

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) 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 This application was reported to planning committee on the 13th October 2022 where the decision was deferred to facilitate further discussion between the applicant and the community with regard to the routing of the HGVs to and from the site as requested by Members.
- 1.2 A meeting took place on the 14th November 2022 with representatives of Sproxton, Croxton Kerrial, Hungerton and Wyville, and Denton Parish Council's and the Ward Member Cllr. Hewson. No representatives from Harlaxton Parish Council were available to attend.
- 1.3 A consensus was reached that in-bound route for HGV's visiting the site via the Croxton Kerrial junction was acceptable. The outstanding concern related to the out-bound route of vehicles travelling away from the site. It should be noted that irrespective of these matters relating to the routing being agreed outside of the planning process, they cannot be conditioned. Only conditions relating to access and egress via the entrance and exit to the site meet the tests for the use of conditions.
- 1.4 As a result of the meeting an amended vehicle route away from the site has been proposed. The route would exit onto Wyville Road with a right turn out of the site down to Hungerton. However, rather than turning left out of Ten Acre Lane then right down to Denton, the vehicles would turn right and head east towards Grantham and the B1174 then onto the A52. It is acknowledged that this route, like all other 'exit' options, will still pass 'The Hollow' at Hungerton but it does avoid the Denton Hill and crossroads that were deemed of primary concern at the meeting.
- 1.5 The following clarification was also provided to the questions raised by the Parish Councils:
 - a. As stated at the committee meeting and in the original committee report there would be a maximum of 20 heavy goods vehicles, associated with the straw storage, coming to and leaving the site in any one day.
 - b. An emergency store means the site is seen as a 'reserve' to cater for two main eventualities. Firstly to plug a gap in the regular supply which the operator will be able to plan for about a week in advance. Secondly, very occasionally, there could be an unforeseen circumstance with a supplier where it could generate a desire to take some straw from Saltby at shorter notice but not less than 24 hours. The timeframes provided were not available at the time of the committee meeting but as previously confirmed the site would not operate outside of the proposed hours of 7.00am to 7.00pm Monday to Friday, which would be secured via planning condition.
 - c. Straw for the power station is purchased from farm enterprises in many different locations but mainly around Lincolnshire and Leicestershire. In the main this travels direct to the power station without coming through Saltby. To minimise costs and mileage, the straw stored at Saltby is straw that would otherwise be passing by the site as it's transported to the power station. This information was provided in the context of carbon emissions generated by the proposed use.
- 1.6 Prior to the meeting with Parish Councils held at the Council Offices the Applicant and their Agent attended a meeting with local residents at Saltby Church on Friday 4th November 2022. As with the meeting held at the Council Offices, further clarification was provided on the operations involved in the proposed straw storage use. Notes taken at

this meeting have been submitted and made available online.

[https://pa.melton.gov.uk/online-](https://pa.melton.gov.uk/online-applications/files/0578A412FAD356744F7806B37CAD8CB7/pdf/21_01223_FUL-A_Page_-_Saltby_Village_Community_Engagement_Event_Notes_06.02.23-1151954.pdf)

[applications/files/0578A412FAD356744F7806B37CAD8CB7/pdf/21_01223_FUL-](https://pa.melton.gov.uk/online-applications/files/0578A412FAD356744F7806B37CAD8CB7/pdf/21_01223_FUL-A_Page_-_Saltby_Village_Community_Engagement_Event_Notes_06.02.23-1151954.pdf)

[A Page - Saltby Village Community Engagement Event Notes 06.02.23-1151954.pdf](https://pa.melton.gov.uk/online-applications/files/0578A412FAD356744F7806B37CAD8CB7/pdf/21_01223_FUL-A_Page_-_Saltby_Village_Community_Engagement_Event_Notes_06.02.23-1151954.pdf)

- 1.7 The original Committee report for 13th October Planning Committee is provided at Appendix B for information and contains the full assessment of all material planning considerations. Only the factors specific to the reasons for Committee's deferral of the application are considered in this further report.

RECOMMENDATION(S)
1. It is recommended the application is approved, subject to: (i) Conditions as set out in Appendix A

2 Reason for Recommendations

2.1 Appendix B contains the Committee report considered at the 13th October 2022 meeting of the Planning Committee and is included to provide information on the other material planning considerations, issues and representations raised in respect of this application separate from the clarification provided to address the Parish Council's concerns and concerns of the neighbouring residents; and the proposed re-routing for vehicles exiting the site.

2.2 The reasons behind Committee's resolution to defer the application on 13th October are considered to have been addressed. It is emphasised that no concerns relating to highways safety have been raised by either Leicestershire or Lincolnshire County Councils as the relevant Local Highways Authorities (LHA) to any of the potential vehicle routes proposed, and it is not considered reasonable, necessary or enforceable to include a condition to limit the vehicle routing outside of the site. The officer's recommendation remains approval subject to conditions.

3 Key Factors

3.1 Reason for Committee Determination

3.1.1 This application was first presented to the Committee in October 2022 due to the number of objections received from more than 10 households, contrary to the recommendation in line with the constitution. It returns to Committee as a result of the deferral at the October meeting, the issues raised having been considered in further detail.

4 Report Detail

4.1 Response to Parish Council's Concerns

4.1.1 A meeting was held at the Council Offices on the 14th November 2022 to facilitate a discussion between the Applicant and Parish Councils affected by the HGV movements associated with the proposed use. The main aims of the meeting were for the Applicant to gain a better understanding of the concerns of local residents and for the Applicant to provide further clarification on the operational nature of the proposed straw storage use, including the routing of HGV's

- 4.1.2 As outlined at the Planning Committee Meeting in October 2022 it would not be possible to control the movement of HGV's outside of the application site. The site is located within Leicestershire but lies close to the boundary with Lincolnshire and HGV movements associated with the proposed use would travel on the highway network in both counties. For this reason, both Leicestershire and Lincolnshire County Highways Departments have been consulted on the application as the Local Highway Authorities.
- 4.1.3 In all the scenarios proposed for the routing of HGV's into and out of the site Leicestershire County Council Highways have advised 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. Of relevance is LHA's reiteration that it does not believe the proposed routing would be enforceable, as well as the following advice:
- The retrospective application would not warrant junction capacity assessments;
 - No highway safety issues have been raised regarding the existing route; and
 - Croxton Road supports HGV movements beyond those associated with Saltby Airfield.
- Lincolnshire County Council Highway's Department have also raised no objection to any of the proposed vehicle routes into and out of the site and reiterate that they do not object to the proposed development.
- 4.1.4 As set out in Circular 11/95 'Use of conditions in planning permission' para 3.: "Paragraphs 14-42 of the Annex, stress that conditions should only be imposed where they are both necessary and reasonable, as well as enforceable, precise and relevant both to planning and to the development to be permitted. Attention is particularly drawn to paragraphs 15-17 which advise that in considering whether a condition is necessary authorities should ask themselves whether planning permission would have to be refused if the requirements of that condition were not imposed. If it would not, then the condition needs special and precise justification. Attention is also drawn to paragraph 29 of the Annex, alerting authorities to a judgment with important implications for enforcing planning conditions."
- 4.1.5 In cases where development is considered to have adverse highway impacts which would otherwise warrant planning permission being refused it may be made acceptable through the applicant and the LPA or LHA entering into a vehicle routing agreement to require vehicles be routed so as to avoid certain roads, possibly at all times or possibly at certain times of day. Such routing agreements must be freely entered into by the applicant. Where such a routing agreement is entered into, it would be expected that the applicant would police compliance with it and take appropriate action against any drivers who failed to comply with its terms. In this case no adverse highway impacts resulting from the proposed development has been identified. Therefore, any such condition requiring a vehicle routing agreement would fail to meet the tests of being reasonable and necessary set out in circular 11/95.
- 4.1.6 This would not however, prevent the Applicant formulating a routing agreement on a voluntary basis with their contractors, which they could manage. In the interests of transparency we have requested the submission of details of any voluntary routing arrangement to the Local Planning Authority.

- 4.1.7 The concerns raised by the Parish Councils still stand, all of which have been previously addressed in the original Committee Report. The additional concerns raised relating to the routing of vehicles along Gorse Lane can be given limited weight. As outlined above the Local Highway Authority, as the statutory consultee on matters relating to the impact of development on the local highway network, do not consider the proposal's impact on highway safety would be unacceptable, and the impacts on the road network would not be severe.
- 4.1.8 Additional concerns have been raised in an objection from The British Horse Society and Leicestershire & Rutland Bridleways Association. These organisations are not statutory consultees on planning applications. Leicestershire County Council Highways are the statutory consultee who advise on the impact of development on public rights of way including bridleways. They advised that the enjoyment of the bridleways would not be significantly affected and raised no safety concerns in relation to users of these public rights of way. This was covered at para. 4.4.7 of the Committee Report. The straw on site is and would continue to be stored in a way that would protect users of E84 which runs adjacent to the southern edge of the smaller of the two straw storage areas.
- 4.1.9 With regards to BW F100 Sewstern Lane, a short length was closed so a runway could be built during World War II; it has not been used as a bridleway since this time. It is not considered that the provision of a re-instated bridleway secured via a planning condition would meet with the tests of reasonableness, or necessary set out in Circular 11/95.
- 4.1.10 It is important to recognise that HGV's and large agricultural buildings already operate within the site and on the surrounding highway network, these vehicle movements are unrelated to the proposed use. The scheme would generate a maximum of 40 two-way vehicle movements, which equates to 20 in and 20 out within a 12 hour window. It is not considered that the vehicle movements generated by the proposed use would have an unacceptable impact upon highway safety, including users of the public rights of way, and the impacts on the road network would not be severe.

5 Consultation & Feedback

- 5.1 In response to the re-consultation undertaken comments have been received from the Parish Council, neighbouring residents, The British Horse Society and the Leicestershire & Rutland Bridleways Association, and the Local Highway Authority (LHA), Leicestershire and Lincolnshire County Council's.
- 5.2 Both Leicestershire and Lincolnshire County Council Highway Departments, as the LHA's have raised no objection to the proposed alternative route for vehicles travelling away from the site and raise no objection on highway safety grounds.
- 5.3 Saltby Parish Council have not objected and made no further comments.
- 5.4 Croxton Kerrial Parish Council object stating: the Parish Council wish to state that their objection still stands exactly the same as before. This re-routing does not solve the traffic issues for Croxton Kerrial, therefore they do not wish to accept this latest information.
- 5.5 Denton Parish Council object, in summary, stating: The alternative route namely (Gorse Lane) is not fit for purpose. The facility at Saltby is quite simply situated in the wrong place for this type of industrial use & with no direct access to an A road it is unsustainable.

- 5.6 Harlaxton Parish Council object, in summary: On the grounds of road safety and environmental impact. All previous comments still apply.
- 5.7 Hungerton and Wyville Parish Council object, in summary: The route is still not suitable and safe for the large straw lorries exiting the airfield. Gorse Lane is not a suitable alternative as it is still a narrow road and even in a car there is not a lot of room to pass as the road is in such bad repair.
- 5.8 The British Horse Society and Leicestershire & Rutland Bridleways Association object to the application on the grounds summarised below:
- a. Unacceptable that they were not consulted, and we trust the Borough Council will be more proactive in future.
 - b. BW F100 is proposed as either an exit or an entrance without consideration for its use as a Public Right of Way, what provisions are being made for the safety of the PRow users?
 - c. BW F100 is the remnant of an ancient road to the Sewstern Lane that should have been restored as a bridleway after minerals were extracted some decades ago. They request its re-instatement is secured by planning condition unless the applicant agree to honour the existing commitment.
 - d. BW E72 lies to the south of the proposed site entrance on the Hungerton road so will be crossed by vehicles, what measures will be put in place to ensure they give way to, and act considerately towards users of the bridle way.
 - e. BW E84 crosses the Airfield it is not clear whether it will be affected by the operational area, if it is what measures will be put in place in mitigation?
 - f. Whilst we fully understand the concerns of Croxton Kerrial residents, this is the shortest route to the A607 and keeps the heavy vehicles off the minor, quiet, roads that are well used for recreational purposes as the area is relatively well supplied with both bridleways and footpaths.
 - f. It would put heavy traffic onto quiet local roads for a considerable distance. Many of these roads have wide grass verges and are therefore an important recreational resource.
 - g. It would particularly impact on BW E72 as that starts/ends on the Saltby-Hungerton road.
 - h. It would cross the unsealed/recreational section of the Sewstern Lane.
 - i. Poor site lights causing safety concerns.
- 5.9 The objections raised by 2 local residents are summarised below:
- a. The Highways Authority don't seem to have made any visits to the narrow roads proposed before saying there are no problems;
 - b. This particular road (Gorse Lane route) is heavily potholed and remains so after several attempts at patching;
 - c. Heavy goods vehicles already use the road (Gorse Lane route) as a short cut from Croxton to Grantham, and there have been attempts to have a weight restriction on the road due to the lack of space for vehicles to pass in safety, and the need for cars

to deviate on to the verge, and sometimes suffer damage to wheels and suspension to avoid oncoming heavy goods vehicles.

- d. The junction from Gorse Lane onto Tollmarche Road is wholly unsuitable for the proposed long-trailer vehicles, and so is the junction between the B1174 South Parade and the A52, the "McDonald's" corner.
- e. In the Summer, HGV's laden high with straw come along the road from the A1 to Hungerton, and along Ten Acre Lane. They don't move over, the oncoming motorist has to drive on the grass to avoid them. The problem persists year on year.

6 Financial Implications

6.1 Not applicable.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

7.1 Legal and governance implications are addressed in the report and appendices where appropriate.

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Appendices

8.1 Appendix A – Recommended Planning Conditions

8.2 Appendix B – Recommended Informatives

8.3 Appendix C – Committee report from 13 October 2022 Planning Committee

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