

PEAKS FARM, STATION ROAD
MR MOSS

24/00129/FUL

The development seeks planning permission for the change of use of an area of agricultural land at Peaks Farm to a slurry lagoon.

The site is located within the rural area of the Borough and falls within a Landscape Maintenance Area as defined on the Local Development Framework Proposals Map of the Local Plan.

The 8-week period for the determination of this application expired on the 18th April, however an extension of time until 19th July has been agreed.

RECOMMENDATIONS

Permit, subject to conditions relating to the following matters: -

- 1. Time limit**
- 2. Approved plans**
- 3. Odour and noise level monitoring**
- 4. Construction hours**
- 5. Planting of replacement tree**
- 6. Construction Environmental Management Plan**

Reason for Recommendation

Following the submission of additional information, it has been demonstrated that the proposal would not result in any significant or adverse impacts to residential amenity and would not result in any significant visual impact on the site or wider landscape. It is therefore accepted that the proposed development is a sustainable form of development that accords with the development plan policies identified and the guidance and requirements of the National Planning Policy Framework.

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

Following the submission of additional information, the development 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 development seeks planning permission for the change of use of an area of agricultural land at Peaks Farm to a slurry lagoon. The application is a resubmission of 23/00645/FUL which was withdrawn following concerns raised by the Council's Environmental Health Division due to a lack of information. Whilst concerns have been raised by residents and the Parish Council regarding highway impacts, there is no proposed increase in vehicle movements to or from the site. Therefore, the main considerations in the determination of this application are as follows: -

- Principle of development,
- Design of the proposals and the impact on the character of the landscape,
- Impact on residential amenity, and
- Other matters

Principle of Development

Paragraph 88 of the NPPF states that planning decisions should enable the development and diversification of agricultural and other land-based rural businesses.

Details submitted with the application note that the current slurry storage capacity is 4 months and is contained within a slurry tower which is approximately 50 years old. Following an inspection by the

Environment Agency, the farm was deemed not to be in compliance with Nitrate Vulnerable Zone (NVZ) regulations due to the lack of storage facilities for manure, in particular slurry. This application therefore seeks to address the breach of those regulations by increasing slurry storage capacity at the site.

Given that the slurry lagoon is to be used in connection with an established farmstead, the principle of development is considered to be acceptable, subject to other material planning considerations.

Design of the proposals and the impact on the character of the landscape

Paragraph 131 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 135 of the framework lists 6 criteria, 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 DES1 of the Neighbourhood Plan states that new development should complement the local context and should avoid the appearance of overdevelopment and over urbanization, taking account of the rural character of the area.

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 slurry lagoon would be positioned approximately 45m to the southeast of the existing barns that form the main part of the agricultural unit and would be approximately 130m away from the nearest point of Station Road. There is a small cluster of dwellings to the northeast of the site, which are approximately 118m away from the proposed lagoon.

The slurry lagoon would cover an area of 100m x 40m and would have a depth of 5m, it would be surrounded on all sides by a raised earth bank measuring approximately 0.9m in height. A 1.2m high safety fence will also be erected around the perimeter of the lagoon to ensure no unauthorised access. A floating cover which would prevent rainwater mixing with the slurry and would reduce the loss of nitrogen from the liquid, would cover the surface of the lagoon. Drawings submitted with the application suggest that this cover would consist of a black plastic material.

Given that the lagoon would be excavated from the existing ground level, it would not have any perceptible visual impact in the wider landscape. The lagoon and bunding would not be easily visible from Station Road given the existing hedgerows and trees which surround the site and whilst some views may be available through gaps in the vegetation, the raised earth bank and fence would not appear unusual within this rural setting. It must also be recognised that the proposal forms part of an established agricultural farm which already contains a number of large structures and associated equipment, and the proposal would appear in context with the established use of the land rather than appearing as a dominating or alien feature within the locality.

Objections have been raised by local residents regarding the visual impact of the proposal and whilst it is recognised that the lagoon would be visible from the first-floor rear windows of properties situated to the east of the site, loss of view is not a material planning consideration and therefore cannot be taken into consideration within this assessment.

A single mature tree would need to be removed to accommodate the proposed development. Whilst the loss of the tree is unfortunate it must be noted that the tree is not protected and could be felled at any time without permission from the Council. A condition requiring the replanting of a replacement tree is therefore considered appropriate in this instance.

To conclude, the proposal is not considered to have any adverse visual impact on the surrounding area or on the Landscape Maintenance Area. The proposal is therefore in accordance with development

plan policies and the guidance and requirements of the NPPF.

Impact on residential amenity

Paragraph 135 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.

As the proposal has the potential to create odour nuisance, consideration must be given to whether the proposal would result in any adverse impact on the residential amenity of neighbouring properties.

Several objections have been received from local residents and the Parish Council who raise concerns about noise, odour and the spread of toxins.

The Council's Environmental Health Division initially objected to the application due to lack of information and requested that additional details were provided to demonstrate that odour, noise, and air quality matters could be fully mitigated. The applicant has subsequently provided technical documents in support of the application in the form of an Air Quality Impact Assessment, an Odour Assessment and a Noise Impact Assessment.

The Odour Assessment and Air Quality Assessment conclude that predicted odour concentrations were below the relevant odour benchmark level at all receptor locations for all modelling years and that the significance of predicted impacts was defined as negligible at eight sensitive locations and slight at one sensitive location, with the overall odour effects of the proposed development considered to be not significant.

The submitted Noise Impact Assessment concludes that the worst case predicted rating levels would fall below the typical background sound levels at all receptors and would have no adverse impact on nearby properties.

Whilst it is noted that vehicles would deliver/collect slurry to the lagoon, this activity would not occur on most days and it must be recognised that there is no current limitation on the number of vehicle movements within the farm.

The Council's Environmental Health Division has assessed these technical documents and raise no objections to the proposal but do suggest that the site maintains adequate records regarding weather conditions recorded along boundaries for odour and noise, which can be made available to the regulator on request. Officers also recognise that the construction period for the lagoon could cause some limited noise nuisance and therefore a condition is recommended to control construction hours.

Given the above and subject to conditions, it is considered that the proposal would not result in any significant impact to the residential amenity enjoyed by nearby properties and therefore meets the requirements of the NPPF.

Other Matters

Although residents raise concerns regarding previous breaches in planning control at the site, the application must be assessed on its own merits and so these concerns fall beyond the scope of this report.

With regards to any danger to people or animals falling into the lagoon, this risk would be offset by the earth bank and fencing that are to surround the proposal. It should also be noted that there is no public right of way or public access to the site.

Objections have also been received from the Parish Council and local residents regarding potential flood risk and the drainage infrastructure within Onneley, including potential pollution of nearby water courses. The site is within Flood Zone 1 and therefore has the lowest probability of flooding. The slurry lagoon would contain a nonpermeable membrane which would restrict any slurry from entering the ground which would surround it, and there is no evidence at this time to indicate that the proposal would have any impact on nearby water courses. In addition to the above, given the siting of the proposal in

flood zone 1 and in the absence of any objections from statutory consultees including the Environment Agency, it is not considered that the proposal would increase flood risk in the surrounding area.

Concerns have been raised regarding inconsistencies and errors within the application details. Whilst it is noted that the Design and Access Statement (DAS) does contain some information which cannot be proven or disproven by the LPA, the proposal has been assessed on the technical information submitted with the application and on the consultation responses of statutory consultees, not on the basis of the wording of the DAS.

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

The scheme has been developed embracing good design and access and it is therefore 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 2006-2026 (CSS)

Policy CSP1: Design Quality
Policy ASP6: Rural Spatial Policy

Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy N17: Landscape Character: General Considerations
Policy N19: Landscape Maintenance Areas

Madeley Neighbourhood Plan

Policy DES1: Design
Policy NE1: Natural Environment

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (2023)

Planning Practice Guidance (as updated)

Supplementary Planning Guidance/Documents

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

Relevant Planning History

92/00585/FUL Erection of an above ground slurry store – permitted
01/00517/FUL Erection of agricultural building to house cattle – permitted
03/00547/FUL Agricultural building to house cattle – permitted
05/00906/OUT Farm workers dwelling – refused
06/00747/FUL Erection of farmworkers dwelling with existing farmhouse and proposed farmhouse to be tied to farm holding – permitted
07/00944/AGR Replacement metal framed building – permitted
13/00323/FUL Retention of silage clamp and proposed associated landscaping works – permitted
13/00573/FUL Construction of an agricultural building for the housing of livestock – permitted
16/00597/FUL Retention of works to rear access and Milking Parlour Building – permitted
17/00910/FUL Retention of a concrete silage yard and wall and proposed landscaping works – permitted

Views of Consultees

Madeley Parish Council object to the proposal for the following reasons:

- Lack of sewage and water drainage infrastructure within the village
- Increase in traffic volume and harm to quality of the road
- Odour impacts and risk of toxins
- Noise impact
- Other solutions have not been considered
- Accuracy of information in the application

The **Environmental Health Division** has no objections to the proposal but do suggest that the site maintains adequate records regarding weather conditions recorded along boundaries for odour and noise, which can be made available to the regulator on request.

Shropshire County Council raise no objections in principle to the proposal and request that the LPA determine the proposal in accordance with adopted local and national policies.

The Environment Agency do not make bespoke comments on applications of this nature but have provided a general advice note to assist the LPA in their determination of the application.

Representations

11 letters of objection have been received from 5 local residents. The concerns raised in the objection letters are summarised below:

- Visual Impact of both slurry lagoon and fencing
- Odour impacts and spread of toxins
- Drainage infrastructure
- Flood risk
- Construction traffic
- Noise impact
- Damage to road surface
- Danger to humans and animals from falling in
- Errors and misinformation within the application details
- Previous breaches of planning permission at the site
- Other solutions are available
- Removal of a tree
- Impact on nearby watercourse

2 letters of support accompany the application. They note that the proposal will reduce the number of vehicle movements in the site, will help to reduce noise and odour issues, will have limited visual impact and will allow the farming business to continue.

Applicant's/Agent's submission

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/24/00129/FUL>

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

1st July 2024