Mike Rice -

COMMITTEE EXTRACT no comments

Committee Date: 10 February 2009 on this one to make,

Reference:- 08/01149/FUL **Parish:-** Sutton Cheney Parish Council

Applicant:- Mr FOS Wynne
Forge Cottage
Main Street
Sutton Cheney
Nuneaton

Location:- Hall Farm Main Street Sutton Cheney Nuneaton Leicestershire

Proposal:- ERECTION OF GRAIN STORE

Introduction:-

This is a full application seeking planning permission for the erection of a agricultural building with a floor area of 857.6m2 to form a new grain store at the farmstead Hall Farm, Main Street, Sutton Cheney.

The proposed grain store measures 30.7 metres long, 26.8 metres wide with a ridge height of 10 metres and includes a fan room on the southern elevation which measures 6.5 metres by 6.5 metres with a mono-pitched roof reaching a height of 5.9 metres.

The proposed grain store would be of a similar style to most modern agricultural buildings constructed with concrete wall panels on the lower sections, topped with steel profile sheets and a grey fibre cement shallow pitched roof. The development includes two large roller shutter doors with four louvred vents above on the north west elevation facing toward the farmyard. The attached fan room includes a small door on the south east elevation and a large louvred panel on the north east elevation. The development also includes a temporary 7 metre high straw bale bund in an L shape 1-2 metres south of the proposed fan room to mitigate noise generated by the fan.

The proposed grain store would be located to the south east of the current farmyard but would appear as one of a group of agricultural buildings. Residential properties lie between 50-60 metres to the north of site with their rear gardens facing the north western elevation and a detached dwelling lies approximately 45 metres to the south. The site is partially screened from these properties by vegetation and hedgerows and these will be maintained as part of the proposal. An existing Western Red Cedar hedge currently stands on the proposed site which will require removal as part of this proposal. Additional screening is proposed along the north eastern elevation and southern boundary hedge to screen the grain store and farmyard from the open countryside and partially screen the adjacent residential properties.

The Design and Access Statement states the proposed grain store will provide replacement storage and drying facilities to provide facilities which comply with current food and safety and storage regulations, avoid forced sales and maximise the value of produce grown. The statement adds that the development is a long term investment to maintain the financial viability of this 1,200 acre arable farm. The Statement highlights the development will utilise the existing access roads to the farmyard with no additional traffic movements generated. The grain store has been positioned adjacent to the existing farmyard to allow for adequate turning facilities, which will be provided on a concrete hard standing in front of the store. No parking is required as part of the scheme but the configuration of the grain store provides room for farm traffic and heavy goods. Noise generated by the fan has also been addressed in the Design and Access Statement, which notes the fan will produce a noise level of 99dB(A) at a distance of 1 metre from the fan house. The fan house will attenuate this noise by 16 dB(A) with the temporary bund providing an additional noise mitigation measure.

The Arboricultural Survey Report submitted with the application assessed vegetation on site with a focus on the Western Red Cedar conifer hedge, which is to be removed as part of this proposal. The

report identified the trees as young, in a fair condition with a life expectancy of more than 40 years. The report also identified the trees as low quality and value, which included visual amenity and advised their retention should not impose a constraint on development.

The Ecology Report submitted with this application was undertaken on 2nd December 2008, which is out of the bird-nesting season and at a time of year when amphibians aren't active. The report identified no old nests were present on site, however the report recommends the removal of trees should be undertaken outside the bird-nesting season (March- August). There was no evidence of protected species, amphibian or reptile habitats on site. An active badge set was identified 60 metres east of the proposed site with a trail 5 metres to the south but no trails crossed over the site. The report concludes that the badger set is more than 30 metres from the proposal and far enough from the site to not be affected by the development.

The report also highlighted the presence of a pond within 500 metres of the site. The report noted however that the proposed site was too dry and lacked any refugia, which provide good refuge sites for newts, and that proposed works would be of low impact. Although the presence of Great Crested Newts on site is unlikely, the report advises the proposed works should begin before April 2009 when newts become active and the site should be checked for these and other amphibians as work progresses.

History:-

No relevant planning history

Consultations:-

No objection has been received from:-

Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objections subject to conditions have been received from:-

Director of Community Services (Ecology)

Site notice was displayed and neighbours notified.

At the time of writing this report, comments have not been received from:-

Borough Council Arboricultural Officer
Parish Council
Neighbours

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 7: Sustainable Development in Rural Areas sets out the Government's planning polices for rural areas and seeks to raise the quality of life and the environment in such areas and promote more sustainable patterns of development. Paragraph 1 requires decisions on development proposals to provide effective protection and enhancement of the environment whilst maintaining economic growth and employment. All development in rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside. Paragraph 5 requires planning authorities to support a wide range of economic activity in rural areas to facilitate healthy and diverse economic activity. Paragraph 27 supports proposals that enable farmers to be competitive, sustainable and environmentally friendly; adapt to new and changing markets and broaden their operations to 'add value' to their primary produce.

Local Plan Policy

The site is outside the settlement boundary and within the countryside as defined by the Hinckley and Bosworth Local Plan.

Policy BE1 seeks to ensure a high standard of design in order the secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area and incorporate landscaping to a high standard.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided the proposal is important to the local economy and cannot be provided within or adjacent to an existing settlement. The development would only be acceptable where it does not have an adverse impact on the appearance or character of the landscape; is of a scale and character in keeping with existing buildings and general surroundings; is effectively screened and would not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy NE12 states proposals for development should take account of existing landscape features and make provision for further landscaping where appropriate. When existing landscaping features can not be retained the scheme should replace or reinstate the nature conservation value of features to be lost.

The Council's Supplementary Planning Guidance (SPG) on the 'Design of Farm Buildings' provides guidance on the design, siting and landscaping of new agricultural buildings to ensure development is of a sympathetic design which respects its surroundings.

Appraisal:-

The main considerations with regard to this application are the principle of the development, the scale and design of the proposed building, its impact on the character of the landscape and adjacent Conservation Area, ecology, pollution and neighbours amenity.

Principle of Development

The proposed structure is required in connection with a working farm with the proposed grain store enabling the farm to adapt to changing markets, add value to their produce and generally be more competitive. This will aid in the future success of the farm and help ensure continued employment on site and would therefore contribute towards the local economy. The principle of an agricultural structure is therefore acceptable in this countryside location.

Layout

The proposed building will be located south east of the existing farmyard in close proximity to existing agricultural buildings. The location of the building and distance from adjacent agricultural buildings will provide adequate room for pedestrian and vehicle movement. The location of the roller shutter doors on the north western elevation facing toward Main Street would also aid in the ease of movement around the farmyard. Therefore the proposal has a acceptable layout for this site.

Accessibility

Access is currently provided to the farmyard entrance from Main Street, which is the central road running through the village and off Twenty Acre Lane running to the west of the site. Access to the grain store will be gained through the farmyard using existing accesses. Although the proposed grain store is relatively large the scheme is designed to replace existing outdated agricultural buildings, additional traffic generation is unlikely. Two areas of hard standing adjacent the north and south western elevations with floor areas of 495m2 and 156m2 respectively provide adequate space for the turning and manoeuvring of agricultural vehicles.
Parking provision is unnecessary for this proposal because of its agricultural use, the proposed hard standings and the limited amount of expected traffic.

Ecology

The submitted ecology report states no bird nests were found in the cedar hedge but that the inspection was undertaken outside the bird-nesting season and as such the Director of Community Services (Ecology) advises the removal of these trees should be undertaken outside the months of March to August.

Due to the distance of the pond to the site and the development falling under 1000m2 the Director of Community Services (Ecology) advises no survey or mitigation works are required however it is recommended that a watching brief be maintained for Great Crested Newts throughout the period of development.

No badgers were found on the proposed site of the grain store but a badger sett was identified 60 metres east of the site with a trail 5 metres to the south. The Director of Community Services advises that because the sett is more than 30 metres from the site development can commence without any mitigation measures.

If the development was conditioned with the requirement for a watching brief for Great Crested Newts and the removal of the cedar hedge outside the months of March to August, it would be acceptable in terms of ecological impact.

Landscape

The proposed grain store is located on a generally flat site and can viewed from the open countryside to the south and east of site and by the rear of properties to the north. The development proposes to remove the existing cedar hedgerow which currently provides screening to the northern section of the farmyard. The proposal includes the planting of native shrubs and trees 6 metres in width parallel with the north eastern elevation of the proposed grain store to soften the appearance of the building. Agricultural buildings are common structures in the countryside and whilst this development will have an impact on the local landscape this will be reduced through the design of the building which will appear agricultural in nature and part of the overall farmyard.

Pollution- Noise

Levels of noise will be increased as part of this development due to the fan for drying grain located on the south eastern elevation. However the level of noise will be reduced by the fan housing. A further reduction in noise will be implemented in the form of a temporary straw bund. Whilst levels of noise will be increased despite mitigation measures the fan will not be running continuously, although the amount of use can not be defined because it is dependent on the moisture content of the crop when harvested. The Director of Community Services (Pollution) has no objection to the proposal on the condition that a temporary barrier is in place in front of the fan each time the drier is used. Therefore the development is acceptable in terms of noise pollution.

Impact on neighbours

The proposal involves the planting of some screening parallel to the north eastern elevation but the proposed grain store will stand 10 metres in height. As a result the grain store would only be partially screened from adjacent properties by this planting and existing hedgerows and vegetation. Although visible the development would be of similar form and appearance as adjacent agricultural buildings and appear in keeping with the farmyard setting. This combined with the long distances between the proposed grain store and the rear elevations of adjacent properties would not result in significant adverse impacts to neighbours visual amenity or in the reduction of levels of light received to these properties or their gardens.
The proposed fan will generate additional noise but the more than adequate distances between the fan housing and nearby residential properties and the mitigation measures proposed would not result in an adverse impact significant enough for a refusal on this basis.

Impact on the character of the area and Conservation Area

The proposal is an agricultural building, grouped with buildings of similar function and design. Agricultural buildings are an integral part of the rural character and although the scheme is larger than existing buildings on site it would appear as part of the farmstead and would not adversely impact on the rural character of the area.

The proposed grain store will be partially visible between existing agricultural buildings near the site entrance from Main Street which is within the Conservation Area. The character of the conservation area is unlikely to be adversely affected by these partial views of a section of the proposed agricultural building.

Conclusion

It is considered the proposal does not create a detrimental impact on the amenity of neighbouring properties due to their distance from the site and proposed landscaping which will help screen the development from their properties. The design of the proposal to mirror existing agricultural buildings and their grouping within an existing working farmyard would not detract from the rural character or landscape value of the area. This combined with only limited visibility from the Conservation Area would create a development which would be acceptable in terms of design and impact on the landscape and Conservation Area. Subject to conditions the proposal is also acceptable in terms of Ecology and noise pollution.

RECOMMENDATION :- Permit subject to the following conditions :-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan and would not harm the character or appearance of the area, the amenity of neighbouring occupiers, local ecology or create unacceptable levels of noise pollution.
SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and NE5 and NE12 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) planting plans
(ii) written specifications
(iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(iv) implementation programme.

3 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

4 No development shall commence until such a time as details (including dimensions, materials of construction, section through and details of the siting) of the noise attenuation bund associated with the noise from the fan house, have been submitted to and approved in writing by the local planning authority and the grain drier hereby permitted shall only be used when the noise attenuation bund is erected, in accordance with the requirements of this condition.

5 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed grain store shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

3 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To ensure that the proposed use does not become a source of annoyance to nearby residents to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 List of plans used in the determination of this application:-
Plan numbers 1, 2, 3 and 4 and Drawing numbers 08/51/01/A and 08/41-08-01

6 The site is located within close proximity of a large pond and it is possible that great crested newts are present within the pond and in the areas surrounding it. Great crested newts are a rare and declining species, hence they are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & Countryside.) Regulations 1994 making it an offence to intentionally or recklessly kill or injure or disturb these species whilst in a place of shelter or protection. If great crested newts are discovered during work on the development, the relevant work should be halted immediately and Natural England should be notified and further advice sought. Failure to comply with this may result in prosecution.

7 It is necessary, when carrying out works to tree(s) to be aware of the WILDLIFE AND COUNTRYSIDE ACT, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.

Contact Officer:- David Kiernan Ext 5898