

**Demolition of existing barn and erection of a grain store,
general purpose building and two cattle sheds and formation
of access track**
Elms Farm Stordon Lane Osgathorpe Coalville Leicestershire
LE67 8US

**Report Item No
A4**

**Application Reference
18/01927/FULM**

**Grid Reference (E) 442045
Grid Reference (N) 318542**

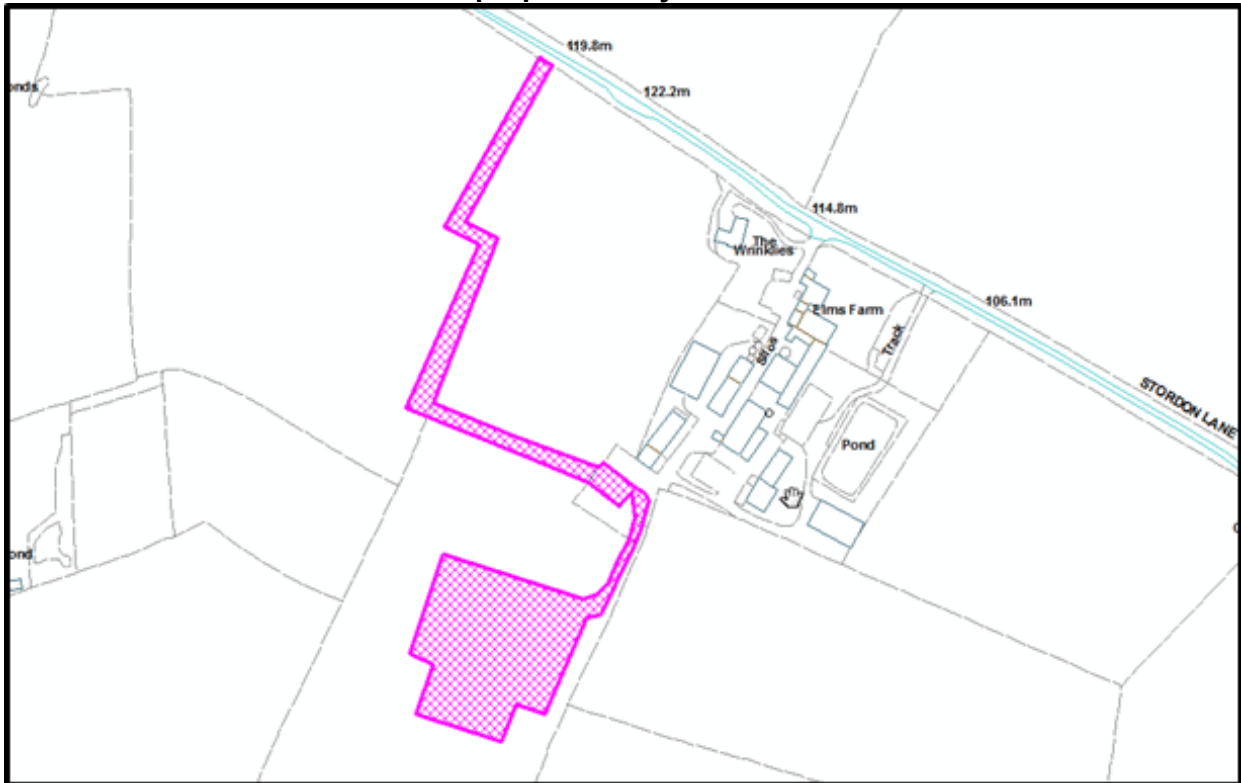
**Date Registered:
24 October 2018
Consultation Expiry:
23 November 2018
8 Week Date:
23 January 2019
Extension of Time:
26 April 2019**

**Applicant:
Mr James Elson**

**Case Officer:
Ebbony Mattley**

**Recommendation:
PERMIT subject to S106 Agreement**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the planning agent is a close relative of Councillor Blunt.

Proposal

Full planning permission is sought for the demolition of an existing barn and erection of a new farm buildings and associated access track at Elms Farm, Stordon Lane, Osgathorpe.

The proposal would comprise of one grain store, one general purpose agricultural building and two cattle sheds.

Consultations

Members will see from the main report below that a one neighbour objection has been received.

All other statutory consultees have raised no objections.

Planning Policy

The application site is located outside the Limits to Development, as defined in the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- The principle of development
- Impact upon the countryside
- Impact upon highway safety
- Impact on residential amenities

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies and the NPPF.

RECOMMENDATION - THAT PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS AND THE SIGNING OF A SECTION 106 AGREEMENT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

Full planning permission is sought for the demolition of an existing barn and erection of new farm buildings and associated access track at Elms Farm, Stordon Lane, Osgathorpe.

The proposal would comprise of one grain store, one general purpose agricultural building and two cattle sheds. The proposed buildings have a combined external area of 2,450 square metres.

During the course of the application additional information has been provided from the applicant in respect of the agricultural operations, and a highways junction detailed plan, including vertical section. Re-consultation has been undertaken with the Council's Agricultural Consultant and Leicestershire County Council Highway Authority, respectively.

Following concerns raised within the letter of objection, a revised site location plan has been received, which has omitted parcels of land, not within the applicant's ownership. For the avoidance of doubt, this has made changes to the blue edge of the application, and does not affect the application site.

This application has been submitted concurrently with an application to demolish the existing farm buildings and erect 5 dwellings (ref: 18/01928/OUT) which is pending consideration. The farmer proposes to live in the dwellings, closest to the new farm buildings.

The site is located outside Limits to Development, as defined by the adopted Local Plan (2017).

Recent Planning History:-

18/01928/OUT - Demolition of existing farm buildings and erection of 5 no. dwellings (Outline - access and layout only) - Pending Consideration.

18/00802/PDNATR - Prior approval notification for change of use of two agricultural buildings to five dwellings - No Objection - 20.07.2018.

2. Publicity

1 Neighbours have been notified.

Site Notice displayed 2 November 2018.

Press Notice published Leicester Mercury 14 November 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

No objection from:-

Osgathorpe Parish Council

Leicestershire County Council - Ecology

Leicestershire County Council - Archaeology

Leicestershire County Council - Lead Local Flood Authority

NWLDC Environmental Protection

No objection, subject to condition(s) from:-

Leicestershire County Council - Highways

Third Party Representations

2 x letters of objection, from the same address has been received raising the following concerns:-

1 x letter states:-

"These barns will have a massive impact on the view of the country side from my property and gardens. We moved here 2 1/2years ago for the reasons of the amount of land we have and the beautiful countryside views.

I also have concerns around what equipment will be kept at the location as currently there is a lot of untidy equipment being kept on the property in our view of the countryside. I appreciate that Mr Elson has a business to run but in the same respect he does have other fields in which these barns could be located without impacting neighbouring properties."

1 x letter states:-

Scale and Visual Impact:-

- The material and colouring will mean the buildings are more prominent; and
- Height of the buildings from our viewpoint;

Impact upon Residential Amenity:-

- Additional noise and disruption from the farm machinery moving up and down the track and around the barns;
- Floodlights and internal lights may impact upon quality of living; and
- Construction work may impact upon quality of living;

Other Matters:-

- Where will waste or water drain to?;
- No reference to the timescales for the build to take place;
- Proximity of the site, means we should have been consulted on the application; and
- Incorrect plan of the location and includes land not owned by the applicant;

All responses from statutory consultees and third parties are available for Members to view on the planning file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

- Paragraphs 7, 8, 9, 10, (Achieving sustainable development)
- Paragraphs 11, 12 (The Presumption in Favour of Sustainable Development)
- Paragraph 55 (Planning conditions and obligations)
- Paragraph 83 (Building a strong competitive economy)
- Paragraph 109 (Promoting sustainable transport)
- Paragraphs 127, 130 (Achieving well-designed places)

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

S3 - Countryside
D1 - Design of New Development
D2 - Amenity
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
EN1 - Nature Conservation
CC2 - Water - Flood Risk
CC3 - Water - Sustainable Drainage Systems

Other Policies/Guidance

National Planning Practice Guidance
Leicestershire Highways Design Guide

5. Assessment

Principle of Development

Paragraph 83 within the NPPF states that to support a prosperous rural economy planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses.

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2017).

The application site lies outside the defined Limits to Development within the adopted Local Plan, and therefore falls to be considered against Policy S3.

Policy S3 criterion (a) is supportive of agriculture, subject to the development being in accordance with criteria (i) to (vi).

The submitted details confirm that the nature of the existing farmstead is that it has grown over time in a linear fashion, there are now buildings far in excess of the agricultural enterprise and they are laid out in an unconventional fashion, not in the best interests of ease of access or modern requirements for animal welfare. The scheme is to erect a purpose built beef rearing unit. The applicant farms 247 acres and the land is mostly grass, but the farm also grows wheat and maize and there will be a requirement to house approximately 200 head of cattle, during the later winter and early spring.

The Council's Agricultural Consultant has reviewed the information provided and confirmed that given the explanation of the calving pattern and the requirement for bull pens, a cattle handling system and isolation facilities, the Consultant accepts that the buildings proposed are reasonably necessary for the beef herd as described. Accordingly, it is considered that modern large scale agricultural buildings are required for the efficiency of labour and modern agricultural practices and to accommodate the number of cattle.

As is the way with many working farms, the farm buildings have grown organically and many now are not fit for modern working practices. The scheme seeks to provide a purpose built, modern farm, to increase efficiency and be equipped for modern working agricultural practices. This application has been submitted concurrently with an application to demolish

the existing farm buildings and erect 5 dwellings (ref: 18/01928/OUT) and the applications are to be linked by way of a legal agreement. It is considered that the new buildings will strengthen the viability of the agricultural holding, and promote the development of agricultural business which consequently contributes to the rural economy, in accordance with the overarching intentions of the NPPF.

In summary, there is no in principle objection to the erection of new agricultural buildings on this agricultural land, subject to all other matters being adequately addressed.

Siting and Design and Impact upon the Countryside

The intention behind the application is to erect a purpose built beef rearing unit, with the siting and design reflecting the functional need. The buildings are rectangular in footprint and laid out so that they are consolidated.

The topography of the land, owned by the applicant results in the existing farmstead (located to the north east of this application site) being located in an elevation position at the top of the hill, and as set out earlier in the report, over time, the farm has extended to the east, further down the hill. During the course of the application, amended plans have been submitted providing accurate sections of the buildings in relation to surrounding land levels.

Whilst officers would ordinarily seek new farm buildings to be sited close to existing buildings or landscape features, given the elevated position of the current farmstead and the visual impact it has on the landscape, the siting of these new farm buildings has been carefully considered and purposely sited in a hollow, to reduce their impact, in this countryside setting. Furthermore, the intention is for the existing farmstead to be demolished (subject to the separate application which is currently under consideration by the Local Planning Authority). Accordingly, it is considered that the new agricultural buildings would not create any significantly detrimental views, over and above that of the existing farmstead and that overall the new buildings would result in a less intrusive impact, on the countryside.

It is considered necessary to impose a condition, removing agricultural permitted development rights, from the new farmstead, to avoid subsequent extensions and alterations which could extend beyond this site and result in an unacceptable impact upon the countryside. It is also considered necessary to impose a landscaping condition.

The design and appearance of the farm buildings use proportions and finishes which are considered common in the construction of modern farm buildings in agricultural settings. In respect of the corn store and general purpose agricultural building the walls are divided into two materials of concrete panels to the lower portion and powder coated steel grey sheet cladding to the upper portion or and the roof would consist of fibre cement roof sheets, also in a grey colour finish. In terms of the two livestock barns, the same walls and roof is proposed, but with timber Yorkshire boarding to the upper proportion of the walls. The materials are also common to the existing agricultural buildings on site.

In summary, subject to the imposition of conditions, it is considered that the new agricultural buildings do not significantly impact upon the appearance and amenity of the surrounding countryside. The scheme is therefore considered to be in accordance with Policies S3 and D1 of the adopted Local Plan.

Highway Considerations

The scheme proposes to utilise an existing access on Stordon Lane and utilise part of an existing track from the access, to the siting of the new agricultural buildings. Officers requested that the formation of the access be included within the description of development, for the avoidance of doubt.

During the course of the application, following concerns raised by the County Highway Authority (CHA) the applicant has submitted a detailed highways junction plan and vertical section. The proposed improvements to the access demonstrate a 6 metre access width, 10 metre radii, hard surfacing, gradient and that there is visibility of 140 metres to the west and 60metres to the east.

Following re-consultation, the CHA have confirmed that they raise no objection to the application, subject to the imposition of conditions.

Overall subject to the imposition of conditions, the highway safety aspects of the scheme are considered acceptable. The proposal is considered acceptable in relation adopted IF4 and IF7 of the adopted Local Plan.

Impact upon Residential Amenity

The site is located within a fairly remote location, with the nearest residential property, 'The Wrinklies' located adjacent to Elms Farm farmhouse (in the applicant's ownership), at a distance of approximately 210 metres away, which is considered to be located at a sufficient distance away, not to be impacted upon.

Letters of objection from one address on Top Road, Griffydam, has been received, raising concerns in respect of siting of the buildings, noise and disturbance from the farm machinery moving up and down the track and around the barns, material and colouring, lighting and impacts upon quality of living, during the construction phase and timeframes of the construction.

In response to the concerns raised, there would be a distance of approximately 460 metres due east (as the crow flies) from the rear of the objector's property, to the proposed site, and the site has been purposely chosen by the applicant to site the new buildings, given the natural hollow.

In respect of orientation of the buildings, 3 of the buildings (the 1 corn store and 2 livestock buildings) would be laid out facing north north east, and the general storage building would also obstruct the full view of one of the livestock buildings and part of the corn store, looking towards the site, from the neighbour.

The access is proposed to the north of the site, a distance of approximately 680 metres (as the crow flies) from the objector's property and therefore vehicular movements in and out of the site, would be undertaken to the north, which is the opposite direction from the neighbour.

In terms of noise generated during the construction phase, this is considered in exceptional circumstances i.e. in existing residential settings and where the Council's Environmental Protection Team, request a condition, restricting hours of construction. In the absence of any request from the Council's Environmental Protection Team and given the distance from the neighbour, it is not considered that a condition be imposed, in this case.

In relation to materials and colour finish - the corn store and general purpose store, would both have concrete panels, to the lower proportions and the goose grey sheeting to the upper proportions of the walls and roof. One of the buildings would be re-sited from the existing farm, and has these materials, which is why all other buildings are being designed, to match. The two livestock buildings would be predominantly constructed in timber Yorkshire boarding, with the goose grey finish to the roof, to match the roofs of the corn store and general purpose store.

It is recommended that a condition be imposed in respect of external lighting and any details submitted, would be subject to consultation with the Council's Environmental Protection Team.

In respect of the period of construction, the Local Planning Authority can only require that development commences within a period of 3 years, but it does not require a timeframe for completion.

Overall, the proposal is not considered to result in significant impacts upon surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan.

Other

In respect of surface water, the applicant proposes to install a rainwater harvester and use rainwater to feed the cattle which would minimise the use of a soakaway and ensure that the soakaway would be used as an overflow soakaway.

The applicant has also confirmed that the cattle sheds would use a straw bedding system, which would be cleaned out throughout the housing period with manure collected in a pile in adjoining fields. The location of the manure pile has to be moved annually for cross compliance and manure is spread on land when ground conditions are suitable.

No concerns are raised in respect of:-

- Archaeology
- Ecology
- Land Contamination

Conclusion

In conclusion, the NPPF supports the development and diversification of agricultural and other land-based businesses. It is considered that the principle of a new farm in this location is considered to be acceptable. The siting of the buildings, being located in a natural hollow, are not considered to be to the detriment of the character and appearance of this countryside setting. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, or highway safety, archaeology or ecology. A legal agreement is currently under negotiation and subject to the acceptability of this, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION, PERMIT subject to the signing of a Section 106 Agreement and the following conditions:

- 1. Time**
- 2. In accordance with Plans**
- 3. Provide Access and Surfacing at Stordon Lane**
- 4. Vehicular Visibility Splays**
- 5. Surfacing of Access Track**
- 6. Removal of Permitted Development Rights for Additional Agricultural Buildings**
- 7. Levels to be Submitted**
- 8. Landscaping Scheme to be Submitted**
- 9. External Lighting Scheme to be Submitted.**