

<b>Planning Reference No:</b>	09/3724N
<b>Application Address:</b>	High Ash Farm, Cappers Lane, Brindley, Nantwich, Cheshire, CW5 8HX
<b>Proposal:</b>	Outline Application for New Agricultural Machinery Shed, New Slurry Holding Tank, New Organic Calf Rearing Shed, New Milking Parlour, and Standing Stock Shed, New Grain Towers and Grain Dryer
<b>Applicant:</b>	High Ash Farm Limited
<b>Application Type:</b>	Outline
<b>Grid Reference:</b>	357706 354459
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date:</b>	30 <sup>th</sup> December 2009
<b>Expiry Dated:</b>	22 <sup>nd</sup> March 2010
<b>Date of Officer's Site Visit:</b>	18 <sup>th</sup> January 2010
<b>Date Report Prepared:</b>	3 <sup>rd</sup> February 2010
<b>Constraints:</b>	Open Countryside

**SUMMARY RECOMMENDATION: Approve subject to conditions**

**MAIN ISSUES:**

**Impact of the development on**

- Principle of the development
- Character and appearance of the area
- Amenity
- Highways
- Ecology
- Public Rights of Way

## **1. REASON FOR REFERRAL**

This application is to be determined by the Development Control Committee it is a major development of over 1000sqm.

Southern Planning Committee made a resolution to approve the application on 17<sup>th</sup> February 2010 subject to conditions. An amended plan has been received which relocates buildings C and D so that they are no longer sited on the route of Brindley Footpath No.5 as shown on the definitive map, which requires the Committee to reconsider its resolution.

## **2. DESCRIPTION OF SITE AND CONTEXT**

The application relates to an agricultural complex that is located within the Open Countryside. The site comprises a mixture of traditional brick and more modern agricultural buildings and a large three storey farm house. The site is currently accessed by Brindley Lea Lane to the east. However a new access from cappers Lane to the north east is currently under construction.

### **3. DETAILS OF PROPOSAL**

Outline planning permission, with all matters reserved, is sought for the principle of the development of four agricultural sheds and associated farming structures. The scheme includes the construction of:

- A) New Milking Parlour and Standing Shed measuring 42m x 23.5m (987sqm), 7.4m in height,
- B) Calf Rearing Shed measuring 60m x 25m (1500sqm), 7.6m in height,
- C) Winter Feedstore and Open Bay Feedstore measuring 18m x 24m (432sqm), 9.3m in height, and;
- D) Open Bay Machinery Shed measuring 60m x 25m (900sqm) , 7.6m in height

The scheme also includes a new slurry tank, three grain towers and a grain dryer. A number of existing, poor quality buildings are to be demolished. The masterplan for the farm also includes the conversion of two existing buildings to be utilised as a cheese making facility, the conversion of a stable block for farm workers accommodation and the extension and alteration of the farm house. These elements are the subject of separate applications which are currently under consideration.

### **4. RELEVANT HISTORY**

**09/2823N** – GDO Application determined that details not required for a new access on 2<sup>nd</sup> October 2009.

**P94/0469** – GDO Application determined that details not required for agricultural shed on 29<sup>th</sup> June 1994.

### **5. POLICIES**

#### **National policy**

PPS 1: Delivering Sustainable Development  
Planning and Climate Change: Supplement to Planning Policy Statement 1  
PPS 7: Sustainable Development in Rural Areas

#### **Local Plan policy**

NE.2 (Open Countryside)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
NE.14 (Agricultural Buildings Requiring Planning Permission)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Parking and Access)  
RT.9 (Footpaths and Bridleways)

### **6. CONSULTATIONS (External to Planning)**

**Environmental Health** – No objection

**Natural England** – Information provided identifies that breeding birds will be affected by the proposal. Recommend that the Local Authority considers the requirements of protected species in the determination of this application. Birds are protected during the breeding season (March to August). Works should occur outside this season, if works occur during this season then a search should be done for breeding birds and if a nest found it should not be disturbed.

**Nature Conservation** – Object to this application. No evidence of protected species was recorded. However, most trees on site were identified to support protected species. , no evidence was provided as to which trees have this potential. A number of trees are proposed to be removed. A bat and barn owl survey is required for any tree to be removed.

**United Utilities** – No objection

**Highways** – No objection

**Public Rights of Way** - The development is to affect Public Footpath No. 5 Brindley, as recorded on the Definitive Map of Public Rights of Way. The footpath is currently obstructed by the farm building and this situation needs to be resolved. As the development will permanently affect the right of way the developer must apply for a diversion of the route under the TCPA 90 as part of the planning application. The PROW unit wish to object to this planning application until an application to divert the footpath is made.

**Landscape** – No objection subject to comments. The site will be congested if all buildings are sited as shown and circulation around the site for workers and for walkers may be difficult. A tree survey is required to report on all existing trees on site, although I believe some trees have already been removed. Conditions are required for details of trees to be retained and those to be removed, for a Tree Survey and Tree Protection Plan. All to conform to BS5837:2005 Trees in Relation to Construction. The remaining trees should also be examined for the presence of bats/owls, and identified on plan. Mitigation strategies on wildlife issues should be submitted. A condition requiring a detailed landscape plan is necessary; to include new native hedgerows and tree planting to boundaries to replace defunct hedgerows or post and wire fencing; to subdivide buildings and farming operations from footpaths and PROW. This will also increase and encourage wildlife and improve the environmental character of the farm. The current route of the PROW footpath 13 should be diverted away from buildings B, C and A for safety and security reasons. Building C could be resited/reoriented in order to retain the 3 trees nearby. The overall footprint could also be reduced. Optimum and minimum footprints must be established to properly judge affects on landscape, visual quality and environmental issues.

## **7. OTHER REPRESENTATIONS**

None received at time of writing report

## **8. APPLICANT'S SUPPORTING INFORMATION**

**Design and Access Statement (Prepared by MMi Architectural Design, dated November 2009):**

- High Ash Farm extends to 215acres and until recently was tenanted from the Faddiley estate. There has been little capital investment and improvement in the buildings and many buildings have reached the end of their useful life.

- The proposals will modernise the farming operations

#### **Justification Statement (Prepared by CDN Planning, dated November 2009):**

- The condition of all the buildings with the exception of the single large shed, is inadequate for their existing and proposed use as an integral part of a mixed use arable and dairy farm.
- The former dairy cannot be brought up to current stringent hygiene standards and the capacity of the buildings fall short of what is required to accommodate a dairy herd up to 250 cattle and young stock
- Site identified in the Cheshire Landscape Character Assessment as "Rolling Farmland", with large to medium sized arable fields.
- Its visibility from public roads and neighbouring farms is limited to long distance views only available from Brindley Public Footpaths 12 and 13 which pass close to the farmstead. The topography of the land is such that the farmstead sits below the level of the higher ground.
- It is considered that replacing the current unattractive and dilapidated farm buildings with new modern buildings combined with the retention of the existing traditional buildings will improve the character and appearance of the farmstead.
- National and Local Policy supports the principle of the redevelopment of the farmstead as the development is essential for the continued economic viability of the farm.
- The buildings are sited within or immediately adjacent to the existing farm complex and there are no other suitable alternative sites on the farm for the buildings of this scale and nature
- Topography provides for buildings to sit below the higher ground
- Operationally the buildings are sited for ease of use
- Improved amenity for the farmhouse
- Those buildings that can be repaired and reused are retained. However a substantial built area of 1102sqm will be removed as those buildings are no longer fit for purpose. Shed in the courtyard is removed for ease of movement within the farm
- Two buildings to the west of the farm house are not wind or water tight

#### **Biodiversity Report (Prepared by Curious Ecologists dated October 2009):**

- Report concludes that most trees had cavities or other features, which could provide roost sites for bats. The majority of trees are to be retained within the development.
- No evidence of Great Crested Newts, Bats or badgers were found.
- No active bird nests found during the survey although there were plenty of suitable nesting sites present and some of the buildings had recent swallow nests in them.

#### **Response to Ecologist Consultation (Prepared by MMi Architectural Design dated 1<sup>st</sup> February 2010):**

- Confirmation that all trees shown to be removed, with the exception of the Cherry Tree on front of the existing range barn, have been removed. These include 1 x apple tree, 1 x pear tree, 1 x yew tree and 2 x leylandii.

#### **Letter of Justification (Prepared by MMi Architecture, dated 27<sup>th</sup> January 2010):**

- 204 (Holstein) Milking cows, 142 head followers to milking herd (81 Heifers, 61 Bull Calves), 127 Beef Sucklers, Sheep Flock of 82 and 6 rams

- Building A – New Milking Parlour with capacity for double sided milking based on 12 cows per side with 24 standing cows in the parlour at each section. All cows in the milking regime will be loose in a sectioned bay area either side of the parlour before and after milking. The parlour will be set central to the shed to allow all cows to be standing undercover. Area of the shed allows 200 standing cows on one side of the parlour pre milking and 200 standing post milking. 24 cows can be milked at one time. Parlour measures 25m x 8m.
- Building B – Stock Rearing Shed provides for loose standing of all stock held for rearing, comprising 142 followers with split shed bays between age group of 0-6 months, 6-12 months and 12-30 months with an average of 3m<sup>2</sup>/head provided. There is spare capacity to allow expansion to approximately 180 head. Shed also provides loose wintering of milking herd of 204 cows based on 5m<sup>2</sup>/head
- Building C – Winter feed store has been sized to provide storage for 300 large silage bales, 500 tonnes of barley, 200 tonnes of cattle cake
- Building D – Machinery Shed has been sized to store all farm machinery, 400 large straw bales, 275 tonnes chopped maize, 300 tonnes of fertilizer.
- Slurry store has been sized to cater for 1 million gallons of farm effluent and dirty water and replaces the existing slurry pit.

## **9. OFFICER APPRAISAL**

### **Principle of development**

The scale of agricultural operations proposed means that the proposed development cannot be determined under the Prior Notification Procedure. Policy NE.14 of the Crewe and Nantwich Borough Local Plan states that proposals for the erection, alteration or extension of agricultural buildings will be permitted where:

- The proposal is required for, and is ancillary to, the use of the land for agricultural purposes
- The development is essential either to the agricultural operation or comply with environment and welfare legislation
- The development is satisfactorily sited in relation to existing buildings, in order to minimise the impact on the landscape
- The development is sympathetic in terms of design and materials
- Adequate provision is made for the disposal of foul and surface water drainage and animal wastes
- Adequate provision is made for access and movement of machinery and livestock
- The proposal is of appropriate location, scale and type so as to not be detrimental to the amenities of any nearby residential properties
- The proposal is not of a design and construction which makes it easily convertible to residential use.

The main issues in the consideration of this proposal are therefore, whether the development is required for and essential to agriculture, the visual impact of the proposal, access and movement, and the impact on the amenity of nearby residents. The proposals are in outline only with all matters reserved. However, it is important to consider wider issues such as ecology and public rights of way.

### **Justification for Development**

The enterprise at High Ash Farm comprises mixed activities of arable and dairy farming. The pastoral enterprise comprises 204 (Holstein) Milking cows, 142 head followers to

milking herd (81 Heifers, 61 Bull Calves), 127 Beef Sucklers, Sheep Flock of 82 and 6 rams. It has been stated by the applicant that some of the existing buildings on the site are to be demolished as they are dilapidated or have exceeded their usefulness. This amounts to 1102sqm of agricultural floorspace. Furthermore, the existing milking parlour and feedstore is to be converted to form a cheese making complex. An application has also been submitted to convert the existing stable block to form a farm workers dwelling, whilst the existing range barn, of traditional construction, is inadequate for modern farming operations. The only existing building to be utilised for the farming operation is the large stock shed.

With the scale of operations proposed and the removal of existing dilapidated sheds it is considered that the proposed development is required for farming operations and essential for the farming operation which will also help to bring the farming enterprise up to modern farming standards.

## **Visual Impact**

The site is located entirely within the Open Countryside as identified by the Local Plan Proposals Map, there are no other designations affecting the site. All new buildings are to be sited approximately 20m to the north east immediately adjacent to the existing silage clamp. These buildings are located on field adjacent to the existing complex and will form a significant amount of development at a maximum height of 7.6m. The topography of the land on which these buildings would be sited slopes away in a northerly direction and the buildings will sit lower than the existing complex and higher ground which also rises to the east. It is considered that these buildings will be well screened by the topography of the land when viewed from the east and south, and screened by existing buildings and vegetation from the west. Given the topography of the land it could mean that without the buildings being set into the bank the development could appear more prominent. The relocation of Building C into the hillside will help to reduce its prominence of the development when viewed from the east to when compared with that previously submitted. Details of how the buildings will be graded into the slope are therefore suggested as a condition to ensure that the LPA has control over the prominence of the development when viewed from the north. Given the scale of operations proposed it is also suggested that a scheme of landscaping be conditioned to further reduce the impact on the development, which will be in accordance with Local Plan Policy.

There are no public highways in close proximity to the site from which the development would be visible. The development would be visible and prominent from Brindley Footpath's 5 and 11, and Spurstow Footpath 13 which will pass the buildings at close proximity. Agricultural buildings are not uncommon structures within such settings and it is therefore considered that the development would not have a significantly detrimental impact to the visual amenity of the area.

This is an outline application with all matters reserved. However, the full details of the appearance, scale and layout of buildings have been submitted. The proposed layout and scale of buildings, as outlined above, is considered to be justified and appropriate. The appearance detail submitted is for a mixture of low level concrete panelling, Yorkshire boarding and box profile metal sheeting for the elevations, and natural grey coloured cement fibre roofing. These are considered to be appropriate materials in this setting.

## **Amenity**

There are no residential properties in close proximity to the site that would be adversely affected by the proposed development. There have been no objections raised from Environmental Health.

## **Highway Safety**

The site is to be accessed from a new access off Cappers Lane which is currently under construction. It is not considered that the proposed development would give rise to any significant adverse impact on highway safety. Buildings are sited to allow safe internal movement within the farm complex.

## **Ecology**

Concern has been raised by both Natural England and the Local Authority Ecologist that the development could have an impact on protected species within trees that are to be removed. These include 5 trees within the curtilage of the farmhouse and a single tree within the courtyard. The applicant has indicated that those trees within the curtilage of the dwelling have been removed and the tree within the courtyard is now to be retained. Whilst these trees are outside the extent of the application site, they form part of the wider masterplan redevelopment of the farm complex. It has been recommended by the Ecologist consultation that a condition to secure the incorporation of features into the scheme suitable for use by roosting bats be attached to any permission.

The development is not located within the close proximity to any ponds or badger setts and it is therefore unlikely that Great Crested Newts or Badgers will be detrimentally affected by the proposed development. No objection has been raised by the Ecologist with regard to these protected species.

## **Public Rights of Way**

Whilst the proposed development has now been relocated so that it no longer obstructs Brindley Footpath No.5, the PROW unit have indicated that existing development on the site is obstructing this footpath as identified on the definitive map. Therefore a footpath diversion is required. As this is a legal requirement an informative is attached to the permission to inform the applicant of their obligation to secure an appropriate diversion.

## **10. CONCLUSIONS**

It has been demonstrated that the proposed development is for agricultural purposes and required for the agricultural operation. The buildings are appropriately sited given the proximity of existing structures, the topography of the land and natural screening, and they would not have a significantly detrimental impact on the character and appearance of the Open Countryside. The proposed development would not result in a loss of amenity to neighbouring properties or highway danger. While concern is raised over the impact on protected species, these trees fall outside of the application site. It is therefore considered that the proposed development would be in compliance with Policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Parking and Access) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

## **11. RECOMMENDATIONS**

**APPROVE** subject to the following conditions

**1-3 Standard Outline**

**4 Removal of buildings identified on plan**

**5 Landscaping scheme to be submitted**

**6 Landscaping scheme to be implemented**

**7 Materials and finish to be submitted**

**8 Details of grading of Buildings into bank**

**9 Bat roosting measures to be incorporated into buildings and/or landscaping**

**10 Amended Plan**



**LOCATION PLAN:** Cheshire East Council Licence No 100049045

