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| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | |
| **Signed:** | **Officer:** | **WH** | | | | **Date:** | | **17-11-23** | | **Manager:** | | **LH** | **Date:** | **30/11/23** |
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| **Application Ref:** | | | | 2023/0465 | | | | | | |  | | | |
| **Date Inspected:** | | | | 14-07-23 | | | **Site Notice:** | | 29-06-23 | |
| **Officer:** | | | | Will Hopcroft | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | **APPROVAL** | | | |
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| **Development Description:** | | | | | Erection of one new dairy cattle building with underground slurry tanks, associated hard standing and solar panels to south facing roofscape, removal of redundant metal ring slurry store and erection of two concrete slurry tanks with canopies. | | | | | | | | | |
| **Site Address/Location:** | | | | | Black Moss Farm Elmridge Lane Chipping PR3 2NY | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Parish/Town Council** | | | | | | | | | |
| No response. | | | | | | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| **LCC Highways:** | | | | | No objection. | | | | | | | | | |
| **LLFA:** | | | | | Following submission of additional information after initial objection, the LLFA withdraw its objection subject to the imposition of a number of conditions, namely relating to the submission of a SUDS Strategy, Construction Surface Water Management Plan and Verification Report. | | | | | | | | | |
| **Environment Agency:** | | | | | No objection, however advice provided to the applicant in relation to SSAFO Regulations. | | | | | | | | | |
| **Natural England:** | | | | | Following submission of a SCAIL assessment, and subsequent HRA, Natural England offer no objection to the proposed development but provide further advice on designated sites and landscapes and other natural environment issues. | | | | | | | | | |
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| **CONSULTATIONS:** | | | | | **Additional Representations.** | | | | | | | | | |
| The Council received 1no. objection, raising concern around the existing level of built development present at the site. | | | | | | | | | | | | | | |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1: Development Strategy  Key Statement DS2: Sustainable Development  Key Statement EN2: Landscape  Key Statement EN4: Biodiversity and Geodiversity  Key Statement EC1: Business and Employment Development  Key Statement DMI2: Transport Considerations  Policy DMG1: General Considerations  Policy DMG2: Strategic Considerations  Policy DME2: Landscape & Townscape Protection  Policy DME3: Site and Species Protection and Conservation  Policy DME5: Renewable Energy  Policy DME6: Water Management  Policy DMB1: Supporting Business Growth and the Local Economy  National Planning Policy Framework (NPPF) | | | | | | | | | | | | | | |
| **Relevant Planning History:**  **2022/0928:**  Prior notification for a proposed new agricultural building for livestock – Permission Not Required  **2016/0414:**  Micro scale, slurry only anaerobic digester – Approved with Conditions  **2009/0782:**  Steel framed agricultural storage building – Approved with Conditions  **2009/0225:**  To change the use of 4.5 acres of woodland situated on the edge of a farm, into an outdoor laser tag site. There will no buildings erected or alteration to the woodland – Approved with Conditions | | | | | | | | | | | | | | |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The site is currently comprised of a sizeable agricultural complex located down a track off Elmridge Lane. The complex currently incorporates a number of different agricultural buildings that vary in size and form, as well as materiality and function – there are also a number of dwellings associated with the farm within the site. The nature of the surrounding area is evidently rural again with small pockets of dwellings – the closest being approx. 610m to the north-east. There is also a strip of woodland immediately abutting the site, projecting south/south-east.  With regard to the wider context, it is largely rural and agricultural in character. The site is located within the Forest of Bowland AONB. | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The proposal seeks consent for one new dairy cattle building with underground slurry tanks, associated hard standing and solar panels to the south facing roofscape, as well as removal of the existing redundant metal ring slurry store and erection of two concrete slurry tanks with canopies.  The new dairy cattle building would be sited on the western edge of the farmstead, projecting south-west over an existing agricultural field. Whilst 33.5m wide it is effectively split into 3 sections – the two outer sections serve as cattle cubicles approximately 13.8m wide each, with the cubicles located centrally and a slatted scrape floor on either side of the cubicles. The slatted floor ensures manure can be scraped through into a 3m high storage channel below ground level that runs the length of the building. The internal passageway (5.5m wide) allows easy human access to the feed trough which is located on both internally facing sections of the cattle cubicles. These 3 sections all incorporate individual pitched roofs – the outer sections reach 7.4m at ridge height and 4.9m at eaves height, with the internal passageway 4.9m to ridge and the eaves meeting the outer sections. The building is 106.6m in length – to the side elevations, the proposed material is to be Arntjen temperature-controlled curtain sides in green, with the lower walls in concrete panels. The roof is to be anthracite coloured steel sheets inclusive of solar panels to the southern roof-scape, with the gable end walls in tanalised timber Yorkshire boards and the doors in flat tin.  In addition, the proposal seeks to install 2no. concrete slurry tanks with canopies. These will be located to the south-east of the farmstead abutting the strip of woodland and would be required to store large amounts of slurry. They are circular in shape with a conical synthetic cover to prevent the ingress of rainwater, and to protect the surrounding area from odour and ammonia. The diameter of the tanks is 36.6m, and they are to be installed partially under the ground – this means that whilst the total height of the structure is 9.3m to the tip of cover, and 4.8m to the eaves, the height of the tip visible above ground would be 7.4m (and to the eaves 2.9m). The material is to be solid concrete, with details of the canopy to be secured by condition. | | | | | | | | | | | | | | |
| **Principle of Development:**  *Policy Context*  The principle of development is required to be secured against CS Policies DMG2 and DMB1, given the site is located within the AONB. Furthermore, Paragraph 177 of the NPPF is also relevant which relates directly to the provision of major development within the AONB.  DMG2 states that development outside the defined settlement areas must meet at least one of a number of considerations, the relevant one in this case outlined below:   * *The development is needed for the purposes of forestry or agriculture*   DMG2 goes onto state that *in protecting the designated Area of Outstanding Natural Beauty the council will have regard to the economic and social wellbeing of the area. However, the most important consideration in the assessment of any development proposals will be the protection, conservation and enhancement of the landscape and character of the area avoiding where possible habitat fragmentation. Where possible new development should be accommodated through the re-use of existing buildings, which in most cases is more appropriate than new build. Development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting.*  In addition, DMB1 states that *proposals that are intended to support business growth and the local economy will be supported in principle. The expansion of established firms on land outside settlements will be allowed provided it is essential to maintain the existing source of employment and can be assimilated within the local landscape. There may be occasions where due to the scale of the proposal relocation to an alternative site is preferable.*  In this sense, it is necessary to establish that the proposal is needed for the purposes of agriculture. It is then necessary to establish whether the size and scale is necessary for those purposes identified, whether it can be sited in an alternative, preferable location and to ensure that the landscape and character of the AONB is protected, conserved and enhanced.  *NPPF*  Paragraph 177 of the NPPF states that *when considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*   1. *The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;* 2. *The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and* 3. *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*   *Assessment*  The Council have engaged with an independent agricultural adviser to establish whether functional need is present, and that the size and scale of the building is appropriate. In concluding, the adviser stated that:   * *The structure is in-line with modern farm buildings and is therefore reasonable for its intended purpose.* * *The proposed building is of a reasonable floor area and height for its intended purpose.* * *The proposed building adjacent to the existing milking parlour is well located for its intended purpose.* * *There is an agricultural need for the proposed building to enable the housing of up to 300 dairy cows with adequate ventilation and space.* * *The proposed slurry stores will need to comply with the SSAFO Regulations and if grant aid is sought the requirements of the Slurry Infrastructure Grant will need to be met.*   On review, Officers are considered to be in agreement with the above, with the notion that the building is clearly necessary for the purposes of agriculture.  In addition, the siting of the building is appropriate given it is sited adjacent to the existing milking parlour and the existing farm complex. There is no alternative site that is considered more preferable. As such the proposal is considered compliant with DMB1 and DMG2, with further consideration to be given to the impact on the AONB.  --  With regards to the assessment outlined within the NPPF, this is considered below.   1. *The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy*   As noted above, the Council have engaged with an independent agricultural adviser who has established that functional need is present, with the design both of the building and of the slurry tanks reasonable for their intended purpose. This is compliant with the relevant local considerations specifically related to DMG2 and DMB1. Looking at the national considerations, there is a clear priority within the NPPF toward supporting a prosperous rural economy. Notably, paragraph 84 states that *planning policies and decision should enable:*   1. *The sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well-designed new buildings;* 2. *The development and diversification of agricultural and other land-based rural businesses.*   The proposal to erect a new cattle-shed and slurry tanks is borne primarily to allow the business situated at Black Moss Farm to grow and expand and is compliant with local and national considerations as outlined above. Approving this development is considered to have a positive impact upon the local economy, as it would enable a local business to expand their agricultural operation. Given the above, Officers consider that test A is passed.   1. *The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*   The agricultural complex is situated at Black Moss Farm which is well within the AONB. Whilst the exact extent of the applicants ownership is not known, it is noted that all the necessary buildings and machinery is situated within the existing farm complex. It would not be reasonable for the LPA to request the building is erected outside the AONB as it would likely make the required operations unviable and logistically unworkable. With regard to meeting the need for the building in some other way, again given the purpose of the building (that being a cattle-shed and slurry tanks) – the need for the building is self-evident as the cattle require safe and comfortable shelter from which they can be milked, and take refuge from inclement weather, and the slurry tanks ensure there is appropriate storage in place for their waste. This could not be provided for using alternative methods or buildings.   1. *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*   Following assessment and consultation with the Environment Agency and Natural England, along with submission (and subsequent adoption by the LPA) of a Shadow Habitat Regs Assessment, it has been considered that there will be no detrimental effect on the environment by way of this proposal. Where there is concern over the leakage of odour from the slurry tanks, details of the canopy are to be secured by condition prior to the use of the proposal. With regard to the impact on the landscape, this is assessed within the ‘Impact on the Landscape and AONB’ section below in detail but for clarity, is considered acceptable. With regard to the impact on recreational opportunities – it is noted that all the land on which the application relates to is private agricultural land and does not presently afford any recreational opportunities – as such there is not likely to be any detrimental effect on any recreational opportunities. Whilst there is a public right of way located up the access track (and subsequently through the farm, continuing on north-east) it is not considered that the proposal would have any impact on the use of the public right of way, given the disparity in siting, nor would it detract significantly from the enjoyment of users of the PROW.  As such, given the above the proposal is considered to pass the relevant tests outlined within Paragraph 177 of the NPPF. | | | | | | | | | | | | | | |
| **Impact Upon Residential Amenity:**  The proposal relates to the provision of a milking parlour building amidst a number of existing sizeable agricultural buildings, on an agricultural holding. The nearest dwelling is that of Black Moss Farm Cottage which sits within and is associated with the agricultural complex. Aside from this, there is a small pocket of residences roughly 610m to the north-east – these dwellings are a substantial distance away from the proposal and as such it is not considered that there will be undue impact on amenity or quality of life by way of this proposal. | | | | | | | | | | | | | | |
| **Visual Amenity:**  As per CS Policy DMG1, all development must be sympathetic to existing and proposed land uses in terms of its size, intensity and nature as well as scale, massing, style, features and building materials.  In addition, CS Policy DMG2 states that development will be required to be in keeping with the character of the landscape and acknowledge the special qualities of the AONB by virtue of its size, design, use of material, landscaping and siting.  In this sense the proposal is broadly compliant with the above in that the materials used are reflective of the buildings siting, that being part of an agricultural complex. The building’s roof form and elevational treatments are all very typical of those used in agriculture, although the colour treatment of the vent air steel sheeting goes a small way into assimilating the building into the landscape.  With regard to the slurry tanks, it is accepted that they serve a functional purpose and the use of concrete is necessary to ensure safe storage of what can be toxic and harmful material, and to avoid leakage or potential contamination of adjacent ground. As such, the concrete material is considered acceptable on this basis. The synthetic conical cap is again functional although details of this are to be secured by condition.  Given the above, with regard to the visual external appearance of the building, the proposal is considered compliant with DMG1 and DMG2. | | | | | | | | | | | | | | |
| **Impact on the Landscape and AONB:**  In this sense Policy DME2 and Key Statement EN2 are engaged. CS Policy DME2 outlines that development proposal will be refused which significantly harm a number of important landscape or landscape features.  This ties into Key Statement EN2, which states the landscape and character of the Forest of Bowland Area of Outstanding Natural Beauty will be protected, conserved and enhanced. Any development will need to contribute to the conservation of the natural beauty of the area. The landscape and character of those areas that contribute to the setting and character of the Forest of Bowland Areas of Outstanding Natural Beauty will be protected and conserved and wherever possible enhanced. As a principle the Council will expect development to be in keeping with the character of the landscape, reflecting local distinctiveness, vernacular style, scale, style, features and building materials.  In this sense, it is noted that the building, in terms of scale, is substantial. It is 106m long and projects ‘outwards’ of the existing farmstead to a larger extent than any of the existing buildings and would incorporate an additional 3570sqm, approximately – not including the slurry tanks. As such by definition it is going to have a significant additional impact on the landscape of the AONB by virtue of the provision of additional, substantial built form where there was previously none**.**  However, there are a number of mitigating factors that go some way to ensure this impact is moderated, and significant weight is given to the fact that there is a proven and evidenced functional need for a building of such size and scale in order to support a local farming business. The height of the building is modest and largely comparable to the height of the existing agricultural buildings with the elevational treatments and built form also clearly agricultural, ensuring the building fits in and complements with the agricultural nature of the complex and does not seem out of place or incongruous. Furthermore, the proposal seeks the provision of Green colour treatment to the side elevations which would further ensure the building, viewed from a distance, would be able to absorb into the existing landscape which is characterised as ‘Undulating Lowland Farmland’– largely consisting of undulating grassed peaks and troughs, vast rural and agricultural fields and some gatherings of woodland, all varying shades of green. The submitted LVIA (landscape visual impact assessment) concludes that effects of users of public footpaths, residents at home and road users ranges from moderate to slight, with the effect on the AONB to range from slight to neutral. On review, officers concur with the LVIA insofar as the impacts identified, but on balance, these impacts are not considered to be harmful to justify a refusal of permission, in particular noting that an indicative landscaping strategy has been provided within the LVIA, proposing new woodland, a new hedgerow, hedgerow trees and gapping hedges to further mitigate against any impact upon the landscape and AONB. Details of this are to be secured via condition.  Given the above, and with reference given to the significant weight of supporting a local agricultural operation as well as various additional mitigating factors, it is considered that the proposal does not significantly impact upon the setting and character of the AONB and landscape and as such is considered compliant with CS Policy DME2 and Key Statement EN2 subject to conditions. | | | | | | | | | | | | | | |
| **Highways and Parking:**  No alterations to access or parking is sought with no further issues raised in relation to highways or parking. Following consultation with the LHA, no concerns were raised. As such no further assessment is required. | | | | | | | | | | | | | | |
| **Ecology:**  The application sits within the Impact Risk Zone for a number of statutory designated sites and protected landscapes – notably, Bowland Fells Special Protection Area, Bowland Fells Site of Special Scientific Interest and Red Scar and Tun Brook Woods Site of Special Scientific Interest. As a result of this, and because of the type and scale of development, Natural England were consulted who requested a SCAIL assessment. Upon submission and assessment of the SCAIL assessment, the LPA in our capacity as a Competent Authority subsequently invited the applicant to submit a Shadow Habitat Regulations Assessment. Upon submission and assessment of these documents, the LPA consider that we can uphold the conclusions of the HRA as our own for the purposes of assessing the impact on the SPA. These conclusions, which were supported by Natural England who offered no objection, are outlined below:  *Following screening of the special qualifying features of interest of the Natura 2000 sites concerned, consideration of potentially harmful operations on these features which could arise from the implementation of the planned development, consideration of the proposed mitigation for potentially harmful operations and consideration of possible in-combination effects it has been concluded that the implementation of the application even without mitigation will not have a significant impact on the special interest of the Natura 2000 Sites concerned.*  *That is, it has been ascertained that the proposed development will not have any harmful effects on special nature conservation interest of the Natura 2000 sites concerned and will not adversely affect the integrity of the Natura 2000 Sites concerned.*  The Environment Agency were also consulted, who raised no objection to the application. As such the proposal is considered acceptable with regards to matters surrounding ecology. | | | | | | | | | | | | | | |
| **Water Management:**  With regard to surface water, the proposal is proposed to utilise an existing water course for drainage. The drainage scheme has been assessed by the LLFA, who had objected initially for a number of reasons relating to peak flow control and operation standards for volume control. Following submission of further information, the LLFA were happy to withdraw its objection, subject to the imposition of appropriate conditions relating to the submission of a SUDS Strategy, Construction Surface Water Management Plan and Verification Report. | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval. | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | |  | | | | | | | | | | | |
| That planning consent be granted subject to the imposition of conditions. | | | | | | | | | | | | | | |