in the discussion or the vote and you must leave the room.

You may not attend a meeting or stay in the room as either an Observer Councillor or *Ward Councillor or as a member of the public if you have a pecuniary or disclosable pecuniary interest*.

BIAS
If you have been involved in an issue in such a manner or to such an extent that the public are likely to perceive you to be biased in your judgement of the public interest (bias) then you should not take part in the decision-making process; you should leave the room. **You should state that your position in this matter prohibits you from taking part.** You may request permission of the Chair to address the meeting prior to leaving the room. The Chair will need to assess whether you have a useful contribution to make or whether complying with this request would prejudice the proceedings. A personal, pecuniary or disclosable pecuniary interest will take precedence over bias.

In each case above, you should make your declaration at the beginning of the meeting or as soon as you are aware of the issue being discussed.*

*There are some exceptions – please refer to paragraphs 3.12(2) and 3.12(3) of the Code of Conduct

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Melton Borough Council

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Planning Committee

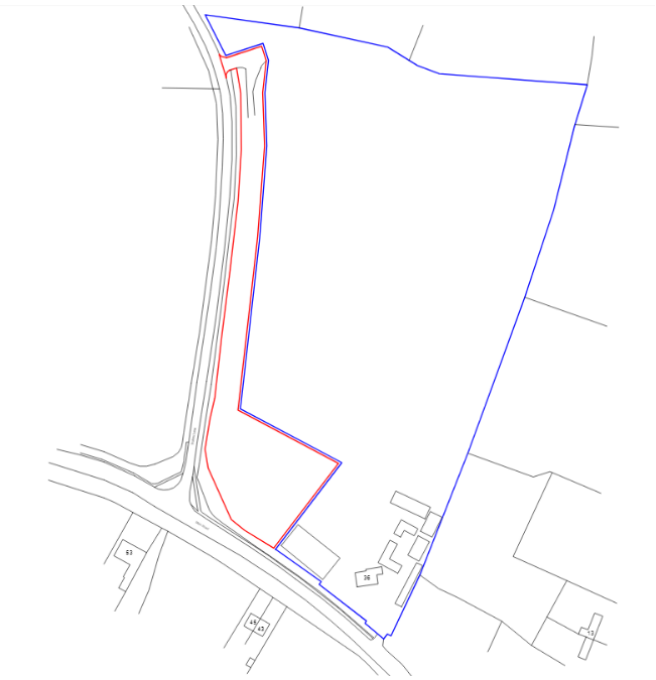
13 October 2020

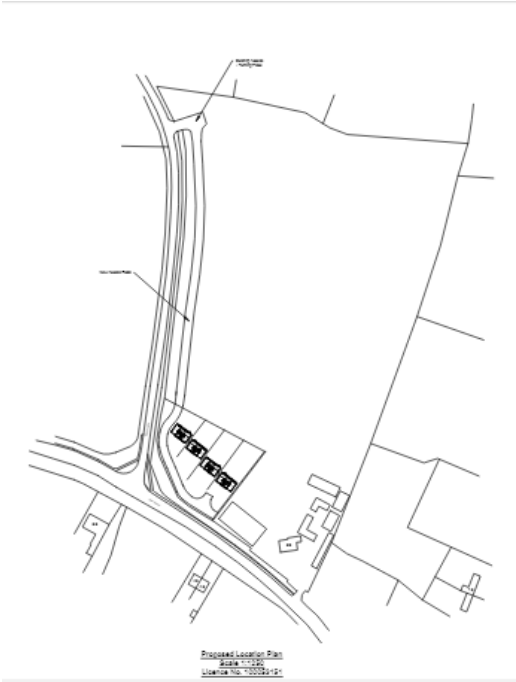
Report of: Assistant Director for Planning and Delivery

21/00836/FUL The erection of 1 new dwelling and the resiting of 3 approved dwellings (ref.17/01312/FUL) (4 x 3 beds); alterations to access Land At 36 Main Road, Kirby Bellars

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Ronan Browne (Frisby on the Wreake)
Date of consultation with Ward Member(s):	4 August 2021
Exempt Information:	No

1 Summary





1.1 This application was included on the agenda for the 23 June Planning Committee however, it was withdrawn on the day of the meeting as a letter was submitted on behalf of the applicant which raised issues that had not formed part of the original submission and would have required external examination.

1.2 A meeting was held with the planning agent and further clarification on the scope of the proposed development was provided in a statement submitted on 28th July. The statement confirms that the application does not seek to provide an agricultural workers dwelling within the site. Instead the application seeks to amend the approved scheme for three market dwellings within the site with four self-build dwellings.

1.3 The original Committee report for 23 June Planning Committee is provided at Appendix B for information and only the above factors for reasons why the application was withdrawn will be considered within this further report.

RECOMMENDATION(S)
1. **It is recommended that the Planning application is REFUSED for the reason outlined in Appendix A**

2 Reason for Recommendations

2.1 Appendix B contains the full report from the 23 June 2022 meeting of Planning Committee and is included to provide information on the other material planning considerations and issues and representations raised in respect of this application; separate from the matter relating to the outcome of discussions with the agent, after the application was withdrawn from the 23 June meeting.

2.2 It is considered that the proposal would not fully comply with Local Plan Policy C8, as it lies outside of and does not adjoin the neighbouring settlement of Kirby Bellars. In addition, the proposal would have limited benefits to meeting the identified benefits of providing self-custom build housing including diversifying the housing market or delivering innovative design. There is no unmet demand for self-custom build plots within the Parish or the Borough. It is therefore considered that the limited benefits of providing self-build housing within the application site do not outweigh the identified conflict with strategic policies SS2 and SS3 in the overall planning balance.

2.3 The recommended reason for refusal is contained with Appendix A.

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 This report relates to an application which was withdrawn from 23 June Planning Committee. The application was initially required to be presented to committee as The Director for Growth and Regeneration in consultation with the Chair of Planning Committee considered this application likely to raise matters which should be considered by the Committee.

3.1.2 The full committee report is appended to this report, at Appendix B.

3.2 Relevant Policies

3.2.1 In addition to the planning policies outlined in the full committee report Melton Local Plan Policy C8 Self Build and Custom Build Housing is considered relevant.

3.3 Main Issues

3.3.1 The main issue considered in this report is self-custom build housing.

4 Report Detail

4.1 Self-build/custom build

4.1.1 The statement put forward on behalf of the applicant sets out that the identified conflict with Local Plan Policies SS2 and SS3 would be outweighed by the proposal's compliance with policy C8.

4.1.2 Local Plan policy C8 is supportive of community self-build projects, it aims to provide self-build plots at a rate of at least 5% on housing developments of 100 houses or more. It goes on to state: "In locations within or adjacent to the built form of settlements and those in keeping with the surrounding area, self-build proposals for community schemes will be particularly supported."

4.1.3 As outlined in the full committee report at Appendix B, although the site is not considered to be isolated, it is considered to be outside of the settlement, within the open countryside. The site lies to the west of the farm complex at 36 Main Road which is separated from the edge of Kirby Bellars to the east, by a 60m wide paddock. It is not therefore considered to be within or adjacent to the built form of the settlement, a requirement of policy C8.

4.2 Under section 4.3 'Impact upon the character of the area' paragraphs 4.3.1 to 4.3.2 of the full committee report the conclusion is drawn that the scale of the proposed development would be proportionate to the existing development surrounding the site and on balance the scheme represents good design.

4.2.1 The proposal would provide 4 houses on a site for individuals, in this case a group of siblings, who by working together have input into the design and layout of the proposed dwellings within the site. Therefore, it is considered that the proposal would qualify as a community self-build project.

4.2.2 As the site is not considered to be within or adjoining the settlement the proposal does not fully comply with policy C8. However, it is recognised that local and national planning policies are supportive in principle of self-build housing. As set out in the National Planning Policy Guidance (NPPG) self-build or custom build helps to diversify the housing market and increase consumer choice. Self-build and custom housebuilders choose the design and layout of their home and can be innovative in both its design and construction.

4.2.3 There is an identified end user for the site, the applicant's adult children who are on the self-build register. They were added to the self-build register part the way through the planning application process. However, it is noted in the Design and Access Statement that the three approved market dwellings are in effect already sold to three of the applicant's children. In addition, the design and layout of the proposed dwellings would remain the same as those approved under the 2017 planning permission. For these reasons it is considered that the proposal would do little to bring diversity to the housing market or demonstrate innovative design or construction, the identified benefits of self-build housing.

4.2.4 The Borough Council has a duty to grant planning permission for self-build and custom build dwellings as set out in the Self-build and Custom Housebuilding Act (2015) as amended by the 2016 Act. Guidance on this duty provided in the NPPG stating: Relevant authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. The base period is the number of entries on the register within a calendar year (running from the 1st November to the 30th October). As outlined in the NPPG at the end of each base period, relevant authorities have 3 years in which to grant permission for an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

4.2.5 From reviewing the Council's Self Build Register, only 2 make reference to Frisby on the Wreake, one specifically and one alongside a number of other villages. Within the past 3 years, 12 Self custom build plots have been identified for Frisby in previous permissions that would indicate local demand for self-custom build has already been met. There is currently no identified shortfall for self-build/custom build plots within the Parish of Frisby on the Wreake or within the wider Borough. As there is no known shortage of self-custom build plots in the area this in itself would not be sufficient in itself to demonstrate a proven local need as identified by substantive evidence under the criteria of Policy SS3.

5 Financial Implications

5.1 No financial implications have been identified.

Financial Implications reviewed by: N/A

6 Legal and Governance Implications

6.1 No legal or governance issues have been identified.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

7 Background Papers

7.1 Committee report for planning application ref.21/00836/FUL

8 Appendices

8.1 Appendix A – Reason for refusal

8.2 Appendix B – Committee report for planning application ref.21/00836/FUL

Report Author:	**Helen White**, Planning Development Officer
Report Author Contact Details:	01664 502419 helenwhite@melton.gov.uk
Chief Officer Responsible:	**Peter Baguley**, Assistant Director for Planning

Chief Officer Contact Details:	01664 502359 pbaguley@melton.gov.uk

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Planning application ref. 21/00836/FUL - Appendix A

Appendix A: Suggested Reason for Refusal
1. The proposed development would be located beyond the edge of Kirby Bellars within the open countryside. The proposed additional dwelling is considered to not fall within a development type that is necessary or appropriate within the open countryside. The proposed additional dwelling is therefore contrary to the aims of Policy SS2 of the Melton Borough Council Local Plan. There are no identified wider public benefits to the scheme as required by Policy SS3 of the Melton Borough Local Plan, or an identified need for the proposed development which would outweigh the clear conflict with the core aims of the Local Plan.

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Planning Committee

23 June 2022

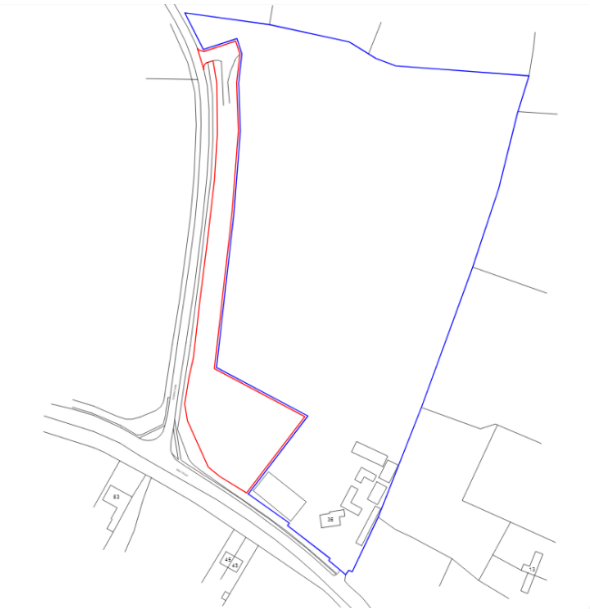
Report of: Interim Assistant Director for Planning

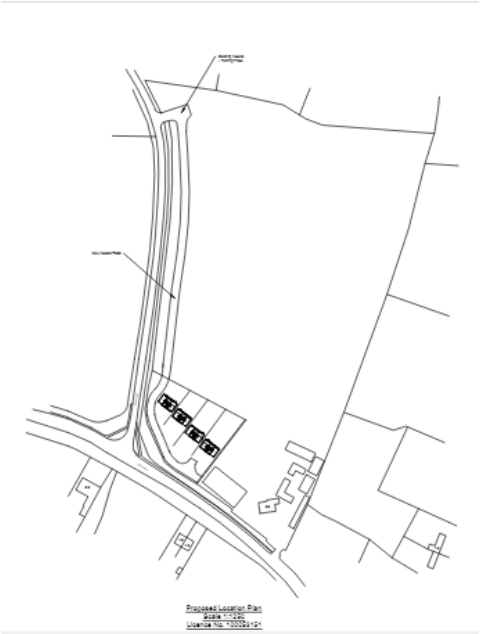
Appendix B

Planning application ref.21/00836/FUL The erection of 1 new dwelling and the resiting of 3 approved dwellings (ref.17/01312/FUL) (4 x 3 beds); alterations to access Land At 36 Main Road Kirby Bellars

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Ronan Browne (Frisby on the Wreake)
Date of consultation with Ward Member(s):	4 August 2021
Exempt Information:	No

1 Summary





1.1 The application site consists of a 0.4ha area of agricultural land which forms part of the farm complex at Cottage Farm Main Road, Kirby Bellars. The site is currently vacant following the demolition of two large agricultural buildings used to house livestock. The site is located on the corner of Main Road and Station Road. There is a mature hedgerow located along the site's southern and western boundaries, adjacent to the highway. There is no boundary treatment between the application site and the farm complex to the east or agricultural land to the north. The land within the site is located on a lower ground level to Main Road and slopes away from the highway towards its northern boundary.

1.2 The site is located outside of the village of Kirby Bellars, which is approximately 180m to the east. There are three dwellings on the south side of Main Road in the form of sporadic ribbon development, just over 45m from the application site.

1.3 Planning permission ref. 17/01312/FUL was granted for the demolition of agricultural buildings and the erection of 3 dwellings. At the time of the 2017 application there was an odour abatement notice at the site in relation to the pig farming operation, which had been ongoing since September 2016. The three dwellings proposed under the 2017 application would replace the two livestock sheds which were granted planning permission in 2014.

1.4 There was considered to be substantial benefit arising from the fact that the development would remove the existing environmental issues. There was also considered to be benefits in terms of the delivery of housing of a type for which there remains an identified need in the Borough, and the removal of HGV traffic currently serving the agricultural buildings. The committee report stated: "Given the ongoing odour issue with the existing use and the abatement notice, it is considered that there are exceptional circumstances to grant planning permission which would be contrary to the Development Plan and prevailing policies. In conclusion it is considered that, on the balance of the issues, there are **very significant benefits** accruing from the proposal in terms of the odour issue." An accompanying S106 agreement restricts the accommodation of livestock in the adjacent agricultural building to the east of the site at any time other than for the purpose of lambing for 4 calendar months of the year.

1.5 Prior to the submission of planning application ref.17/01312/FUL pre-application advice was submitted with regards to residential development on the site of between 3 to 5 dwellings. At this stage advice was provided that up to 3 dwellings was likely to be looked upon favourably as it would align with the provisions of the emerging local plan policies including SS2 and SS3 which in rural settlements such as Kirby Bellars would allow for residential development on unallocated sites of up to 3 dwellings, but a residential development in excess of 3 dwellings was not.

1.6 The agricultural buildings within the site have been demolished therefore it is considered that the development approved under planning permission ref.17/01312/FUL has commenced. As set out in section 56(4) of the Town and Country Planning Act 1990: "*development is taken to be begun on the earliest date on which a material operation is carried out*". A material operation can include any works of construction, demolition, digging foundations, laying out or constructing a road and a material change in the use of the land.

1.7 Planning permission ref.17/01312/FUL has been implemented as a result of the existing livestock buildings on the site, and the associated section 106 agreement has come into effect. The S106 agreement requires that following the first occupation of the three dwellings approved within the site it would not be possible to accommodate livestock in

the agricultural building adjacent to the site's eastern boundary other than for the keeping of sheep for the purpose of lambing for four months per calendar year. Therefore the substantial benefits resulting from the pig husbandry activity within the site ceasing and the removal of the associated odour issues, which weighed in favour of granting planning permission 17/01312/FUL, no longer exist and so is not a material planning consideration which can, be weighed in favour of the current planning application.

RECOMMENDATION(S)
1. **It is recommended that the Planning application is REFUSED**

2 Reason for Recommendations

2.1 The application seeks full planning permission for the erection of one new dwelling; the re-siting of three dwellings approved under planning permission ref.17/01312/FUL; and alterations to the access. The spatial strategy for new development in the Borough, as set out in policy SS2 of the Local Plan, allows for small scale residential development within or on the edge of rural settlements including Kirby Bellars, of up to 3 dwellings, subject to it being compliant with Policies SS1 and SS2. The proposal would not meet an identified housing need as required by Local Plan Policy SS3, nor would it be located in a sustainable location and future residents of the proposed houses would be heavily reliant on a private car to access services and amenities. The principle of the proposed development is therefore considered to be unacceptable.

2.2 The principle of three dwellings (3x3 bed) within the application site has been established by planning permission ref.17/01312/FUL. The proposed new layout including the alterations to the access would meet with the principles of good design set out in policy D1, as expanded in the Design for Development SPD, but the approved scheme also meets these principles and therefore it has been afforded neutral weight.

2.3 With regards to the proposal's design, residential amenity, the provision of an adequate vehicle access and on-site parking, impact upon ecology and biodiversity, the proposal would accord to Local Plan policies C9, EN1, EN2, EN6, EN8, EN12, IN2 and D1, and the Design of Development Supplementary Planning Document SPD.

2.4 However, the proposal conflicts with Local Plan policies SS2 and SS3 and the overall aims of the National Planning Policy Framework as a result of new residential development being provided in an unsustainable location without substantive evidence of there being identified need.

2.5 The departure from the spatial strategy for the delivery of new residential development in the Borough set out in policy SS2, and the absence of a proven local need for 4 new dwellings in this location, required by policy SS3, is not outweighed by the remaining limited benefits of the scheme including the alterations to the internal site layout including the access road. As the pig husbandry activity on the site has ceased following the demolition of the two large agricultural buildings within the site, the associated odour issues cannot be weighed in favour of the current planning application. Therefore, the principle of the proposed development cannot be supported.

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 The Director for Growth and Regeneration (in consultation with the Chair of Planning Committee) considers this application as likely to raise matters which should be referred to the Committee.

3.2 Relevant Policies

3.2.1 The Melton Local Plan (LP) 2011-2036 was adopted on 10 October 2018 and forms part of the Development Plan for the area.

3.2.2 The Design of Development Supplementary Planning Document (SPD) was adopted on 24th February 2022.

3.2.3 The Local Plan is up to date and consistent with the latest revised versions of Government Guidance as contained in the National Planning Policy Framework.

3.2.4 Please see Appendix D for a list of all applicable policies.

3.3 Main Issues

3.3.1 The main issues for this application are considered to be:

- Position under the Development Plan Policies
- Principle of development
- Impact upon the character of the area
- Impact upon residential amenities
- Impact upon highway safety
- Impact upon ecology and biodiversity
- Contamination
- Flood risk and drainage

4 Report Detail

4.1 Position under the Development Plan Policies

4.1.1 The site is located within the open countryside outside of the settlement of Kirby Bellars and is not identified for residential development. Kirby Bellars is identified as a rural settlement in the Local Plan, it has no allocated housing sites. In the Local Plan rural settlements are described as: “small villages or hamlets that have little or no local services, where residents are entirely dependent upon travelling to a nearby settlement or town or city for work, recreation and service provision”. This is considered to be broadly accurate however, it is recognised that there is a bus stop adjacent to the site’s western boundary on Station Road which provides an approximately half hourly service to Melton Mowbray and Leicester between the hours of 0800 and 2000.

4.1.2 Policy SS2 of the Local Plan sets a framework for the delivery of residential development within the Borough. Para. 4.2.17 of the Local Plan sets out that: “Where no sites are allocated for new housing, schemes may be permitted where they represent sustainable development or demonstrably meet identified needs and/or help to sustain local services or facilities.” Kirby Bellars is identified as a rural settlement as such small scale residential

development schemes, of up to 3 dwellings, may be appropriate within or on the edge of the settlement subject to the scheme meeting with the criteria set out in local plan policy SS3.

4.1.3 Policy SS3 seeks to protect and enhance existing services and facilities and will support sustainable development proposals in accordance with Policy SS2 which contribute towards meeting local development needs, contributing towards the vision and strategic priorities of the plan, and improving the sustainability of our rural areas where they meet 6 criterion including: 1. The development provides housing which meets a proven local need as identified by substantive evidence.

4.1.4 Information has been submitted to demonstrate a local need including reference to a housing needs survey produced by Midlands Rural Housing dated 2020 which was submitted as part of planning application ref. 19/00256/FUL on Land North of 55 Main Street, Kirby Bellars. This application which was for 3 x 2 bed, single storey, detached dwellings. In the consideration on the application for 3 dwellings on Land North of 55 Main Street the housing needs survey was assessed and although it was considered to provide a basis for assessing local need in general terms it was not considered sufficient to demonstrate a proven local need for that specific application. The housing needs survey can be considered as base evidence for the existence of housing need in a settlement. However, to demonstrate that a proven local need as identified by substantive evidence exists in accordance with Local Plan Policy SS3 it must demonstrated that the need is genuine and more than a preference or a desire. It is considered that insufficient evidence has been submitted to demonstrate there is a proven local need rather than just a preference or desire for new residential development of this type within the site.

4.1.5 In addition to the housing needs survey the Design and Access statement sets out that the need for the additional dwelling has arisen due to the operational nature of an agricultural machinery repair business located on the site. This business involves the need to travel long distances, often at short notice, having a dwelling located adjacent to the machinery/tool store associated with this business would cut down on journey times and improve the operational effectiveness of this business.

4.1.6 However, the business exists on the site without planning permission and this has been raised as a concern with the applicant. A suggestion has been put forward to the agent/applicant that the current application is withdrawn to allow for an application for the business use to be considered. The applicant has chosen not to take this approach and has requested that the application is determined as submitted. In addition the 3 dwellings approved on the site are market housing, so it would also need to be demonstrated why the owner/employee of the agricultural machinery repair business could not be accommodated within one of the dwellings previously approved.

4.1.7 Furthermore, as the site is considered to be outside of the settlement beyond the edge, the open countryside element of Policy SS2 of the MBC Local Plan is also relevant which states; “Outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.”

4.1.8 The proposed development included the erection of one additional dwelling and the resitting of three approved dwellings within the site, is not considered to fall within a development type that is necessary or appropriate within the open countryside.

4.2 Principle of Development

4.2.1 The principle of three new dwellings on the site (3x3 bed) has been established by planning permission ref. 17/01312/FUL for the demolition of agricultural buildings and the erection of 3 dwellings. The commencement and development pursuant to this planning permission has been commenced through the demolition of the agricultural buildings. As an extant planning permission this represents a realistic fall-back position to the proposed development.

4.2.2 However, there has been a significant change to the site context between the consideration of planning application ref.17/01312/FUL and the current situation, as the agricultural buildings used for pig husbandry have been removed. The removal of the agricultural buildings and the associated odour issues was given significant weight in favour of granting planning permission ref.17/01312/FUL despite there being an acknowledgement in the committee report that the site was not a sustainable location for residential development. It was only under these exceptional circumstances that the scheme for three new dwellings to replace the existing agricultural buildings was considered to be acceptable. Given the change in the site context following the removal of the source of the odour issue it is considered that there is insufficient justification for the proposed development as these exceptional circumstances no longer exist.

4.2.3 As outlined above it is considered that the proposal would conflict with local plan policies SS2 and SS3.

4.3 Impact upon the character of the area

4.3.1 The site is located outside of the village of Kirby Bellars, and the area has a rural character defined by agricultural fields, mature boundary hedgerows and trees, interspersed by sporadic development including 3 dwellings, a pub and a farm complex located to the south of Main Road. The existing mature hedgerow along the highway boundary would be retained and would partially screen the proposal from the public realm. The site is located on lower land than the adjacent highway, Main Road, which would further limit the visual impact of the proposed development. The proposed dwellings would be in the style of the traditional village vernacular including dual pitched roofs with side gables and the use of red brick, grey slate, and stone cills and headers. The new dwellings would be viewed in the context of the neighbouring farm complex, as well as the nearby dwellings to the south of Main Road. Therefore, they would not be considered isolated dwellings, which in accordance with para.80 of the National Planning Policy Framework (NPPF) is a form of development which should be avoided.

4.3.2 For the reasons outlined above it is considered that the scale of the proposed development would be proportionate to the existing development surrounding the site. On balance the scheme represents good design in accordance with Local Plan Policy D1.

4.4 Impact upon residential amenities

4.4.1 The application site is located outside of the village of Kirby Bellars. At the closest point, one of the proposed dwellings would be located 28.5m from the adjacent highway, Main Road. The closest residential properties to the site are 3 dwellings located on the southern side of Main Road, no.'s 43, 45 and 63. The distance between the proposed dwellings and these dwellings would be a minimum of 60m, greatly in excess of the 21m back to back separation distances set out in the Design for Development SPD. Due to the separation distances involved it is considered that the proposed new dwellings would not

adversely affect neighbours and nearby uses and occupiers and so would be supported under Local Plan Policy D1.

4.4.2 The new dwellings would provide a good outlook, natural daylight and ventilation. Private amenity space would be provided to the rear of each of the 4 new dwellings with parking spaces to the front, and a shared access and turning space off Station Road which would allow for vehicles to enter and leave the site in a forward gear.

4.4.3 Local planning policies do not set any minimum garden sizes however, the size of the gardens proposed would total around 200 square metres for each plot which is considered to be sufficient to provide a useable outdoor amenity space for future occupiers. For these reasons it is considered that the proposal would provide a high level of residential amenity for future occupiers of the proposed dwelling in accordance with Local Plan Policies D1 and C9.

4.4.4 In the submitted Design and Access Statement great emphasis is placed upon the improvements to residential amenity resulting from the amended layout which sees the new dwellings sited further from the adjacent highway Main Road. Given that the approved scheme was considered acceptable with regards to the residential amenity of future occupiers of the new dwellings, and the fact the layout could be changed without the addition of a fourth dwelling Therefore it is afforded limited weight.

4.4.5 To protect the future residential amenity of occupiers of the site, if a favourable recommendation was forthcoming, a legal agreement would be required to control the accommodation of livestock in the neighbouring agricultural building in a similar way to the section 106 agreement attached to planning permission ref. 17/01312/FUL, which only allows for the building to be used for lambing for 4 months of the year.

4.5 **Highway Safety**

4.5.1 The site is currently accessed across the adjacent farmyard to the east of the site but would be served off a new vehicle access off Station Road to the North of the new dwellings. This access was previously deemed appropriate to serve the approved 3 new dwellings by the Local Highway Authority (LHA). In this case the LHA have referred to their standing advice which requires an access width of 4.25m where it serves up to 5 dwellings, and 6m where it's used for agriculture. In this case the access would be used to serve the 4 new dwellings, the access would exceed 6m in width, and so could also be utilised by agricultural vehicles accessing the site to the satisfaction of the LHA.

4.5.2 With regards to parking provision 2 parking spaces would be required for each 3 bedroom dwelling proposed. Details of the parking layout have not been included on the proposed plans. However, the area of the site frontages appears to be of a sufficient size to accommodate 2 parking spaces per dwelling in a potential layout that would not rely on tandem parking. The detailed parking layout could be secured by condition should the application be headed towards a favourable recommendation, in accordance with the adopted Design for Development SPD.

4.5.3 Based on the comments received from the LHA it is considered that the proposal raises no highway safety concerns. It is also considered that the proposal would provide a satisfactory access and sufficient on site parking provision in accordance with Local Plan policies D1 and IN2.

4.6 **Ecology**

4.6.1 The proposal would have a limited impact upon the hedgerow located along the highway boundary but the impact is considered to be acceptable. The site access would be located adjacent to a pond with a high probability of supporting great crested newts (GCN). However, the proposed development has a small footprint and would take place on existing hardstanding, which is sub-optimal for GCN. It is noted that County Council Ecology do not object to the scheme providing simple mitigation measures are in place and they consider the likelihood of GCN being impacted by the development to be low.

4.7 **Contamination**

4.7.1 Due to the site's historic use for agriculture, including intensive pig farming, there is potential for land within the site to be contaminated. It is noted that the Environmental Health Officer does not object to the application on these grounds but does request that if the application is approved conditions requiring firstly an investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site; secondly the submission of a remediation scheme; thirdly the implementation of the remediation scheme; and finally reporting any unexpected contamination.

4.8 **Flood Risk/Drainage**

4.8.1 The new dwellings, their associated amenity space, parking and access would be located within Flood Zone 1, an area of low probability of flooding. Flood zone 1 is the preferred location for new residential development as residential development is considered a more vulnerable use.

4.8.2 With regards to site drainage Local Plan Policy EN12 'Sustainable Drainage Systems states (inter-alia): "All developments will be expected to be designed to achieve, where appropriate, a net decrease in surface water run-off rates, including through green infrastructure provision such as the planting of native trees and bushes and the consideration of using 'green roofs'. Given the scale of the proposed development it is considered appropriate that this information could be secured via a planning condition should planning permission be granted.

4.9 **Conclusion**

4.9.1 It is noted that the principle of three new dwellings on the site has been established by planning permission ref. 17/01312/FUL. This permission has been implemented by way of the demolition of two agricultural buildings within the site, and so remains extant. It therefore represents a fallback position for the proposed development.

4.9.2 To summarise it is considered that the material planning considerations above raise no issues in relation to design, residential amenity, the provision of an adequate vehicle access, ecology and biodiversity, and the proposal would accord to Melton Local Plan policies C9, EN1, EN2, EN6, EN8, EN12, IN2 and D1, and the Design of Development Supplementary Planning Document SPD.

4.9.3 However Policies SS1, SS2 and SS3 of the Melton Local Plan set out the spatial strategy for the delivery of new residential development in the Borough by strongly emphasising the need to provide housing in locations that can take advantage of sustainable travel. The proposal conflicts with Local Plan policies SS2 and SS3, by virtue of the absence of a proven local need and the departure from the spatial strategy for new residential development is not outweighed by the limited benefits of the scheme. As such, given that

the principle of the proposed development cannot be supported it is recommended that the application is refused.

5 Consultation & Feedback

5.1 A site notice was posted on 12.08.2021 with responses due by 02.09.2021 and letters sent to the immediate neighbours of the site and all contributors to planning application ref. 17/01312/FUL. A total of 2 objections from one household and 2 neutral comments from another household have been received.

5.2 The Parish Council have objected to the application. No objections have been received from technical consultees including County Council Highways, Environmental Health, and Ecology

6 Financial Implications

6.1 No financial implications have been identified.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 Legal implications are set out in the report where relevant. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

8.1 Committee report for planning application ref.17/01312/FUL.

8.2 Planning Committee Minutes from 30th November 2017.

9 Appendices

9.1 A: Consultation responses

B: Representations received

C: Recommended Reasons for Refusal

D: Applicable Development Plan Policies

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Appendix A : Summary of Statutory Consultation Responses

Parish Council: Object to the application, in summary on the following grounds:

a. The recent housing survey identified the need for smaller housing to allow villagers to downsize or starter homes. This application does not fit either.
b. 4 dwellings could be seen as an over development of the plot.
c. The attached speed survey (from the application for 3 houses) refers to the visibility splay for the entrance to the field being acceptable for 3 dwellings, but does not state it would be sufficient for a 4th dwelling plus the agricultural and building traffic.
d. The massing of the buildings near the corner or Station Lane and the A607, with a higher apex than the big barns could have an imposing feel near the busy junction and a negative impact on the village scene.
e. The only work started is the removal of the pig barns, which would not constitute stating works as their removal was a pre-requisite prior to planning approval.

LCC Ecology: Do not object. In summary they advise the proposed site access is adjacent to a pond that has a high potential of supporting great crested newts (GCN). The development has a small footprint and would take place on existing hardstanding, which is sub-optimal for GCN. Providing simple mitigation measures are in place they consider the likelihood of GCN being impacted by the development to be low. They recommend the inclusion of a number of reasonable avoidance measures (RAMs) to be secured by planning conditions. Also an informative for vegetation removal to take place outside of bird nesting season.

LCC Highways as the Local Highway Authority (LHA): Do not object and refer to their standing advice. The LHA acknowledge that the Applicant proposes the additional new dwelling would utilise the access approved under planning permission ref.17/01312/FUL which was previously deemed acceptable. The Applicant should ensure that adequate parking has been supplied at the site in accordance with point 3.173 of the Leicestershire Highway Design Guide. Public Footpath H38 cuts through the access to the proposed development and request the inclusion of an informative. The LHA acknowledge the resiting of the previously approved dwellings and note there would appear to be no material impact upon the public highway.

MBC Environmental Health Officer (EHO): Does not object. The EHO highlights the site has the potential to be contaminated so recommends the inclusion of a number of conditions to protect future residents of the site.

Appendix B: Summary of representations received.

2 objections from one household and 2 neutral comments from another household have been received on the following grounds:

a. Object to the increase in dwellings on the site and their resiting.
b. Planning permission was given whilst holding the village to ransom over his pig farm, at the time he was told he could only have 3 dwellings, and see no reason to add to that.
c. The exit from the property is on a busy road with limited visibility.

Neutral Comment

a. Do not object to the addition of a 4th dwelling on the site.
b. Would like reassurance that the existing hedgerow with the A607 would be retained.
c. Prefer the south facing front elevations and rear gardens to the north.

Appendix C: Suggested Reason for Refusal

1. The proposed development would be located beyond the edge of Kirby Bellars within the open countryside. The proposed additional dwelling is considered to not fall within a development type that is necessary or appropriate within the open countryside. The proposed additional dwelling is therefore contrary to the aims of Policy SS2 of the Melton Borough Council Local Plan. There are no identified wider public benefits to the scheme as required by Policy SS3 of the Melton Borough Local Plan, or an identified need for the proposed development which would outweigh the clear conflict with the core aims of the Local Plan.

Appendix D: Available Development Management Policies

Local Plan Policies

SS2 Development Strategy

SS3 Sustainable Communities (unallocated sites)

C9 Healthy Communities

EN1 Landscape

EN2 Biodiversity and Geodiversity

EN6 Settlement Character

EN8 Climate Change

EN12 Sustainable Drainage Systems

IN2 Transport, Accessibility and Parking

D1 Raising the Standard of Design

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Melton Borough Council

Helping people | Shaping places

Planning Committee

13 October 2022

Report of: Assistant Director for Planning and Delivery

21/01223/FUL Change of use of former airfield land to use for the import, storage, and export (B8 use) of straw for commercial purposes; construction of weighbridge and welfare building (retrospective) at Saltby Airfield, Skillington Road, Sproxton

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Alan Hewson (Croxton Kerrial)
Date of consultation with Ward Member(s):	15 November 2021
Exempt Information:	No

1 Summary

1.1 The site relates to a former airfield, approximately a kilometre east of the village of Saltby. Although some of the buildings associated with the airfield use have been removed the vast majority of the hard standing has been retained and these existing fixed surfaced are being used for the storage of the straw bales along with the existing internal road infrastructure.

1.2 The site is located within the open countryside. It is accessed off The Butts to the west and from Wyville Road to the north. Two straw storage areas exist within the site, the main storage area is located centrally between with two access points adjacent to the weighbridge, with a smaller straw storage area located to the south. The main straw storage area lies 750m to the east of Saltby.

Drawing Key

- Site Area
- Other Land Under Ownership
- Outer Boundary of Straw Storage Areas
- Weighbridge / Site Infrastructure

1.3 The site is connected to the wider highway network via the A607 which is located approximately 3.25km or 2miles north of the site.

1.4 As well as the currently unauthorised straw storage, the current uses of the Airfield include arable agriculture, agricultural storage and a glider club (Buckminster Gliding Club). Areas of crop planting also exist alongside the tracks and hard surfaced runways associated with the previous aerodrome use.

1.5 Planning application ref. 18/00703/FUL for change of use of former airfield runway to open storage (B8) use was refused on the grounds the proposed development would be inappropriate development within the countryside and would be akin to an industrial use within a rural location which would have an unacceptable adverse impact on the immediate and wider landscape by virtue of its use, scale, design and form. This decision was appealed, and the Planning Inspector considered the main issue to be the effect of the proposed development upon the character and appearance of the countryside. The Inspector dismissed the appeal concluding the proposal would have an adverse impact upon the character and appearance of the countryside.

1.6 The application seeks to utilise 7.3ha of land within the site for the importation, temporary open storage, and exportation of straw. The exported straw would be taken to Sleaford Renewable Energy Plant, a straw burning non-fossil fuel energy plant. A weighbridge has been provided within the site. A storage container within the site is used as a welfare building.

1.7 The site currently employs 3 full time members of staff, which can increase to 6 at peak periods.

1.8 The application seeks to support the running of the Saltby Estate agricultural operations through farm diversification. Farm diversification in support of existing agricultural operations is supported in planning policy terms. The NPPF is supportive of a prosperous rural economy including at para.84 b) the development and diversification of agricultural and other land-based rural businesses. Para 85 recognises the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

1.9 The outbound HGV route from the site has been amended so that the A607 would be accessed via Hungerton, south of Denton rather that via Croxton Kerrial which would remain the inbound route to the site from the A607. The proposed hours of operation are Mondays to Fridays between 7.00am and 7.00pm with no working outside these hours or at weekends or on bank holidays. A maximum of 40 HGVs would visit the site on any single working day.

RECOMMENDATION(S)
1. Approval subject to conditions set out in Appendix C.

2 Reason for Recommendations

2.1 Saltby Airfield remains previously developed land where there are a number of agricultural and commercial uses in various locations around this site. The siting of this proposed straw storage is not too different to these and therefore not out of character with the area. With the imposition of relevant conditions, including restricting the hours of operation and

the daily number of vehicle movements, the development is deemed to not have a detrimental impact upon highway safety or residential amenity. There are no ecology or flood risk implications. Therefore, taking all of these considerations into account, on balance approval is recommended.

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 This application is required to be presented to the Committee due to receiving objections to the application from more than 10 households, contrary to the recommendation in line with the constitution.

3.2 Relevant Policies

3.2.1 The Melton Local Plan (LP) 2011-2036 was adopted on 10 October 2018 and forms part of the Development Plan for the area.

3.2.2 The Design of Development Supplementary Planning Document (SPD) was adopted on 24th February 2022.

3.2.3 The Croxton Kerrial Neighbourhood Plan (NP) has reached Regulation 14 stage but has not been formally adopted, therefore very limited weight can be afforded to this document.

3.2.4 The Local Plan is up to date and consistent with the latest revised versions of Government Guidance as contained in the National Planning Policy Framework.

3.2.5 Please see Appendix D for a list of all applicable policies.

3.3 Main Issues

3.3.1 Position under the Development Plan Policies

3.3.2 Impact upon the highway network and highway safety

3.3.3 Impact upon amenity

3.3.4 Impact upon ecology

3.3.5 Impact upon the character of the area

4 Report Detail

4.1 Position under the Development Plan Policies

4.1.1 The site lies to the east of the settlement of Saltby and Melton Local Plan policies SS1-SS2 apply. The settlement hierarchy set out in Local Plan Policy SS2 defines Saltby as a rural settlement. The site lies within the open countryside 450m from the closest dwelling to the southwest, The Sidings, Saltby Road and 800m to the west on The Butts. Policy SS2 states that within the open countryside, new development will be restricted to that which is necessary and appropriate in the open countryside.

4.1.2 Local Plan policy EC2 seeks to support economic development and allows employment growth in rural areas, by amongst other things, the diversification of existing farming businesses, dependant on the nature of activities involved, the character of the site, and accessibility.

4.2 Principle of Development

4.2.1 As well as Local Plan policy EC2 diversification of agricultural and other rural businesses is supported by paragraph 84 of the NPPF. The proposal comprises the diversification of the agricultural operations on the Saltby Estate, the rental income derived from the change of use of the land would benefit the existing farming enterprise ensuring its viability. It will create new jobs and safeguard existing ones.

4.2.2 Saltby Estate is an agricultural enterprise covering some 3000 acres growing a wide variety of arable crops including wheat and beet. Alongside this they have a large dairy unit. The land within the application is situated within the arable area of the farm.

4.2.3 Straw storage has taken place on the site to some degree since August 2017. It was initially stored on the site for the purposes of agriculture for example animal bedding and mushroom compost. The amount of straw stored on the site was significantly increased to provide an emergency store for Sleaford Renewable Energy Plant. The industrial scale of the storage within the site has resulted in a material change of use of the land from agriculture to storage and distribution.

4.2.4 The supporting text for policy EC2 indicates that such rural economic development proposals should either involve the re-use of existing redundant buildings or be entirely contained within an existing enclosed area with no significant adverse impact upon the area. The application site is not enclosed and is largely sited away from other built forms. However, straw storage is not an alien feature within the rural landscape and is not considered to be visually incongruous in the same way as a more general storage use.

4.2.5 The agricultural operations on the Saltby Estate would be diversified because of the proposed straw storage. As such the proposal is supported in principle in land use terms. Other matters including the character of the site and accessibility are discussed below.

4.3 **Impact upon the character of the area**

4.3.1 Policy EN1 seeks to ensure that new development is sensitive to its landscape setting. Paragraph 170 of the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

4.3.2 The storage areas within the site are located a long way from any neighbouring buildings, the highway, or public footpaths. However, the straw stacks within the storage areas are visible across the site as there are long range views over the surrounding, fairly level fields. Although there are some earth bunds to the perimeter of the site, these are low in height and do not fully screen the storage areas. Additionally, the storage areas can be viewed by users of the neighbouring glider club and walkers who use the site informally.

4.3.3 The site has been used for the storage of straw since 2017. Straw bales are produced through agricultural processes and are a familiar feature within the open countryside. The scale of the straw storage within the application site exceeds what would be deemed necessary for agricultural use. Notwithstanding this, the proposal is uniform in design with the straw bales neatly presented, the straw bales would not be stacked over a maximum height of 10 metres measured from the adjacent ground level, and a maximum of 42,000 bales would be stored on the site at any one time, all recommended to be secured by conditions.

4.3.4 Existing areas of hard standing have been utilised for their storage and to enable access to them. The weighbridge and the welfare building are low in height, and the welfare building is small in its scale and these features are predominantly screened from views outside of the site.

4.3.5 It is not uncommon to see former airfields in storage use, including The Airfield, Dalby Road, Melton Mowbray which is used for storage housing 54 storage containers, with planning permission ref.21/00759/FUL recently being granted for the erection of a further

56. Unlike the previously refused scheme for the open storage of prefabricated houses, as outlined above, it is not considered that the storage of straw bales is an incongruous feature within the landscape.

4.4 **Highway Safety**

4.4.1 The NPPF Paragraph 111, which advises 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." No definition of severe is provided. However, as outlined in the response from Lincolnshire County Council the Planning Inspector decisions regarding severity share common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours.
- The level of provision of alternative transport modes.
- Whether the level of queuing on the network causes safety issues.

4.4.2 In view of these criteria, Lincolnshire Highways and the Lead Local Flood Authority do not consider that this proposal would result in a severe impact with regard to the NPPF. This view is welcomed by Leicestershire County Council as the Local Highway Authority (LHA). The LHA advise 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.

4.4.3 It has been demonstrated that an articulated vehicle would be able to access/egress both access points in a forward gear. Suitable visibility splays in accordance with the speed limit effect at the corresponding site access frontages can be achieved subject to amendments to the site boundary, on land which is within the Applicant's control. It is recommended that the provision of the required visibility splays is secured by condition.

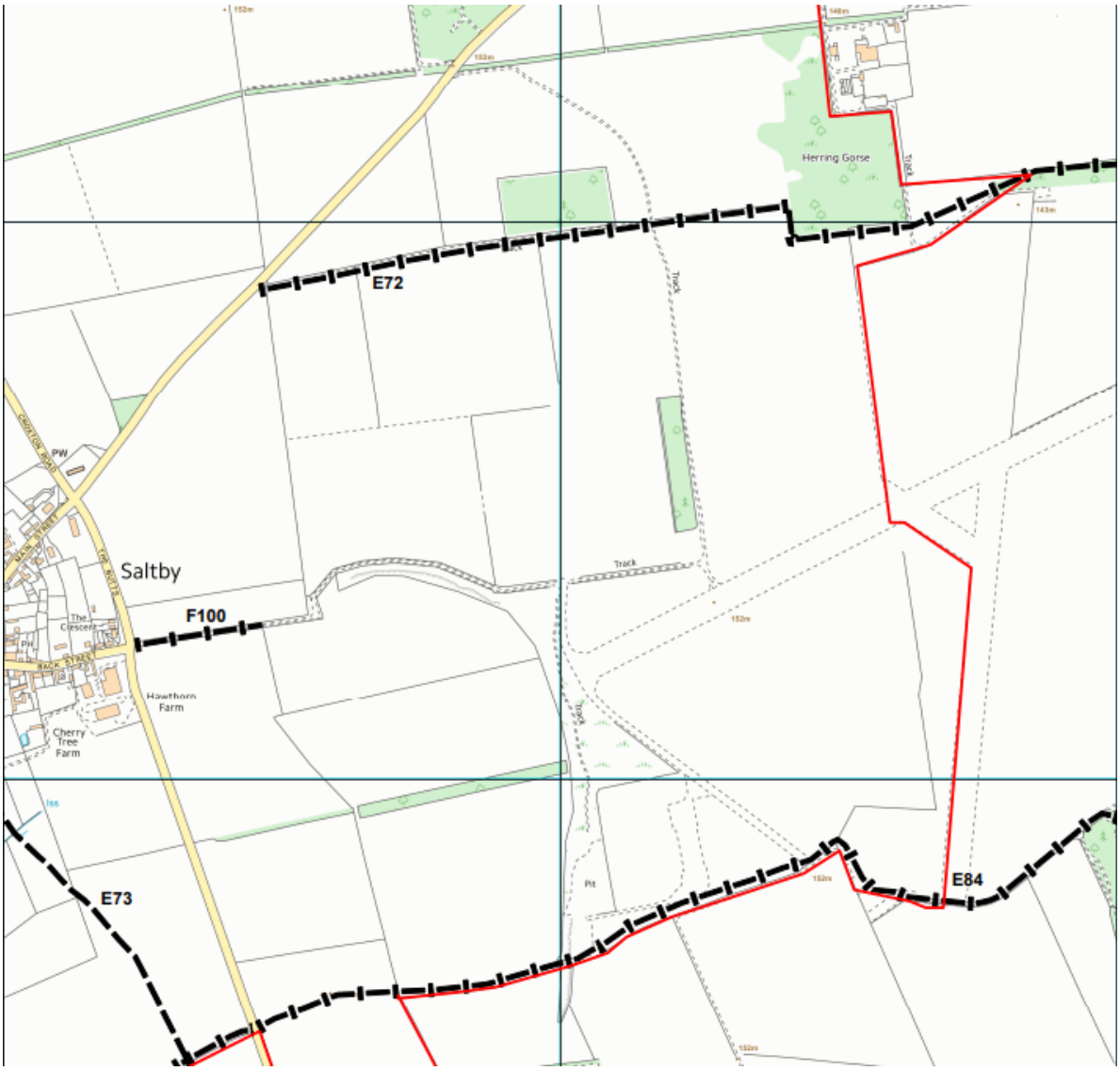
4.4.4 With regards to the proposed re-routing the LHA do not consider it would be necessary in highway safety terms or enforceable. It is noted that Wyville Road is an unclassified road, and the proposed routing generally includes roads of a narrower width than the current route; there are no highway safety issues, and Croxton Road supports HGV movements beyond those associated with Saltby Airfield.

4.4.5 Regarding trip generation and traffic impacts of the proposed development it is understood that trip generation is highly seasonal, with peak trips taking place in the harvest period of September annually. Analysis of data from previous years showed that on average, during September 2020, the site generated approximately 40 HGVs per day equivalent to 3 HGV movements per hour. Of the annual HGV trips generated by the site around 10% of these two-way movements relate to the existing agricultural operations. Based on the data provided during the September peak the proposed storage use, as a worst case scenario, would generate an average of 200 two way trips per week; with no trips being generated during other months. The applicant has indicated that vehicle movements could be limited to a maximum of 40 HGVs visiting the site on any single working day.

4.4.6 The proposed site layout would provide sufficient parking and turning provision alongside appropriate operational measures. It is considered that the development will be self-

contained and not result in overspill to the local highway network. The site access and layout would also provide a suitable access for emergency vehicles.

4.4.7 Public Bridleways E72 and F100 run through the site and E84 is located just to the south, as shown on the plan below, yet it is not considered that the enjoyment of the Bridleways would be significantly affected.



4.4.8 Concerns have been raised in letters of objection from local residents relating to highway safety, both regarding the safety of the site access, and the impact of the vehicles on the safety of the wider road network. A report completed by ADC Infrastructure on behalf of Hungerton Farms, a neighbouring landowner, has been reviewed by the LHA. The LHA dismiss the comments that the proposal fails to promote sustainable transport modes, it misses the nuances of para.111 of the NPPF. It is not considered feasible for a site associated with the transport of straw between rural areas to promote sustainable transport methods. Although the ADC Infrastructure report states there, 'would be an unacceptable impact on highway safety' it provides no further information regarding safety but instead focuses on capacity.

4.4.9 As the application is retrospective, its impact on highway safety can be reviewed. The site has been in operation since 2017. Personal Injury Collision (PIC) data for the most recent

five years has been reviewed, two PICs were identified which were both recorded as 'slight' occurring in separate locations with no discernible links between the collisions or with the site. It is therefore concluded that the proposed development will not exacerbate any known highway safety considerations.

4.4.10 Prior to the proposed use the site was used in part for the storage of straw for agriculture, this along with other farming operations associated with the site generating an average of 84 tractor with trailer movements per week. Based on recorded vehicle movements the average across the year the proposal generates 40 HGV movements per day (1 every 18 minutes), with the maximum recorded HGV movements being 86 per day (1 every 9 minutes) since operation began. Around 10% of these movements continue to be for agricultural purposes.

4.4.11 Overall, for the reasons outlined above, it is considered that the proposal's impact upon highway safety would not be severe.

4.5 **Impact upon residential amenities**

4.5.1 Separation distances of 800m between the main straw storage area, and 450m between the smaller storage area, and the closest residential properties exist. The storage of the straw bales generates little in the way of noise, odours or general disturbance. For these reasons the storage itself is not considered to have an undue impact upon local occupant's amenities. The vehicle movements associated with the proposed use however, do represent an intensification over and above the existing agricultural use; and have the potential to impact upon residential amenity.

4.5.2 Firstly it is important to recognise that at its peak, in September 2020, the greatest number of two way vehicle movements generated by the straw storage use was 86 in one day, 7 vehicles per hour. As set out in the submission this level of activity formed part of a one-off event to fully stock the site with straw bales, which is unlikely to be a repeated. The purpose of the storage within the site is to function as an emergency store for the Sleaford Renewable Power Station. In the future vehicle movements associated with the site would still involve a level of seasonality, peaking in line with the September harvest when a degree of re-stocking would take place, and if the emergency store was required to provide straw to the power station. However, the number of HGV vehicle movements associated with the straw storage, and their hours of operation, could be controlled by planning conditions. The submission suggests hours of operation for the storage business could be limited to 0700 to 1900 Monday to Friday, and a maximum of 40 HGVs would visit the site on any single working day which is considered reasonable.

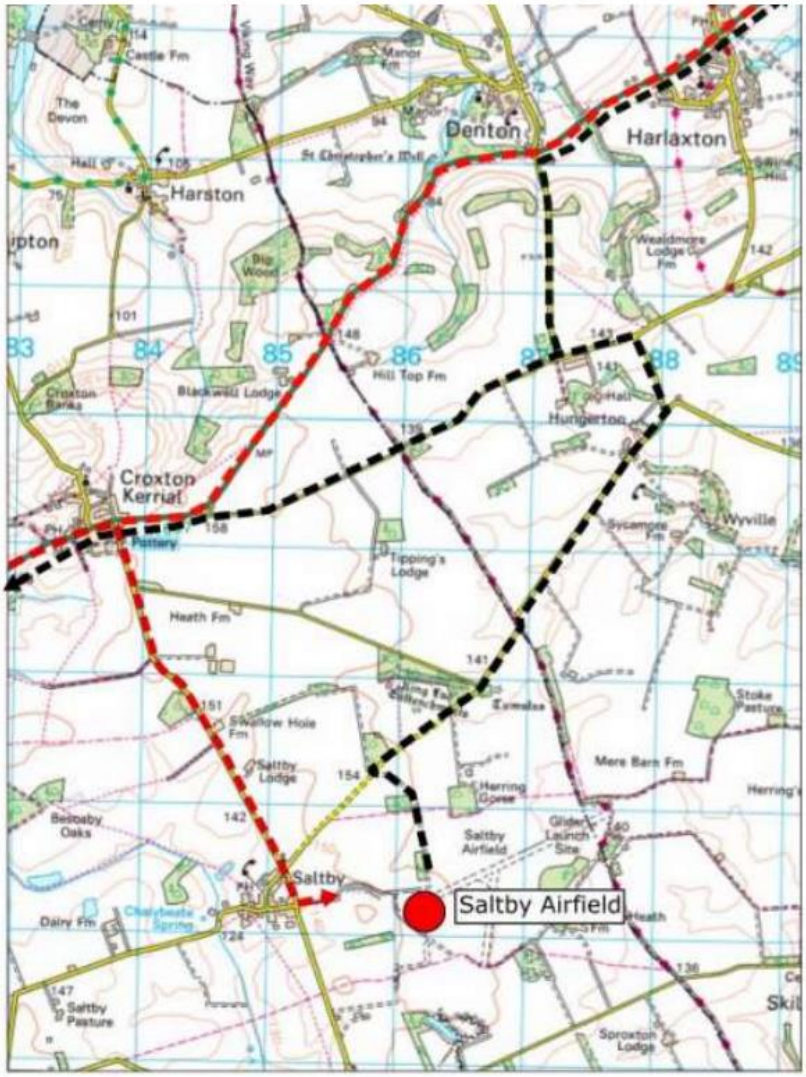
4.5.3 As set out in the submission, there are very large periods of the year where there are absolutely no vehicles, associated with the proposed straw storage use, at all coming to or from the site. The hours of operation would provide clear guidance as to the extent of permitted operations. However, it is important to recognise that the site is a working agricultural unit and any conditions relating to the straw storage activities would not apply to the Estate's normal agricultural activities.

4.5.4 Nonetheless this increase in vehicle movements to and from the site would impact upon the amenity of nearby residential properties as a result of noise and vibrations. Of relevance are those properties located on Saltby Road, Croxton Kerrial immediately to the south of the junction with the A607. These dwellings are located close to the highway and so large vehicles passing by would result in general noise and disturbance to the

detriment of their amenity. Dwellings located on The Butts opposite the southern site access would be similarly impacted. This identified harm could be mitigate by the re-routing of outbound vehicles from the site which would no longer be routed to the A607 via The Butts or Croxton Kerrial, reducing the potential impact of vehicle movements by 50%. Further to this, as outlined above, HGV movements to and from the site could be controlled by planning conditions including restricting their timing and numbers. The purpose of these controls would be in the interests of residential amenity rather than highway safety.

4.5.5 Although the proposed routing would not be justified in highway safety terms it would benefit the amenity of neighbouring residential properties. It would not be possible to control the direction of travel of HGV's associated with the proposed development beyond the application site by planning condition. For the same reason it would not be possible to require all straw/hay deliveries to the site to be sheeted; or for regular road sweeping to clear straw which may have been deposited on the highway. However, the applicant may wish to set these controls as part of a site, or operational management plan.

4.5.6 Proposed vehicle routing



4.5.7 The site access's also serves an existing agricultural business, and given its rural location there are several surrounding agricultural enterprises; therefore, there is an existing situation where large agricultural vehicles use the roads adjacent to and surrounding the site. Owing to this existing situation and given future vehicle movements would be acceptable it is considered that the proposal would not have an adverse effect on the amenity of neighbouring occupiers. In addition to this, strict operating times and limits to vehicle movements could be secured by condition to ensure that no unreasonable disturbance results from this use change.

4.5.8 In reality, there are very large periods of the year where there are absolutely no vehicles at all coming to or from the site but the suggested hours are considered a reasonable approach to provide clear guidance as to the extent of permitted operations and protect residents from any perceived disturbance in the evenings, early mornings and at weekends. It is of course important to also highlight that the site is a working agricultural unit and any conditions relating to the hay storage activities would of course not apply to normal agricultural activities.

4.6 Ecology

4.6.1 The application seeks retrospective permission for the storage of straw on existing areas of hard standing. Concerns have been raised in letters of objection received from local residents that the transportation of straw would result in some shedding along the roadside which would be detrimental to protected species, in particular grass verges designated sites of scientific interest (SSSI). Natural England, the technical consultee, have provided advice specifically on this matter and raised no concerns.

4.6.2 The shedding of loose material from vehicles to and from the site has also been addressed by the applicant. On site practices are in place which seek to ensure vehicles are swept before leaving the site so that loose debris is likely to be very minimal. A planning condition requiring this practice to be maintained formally has been suggested to further mitigate harm. In addition, the applicant runs regular sweeping vehicles along the Saltby Road and Wyville Road to remove any debris that does remain

4.7 Flood Risk/Drainage

4.7.1 As outlined above the straw bales are stored on existing areas of hardstanding. The site is located within flood zone 1 and is not an area at high risk of surface water flooding.

4.8 Other Matters

4.8.1 It has been questioned in letters of representation received, including from neighbouring parish councils, if the development proposed is EIA development. EIA development is defined under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as: development which is either— (a) Schedule 1 development; or (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location. The proposal would not represent development under either Schedule 1 or 2 of the EIA regulations. Had an EIA been required guidance suggests two rules should be followed when searching for the significance of highways impacts including: road links where traffic flows are predicted to increase by more than 30% (or where the number of heavy goods vehicles is predicted to increase by more than 30%); or any other specifically sensitive areas where traffic flows have increased by 10% or more. However, as the proposal is not EIA development there is no need to assess the application further under the EIA guidance.

4.8.2 Concerns have been raised in letters of objection relating to the site as a potential fire hazard given the amount of straw stored on the site. Planning polices and legislation do not directly cover fire risk. In this case the safe storage of straw bales is covered by the Health and Safety Executive (HSE). The planning system should not duplicate other regulatory requirements, including those relating to fire safety, or seek to secure them using planning conditions.

4.8.3 Part of Saltby is covered by a conservation area, a designated heritage asset. The distance between the proposed storage areas, and the nature of the proposed development is such that it is not considered that the proposal would impact upon the setting of the conservation area.

4.8.4 The applicant has made it clear that the straw / hay storage activity is a very important aspect of the Estates operation, but it does not wish to see this result in any unreasonable impacts upon the villages of Saltby and Croxton Kerrial. The scheme has therefore been amended to introduce controls and working practices which would mitigate harm, resulting in an acceptable scheme.

5 Consultation & Feedback

5.1 Site notices were posted, and neighbouring properties consulted.

5.2 125 objections have been received from 110 households

6 Financial Implications

6.1 Not applicable

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 Legal implications have been included in the main body of the report. No specific issues are identified. Legal advisors will also be present at the meeting.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

8.1 Planning application ref.18/00703/FUL - Change of use of former airfield runway to open storage (B8) use

8.2 Planning appeal ref. APP/Y2430/W/18/3213585

9 Appendices

9.1 Appendix A Summary of Statutory Consultation responses

9.2 Appendix B Summary of Representations Received

9.3 Appendix C Recommended Planning Conditions

9.4 Appendix D Informatives

9.5 Appendix E: Available Development Management Policies

Report Author:	**Helen White**, Planning Development Officer
Report Author Contact Details:	01664 502419 helenwhite@melton.gov.uk
Chief Officer Responsible:	**Peter Baguley**, Assistant Director for Planning

Chief Officer Contact Details:	01664 502359 pbaguley@melton.gov.uk

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Planning application ref. 21/01223/FUL - Appendix A

Appendix A: Consultation Replies Summary
County Councillor Lovegrove: Highlighted that concerns had been raised with them by local residents and questioned if the application would be determined by planning committee due to its contentious nature. **Parish Council:** Made comments neither supporting nor objecting to the proposal but councillors agreed their concerns regarding adherance to the conditions in the application be recorded. **Neighbouring Parish Councils:** In summary the neighbouring Parish Council's (Croxton Kerrial, Harlaxton, Denton, and Hungerton and Wyville) object to the application on the following grounds: a. Increased HGV vehicles on Saltby Road into Croxton Kerrial and the associated noise, vibrations and dust is a nuisance to residents. b. These massive multi axel vehicles are as tall as the resident's homes they are passing and travelling very close, within 4m in some cases. c. The use is not agricultural, it's a large-scale industrial and distribution use and is out of keeping with the sites rural location. d. Bales should be stored at or much closer to the power station 25 miles away. e. Unsustainable development to enable the applicant to avoid the road improvement/maintenance costs requested by Lincolnshire Highways Department. f. Object to the validity of the Transport Statement as it only deals with the access and egress of vehicles onto the site and does not analyse the designated route and its capacity to take the increase in vehicle numbers. g. The roads used are not wide enough for 2 large multi-axel HGVs to pass without mounting the grass verge or the pavement, causing damage to the highway. h. Each visit to the site is two trips along the Salty Road and through the junction with Main St in Croxton Kerrial, so the nuisance is doubled. i. Harmful impact on occupants of recently approved and allocated housing sites. j. Lincolnshire County Council Highways must be consulted. k. It is accepted that where it would be possible to have a separate exit route, this would reduce damage to the Croxton Saltby Road. l. Straw deposits can only be contained by fully sheeting lorries. m. The offer of operating 12 hours a day does nothing to alleviate the situation. n. Extremely concerned about highway safety. o. The alternative route would make the roads more hazardous and cause damage to the road surface. p. Represents inappropriate development within the countryside. q. Unacceptable adverse impact upon the immediate and wider landscape by virtue of its use, scale, design and form. r. The benefits are not considered to outweigh the harm. s. The roads are unsuitable, not built for the size of vehicle and volume of traffic proposed, with few passing points. t. Mitigation of straw is not limited to outgoing empty vehicles.

u. Detrimental impact on air quality in the houses and gardens along the route.
v. Question if an Environmental Impact Assessment is required.
w. Damage to and loss of wildflower verges.

Local Highway Authority: Leicestershire County Council initially considered insufficient information was submitted to fully assess the impacts of the proposed development and requested further information with regards to site access, trip generation and internal layout. Based on the additional information submitted the LHA advised 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. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions including: access arrangements being implemented in full, and provision of visibility splays.

Lincolnshire County Council does not object to the application. They note most of the route between the site and the power plant is along A classified roads. The initial route between the site and the A607 uses rural roads. And concludes, that the proposed development is acceptable.

Natural England: Do not object, the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. The proposal doesn't trigger any Impact Risk Zones for any Sites of Special Scientific Interest, however there are a couple of Priority Habitat areas near the route of deciduous woodland.

Environmental Health Officer: The site is relatively isolated and remote from existing development. They have no public health concerns relating to the proposal. They note concerns raised relating to HGV movements off the site but advise these fall outside of their remit.

Planning application ref. 21/01223/FUL – Appendix B

Appendix B: Summary of representations received

1. 125 objections have been received from 110 households, as summarised below:

a) Gaps in road sweeping offer, only at busy times.
b) No guarantee restricting vehicle movements will be successful.
c) The proposal is not welcomed or needed
d) Highway safety – roads cannot cope with the size and volume of vehicles
e) Highway safety – roads will be unsafe for walkers, cyclists and equestrians
f) Harm to area of special scientific interest (grass verges)
g) Planning Inspectorate previously rejected an application on the site
h) Hazardous dust – harm to publics health
i) Busy, noisy and dangerous
j) Residential amenity – 40 lorries per day pass within 15ft of their window
k) HGV's damage road and verges
l) Poor road and transport connections to Sleaford Power Station
m) The vehicle movements are not portrayed accurately in the transport station
n) Cumulative impact with other large vehicles tipper trucks and chicken farm diesel fumes, noise and vibrations
o) The past actions of Saltby Estate have shown contempt for the planning process
p) Destroyed rural aesthetic
q) Detrimental to quality of life
r) Impact mental health of local residents
s) Need for a speed trap and an air quality filter during the busy period to give a more accurate account of the proposals environmental impacts
t) The JPP report is filled with inaccuracies
u) Increase risk in flying for members of the glider club (not from a glider club member)
v) Sleaford power station provides free energy to local civic buildings and grants to local communities, those communities should provide straw storage sites and the associated negative impacts
w) Sleaford power plant can't produce zero carbon energy if straw bales have to be transported from Saltby airfield
x) Account must be given to the viability of allocated sites CROX 1 (39 dwellings) and CROX 2 (10 dwellings).
y) Fire risk
z) Vehicles dangerous to children who play on grass verges opposite site access.

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Planning application ref. 21/01223/FUL - Appendix C

Appendix C: Recommended Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.

   Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.

2. The approved development shall be carried out in strict accordance with the following plans:

   G.1398 Site location plan
   T3549 TA01 Block Plan
   T3549 TA02 Northern access arrangement
   T3549 TA03 Southern access arrangement

   Submitted to and received by the Local Planning Authority on the 26 October 2021, and the 24 January 2022.

   Reason: For the avoidance of doubt.

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawings 23549 TA02 and TA03 have been implemented in full.

   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).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays as shown on Drawings 23549 TA01 and TA03 have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

   Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

5. Straw/hay bales associated with the use herby approved shall not at any time extend beyond the storage area's shown on block plan ref. T3549 TA01; be stacked over a maximum height of 10 metres as measured from the adjacent ground level; or exceed a total maximum of 42,000 bales being stored on the site at any one time.

   Reason: To safeguard the visual amenities of the locality and neighbouring occupiers.

6. The use hereby permitted, including any associated HGV vehicle movements, shall only take place between the following hours:
   0700 to 1900 on Mondays to Fridays (inclusive).
   The use must not take place at any time whatsoever on Sundays or on Bank or Public Holidays.

   Reason: To protect the amenities of nearby residential properties.

7. HGV movements associated with the development herby approved shall enter the site via the southern access off The Butts and exit via the northern access off Wyville Road; and the number of two way HGV movements shall not exceed 40 per day.

   Reason: To protect the amenities of nearby residential properties.

8. Prior to exiting the site all HGV's associated with the use hereby approved shall be swept to remove loose straw and hay.

   Reason: To protect the amenities of the nearby residential properties.

Planning application ref. 21/01223/FUL – Appendix D

Appendix D: Informatives

1. This decision has been reached taking into account the requirements of paragraph 38 of the National Planning Policy Framework 2021 in approaching decisions on proposed development in a positive and creative way. The Local Planning Authority has endeavoured to use the full range of planning tools available to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area seeking to approve applications for sustainable development where possible.

2. 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

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Planning application ref. 21/01223/FUL - Appendix E

Appendix E: Available Development Management Policies

Local Plan Policies

SS1 – Presumption in favour of Sustainable Development

SS2 – Development Strategy

EC2 – Employment Growth in the Rural Area (Outside Melton Mowbray)

EN1 – Landscape

EN2 – Biodiversity and Geodiversity

EN6 – Settlement Character

EN8 – Climate Change

EN11 – Minimising the Risk of Flooding

IN2 – Transport, Accessibility and Parking

EN13 Heritage Assets

D1 – Raising the Standard of Design

There is no made Neighbourhood Plan in this location.

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Melton Borough Council

Helping people | Shaping places

Planning Committee

13 October 2022

Report of: Assistant Director for Planning

22/00944/GDOAGR - Land south of Cross Roads Farm, Scalford, Eastwell

Proposal: Notification under Part 6, Class A of the Planning (General Permitted Development) Order 2015 (as amended) for the erection of an agricultural building for livestock.

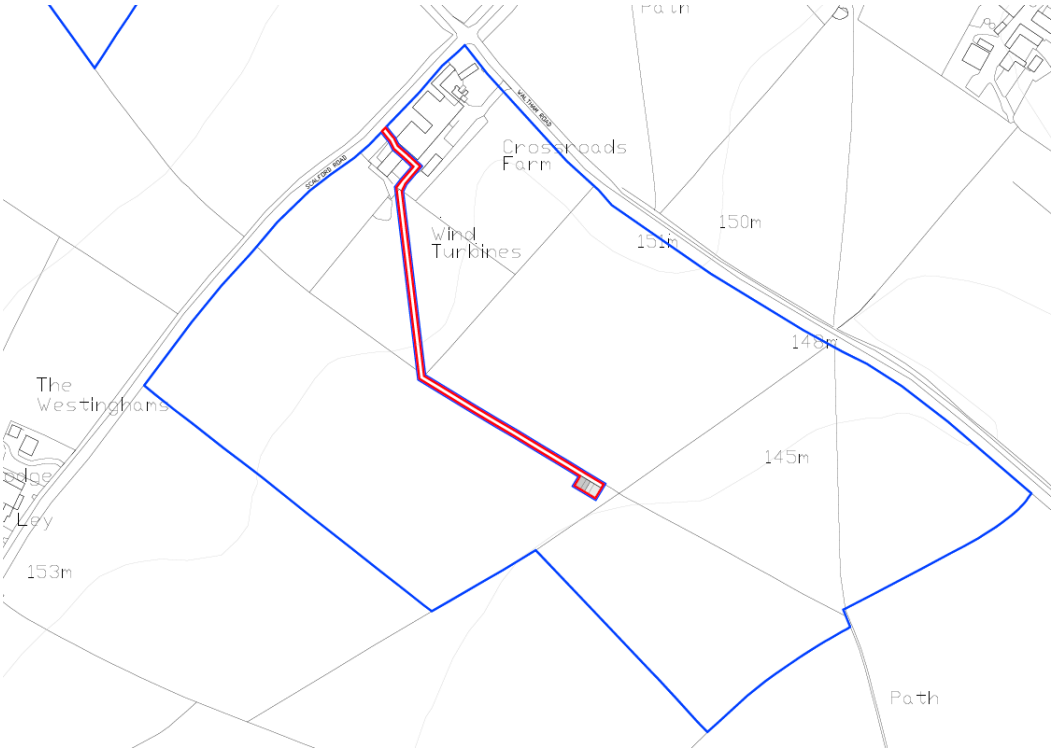
Applicant: Mr A Hewson.

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Cllr Alan Hewson (Croxton Kerrial)
Date of consultation with Ward Member(s):	N/A
Exempt Information:	No

1 Summary

1.1 This report addresses a 'Prior Notification' for the erection of an agricultural building for livestock. It is not a planning application as such, the legal basis for the Notification and the Council's responsibilities in this connection are explained below.

1.2 The Notification is required to be considered by the Committee because it is submitted by a Member of the Council, Councillor Hewson.



RECOMMENDATION(S)
1. It is recommended that no prior approval of the matters listed in Part 6, Class 6 are required (see section 7 below)

2 Reason for Recommendations

2.1 The proposed development accords with all of the criteria set by Part 6, Class A of the Planning (General Permitted Development) Order 2015 (as amended) and the matters subject of conditions specified by part A.2 of this legislation are not applicable to the circumstances of the case.

3 Key Factors

3.1 Reason for Committee Determination

3.2 The Notification is required to be considered by the Committee because it is submitted by a Member of the Council, Councillor Hewson.

3.3 Relevant Policies

3.3.1 The Council's role in the consideration of the Prior Notification is to establish whether all of the qualifying criteria have been met, and whether grounds exist to require a prior approval. It is a matter of fact whether it is permitted development and do not require a full planning application considering the legislation under Part 6, Class A of the GPDO 2015 (as amended) as explored below.

3.3.2 Therefore no local policy is considered with prior approvals.

3.3.3 The prior-approval relates to agricultural developments on units of 5 hectares or more (the site is a total of 310 hectares in size as detailed within the email with additional supporting

information) and therefore falls under Class A of Part 6. Each point is responded to in **bold.**

4 Report Detail

4.1 Proposal

4.1.1 The proposal seeks prior approval for the erection of a new agricultural building for livestock. The prior notification has been supported by a plan showing the holding and location of the new building together will a description of the materials, including its dimensions and reasoning for the prior approval.

4.1.2 The proposed extension would measure 25.9 metres in length with a width of 2.6 metres being 4 metres to the eaves and 6.9 metres to the ridge. The walls would be built from concrete panels and vertical timber cladding and the roof would be a dark-grey corrugated material.

4.2 Site

4.2.1 The site is considered to be on the outskirts of the village of Eastwell and is classed as open countryside.

4.2.2 There is an existing access serving the site which is accessed via Scalford Road. There are a number of farm buildings within the farm yard, albeit some are small brick buildings as well as portal framed buildings which are set back into the site.

4.3 Planning History

4.4 20/00786/FUL - Change of Use from agricultural to residential use. To include listed barn, ancillary buildings and courtyard as well as surrounding farm setting – PERMIT - 16.10.2020

4.5 20/01514/GDOCOU - Proposed change of use of agricultural buildings to 3 dwellings. – GDO APPROVAL - 05.03.2021

4.6 21/01204/FUL - Provision of three new dwellings, a replacement farm yard, 3 barns, a joiners workshop, a farm shop and cafe, and a building for use as a railway museum with associated parking, and landscaping (hard and soft). – PERMIT - 31.08.2022

4.7 Part 6 Class A Criteria

4.7.1 Part 6, Class A – agricultural development on units of 5 hectares or more

4.7.2 Permitted development

4.7.3 A. The carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of -

(a) works for the erection, extension or alteration of a building; or

(b) any excavation or engineering operations,

which are reasonably necessary for the purposes of agriculture within that unit.

4.7.4 **Given that the farm benefits from a small complex of agricultural buildings it is considered that the development would be reasonably necessary for the purposes of agriculture.**

4.7.5 Development not permitted

A.1 Development is not permitted by Class A if—

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area;

The development would not be carried out on a separate parcel of land which is less than 1 hectare in area.

4.7.6 (b) it would consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use) of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins;

The Class Q notification 20/01514/GDOCOU was given approval in 2021. However, following this, 21/01204/FUL has been given permission. The Proposals within the GDOCOU application have not commenced.

If the Class Q development was to be carried instead of the proposals within 21/01204/FUL then this development would then not fall under permitted development. However at the point in time of assessing this notification no development under Class Q has been carried out.

4.7.7 (c) it would consist of, or include, the erection, extension or alteration of a dwelling;

The development would not consist of the erection, extension or alteration of a dwelling.

4.7.8 (d) it would involve the provision of a building, structure or works not designed for agricultural purposes;

The proposed development would provide an additional agricultural building for the shelter of livestock. Overall it is considered that the works would be designed for agricultural purposes.

4.7.9 (e) the ground area which would be covered by—

(i) any works or structure (other than a fence) for accommodating livestock or any plant or machinery arising from engineering operations; or

(ii) any building erected or extended or altered by virtue of Class A,

would exceed 1,000 square metres, calculated as described in paragraph D.1(2)(a) of this Part;

The proposed extension would measure 25.9 metres in length with a width of 12.6 metres being 4 metres to the eaves and 6.9 metres to the ridge. This would equate to 326.3sqm thus falling under the threshold of 1000 square metres.

4.7.10 (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

The development would not be within 3km of the perimeter of an aerodrome.

4.7.11 (g) the height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

The development would not exceed 7 metres in height.

4.7.12 (h) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

The development would not be within 25 metres of a metalled part of a trunk road and has measured and confirmed accordingly.

4.7.13 (i) it would consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure or excavation is, or would be, within 400 metres of the curtilage of a protected building;

The development will be used for livestock, however it is not within 400 metres of the curtilage of a protected building. The nearest protect building (non-farming dwelling) is an estimated 550m away.

4.7.14 (j) it would involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming; or

The development would not be on or over article 2(4) land.

4.7.15 (k) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system—

(i) would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or

(ii) is or would be within 400 metres of the curtilage of a protected building.

The development would not relate to any of the above.

4.8 **A.2 Conditions**

4.8.1 (2) Subject to sub-paragraph (3), development consisting of—

(a) the erection, extension or alteration of a building;

(b) the formation or alteration of a private way;

(c) the carrying out of excavations or the deposit of waste material (where the relevant area, as defined in paragraph D.1(4) of this Part, exceeds 0.5 hectares); or

(d) the placing or assembly of a tank in any waters,

is permitted by Class A subject to the following conditions—

(i) the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be;

This current proposal is sited in an agricultural setting, the design is deemed to be of an agriculture aesthetic and therefore it is considered that the proposal would not appear unduly prominent, when viewed in the context of an agricultural setting.

5 Consultation & Feedback

5.1 Due to the nature of a prior notification, no consultation was required.

6 Financial Implications

6.1 There are no financial implications arising from this notification.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 The Notification requires consideration by the Committee as it is submitted by a Member of the Council (Constitution Chapter 2 , Part 9, 'Planning Committee functions and procedures'

Legal Implications reviewed by: Tom Pickwell (Solicitor)

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