

The application is for the construction of a new agricultural building to accommodate an upgraded milking parlour and collecting facilities. The development also includes the creation of a new access and track.

The application site is located within the open countryside and a Landscape Restoration Area, as indicated by the Local Development Framework Proposals Map.

Public Footpath No. 66 Loggerheads Parish runs through the application site inside the eastern and western boundaries

**The 13 week period for the determination of this application expires on 19<sup>th</sup> August 2020 but the applicant has agreed to an extension of time to the 18<sup>th</sup> September.**

### **RECOMMENDATION**

**PERMIT subject to conditions relating to the following:**

- 1. Standard time limits for the commencement of development;**
- 2. Approved Plans;**
- 3. Materials;**
- 4. Provision of visibility splays, surfacing and drainage for the new access track;**
- 5. Gates to be positioned 20m rear of the carriageway edge;**
- 6. Implementation of noise mitigation measures as per the Noise Assessment;**
- 7. Restrictions on times of tanker collections;**
- 8. Approval of external lighting;**
- 9. Restriction on hours of construction.**

### **Reason for Recommendation**

The application site is in an appropriate location for agricultural related development and the proposal raises no issues relating to visual amenity, residential amenity or highway safety that cannot be addressed through conditions. On this basis the proposal represents a sustainable form of development in accordance with local and national policy.

### **Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

Additional information has been sought and subsequently obtained from the applicant and the proposal is now considered to be a sustainable form of development in compliance with the provisions of the National Planning Policy Framework.

### **Key Issues**

This is an application for full planning permission for the construction of a new agricultural building to be used as a milking parlour in association with Upper House Farm. The development also includes the provision of a new access track off Pinfold Lane.

The application site is located within the open countryside and a Landscape Restoration Area as indicated by the Local Development Framework Proposals Map.

The key issues in the determination of the development are:

- Is the principle of the development acceptable?
- Is the impact on the character and appearance of the area and landscape acceptable?
- Would there be any adverse impact on residential amenity?

- Would there be any highway safety issues?

#### Is the principle of the development acceptable?

Paragraph 83 of the NPPF states that planning policies and decision should, amongst other things, support the sustainable growth and expansion of all types of business in rural areas as well as the development and diversification of agricultural and other land-based rural businesses.

The proposed building would be used for agricultural purposes in association with an established farming enterprise at the application site. The application documents detail that the building would allow the farm to upgrade their current parlour facilities which have become increasingly outdated.

The development proposed is appropriate for this rural location and given that it would support the operation of an established farming enterprise, the principle of the development is considered to be acceptable.

#### Is the impact on the character and appearance of the area and landscape acceptable?

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It goes on to say at paragraph 130, that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres.

The application site is located within an Area of Landscape Restoration. Policy N21 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not further erode the character or harm the quality of the landscape.

Policy LNPP1 of the Loggerheads Neighbourhood Plan details that new development must, amongst other things, complement the established character of the surrounding context and respond positively to local topography.

The application site is an established agricultural unit comprising of a farmhouse and numerous agricultural buildings of varying scale and function. The site does occupy an elevated position within the landscape with the land falling gently down towards the lanes to the west and south.

The new agricultural building would be sited to the north of an existing large agricultural building at the northern end of the farmstead and would have the dimensions 18.2m x 85.3m x 6.7m height. It would be constructed from grey fibre cement roof sheeting with a combination of box profile sheeting, timber boarding and concrete panels on the external elevations.

Despite its scale and somewhat elevated position, the development would be seen against a backdrop of existing agricultural buildings and so it would not appear out of place within the wider landscape. There would still be a large separation between the building and the adjacent lanes and so the building would not appear as an intrusive or overbearing addition within the landscape. The materials proposed are typical of a functional agricultural building where the design is largely driven by practical requirements and so the use of materials as indicated above is acceptable.

In addition to the new building a new access track is also proposed. This access would be created off Pinfold Lane and extend south-eastwards towards the north elevation of the new agricultural building. The application documents stipulate that this would then become the primary access to the farm.

Whilst the provision of the new access track would result in the loss of undeveloped agricultural land, its presence is not considered to be to the overall detriment of the wider landscape. Access tracks serving established farming enterprises are not unusual in this rural setting and the overall appearance of the access is considered to be acceptable and in keeping with the prevailing context of the area.

In order to accommodate the proposed building and access track, public footpath No. 66 would have to be diverted. Currently it runs through the application site inside the eastern and western boundaries. Whilst the County Rights of Way Officer has raised no objections to the development or the principle of the diversion, they have drawn the applicant's attention to the appropriate guidance and legislation regarding the diversion and obstruction of Public Rights of Way.

Therefore it is considered that the proposed development would cause any harm to the visual amenities of the area or further erode the character and quality of this Area of Landscape Restoration. As such it would be compliant with Policy CSP1 of the Core Spatial Strategy, Policy N21 of the Local Plan, Policy LNPP1 of the Loggerheads Neighbourhood Plan and the provisions of the NPPF.

#### Would there be any adverse impact on residential amenity?

The proposed building would be used to house livestock on a routine basis for milking and collecting and so there is the possibility that the development could impact the amenity of residential properties.

In considering the application the Environmental Health Officer (EHO) identified that developments of this nature have the potential for adverse impacts on residential amenity from activities associated with the operation of a dairy parlour and also HGV milk tanker movements. Given the proximity of the site to dwellings on Pinfold Lane the EHO felt an appropriate noise assessment should be provided with the application.

The noise assessment now received from Nova Acoustics demonstrates that the building and the operations associated with it will have no or very little impact on residents. The EHO details that this is based on several mitigation factors (including the delivery times specified) which can be secured through an appropriately worded condition. Subject to such a condition, the EHO raises no further objections to the application on noise grounds.

It is also noted that there are no details of external artificial lighting within the application documents. Given the locality, it is considered necessary to attach a condition to any permission granted to secure full details of external lighting prior to installation.

Therefore in light of the above it is not considered that the proposed development would raise any adverse implications for the amenity of nearby properties, subject to conditions, and so the proposal would be compliant with the provisions of the Framework.

#### Would there be any highway safety issues?

The proposed access track off Pinfold Lane would be created to serve both the new milking parlour and as the primary access to the farm.

Within the application documents the applicant details that there will be no net increase in movements associated with the farm as the new milking parlour is being sought to replace existing facilities. It is also detailed that by replacing the current access arrangement it will ensure that delivery vehicles do not have to manoeuvre through the tight spaces on the farmstead but it would also serve to ensure that any vehicles associated with the farm do not have to pass through Alington as they do currently.

In their initial consultation response the Highway Authority requested that a speed survey was submitted to ascertain the 85<sup>th</sup> percentile speeds as well as additional details relating to surfacing, drainage and the location of any gates.

The applicant provided an appropriate speed survey which showed that the 85<sup>th</sup> percentile speeds of vehicles on Pinfold Lane is 37mph in both directions which would subsequently require visibility splays of 58m to be provided, as detailed within Manual for Streets guidance.

The proposed access would be surfaced in concrete for the first 6m with the remaining track surfaced in compacted stone. The Highway Authority has advised that as the access will be used by milk tankers and delivery lorries, the concrete surfacing will need to be extended to 10m.

The Highway Authority no longer raises any objections to the proposal subject to conditions to secure further details of visibility splays, surfacing, draining and the siting of any gates.

Therefore the proposal is not considered to raise any highway safety and or parking issues for the site or the surrounding highway network and so would accord with the provisions of the NPPF.

## **APPENDIX**

### **Policies and proposals in the approved development plan relevant to this decision:-**

#### [Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change  
Policy CSP4: Natural Assets

#### [Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy N17: Landscape Character – General Consideration  
Policy N21: Areas of Landscape Restoration

#### [Loggerheads Neighbourhood Plan \(LNP\) 2013-2033](#)

Policy LNPP1: Urban Design and Environment

### **Other Material Considerations include:**

#### [National Planning Policy Framework \(2019\)](#)

#### [Planning Practice Guidance \(2014 as updated\)](#)

#### [Supplementary Planning Guidance/Documents](#)

#### [Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

#### [Relevant Planning History](#)

99/00290/FUL Proposed slurry tank – Approved

99/00291/FUL Bay One - Portal framed agricultural building to house straw bedded cattle – Approved

99/00292/FUL Bay Two - Portal framed agricultural building to house straw bedded cattle and feed areas – Approved

99/00293/FUL Bay Three- Portal framed agricultural building to be used as milking parlour and office/auxiliary accommodation – Approved

08/00717/FUL Erection of portal framed livestock shed (Building A) – Approved

08/00718/FUL Erection of portal framed building or agricultural storage (Building B) – Approved

10/00348/FUL Erection of a portal frame agricultural building (building A) for use as cattle shed - Approved

10/00349/FUL Erection of a portal frame agricultural building (building B) for use as cattle shed – Approved

15/00236/FUL Construction of new agricultural slurrystore – Approved

15/00602/FUL Erection of a portal steel framed cattle Building - Approved

17/00267/FUL Proposed 2 no. steel framed buildings to form calf housing and hay store - Approved

18/00319/FUL Steel framed portal building for hay storage – Approved

#### Views of Consultees

**Loggerheads Parish Council** raise no objections subject to the footpath diversion being undertaken properly and agreed by Staffordshire County Council.

The **Environmental Health Officer** has no objections subject to conditions regarding hours of construction, noise mitigation measures, tanker collections and external lighting.

The **Highway Authority** raises no objections subject to conditions regarding revised access details and the position of any gates.

Staffordshire County Council as the **Public Rights of Way Authority** notes that the development proposal will directly impact Public Footpath No. 66 Loggerheads Parish which runs through the proposed application site inside the eastern and western boundaries. They acknowledge that the applicant intends to divert the footpath around the development, however the plans do not show the path in its current alignment on the plans or on the diversion plan. They draw the applicant's attention to the appropriate guidance and legislation in relation to the diversion and obstruction of Public Rights of Way.

The **County Minerals Authority** has no comments to make on the application.

#### Representations

None

#### Applicant's/Agent's submission

All of the application documents can be viewed on the Council's website using the following link:  
<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00232/FUL>

#### Background papers

Planning files referred to  
Planning Documents referred to

#### Date report prepared

2 September 2020