

Application No: 11/1584N

Location: OAKHANGER HALL FARM, TAYLORS LANE, OAKHANGER, CW1 5XD

Proposal: EXCAVATION OF A NEW CLAY LINED SLURRY LAGOON

Applicant: D & S C SUTTON

Expiry Date: 09-Aug-2011

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of Development;
- Need for the Proposal;
- Design;
- Amenity;
- Ecology;
- Public Rights of Way; and
- Other Matters

**REFERRAL**

This application is included on the agenda of the Southern Committee as the proposed floor area of the building exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal.

**DESCRIPTION OF SITE AND CONTEXT**

Oakhanger Farm is a working dairy farm and is set back from the main road by a distance in excess of 200m. The farmhouse is a traditional 2 storey property constructed out of facing brick under a grey slate roof, which is located to the north of a farm complex which contains a number of traditionally constructed barns. The farm also has a number of more modern utilitarian buildings which are located around the periphery of the application site, which comprise of milking parlour, slurry lagoon, livestock buildings and silage clamp. The application site is located on the edge of the farm complex in a corner of the field, which is enclosed on two sides by mature native hedgerows. There are a few residential properties located at sporadic points along this stretch of Taylors Lane. The application site is located wholly within the open countryside.

**DETAILS OF PROPOSAL**

This is a full application for the construction of an agricultural slurry lagoon at Oakhanger Hall Farm, Taylors Lane, Oakhanger. The proposed lagoon will measure approximately 37m long by 37m wide and is 2.5m deep. The proposed lagoon would be sited in a corner of a field and enclosed on two sides by mature native hedgerows.

## **RELEVANT HISTORY**

7/18818 – Silage Clamp Slurry Compound and Cubicle Building Extension – Approved – 9<sup>th</sup> September 1990

P04/0022 – Stock Building – Approved – 30<sup>th</sup> March 2004

P08/0129 – Demolition of Timber Framed Barn and Construction of Steel Milking Parlour Building – Approved – 30<sup>th</sup> April 2008

10/1338N – Demolition of Timber Framed Stock Building and Erection of a Steel Portal Framed Building – Approved – 22<sup>nd</sup> June 2010

## **POLICIES**

### **National Policy**

The application should be determined in accordance with national guidance set out in:

PPS1: Delivering Sustainable Development

PPS7: Sustainable Development in Rural Areas

PPS9: Biodiversity and Geological Conservation

### **Local Policy**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

BE.5 Infrastructure

NE.2 Open Countryside

NE.5 Nature Conservation and Habitats

NE.14 Agricultural Buildings Requiring Planning Permission

NE.17 Pollution Control

RT.9 Footpaths and Bridleways

## **CONSIDERATIONS (External to Planning)**

**Public Rights of Way (PROW):** No comments at the time of writing this report

**Ecologist:** I do not anticipate there being any significant ecological issues associated with the proposed development

**Environmental Health:** No objections subject to conditions relating to hours of construction and only slurry generated on the farm to be stored in the lagoon.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

### **No objections in principle subject to the following comments:**

- The new lagoon is stated to require externally sourced clay for lining - no figures are given but can be estimated from the scale drawings at approx 680 cubic metres, need to consider the size and route of vehicles delivering this material to the farm through Oakhanger.
- The application also fails to state what will happen to the 3000 cubic metres of earth extracted to create the lagoon - will this be spread around the farm or exported, again the concern is the risk of damage to local roads.

## **OTHER REPRESENTATIONS**

## **APPLICANT'S SUPPORTING INFORMATION**

### **Design and Access Statement**

A Design and Access statement has been submitted to accompany the application. This is available on the application file and provides an understanding of the proposal and why it is required.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is an operational farm, characterised by traditional farm buildings within the open countryside. The principle of an agricultural building that is essential to the agricultural practice is acceptable in the open countryside and accords with Policy NE.2 (Open Countryside). There is general policy support for agricultural development within the open countryside and paragraph 1.3 of PPS7 states

*"Promote the development of the English regions by improving their economic performance so that all are able to reach their full potential – by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies"*

*"To promote sustainable, diverse and adaptable agricultural sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity"*

In addition, paragraph 16 of PPS.7 states that Local Planning Authorities should:

*"Support development that delivers diverse and sustainable farming enterprises".*

The Local Plan outlines the need to strike a balance between development which will sustain the rural economy and the need to protect the countryside for its own sake. It is also necessary to recognise the changing needs of agriculture.

The key issues, therefore, are whether the proposed slurry lagoon is appropriate in terms of safeguarding neighbouring amenities and the appearance of the open countryside and impact on the local highway network.

### **Need for the Proposal**

According to the applicants Design and Access Statement recent NVZ (Nitrate Vulnerable Zone) regulations come into force on the 1<sup>st</sup> January 2012 requiring livestock farms to ensure they have five months storage capacity for slurry and dirty water produced on the holding. Currently Oakhanger Hall Farm has insufficient storage to meet these regulations and as a result the business needs to construct the new lagoon in order to meet the legislation.

### **Design**

Policy NE.17 (Pollution Control) states that all development proposals should ensure that appropriate measures are taken to prevent, reduce or minimise pollution. Policy NE.2 (Open Countryside) states that within the open countryside only development which is essential for the purposes of agriculture is permitted. There is also a need to ensure that development in the open countryside does not detract from the amenity of the surroundings.

The proposed location of the slurry lagoon is situated to the north east of the existing farmyard. The proposed lagoon is rectangular in form and measures approximately 37m wide by 37m long (which equates to an area of 1369msq) and will be 2.5m deep. The slurry lagoon will be excavated in the field and the base and banks of the lagoon will be lined with a sufficient depth of imported clay, to prevent any leakage. The banks of the lagoon will be at a 45 degree gradient. The site is located within an undeveloped field in close proximity to the existing lagoon. The application site is bounded on two sides by mature native hedgerows and open fields on the remaining elevations. According to the Design and Access Statement this location for the lagoon has been chosen for a number of reasons. The position of the new lagoon will allow for slurry to be moved from the existing lagoon into the new slurry lagoon without having to travel a large distance. The new lagoon will be sited a lower ground level than the existing facilities, so the new lagoon is gravity fed. The new lagoon is situated approximately 140m from the existing farmhouse, which will help to reduce any impact on residential amenity. In addition, the new lagoon is sited so that it does not interfere with the existing public right of way. Finally, the soil at this location has a high clay content, whereas the soil adjacent to the existing lagoon has a sand content, making it more porous.

Whilst the lagoon would be visible from the adjacent footpath this is the type of structure expected within a farm complex. In order to help assimilate the proposal into the local environment conditions relating to boundary treatment and landscaping will be attached to the decision notice.

### **Amenity**

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential properties which may be affected by the proposal are Stockton Farm and Gate Farm. The nearest residential properties to the application site (apart from the applicants property) are Stockton Farm which is located 500m to the west of the site and Gate Farm which is located in excess of 600m to

the south. It is not considered that the development will have any impact upon neighbouring residential amenity given the separation distance involved, undulating nature of the land and intervening buildings. Whilst there is also a farmhouse associated with the farm complex in close proximity to the lagoon, as this is occupied in connection with the existing farm complex any impact on the amenities of this property is within the occupant's control. Furthermore, the Councils Environmental Health Department has been consulted and they have raised no objection to the proposal. It is considered that the proposal will have a negligible impact on other properties in the area and the proposal complies with policy BE.1 (Amenity).

## **Ecology**

There are numerous ponds within the locality of the application site and it is possible that GCN and Lesser Silver Water Beetles which are both protected species under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) may be affected by the proposal. However, the Cheshire East Ecologist has viewed the submitted plans and accompanying supporting information and concludes that he does not anticipate the proposal having any adverse ecological impacts associated with the proposed development. Consequently, the proposed development accords with policy NE.9 (Protected Species).

Oakhanger Moss is identified as a RAMSAR site, however the site falls outside the consultation zone and it is not considered that the proposal will have a detrimental impact upon the RAMSAR site.

## **PROW**

The proposal is located near a public footpath. It would appear from the submitted plans that the proposal appears unlikely to affect the public right of way. Colleagues in PROW have been consulted and their comments have not yet been received at the time of writing this report. When their comments have been received they will be referred to in the update report.

## **Other Matters**

The agent has confirmed that the clay will be imported to the site in 20 ton loads, therefore the required volume of clay will generate approximately 34 deliveries to the site during the lagoons construction. The surrounding roads are not heavily trafficked and the vehicle movements and the associated disturbance will be for a limited time. It will not be a constant number of comings and goings from hereon in.

In light of the temporary nature of the associated vehicle movements the development will not result in demonstrable harm to either highway safety or neighbouring amenity. It is however recommended that a condition for wheel washing facilities should be imposed on any condition to ensure that vehicles crossing the field to the hollow do not spread debris on the highway.

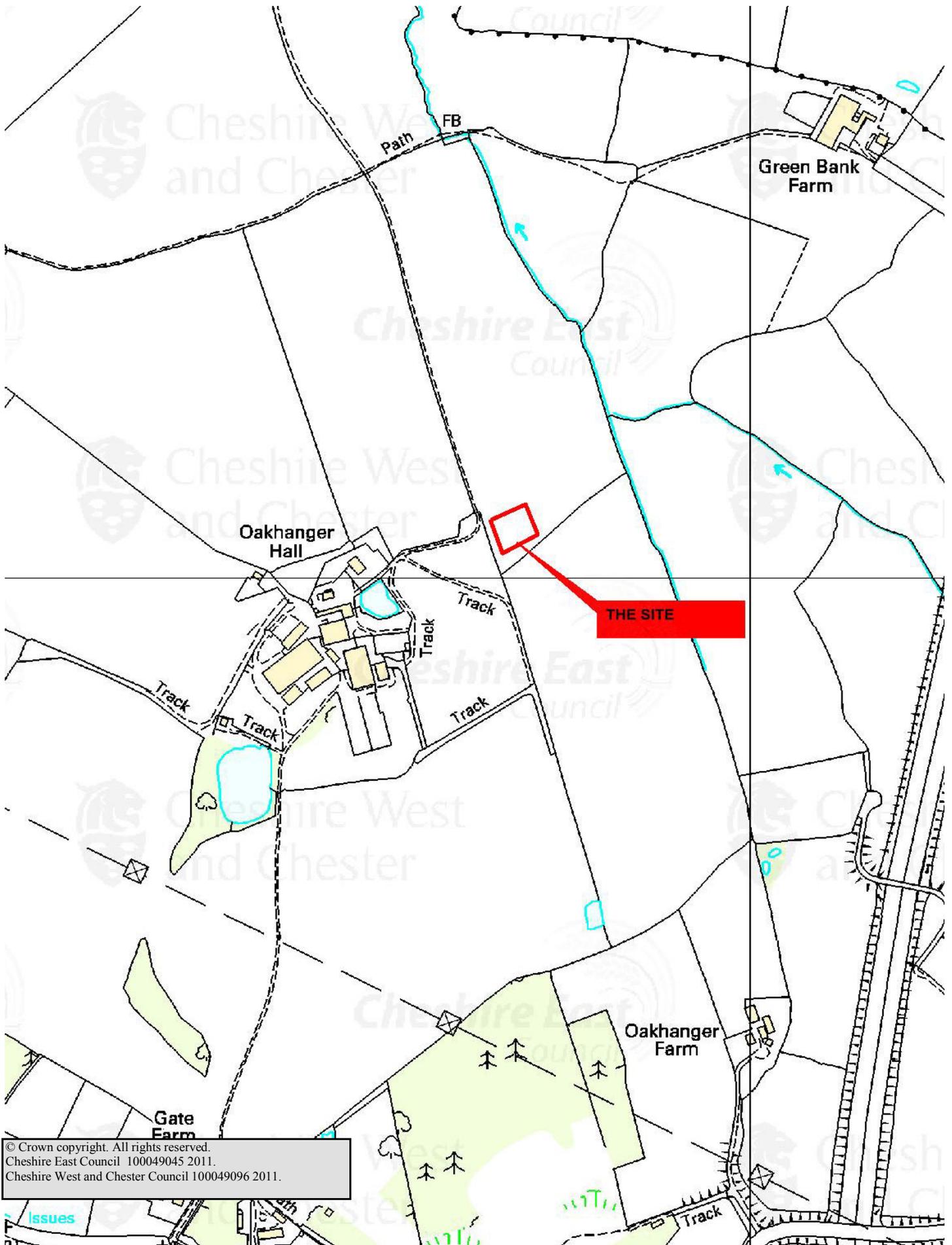
The excavated soil will be used to freeboard and grade banks around the edge of the lagoon, any excess material will be graded and used on the holding. If material wasn't to be used on the holding the surplus material would be loaded into the vehicles delivering the clay.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed slurry lagoon is appropriate in terms of scale, form, character and appearance for the purpose it will serve. The impact on residential amenity will be marginal given the separation distances involved and the existing agricultural buildings on the site. Therefore the proposal is in accordance with policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design Standards) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

### **Approve subject to conditions:**

- 1. Standard Time Limit**
- 2. Plans**
- 3. Boundary Treatment**
- 4. Landscaping Submitted**
- 5. Landscaping Implemented**
- 6. Slurry shall only be used for the storage of slurry and dirty water from Oakhanger Hall Farm and no other location and for no other purpose.**
- 7. Hours of Construction restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**
- 8. Wheel Washing**



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