

ITEM NO:

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| <u>Location:</u> | Lodge Farm Kings Walden Hitchin Hertfordshire SG4 8LL |
| <u>Applicant:</u> | Mr Pilkington |
| <u>Proposal:</u> | Detached agricultural grain store and grain dryer. |
| <u>Ref. No:</u> | 17/04314/FP |
| <u>Officer:</u> | Kate Poyser |

Date of expiry of statutory period: 16.03.2018

Reason for delay

The application has been delayed due to a request for and receipt of additional drawings. An extension of time has been agreed until 31st May.

Reason for Referral to Committee

The development exceeds 500 sq metres on a site of more than 1 hectare.

1.0 Site History

- 1.1 88/01885/1 Planning permission granted for a detached agricultural building.
- 1.2 89/00623/1 Planning permission granted for the erection of an agricultural grain store.

2.0 Policies

- 2.1 **North Hertfordshire District Local Plan No. 2 with Alterations (Saved Policies)**
Policy 2 – Green Belt
- 2.2 **National Planning Policy Framework**
Core Planning Principles
Section 3 – Supporting a prosperous rural economy
Section 4 – Promoting sustainable transport
Section 9 – Protecting Green Belt land
Section 11 – Conserving and enhancing the natural environment

2.3 **North Hertfordshire District Local Plan 2011 – 2031 Proposed Submission**

Policy SP5 – Countryside and Green Belt
Policy T1 – Assessment of transport matters
Policy NE1 – Landscape
Policy NE7 – Reducing flood risk
Policy NE8 – Sustainable drainage systems

3.0 **Representations**

3.1 Hertfordshire Highways – comments conclude with “It is considered that the proposal shall not represent a severe impact to highway capacity, nor present a severe impact to highway safety, the highway authority therefore present no objections.” Two conditions are recommended, relating to visibility splays and surface water drainage.

3.2 Lead Local Flood Authority – raises no objections to the submitted scheme and recommends a condition requiring the approval of drainage details.

3.3 Offley Parish Council

“The Parish Council wish to make the following observations and ask that these are taken into account when the application is discussed.

The Build.

The plan to move 23873 m3 of top soil from the site will impact on the local highways.

The cross roads at Lodge farm meet with Lilley Bottom and Stony Lane.

A Traffic management program has to be agreed and set routes approved for the disposal of this waste.

Stoney lane is nothing more than a tarmacked lane with occasional passing points and certainly not suitable for 44 ton HGV Lorries.

We also request that all HGV for Lodge farm are banned from going through Offley

The Cross Roads are not wide enough for HGV's of this size to turn the corners without damage to the verges.

As part of the application we recommend that this cross road is altered and built to withstand such traffic to and from the Farm Entrance as part of the application.

There is no mention of a planning application for a weight bridge to be installed.

There is no mention of Wheel wash facilities and or Road Cleaning during the day.

After the Build

It is stated in the planning application that again Stoney lane would be used as a route to the M1 through Tea Green. Stoney lane cannot handle HGV's of 44tons and certainly would not be passable even at passing points.

With up to a 1000 hgv movements a year and this is before the farm increase their capacities to store more grain. Routes to and from the Farm need to be approved and agreed.

Taking into consideration that the only suitable route avoiding villages would be Lilley Bottom and the A505 going east and or west a set route must be agreed.

Have Highways been requested to consult on this application?”

3.4 Kings Walden Parish Council – no comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 Lodge Farm lies northwest of Lilley Bottom Road, along the lane leading to Ley Green. There is a farmhouse and a collection of agricultural buildings here, with an existing access onto the highway. Lodge Farm forms part of the Kings Walden Estate, which extends to approximately 3000 hectares of agricultural land and woodland. Most of the land is farmed by the applicant, Pilkington Farms Partnership. The site lies within the Green Belt and Hertfordshire Landscape Character Assessment, Lilley Bottom area 212.

4.2 **Proposal**

4.2.1 The farming business currently has arable land spread over an area between Luton and Hitchin. The proposed development would consolidate the existing farming business's grain storage to Lodge Farm. The Design and Access Statement advises that the new buildings would provide modern storage facilities which would allow produce to be stored for a longer period after harvest. It would ensure the long term economic viability of the business, which currently employs 9 full-time employees and, in addition, temporary staff during harvest and drilling.

4.2.2 The proposal is to construct a grain store and drying facility, with storage capacity of 15,000cu metres. The development would comprise two buildings immediately adjacent each other with an overall footprint of 65 metres by 49 metres and maximum roof height of 13.4 metres. The wall cladding would be plastic coated box profile steel sheeting 'dark olive green' and the roof 'anthracite grey'.

4.2.3 The application site is an arable field that sits next to the existing farm buildings and slopes upward from the road. The proposal includes levelling much of the site to accommodate the buildings. The maximum depth of soil removal would be 7 metres. It is proposed to deposit the soil on an adjacent field west of the application site. The application is also accompanied by a report from Reading Agricultural Consultants and a report relating to hedgerow removal.

4.3 **Key Issues**

4.3.1 The key planning considerations relate to:

- The principle of the development within the Green Belt
- Conserving and enhancing the natural environment
- Highway considerations
- The planning balance.

4.3.2 **The principle of development within the Green Belt**

New buildings within the Green Belt are inappropriate by definition and harmful to the Green Belt, unless there are very special circumstances. However, paragraph 89 of the NPPF listed exceptions to this. First on the list is '*buildings for agriculture and forestry*'. There can, therefore, be no objection in principle to the proposed agricultural buildings within the Green Belt. Very special circumstances are not required to be demonstrated.

4.3.3 Conserving and enhancing the natural environment

In the NPPF, paragraph 109, there is a requirement for the planning system to protect and enhance valued landscapes, geological conservation interests and soils. The Hertfordshire Landscape Character Assessment, whilst not a policy document, does describe and evaluate the landscape. The site lies within Lilley Bottom Area 212. It is a gently undulating arable landscape, defined by sloping valley sides. Lilley Bottom Road lies at the bottom of the valley, where there is ribbon development. The application site has a mature hedgerow that runs along part of the site frontage, the remainder being open and dotted with a couple of trees. A sparse hedgerow runs along the northeast field boundary, but it has little impact on the openness of the landscape. To the south of the site is the existing collection of farm buildings, most of which are modern farm buildings.

4.3.4 A considerable amount of the sloping site would be levelled to accommodate the building, leaving very steep sloping sides to the northeast and northwest. This would result in a dramatic change to the landscape as seen from the road, directly in front of the site. However, the building would be sunk into the land so that its overall impact on the wider landscape, particularly from the northeast and northwest would be much reduced. The proposal includes new hedgerow planting to the road frontage, northeast boundary and along the access drive into the site. Harm would be caused to the existing character of the landscape, but some mitigation measures are proposed to reduce the impact of these large buildings. The Design and Access Statement advises that the following factors have been considered when determining the optimum location:

- Impact on the landscape and openness of the Green Belt.
- Proximity to existing farmyard.
- Proximity to residential dwellings.
- Proximity to existing highways access.
- Extent of excavations required to allow construction at similar finished floor level to existing buildings.
- Management issues associated with incorporating building into existing farmyard.
- Highways Impact.

4.3.5 The site is currently agricultural land classified as Grade 3 – good to moderate. I can see no sustainable planning objections to the loss of this agricultural land. The site does not have special geological conservation value

4.3.6 Highway considerations

It is proposed to widen the existing vehicular access to Lodge Farm to provide access to the application site. The highway authority raises no objections to this and confirms that visibility splays would be satisfactory and lorries would be able to turn around within the site.

4.3.7 In the Design and Access Statement, the applicant advises that:

“A total of approximately 700 HGV movements are required on an annual basis to move the harvested grain from the current stores. Due to shortage of storage, most of these movements occur within a short period of 1-2 months following harvest resulting in an average number of between 10-20 HGV movements per day. The articulated HGV grain lorries have a gross vehicle weight of 44 tonnes and a 29 tonne grain capacity. Access to Oughton Head Farm is via Hitchin and access to Hoo Farm via

Great Offley. HGV vehicles therefore have to pass through residential areas to gain access to the farmyards. The Offley Grange yard also has a poor access onto the A505.

As part of the iterative design process the applicants have considered the possibility of extending the grain storage at one of their other existing farmyards. Lodge Farm has a number of advantages when assessed in the context of its potential impact on highways. HGV vehicles can access the farmyard directly from the A505 via Lilley Bottom Road without the need to travel through villages or residential areas. Likewise access from the farmyard to the M1 via Stoney Lane also avoids the need to travel through residential areas.

By increasing the grain storage at Lodge Farm and reducing the pressure on the existing grain stores there is the potential to reduce the number of grain lorry movements through Great Offley by 82 per annum and through Hitchin by 48 per annum.

Furthermore, providing the farming business with a grain storage facility that allows them to store their own grain for a longer period reduces the peak number of HGV vehicle movements to and from the existing farmyards.”

The highway authority advises that the proposal would not represent a severe impact to highway capacity, nor present a severe impact to highway safety. I can, therefore, see no sustainable planning objections on highway grounds.

4.3.8 The planning balance

As described above, the development would have a negative impact on the landscape. Measures are proposed to minimise this in the form of hedge planting. Although I consider this would help, taking into account the size of the buildings, I feel this mitigation measure would have only limited effect. The reduction of the level of the site would both reduce the impact of the buildings in the wider landscape and be contrary to the conservation of the existing landscape form, as seen from nearby.

4.3.9 Offley Parish Council are concerned about the effect of the HGV lorries on the local highway network, both during construction and after. The removal of soil from the site would be to the adjacent field, to the northwest and would not, therefore, generate additional lorry movements on the local road network. The applicant advises that the rationalisation of grain storage at Lodge Farm would reduce the overall number of vehicular movements relating to grain storage in the Hitchin to Luton area and especially in the village of Offley and in Hitchin. The parish council are concerned whether the road junction with Lilley Bottom Road is adequate for HGV lorries. The highway authority have raised no objections to this.

4.3.10 The NPPF, Section 3 - Supporting a prosperous rural economy, advises local policy to “*support economic growth in rural areas, in order to create jobs and prosperity by taking a positive approach to sustainable new development.*” It specifically looks to promote the development and diversification of agricultural and other land-based rural businesses. The Reading Agricultural Consultants’ report argues that the development is required to rationalise, modernise and enable future growth of the applicant’s farming business.

- 4.3.11 The arable field is unlikely to support protected species, although the small amount of existing hedgerow may support breeding birds. Disturbance could be minimised by hedge removal taking place outside the breeding season. Considerably more hedge is proposed to be planted, providing greater opportunity for breeding birds.
- 4.3.12 Consideration of the three strands of sustainability is relevant to the proposal. The application would secure jobs and the future business of the farm. As such it would be economically sustainable. The development would not have a significant effect on social sustainability. There are pros and cons with regard to the environmental role. The development, including the removal of soil, would fail to protect and enhance the natural environment. Although the significant increase in hedgerows would provide a better habitat, particularly for breeding birds. The overall number of GHV trips would decrease in the short term, although the development would enable future growth. I consider the development would be sufficiently sustainable and would not amount to a reason for refusal.
- 4.3.13 Overall. I consider the planning balance to be in favour of allowing the proposed development.

4.4 **Conclusion**

- 4.4.1 There are no sustainable planning objections to raise to the development, subject to the following conditions and informatives.

5.0 **Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
 2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. Prior to the commencement of any work on site, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority and shall include the following:
 - o Existing trees to be removed;
 - o Location, species and planting size of any proposed trees or plants;
 - o Proposed maintenance to establish the trees and plants;
 - o Any fences, hedges, walls or other boundary treatment;
 - o Location and materials of any hard surfaces.

The landscaping scheme shall be implemented as approved.

Reason: In the interests of the appearance of the completed scheme.

4. The approved details of landscaping shall be carried out before the end of the first planting season following either the first occupation of any of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced during the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to vary or dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

5. None of the trees to be retained on the application site shall be felled, lopped, topped, uprooted, removed or otherwise destroyed or killed without the prior written agreement of the Local Planning Authority.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

6. Any tree felled, lopped, topped, uprooted, removed or otherwise destroyed or killed contrary to the provisions of the tree retention condition above shall be replaced during the same or next planting season with another tree of a size and species as agreed in writing with the Local Planning Authority, unless the Authority agrees in writing to dispense with this requirement.

Reason: To safeguard and enhance the appearance of the completed development and the visual amenity of the locality.

7. Before the commencement of any other works on the site, trees to be retained shall be protected by the erection of temporary chestnut paling or chain link fencing of a minimum height of 1.2 metres on a scaffolding framework, located at the appropriate minimum distance from the tree trunk in accordance with Section 4.6 of BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations, unless in any particular case the Local Planning Authority agrees to dispense with this requirement. The fencing shall be maintained intact for the duration of all engineering and building works. No building materials shall be stacked or mixed within 10 metres of the tree. No fires shall be lit where flames could extend to within 5 metres of the foliage, and no notices shall be attached to trees.

Reason: To prevent damage to or destruction of trees to be retained on the site in the interests of the appearance of the completed development and the visual amenity of the locality.

8. Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4 x 233meters to the north, and 2.4 x 127 meters to the south of the access as detailed on drawing no. PILKLF-1-1-002 shall be provided and such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway

Reason: In the interests of highway safety.

9. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 40% for climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:

- how surface water drainage will be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- Infiltration tests carried out in accordance with BRE Digest 365 at location of the infiltration basin.

- Detailed surface water calculations to reflect measured infiltration rate for all rainfall events up to and including the 1 in 100 year + climate change event.
- Detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
- Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site, including the public highway.

10. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants if appropriate or works to buildings or structures that may be used by breeding birds shall take place between 1st March and the 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: All breeding birds are legally protected by the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

11. All soil removed from the ground shall be accommodated within the application site, as described in the planning application, unless otherwise agreed in writing.

Reason: to ensure the removal of soil from the site remains in the control of the local planning authority, in the interest of highway safety and amenity and living conditions in the vicinity of the site.

Proactive Statement:

Planning permission has been granted for this proposal. The Council acted proactively through positive engagement with the applicant during the determination process which led to clarification of the scheme. The Council has therefore acted proactively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Informative/s:

1. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Herts, SG13 8DN. Their telephone number is 0300 1234047.
2. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

3. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.