

The application seeks full planning permission for a new dairy unit consisting of a milking parlour barn, two cattle housing barns, a general purpose building, silage clamp, slurry lagoon and associated hard standing areas which is to replace the existing 3 farm buildings associated with the land.

The application site falls within the rural area of the Borough in an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site also falls within the Green Belt.

**The 8 week determination period expires on the 16th of December 2021, however an extension of time has been agreed until the 29<sup>th</sup> of April 2022.**

### **RECOMMENDATION**

**Subject to the Lead Local Flood Authority not raising objections that cannot be addressed through the use of conditions, the Head of Planning be given the delegated authority to PERMIT subject to conditions relating to the following matters:-**

- 1. Time limit condition**
- 2. Approved Plans**
- 3. Materials**
- 4. Accordance with Tree protection plan**
- 5. Submission of a Arboricultural Method Statement**
- 6. Submission of a landscaping scheme**
- 7. Accordance with submitted drainage scheme**
- 8. Verification report for completion of the slurry lagoon**
- 9. Lighting scheme**
- 10. Any condition as required in response to the comments of the Staffordshire Flood Team**

**The Coal Authority's Standing Advice be provided within the Decision Notice.**

### **Reason for Recommendation**

The location of the application site represents a sustainable location for new agricultural development within the Borough and is considered to be an accepted form of development within the Green Belt. In all other respects it has been demonstrated that the proposed development, subject to appropriate planning conditions, represents a sustainable form of development that would not harm the character of the area and the amenity of nearby properties, or cause any drainage or highway safety implications. The proposals accord with development plan policies and the guidance and requirements of the NPPF.

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

Additional supporting information has been submitted in support of the application, and the proposal is now considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

### **KEY ISSUES**

The application site lies within the rural area of the Borough in an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The site also falls within the Green Belt. The main issues in the consideration of the application are:

- The principle of development
- Design and impact on the character and form of the area,

- Impact on residential amenity levels of neighbouring occupiers,
- Parking and impact on highways safety,
- Impact on controlled waters
- Drainage and flood risk,
- Impact on trees,
- Impact on Public Right of Way,
- Reducing Inequalities

### **Principle of Development**

In the context of Paragraph 149 of the NPPF, a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. Nevertheless, an exception to this includes buildings for agriculture. Paragraph 150 identifies other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes engineering operations such as those required to construct a silage clamp and slurry lagoon which in this case are considered to appropriate development.

In addition to the above, saved NLP Policy S3 indicates that “*non-residential development may be permitted in the Green Belt if the applicant demonstrates that it is essential for the efficient operation of agriculture or forestry in the locality, cannot reasonably be located other than in the Green Belt and so long as its siting, access, layout, landscaping and design are acceptable*”.

The proposed barns, silage clamp and slurry lagoon are to be used in connection with Great Oak Farm, and will provide additional functions required for the diversification of the business. The requirement for the proposed development is therefore considered to be both justifiable and reasonable and would clearly be classed as agricultural development as required by the NPPF. The proposal will also help to support and diversify the rural economy as encouraged by paragraph 84 of the NPPF.

Considering the above, it is considered that siting of the agricultural buildings, silage clamp and slurry lagoon within the Green Belt represents appropriate development that is justified, however the visual impacts of the proposal must still be considered to see whether these would adversely impact the openness of the Green Belt.

### **Design and impact on the character and form of the area**

Paragraph 126 of the National Planning Policy Framework (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.

Paragraph 130 of the framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle’s unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

The proposal consists of four new barns, two of which will be used for the housing of cattle whilst the others will provide space for a milking parlour and general purpose unit, the application also seeks permission for the creation of a slurry lagoon and silage clamp.

The two cattle housing barns would feature typical dual pitched roof arrangements which would have ridge heights of 7m and eaves height of 5.5m, both barns would be constructed of concrete panels and timber cladding which are materials commonly used on agricultural buildings of this type. The general storage unit and milking parlour barns would have similar design styles to the cattle housing units but would have slightly lower ridge heights at approximately 6.5m and it should be noted that the milking parlour building would have open side elevations which would give it some visual permeability.

The visual impacts of the proposal would be most noticeable from the south and east of the application site along Great Oak Road, and to a lesser extent along Bignall End Road, however the proposed buildings would be largely screened from view when seen from the west and north due to the rising topography of the site which slopes gently from north to south but also due to the large number of mature trees which surround the site.

Although the combined visual impacts of all the proposed buildings would result in a clear visual change to the application site, the proposed barns will not be significantly higher than the existing structures on the site, which will ensure they do not appear overly dominant when seen within context of the wider landscape. Whilst there would be some loss to the openness of this part of the Green Belt, there is an accepted precedent for agricultural buildings within the Green Belt and agricultural buildings of the scale are not uncommon within the Borough. The impacts of the proposal will also be offset by the planting of 100 new trees which proposed as part of the application.

There are no objections on visual grounds to the slurry lagoon which would be 5m deep and would cover an area of 60 x 20m given that the lagoon would be excavated from the existing ground level, and would therefore not have any perceivable visual impact on the wider area. There are also no objections to the proposed silage clamp which would be surrounded by a 3m high concrete walls which would only have a negligible visual impact given the size of the application site and the level of screening that surrounds it.

With regards to the existing barns which are to be removed from the site to facilitate the development, these older structures are somewhat dated and do not have any architectural or historic character and there are no objections to their demolition. Subject to conditions which secure acceptable facing materials it is considered the design of the proposal is acceptable and will result in an adverse impact to Green Belt or the Area of Landscape Enhancement and is therefore in accordance with development plan policies and the guidance and requirements of the NPPF.

### **Impact on residential amenity?**

Paragraph 130 of the NPPF lists a set of core land-use planning principles that should underpin decision-taking, one of which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The proposed works would involve large numbers of cattle being kept at the site and would also involve the creation of a silage clamp and slurry lagoon, therefore consideration must be given to whether the proposal would result in any adverse impact to the residential amenity of nearby properties. One objection has been raised by the occupants of the property known as 'Dair Nua Barn' which is located on the opposite side of Great Oak Road, who raise concerns relating to noise, odour and light pollution as well as issues relating to highway safety.

Detailed lighting, ammonia and noise assessments have been provided in support of the application which concluded that the proposed development, subject to the use of condition relating to lighting restrictions, would not give rise to any significant issues relating to these matters. These reports have been reviewed by the council's Environmental Protection team who have raised no objections to the proposal subject to the submission of a lighting scheme. Whilst the concerns of the nearby resident is noted, in light of the evidence provided within the submitted reports and in the absence of any objections from the council's Environmental Protection team, it is concluded that subject to appropriate conditions that the proposal would not result in any significant or harmful impacts to the residential amenity of nearby properties and therefore meets the requirements of the NPPF.

### **Parking and impact on highways safety**

Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Whilst the proposal would likely see some intensification of traffic movements to and from the site, the proposal will be served by the existing access off Great Oak Road and the Highways Authority have

confirmed that their records do not show any personal injury collisions within 215 metres either side of the existing access for the last five years. A certain level of traffic to and from the site could already be expected from the existing agricultural business and there will be ample areas within the site for the turning and parking of agricultural vehicles. In the absence of any objections from the Highways Authority it is considered that the proposed development is acceptable in highway safety terms and in accordance with the guidance and requirements of the NPPF.

### **Impact on controlled waters**

Paragraph 174 of the NPPF states that development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans.

The Environment Agency has noted that groundwater is particularly sensitive in this location because the proposed development site is located upon a Secondary Aquifer and within a Nitrate Vulnerable Zone. Concerns were initially raised by the EA that the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed.

In response to this concern the agent of the application has provided a lagoon permeability testing report, calculation details for the proposed lagoon and additional information relating to slurry and waste details. These details have been reviewed by the Environment Agency who have now withdrawn their objection subject to a condition being added to any permission requiring that a verification report demonstrating the completion of works set out in the accepted application documents be submitted to, and approved in writing, by the Local Planning Authority. Subject to the above condition, it is considered that the proposal would not lead to any harm to local groundwater quality.

### **Drainage and flood risk**

Paragraph 169 of the NPPF states that Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The Lead Local Flood Authority have requested that a drainage strategy and flood risk assessment be submitted in support of the proposal to demonstrate that surface water runoff can be effectively managed. In response to these concerns the agent of the application has provided a Drainage Strategy, however the Lead Local Flood Authority have maintained their objections on the basis that the Drainage Strategy lacked the required labels and dimensions needed for it to be cross-referenced with the hydraulic model report and calculations.

These additional technical details have now been provided by the agent of the application and the comments the comments Lead Local Flood Authority are awaited. Subject to the LLFA withdrawing their objections and subject to the use of conditions requiring that the development is completed in accordance with the provided flood details, it is considered that there would be no increase from surface water flooding as a result of the development.

### **Impact on Trees**

Policy N12 states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

An arboricultural assessment has been submitted in support of the application which has been reviewed by the council's landscape who have raised no objections to the proposal subject to conditions requiring the submission of a Tree protection plan, an Arboricultural Method Statement and a landscaping scheme. Subject to the use of the requested conditions the proposal impact on trees within the application site is considered to be acceptable.

### **Impact on Public right of Way**

Paragraph 100 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

A Public Right of No. 26 Audley Parish runs through to the application site, however this has not been shown on the submitted plans. The County Council's PRoW officer advises that if the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence.

Whilst the above concerns are noted, it must be recognised that any planning permission granted does not construe the right to divert, extinguish or obstruct any part of the public path. The applicant will need a separate form of consent to alter or remove the footpath and an advisory note will be added to the permission of the application drawing their attention to this point.

### **Reducing Inequalities**

The Equality Act 2010 says public authorities must comply with the public sector equality duty in addition to the duty not to discriminate. The public sector equality duty requires public authorities to consider or think about how their policies or decisions affect people who are protected under the Equality Act. If a public authority hasn't properly considered its public sector equality duty it can be challenged in the courts.

The duty aims to make sure public authorities think about things like discrimination and the needs of people who are disadvantaged or suffer inequality, when they make decisions. People are protected under the Act if they have protected characteristics. The characteristics that are protected in relation to the public sector equality duty are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

When public authorities carry out their functions the Equality Act says they must have due regard or think about the need to:

- Eliminate unlawful discrimination
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster or encourage good relations between people who share a protected characteristic and those who don't

With regard to this proposal it is considered that it will not have a differential impact on those with protected characteristics

## APPENDIX

### **Policies and proposals in the Development Plan relevant to this decision:**

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

Policy ASP6: Rural Spatial Policy

Policy CSP1: Design Quality

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

Policy S3: Development within the Green Belt

Policy T16: Development – General Parking Requirements

Policy N17: Landscape Character: General Considerations

Policy N20: Areas of Landscape Enhancement

### **Other Material Considerations**

[National Planning Policy](#)

[National Planning Policy Framework](#) (2021)

[Planning Practice Guidance](#) (2018)

[Supplementary Planning Guidance/Documents](#)

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

[Relevant Planning History](#)

None.

[Consultation Responses](#)

**United Utilities** recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy

**Audley Parish Council** support the proposal, subject to the all outstanding matters and information being supplied and resolved.

No representations have been received from the **Environmental Health Division**

The **Highway Authority** has no objection to the proposal and notes that Public Footpath No.26 in the Parish of Audley Rural runs adjacent the site and no works should be undertaken which might adversely affect the rights of users.

**The County Minerals Officer** raise no objections to the proposal

The **Environment Agency** initially objected to the application but have withdrawn that objection following consideration of additional information and now request that the following condition is applied to any permission:

- Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the accepted application documents and reports and, the effectiveness of the works pursuant to the successful creation of an in-ground slurry lagoon shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved reports to demonstrate that the lagoon End 2 permeability criteria have been met.

The **Coal Authority** note that application site does not fall within the defined Development High Risk Area but request that Coal Authority's Standing Advice be provided within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

**Staffordshire Flood Team** objects to the proposal on the basis that the proposal needs to be supported by a drainage strategy and flood risk assessment. Further information has been submitted to address these concerns and the further comments of the Flood Team have been sought and will be reported.

The **Landscape Team** request that any permission should be subject to submission of a detailed construction phase Tree Protection Plan (to include hedges) and Arboricultural Method Statement to BS5837:2012, including details of special engineering measures. Permission should also be subject to a detailed landscaping scheme and any plants which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by plants of similar size and species.

**Public Rights of Way Officer** notes that Public Footpath No. 26 Audley Parish runs immediately adjacent to the proposed site. The PROW officer also notes that if the path does need diverting as part of these proposals the developer would need to apply to your council under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

The views of **Staffordshire Wildlife Trust** were sought, but as they did not respond by the due date it is assumed that they have no comments.

#### Representations

One objection has been submitted by the occupants of a nearby residential property, who raises the following concerns:

- There will be a significant increase in the number of lorries and farm vehicles
- There will be a significant increase in noise levels from both machinery and 350 cattle,
- The dark sky particularly to the north will be affected.
- The increase in bad smells and potentially noxious fumes from slurry, silage and ammonia from
- Wish to know why they were not consulted on the application by the LPA

#### Applicants/agents submission

The following documents have been submitted in support of the application:

- Supporting Statement
- Noise Assessment
- Ecological Report,
- Ammonia Report
- Odour Assessment
- Lighting Scheme.
- Coal Mining Risk Assessment
- Drainage Scheme
- Lagoon Permeability Testing Report
- Tre Constraints Plan
- Arboricultural Impact Assessment

All of the application documents can be viewed on the Council's website using the following link:

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/21/00408/FUL>

#### Background Papers

Planning files referred to  
Planning Documents referred to

Date report prepared

12<sup>th</sup> April 2022