REPORT OF THE CHIEF EXECUTIVE

COUNTY MATTER

PART A – SUMMARY REPORT


PROPOSAL: Variation of Condition No. 2 - Change to location on site in which soils are to be stored to reflect current site usage and Condition No. 4 - change in height of topsoil stockpiles from five metres to twelve metres (Original Application Ref: 2015/0643/06)

LOCATION: Woodhill Farm, Nottingham Lane, Old Dalby, Leicestershire.

APPLICANT: Leicestershire County Council

MAIN ISSUES: Visual impact

RECOMMENDATION: PERMIT subject to the conditions as set out in the Appendix.

Circulation under Local Issues Alert Procedure

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PART B – MAIN REPORT

Background

1. Woodhill Farm is located about 500 metres to the south west of the village of Old Dalby, with the application site being 350m west of the Old Dalby Conservation Area. The farm is accessed off Nottingham Lane, immediately to the west of the junction of Nottingham Lane with Gibson’s Lane. While it is still an operational farm, Woodhill Farm has been the subject of farm diversification with many small industrial users now making use of a large part of the site (known as Woodhill Industrial Estate). Vehicular entrance to the farm is gained through the dedicated access leading directly onto Nottingham Lane.

2. The application site extends to 1.45 hectares and is located on the western side of the main farm complex, immediately to the north of Gibson’s Lane. The site is very well screened from outside views by large, mature hedgerows and trees and existing farm outbuildings. A small pond is located immediately to the south west of the site.

3. The closest residential property is Lawn Farm, located about 75 metres to the south east of the site. There are also two farmhouses associated with Woodhill Farm (belonging to the applicant) about 130 metres to the north east of the application site. Other local properties lie between 200 metres and 300 metres away from the application site, these are isolated farm dwellings.

4. A public footpath is present (G94) running from Gibsons lane, along the outside and adjacent to the application area and current site operations. Approximately 100 metres into the site, this path veers off the site into the adjacent agricultural field to the west.

5. The applicant has operated their agricultural contracting business from Woodhill Farm for over thirty years, including the topsoil handling and improvement operations that are the subject of this application. Topsoils are only received at the site after prior in-situ verification and inspection to assess and approve the quality of the material. Soil is imported as and when it is available but also only when the soil is suitable for handling. It therefore cannot be imported or exported in bad or winter weather as too much damage would be caused to the topsoil which is a very valuable “live” growing medium and not a sterile waste product.

6. The topsoil is tipped from lorries and stacked in a heap awaiting good weather when it can, in batches, be spread over the “cultivation area” where the soil is cultivated with agricultural equipment to ensure the soil dries and any damage such as compaction is removed.

7. Once the soil is in a dry, friable state it is lifted from the cultivation area and screened over a two-way split grader. Any soil still in large pieces is either re-cultivated or recirculated over the screen until it meets the required condition. Graded soils are then carefully re-stacked by grader and elevator (to ensure no compaction) into another heap to keep it weather-proof, ready for export to site of end use. The improved soils are ultimately loaded into lorries or trailers behind large farm tractors to be exported for high-end final use.
8. The site obtained retrospective planning permission for the importation, improvement and subsequent exportation of topsoils in 2015. Leicestershire County Council has never received a complaint regarding the current site operations.

Description of Proposal

9. This proposal seeks permission for a change in limit on stockpile height of topsoil stored onsite from a limit of five metres to a limit of 12 metres as imposed by Condition 4 of planning permission reference 2015/CM/0216/LCC (2015/0643/06). This change in height limit is proposed because the current restriction on the maximum height for the topsoil heaps means that the improved treated topsoil is spread over a greater surface and therefore exposes a greater surface area to rainfall. Once the soil is wet, it becomes difficult for the operator to handle without damaging the soil structure and reversing the improvement it has undergone onsite. The proposal to store the soil at a maximum height of 12 metres in a storage bund would minimise the soil area exposed to rainfall and ensure that the soil remains as dry as possible so that it can be removed from the stockpile and to site of end use without damage to soil structure occurring. This is a retrospective planning application which was made following an annual site monitoring visit by a Leicestershire County Council officer on the 31st August 2017. Here, it was observed that the soils were being stocked in stable piles, at approximately 10 metres in height.

10. It is also proposed to vary Condition 2 of planning permission reference 2015/CM/0216/LCC, which controls where the soils are stored onsite. It is proposed to extend the area on which soils are stored, to reflect the way the site is currently used. This would result in a change from two soil stock heaps which are already permitted under planning permission 2015/CM/0216/LCC to three stock heaps. The additional third soil heap is a temporary heap location occasionally used during cultivation before re-spreading. Variation of this condition would regularise the use of this area for temporary soil storage. This location is in the south-west of the site and is separated from the adjacent field by a hedgerow.

Planning Policy

National Planning Policy Framework

11. The National Planning Policy Framework (2012) (NPPF) promotes a presumption in favour of sustainable development. In delivering sustainable development policy guidance is provided (inter alia) in respect of meeting the challenge of climate change and the conservation and enhancement of the natural environment. Paragraph 12 of the NPPF states that proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
Development Plan


Core Strategy Policies

- **Policy WCS9** states that the strategy is to allow other forms of waste management not covered by specific policies, provided that the proposal does not cause unacceptable harm to the environment or communities.

- **Policy WCS10 (Environmental Protection)** seeks to protect and enhance the natural and built environment by ensuring:
  
  (i) there are no unacceptable adverse impacts from waste developments on (inter alia):
      (a) natural resources including water, air and soil;
      (b) the character and quality of the landscape;
      (c) biodiversity [...];
      (d) historic and cultural features of acknowledged importance [...];
      (g) residential amenity;
  
  (ii) the highest standards of operational practice for the management, working, and where appropriate, restoration and aftercare of sites are adopted;

  (iii) development is designed to a high standard, incorporates sustainable construction principles and includes appropriate landscaping.

Development Control Policies

- **Policy WDC8 (Health and Amenity)** states that planning permission will not be granted for waste development which is likely to generate unacceptable adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the waste management development.

Consultations

**Melton Borough Council Planning & Melton Borough Council Environmental Health Officer**

13. No response received.

Landscape (Leicestershire County Council)

14. The 20,000m² soil reclamation area is to the west of the Woodhill Farm Industrial Estate that consists of industrial buildings 5.0 to 6.0m in height, access roads and car parking. The soil reclamation area is bounded on Gibson’s Lane by an estimated 3.0m high hawthorn hedge with mature ash trees and on the south west
boundary there is a pond, group of willow and ash and a 3.0m high hawthorn hedge. There is an estimated 3.0m high hawthorn hedge to the northwest boundary of the site.

15. The site is 35m from a residential bungalow and Lawn Farm on the south side of Gibson’s Lane and adjacent to a bungalow property to the north of Gibson’s Lane. A public footpath G94 from Gibson’s Lane proceeds in a north-west direction adjacent to the site for 115m and then proceeds west across a field. The soil reclamation stock heaps can be partly viewed by the public through the hawthorn hedge on Gibson’s Lane in the winter months, a field gate opening on to Gibson’s Lane and the 115m of public footpath G94.

16. It is unlikely the soil stock heaps would be clearly visible from Gibson’s Lane when the mature trees and hawthorn hedge are in leaf. The stock heaps are screened from Nottingham Lane by the 5.0 to 6.0m high buildings of the Industrial Estate. The soil stock heaps at their current height of approximately of 8-10m were found to have no perceptible detrimental impact on the amenity of the area when viewed from the public highway.

17. The proposed change in location of the heaps and height to 12.0m would not significantly alter the visibility of the heaps from the public highway and have no perceptible detrimental impact on the amenity of the area.

Footpaths (Leicestershire County Council)

18. No objection.

Environment Agency

19. No objection.

Broughton and Old Dalby Parish Council

20. Objection. It is noted that from some roads in the area the heaps that already exist are clearly visible. The result of an increase from 5m to 12m would undoubtedly mean these heaps becoming the dominant feature in the otherwise green landscape. The councillors all agree that this is incompatible with the rural setting.

Publicity & Representations Received

21. The application has been advertised by two site notices posted on 6th December 2017 and neighbour letters to nearby properties. No letters of representation have been received.

Assessment of Proposal

22. This application seeks the change in limit on stockpile height of topsoil stored onsite from a limit of five metres to a limit of 12 metres and to add an additional location for the storage of soils to the rear of the site.

23. Waste operations at the site have been taking place for approximately 30 years and this application seeks to improve the storage of its recycled soil products in order to better handle the soil.
24. During the annual site monitoring visit in 2017 it was observed that the waste soils were being stored at an approximate height of ten metres. This application seeks to regularise this by changing the height limit to twelve metres. This would ensure a better product for the site.

25. No complaints have been received by the County Council from the public regarding site operations. The day to day site operations are controlled via an Environmental Permit and this would continue going forward.

26. An objection was raised on the grounds of visual impact of the heaps by Broughton and Old Dalby Parish Council. The objection states that from some roads in the area the heaps that already exist are clearly visible. The objector states that the result of an increase from 5 metres to 12 metres in height would undoubtedly mean these heaps becoming the dominant features in an otherwise green landscape.

27. Following receipt of this objection, a visit from the Council’s Landscape Officer and Planning Officer was made to the site in order to assess the concerns raised. It is considered that although some soil stockpiles would be partly visible by the public through the hawthorn hedge on Gibson’s Lane in the winter months, through a field gate opening on to the Gibson’s Lane and the 115m of public footpath on G94. It is considered unlikely that the soil stock heaps would be clearly visible from Gibson’s Lane when the mature trees and hawthorn hedge are in leaf. The soil stock heaps at their current height, approximately 10 metres, are screened from Nottingham Lane by the 5.0 to 6.0m high buildings of the Industrial Estate. It is therefore considered that the soil stock heaps at their current height of approximately 8-10 metres are found to have no significantly adverse impact on the amenity of the area when viewed from the public highway. As a result, the proposed change in location of the heaps and height to 12.0m would not significantly alter the visibility of the heaps from the public highway and have no perceptible detrimental impact on the amenity of the area.

28. Therefore the proposal is not considered to cause unacceptable harm to the environment or communities and therefore the proposal is in accordance with Policy WCS9 and Policy WCS10. It is considered that the proposal would not generate unacceptable adverse effects from noise, dust, vibration, odour, emissions, illumination, visual intrusion or traffic to adjoining land uses and users and those in close proximity to the waste management development. Therefore it is considered that the proposal is in accordance with Policy WDC8.

29. There are no proposals to amend or increase the working hours or throughput at the site and the proposals are considered to be acceptable and do not conflict with the relevant Development Plan policies.

Conclusions

30. The proposal is for the change in height for soil storage onsite and a change in the location of soil storage heaps. There are no proposals to amend the types or volumes of material processed and recycled at the site. The operating hours would remain as existing.
31. The proposed change in height of the soil stockpile would be visible from outside the site boundary. However, it is considered that these are appropriate for the rural setting of the site and that these would not have a significant adverse visual impact. It is considered that the change in height allowed would enable improved quality of the recycled soil products available from the site due to the improved conditions for storage. Current site management procedures which are required by the Environmental Permit would ensure that the site continues to operate without generating unacceptable levels of noise or dust outside the site boundary.

32. The proposed development does not conflict with the relevant Development Plan policies and there are no other material considerations that would justify refusing the application.

**Recommendation**

A. Permit subject to the conditions, as set out in the appendix; and

B. To endorse, as required by The Town and Country Planning (Development Management Procedure) (England) Order 2015, a summary of:

i. How Leicestershire County Council has worked with the applicant in a positive and proactive manner:

ii. In dealing with the application and reaching a decision account has been taken of paragraphs 186 and 187 of the National Planning Policy Framework.
Conditions for 2017/1548/06 (2017/VOCM/0256/LCC)

Scope of Permission

1. This permission relates only to the importation, processing and exportation of topsoils. No other type(s) of waste shall be imported to the application site.

2. The development hereby permitted shall only take place in accordance with the following documents and plans:
   - Application form dated 4th December 2017;
   - Supporting statement dated July 2015; and
   - Drawing No. FENTON2017-10 dated October 2017;

3. No more than 25,000 tonnes of topsoil shall be imported to the site in any calendar year.

4. No stockpile shall exceed twelve metres above surrounding ground level.

Reasons

1. For the avoidance of doubt.

2. For the avoidance of doubt and to ensure that the development is carried out as proposed within the application.

3. In the interests of local amenity and highway safety.

4. In the interests of local amenity.
The considerations set out below apply to all the preceding applications.

EQUALITY AND HUMAN RIGHTS IMPLICATIONS

Unless otherwise stated in the report there are no discernible equality and human rights implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Children and Family Services and the Director of Corporate Resources will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person’s Act 1970 and the Design Note 18 “Access for the Disabled People to Educational Buildings” 1984 and to the Equality Act 2010. You are advised to contact the Equalities function of the County Council’s Policy and Partnerships Team if you require further advice on this aspect of the proposal.

COMMUNITY SAFETY IMPLICATIONS

Section 17 of the Crime and Disorder Act 1998 places a very broad duty on all local authorities ‘to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all reasonably can to prevent, crime and disorder in its area’. Unless otherwise stated in the report, there are no discernible implications for crime reduction or community safety.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 38(6) OF PLANNING AND COMPULSORY PURCHASE ACT 2004

Members are reminded that Section 38(6) of the 2004 Act requires that:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Any relevant provisions of the development plan (i.e. any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to “have regard” to the development plan are given in the Town and Country Planning Act 1990:

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<tr>
<th>Section</th>
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<td>70(2)</td>
<td>determination of applications;</td>
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<td>77(4)</td>
<td>called-in applications (applying s. 70);</td>
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<td>79(4)</td>
<td>planning appeals (applying s. 70);</td>
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<td>81(3)</td>
<td>provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);</td>
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<td>91(2)</td>
<td>power to vary period in statutory condition requiring development to be begun;</td>
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<td>92(6)</td>
<td>power to vary applicable period for outline planning permission;</td>
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