

DEVELOPMENT CONTROL AND REGULATORY BOARD

21ST AUGUST 2003

REPORT OF THE DIRECTOR OF COMMUNITY SERVICES

COUNTY MATTER

**J.M. CLARKE & SON – USE OF VEHICULAR ACCESS TO PROPOSED
COMPOSTING SITE – LAND AT PEBBLE HALL FARM, THEDDINGWORTH
(HARBOROUGH DISTRICT)**

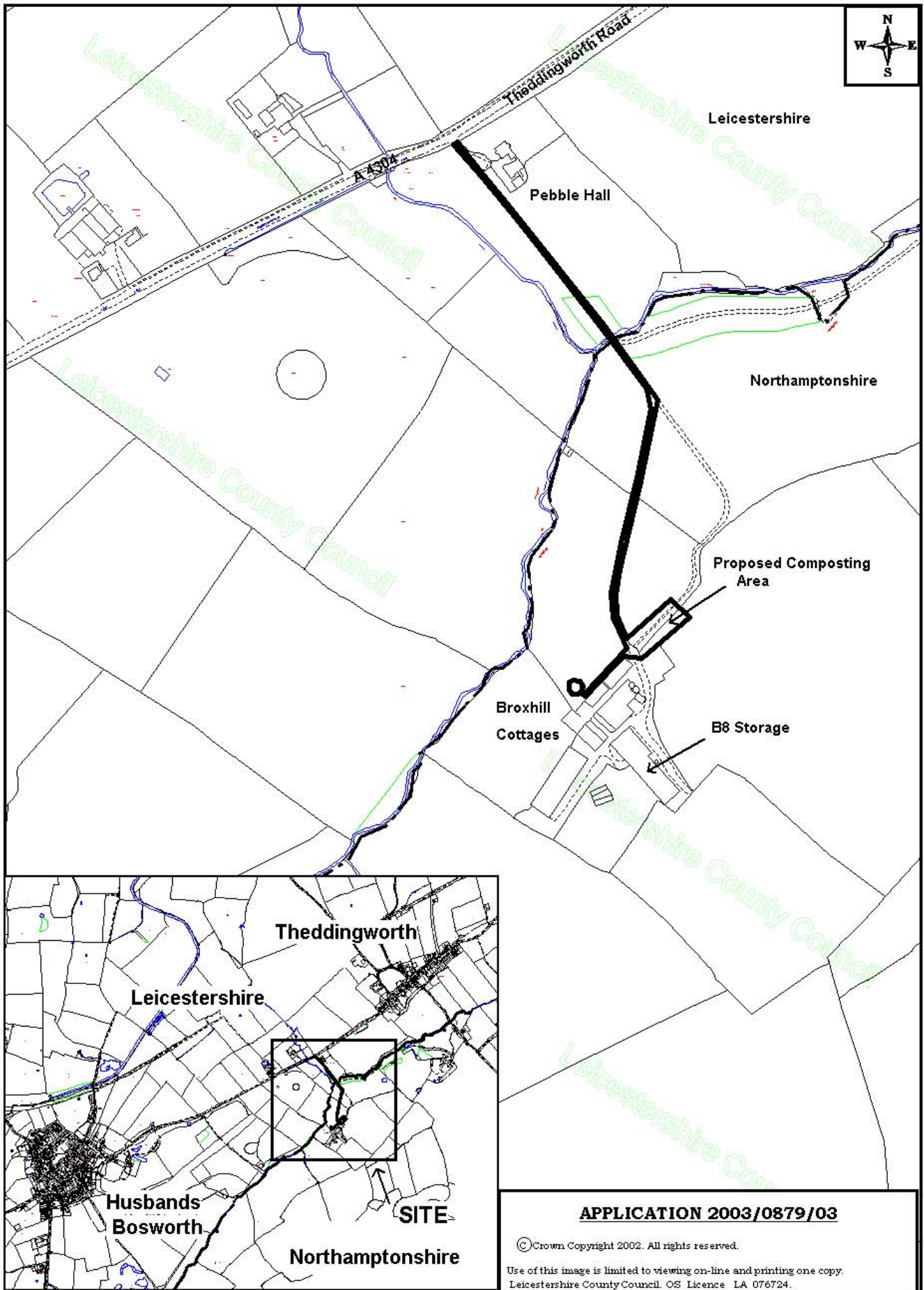
2003/0879/03 – 9th June 2003

Background

1. Pebble Hall Farm is located to the south-west of the village of Theddingworth. The town of Husband's Bosworth lies 1.8km further along the A4304 to the south-west. J.M. Clarke and Son propose to establish a facility to compost biodegradable waste to provide a saleable compost product. The site at Pebble Hall is within the complex of farm buildings, located at the centre of the farm holding. The farm buildings are located in Northamptonshire. Northamptonshire County Council is therefore processing a separate application for the composting site. The existing vehicular access to Pebble Hall Farm is situated along Bosworth Road (A 4304), 570m to the south west of Theddingworth. The access is located in Leicestershire and an application has been made to this authority for consent to use the access in association with the proposed composting operation.

Description of Proposal

2. The composting operation is proposed as a means of diversification of a farm business that needs to develop additional sources of income to enable it to continue to support 2 families, in the light of the reduced income from agriculture.
3. The proposal is to shred and open-windrow compost 10,000 tonnes per annum of Harborough District Council's green waste to produce approximately 5,000 tonnes of compost to be spread on land which forms part of the farm holding. Initially, small landscape contractors were going to bring material to the site in addition to Harborough District Council green waste. This aspect of the proposal was withdrawn following the safety issues raised by the Highways Authority.
4. There is a hardsurfaced access drive with passing places, that runs from the A4304 in a south easterly direction towards the area in which composting will



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take place. The applicant claims that the junction of this access with the highway has recently been improved to accommodate use by heavy goods vehicles (HGV's) using commercial premises within the farm complex. The permission for the B8 storage premises (4000 sq.m) was granted by Daventry District Council in December 2000. The access to the site leading from the A4304 in Leicestershire is located within an Area of Particularly Attractive Countryside as designated in the Leicestershire Structure Plan.

5. It is estimated that the average number of vehicles associated with Harborough District Council's green waste collections delivering to the site would be 3 per day (6 movements), with a maximum of 5 per day (10 movements). The proposed hours of operation of the composting site are 07.00 to 18.00 Monday to Friday and 07.00 to 13.00 on Saturdays, Sundays and Bank Holidays. However, in relation to the composting site, the access would only be used 07.00 to 18.00 Tuesdays to Fridays as there would be no deliveries on Saturday, Sunday and Monday.
6. All loads would be covered to prevent debris on the highway. The length of the farm track would mean that mud is unlikely to be carried to the highway. If this were to happen a road sweeper would be hired to clean the highway

Planning Policy

7. Government Advice on waste management is set out in the Waste Strategy 2000 and PPG 10. The Strategy describes the need for a significant change in the way in which waste is managed. The EU landfill directive sets ambitious targets for the reduction of biodegradable waste sent to landfill. Taking account of agreed derogation the targets include a requirement by 2010 to reduce biodegradable municipal waste sent to landfill to 75% of that produced in 1995. Furthermore the Government has set challenging targets to increase the recycling of municipal waste, including, by 2005 to recycle or compost at least 25% of household waste. An essential part of achieving these targets is the drive towards more household waste recycling and composting.
8. The Waste Strategy 2000 provides guidance for on-farm composting schemes.

“When farmers are seeking to diversify their operations, there may be opportunities for them to host those schemes, particularly if they have sufficient land and the right equipment.

Compost for use in growing crops is a form of closed loop recycling, and if the compost is made to an appropriate standard, its use in agriculture will provide a reliable market for bulk quantities of processed organic matter.

It will also have a wide geographic spread, which would encourage the establishment of local composting units. Comparative tests alongside proprietary (peat based) products have shown the beneficial use of waste derived compost in promoting the growth of a number of food crops.”

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9. Policy WLP 8 of the Leicestershire Waste Local Plan relates to environmental considerations and looks to safeguard interests of acknowledged importance by resisting development in areas where adverse environmental impact is likely to result. It states that planning permission for waste management development will not be granted in certain circumstances unless there is an overriding need or the impact can be alleviated by appropriate measures. One particular instance is where insufficient capacity is available on the local or wider road system for the traffic that is expected to be generated unless satisfactory improvements can be implemented, and/or where there would be an adverse effect on road safety. Another instance is where the development including its associated traffic movements, visual impact, noise, dust, odour, litter, gulls and emissions would have an adverse effect on local residential amenity including air quality; and/or other local land uses.

11. Transport Policy 4 of the Leicestershire Structure Plan states that planning permission will not be granted for the development if traffic generated by it, together with that from existing and other development for which planning permission exists or which is approved in the local plan, would:-
 1. Exceed the capacity available in the local or wider highway system; or
 2. Impair the safety and satisfactory operation of the highway system, particularly major road junctions; or
 3. Have an unacceptable effect on the environment;
 4. Unless satisfactory and environmentally acceptable improvements with a reasonable design life are provided to overcome such consequences.

12. Strategy Policy 4: Development in the Countryside of the Leicestershire Structure Plan states that In the countryside (which is land beyond the existing and planned development limits of settlements, and outside of land defined as Green Wedge or areas of separation) built development or other development having a significant adverse effect on the appearance or character of the landscape will not normally be appropriate. Within Areas of Particularly Attractive Countryside and areas of local landscape value, provision for small scale built development for employment and leisure uses will normally only be made where there is no adverse effect on the appearance or character of the landscape.

12. Policy EV/4 of the Harborough District Local Plan states that planning permission for proposals that adversely affect the character and appearance of the landscape in the Area of Particularly Attractive Countryside as designated on the proposals map will be refused. Where developments are permitted, conditions may be attached to ensure that the character and appearance of the landscape is maintained.

13. Policy EV/5 of the Harborough District Local Plan states that development in the countryside will be strictly controlled. Planning permission will be refused for development proposals in the countryside unless:

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- (i) The development is likely to sustain or improve the rural economy.
 - (ii) The development does not adversely affect the character and appearance of the countryside.
 - (iii) The development does not adversely affect the amenities of residents in the area.
 - (iv) There is capacity in the local road network to accommodate the traffic likely to be generated by the development.
14. Policy TR/3 of the Harborough District Local Plan states that planning permission for new development will be refused where the traffic flow generated by the development would create a substantial adverse effect on the existing road network unless satisfactory and environmentally acceptable improvements can be implemented to alleviate the impacts of the development.

Consultations

Harborough District Council

15. The District Council's Planning and Regulatory Committee on 29th July 2003 resolved to raise no objection to the proposal.

Highways, Transportation & Waste Management

16. Initially it was recommended that.

The application should be refused on the following highway ground:-

The development if permitted would lead to a more intensive use of an existing access onto a busy unrestricted (60 mph) Class I (A4304) road where the turning manoeuvres (particularly HGVs) would be an additional source of danger to road users which would not be in the interests of highway safety.

Following negotiations with the agent, further consideration has been given to the proposal

It is acknowledged that the access already serves the permitted B8 Use granted by Northamptonshire County Council. Whilst the Highway Authority (Leicestershire County Council) accepts that the current proposal would result in a relatively low increase in traffic using the vehicular access serving the site, the road and traffic conditions in respect of the A4304 are such that any increase in turning traffic would be a cause for concern.

The access is in a location where passing traffic is generally very fast moving, there is a poor record of accidents between Husbands Bosworth and Theddingworth (including one at the site access) and the access itself is not of a particularly good standard.

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Alterations to the access are needed in order to mitigate against potential problems caused by increased use of the access and to justify removal of the Highway Authority grounds for recommending refusal of the proposal.

The applicants have confirmed that they are willing to carry out the necessary improvements and under the circumstances, the Highway Authority is prepared to amend its original recommendation to refuse the proposed use of the access subject to the imposition of conditions set out in the recommendation below.

Publicity

17. The application has been advertised by means of a site notice that was posted on 19th June 2003 and by an advertisement in the 'The Harborough Mail' on 17th July 2003. No representations have been received in the timescale prescribed.

Assessment of Proposals

18. The permission for the B8 use contains no restrictions on vehicle movements. On average, there are approximately 30 movements per day generated by the site. Since over half the B8 space is currently empty it is difficult to predict potential traffic levels if the site were being used to full capacity. The applicant's agent claims that traffic levels could grow to between 160 and 280 trips per day. In comparison, the proposed composting site would add a further 10 vehicle movements per day (maximum) or one movement per hour, constituting only a slight increase.
19. The permission for the B8 storage use at the farm was granted by Daventry District Council (DDC) in December 2000. The Leicestershire Highways Authority objected to the proposal at the time. However, as DDC was minded to grant approval, the Highway Authority comments were revised to ensure that the access was improved by incorporating alterations to the access, including the provision of radius kerbs and visibility splays. The agent claims that this work has already been carried out.
20. Notwithstanding the above, the Highways Authority raised concerns about the proposal and initially recommended that the application be refused on the grounds that the development would lead to a more intensive use of an existing access onto a busy unrestricted (60 mph) Class I (A4304) road where the turning manoeuvres (particularly HGV's) would be an additional source of danger to road users which would not be in the interests of highways safety.
21. In response to the above Highways Authority comments, the applicant has agreed to carry out improvements to the access as outlined in the Highways Authority's second recommendation should planning permission be granted. They will do so at their own cost.
22. The surrounding landscape would not be adversely affected by the proposed modifications to the access. No hedgerow would need to be removed and so there would be little affect on the APAC in which the access is situated.

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23. Consequently, it is considered the proposal would be acceptable in terms of the relevant policies of the Harborough District Local Plan, Waste Local Plan, Leicestershire Structure Plan, and is recommended for approval accordingly.

Recommendation

Permit subject to the following conditions:

1. The development hereby permitted shall be begun within 5 years of the date of this permission.
2. Deliveries of compostable materials to the site shall be limited to a maximum of 5 in any one day.
3. Unless otherwise agreed in writing by the Director of Community Services, no deliveries of compostable materials shall take place except between the hours of:

0700 and 1800 Tuesdays to Fridays and
at no time on Saturdays to Mondays.
4. Any deliveries which need to be dealt with outside the specified hours must be treated as emergency cases only and notified to the Director of Community Services within 48 hours of the occurrence together with details of the reasons why it was necessary.
5. No development shall commence until details have been submitted to, and approved in writing by the Director of Community Services, showing
 - a) the site access widened to a width of 7.3 metres for the first 25 metres behind the Highway boundary (hedge/fence line not edge of carriageway) and the widened access is surfaced in hardbound material (not gravel or other loose material)
 - b) the site access with a 10 metre radii on both sides at its junction with Bosworth Road.
 - c) Give Way marking to Diag 1003 and 4 number markings to Diag 1004 along the centreline of the access on the approach to the give way marking in the access at its junction with Bosworth Road.
 - d) warning signs to Diag 506.1 with supplementary plates to Diag 7301 (Works Traffic) on both approaches at a distance of 180 metres from the access junction.
 - e) a visibility splay of 4.5 metres by 215 metres to the left (west) at the vehicular access.
6. No development hereby permitted shall commence until all details approved in condition 5 have been carried out and implemented.

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7. There shall be no composted materials removed from the application site other than for use on the land owned or controlled by the applicant.
8. Unless otherwise agreed in writing by the Director of Community Services, the development hereby permitted shall be carried out in accordance with the details contained in the submitted application No. 2003/0879/03 and accompanying drawings nos. GPP/PH/01/03 and GPP/PH/3/03

Reasons

1. To comply with Section 91 of the Town and Country Planning Act 1990
- 2&7. In the interests of highway safety.
- 3&4. To protect the amenities of local residents.
- 5&6. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
8. To ensure that the development is carried out in accordance with the submitted application.

Notes to Applicant

- i. All the above works shall be wholly at the applicants' expense;
- ii. 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 (telephone 01455 283341)
- iii. Plans showing the improvements detailed in the above conditions should be submitted for approval prior to any works commencing at the access;
- iv. Unless the applicants wish the Highway Authority to carry out the procurement and erection of the advance warning signs, they will be required to enter into a legal agreement under Section 278 of the Highways Act including payments of administration and legal fees as well as the securing of a Bond of Surety.

Policies and Proposals in the Development Plan Relevant to the Decision

The Leicestershire Structure Plan (1991-2006): Strategy Policy 4; Transport Policy 4.

Leicestershire, Leicester and Rutland Waste Local Plan: Policy WLP8.

Harborough District Local Plan: Policies EV/4, EV/5 and TR/3

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Circulation Under Sensitive Issues Procedures

Mr. P.D. Boulton, CC

Officers to Contact

Miss L. M. D. Thomas (Tel. 0116 265 7292)
E-Mail: planningcontrol@leics.gov.uk

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The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Education and the Director of 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.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

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 54A OF TOWN AND COUNTRY PLANNING ACT 1990

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or 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:

Section 70(2)	:	determination of applications;
Section 77(4)	:	called-in applications (applying s. 70);
Section 79(4)	:	planning appeals (applying s. 70);
Section 81(3)	:	provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991);
Section 91(2)	:	power to vary period in statutory condition requiring development to be begun;
Section 92(6)	:	power to vary applicable period for outline planning permission;
Section 97(2)	:	revocation or modification of planning permission;
Section 102(1)	:	discontinuance orders;
Section 172(1)	:	enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A);
Section 177(2)	:	Secretary of State's power to grant planning permission on enforcement appeal;
Section 226(2)	:	compulsory acquisition of land for planning purposes;
Section 294(3)	:	special enforcement notices in relation to Crown land;
Sched. 9 para (1)	:	minerals discontinuance orders.