

<b>Planning Reference No:</b>	10/1125N
<b>Application Address:</b>	Aston Lower Hall, Dairy Lane, Aston Juxta Mondrum CW5 6DS
<b>Proposal:</b>	Proposed Agricultural Hay, Straw and Farm Implements Storage Building
<b>Applicant:</b>	Mr J Thomasson
<b>Application Type:</b>	Full Planning Permission
<b>Grid Reference:</b>	363967356575
<b>Ward:</b>	Cholmodeley
<b>Earliest Determination Date:</b>	5 July 2010
<b>Expiry Dated:</b>	27 August 2010
<b>Date of Officer's Site Visit:</b>	1 July 2010
<b>Date Report Prepared:</b>	2 July 2010
<b>Constraints:</b>	Wind Turbine Dev Consultation Area

## **SUMMARY RECOMMENDATION**

**APPROVE (subject to conditions)**

### **MAIN ISSUES**

**Impact of the development on:-**

- **Neighbouring Residential Amenity**
- **The Character And Appearance Of The Open Countryside**
- **Highway Safety**
- **Protected Species**

## **1. REASON FOR REFERRAL**

This application is to be determined by the Southern Area Planning Committee because the floor area of the proposed building is between 1,000 -9,999 square metres.

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

The site measures 9.1ha and is an operational dairy farm characterised by portal framed buildings and traditional farm buildings. The planning history for the farm refers to planning permissions and GPDO determinations for previous agricultural buildings, which have resulted in an L-shape farm complex.

There is a stream running through the farm complex approximately 50m north east of the proposed building and the site lies within the open countryside.

There is a pond approximately 300m from the proposed storage building.

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

The building would be sited to the rear (north) of the existing cubicle building which houses cattle; the building would measure 92m x 43m have a floor area of 3956 sq. m and would reach a height of 11m to the apex of the roof and 4m to the eaves height.

The building would be constructed of reinforced concrete walls with tanalized space boarding the doors would be metal sheeted and the roof would be constructed of grey profile sheets. The building would be used for the storage of agricultural machinery and feed. The design also incorporates strip rooflights.

### **4. RELEVANT HISTORY**

P07/0152 cattle shed approved 11/04/2007

### **5. POLICIES**

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review 2005.

The relevant development plan policies are:

#### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP7 – Promote Environmental Quality

#### **Local Plan Policy**

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

NE.2 (Open Countryside)

NE.14 Agricultural Buildings that Require Planning Permission

NE.5 (Nature Conservation and Habitats)

NE.9 (Protected Species)

#### **Other Material Considerations**

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

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

**Strategic Highways Manager:** no comments received at time of writing report

### **7. VIEWS OF THE PARISH COUNCIL**

No comments received at time of writing report

## **8. OTHER REPRESENTATIONS**

No comments received at time of writing report

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

### **Design and Access Statement produced by MJ & MC Thomasson**

- The proposed building is to be used for storage of farm machinery, seed, feeding concentrates and straw;
- Machinery currently stored outside;
- Building would enable bulk buying of feed and secure store for farm equipment;
- Building to be sited on grazing land adjacent to existing buildings and hidden behind existing buildings from the public highway;
- Dig into ground contours to lessen the visual impact;
- Access via existing farm entrance;
- Construct building using same materials used on existing buildings i.e. steel framed, fibre cement roof and clad with wooden boarding.

### **Protected Species Survey produced by N Baskerville**

- Habitat Suitability Index indicates that Pond A is of poor suitability for Great Crested Newts due to the presence of wildfowl and fish;
- Pond B is of average potential but is unlikely to support a large breeding population due to the low cover of aquatic vegetation;
- Unlikely proposed development will have a negative impact on potential GCN population;
- Precautionary measures suggested.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The principle of building an agricultural building that is essential for the purposes of agriculture is acceptable in the open countryside and accords with Policy NE.2 (Open Countryside). The requirement for the new building is in respect of an existing agricultural operation; the building will keep the machinery secure and will enable the bulk buying of feed which will facilitate the efficient working of the farm and as such is essential to the operation of the farm. The key issues therefore are whether the proposed siting is appropriate in terms of safeguarding neighbouring amenities; the proposed siting, design and external appearance are appropriate in terms of safeguarding the appearance of the open countryside; and whether the proposed building would have an adverse impact upon protected species.

### **Amenity**

The proposed siting of the agricultural building is considered satisfactory in relation to the nearest residential properties. The proposed storage building would be positioned adjacent to an existing cubicle building and therefore the impact would be no different given the distance to the nearest properties to the west or north of the farm complex (approximately 400 m). The building would be screened by the existing farm complex to the south and east. As such the proposal would not have a detrimental impact to surrounding residential amenities. Environmental Health has raised no objection.

## **Visual Impact upon Open Countryside**

The proposed building is appropriately scaled and designed for its purpose, and would be in keeping with the adjacent agricultural buildings and would be complementary to the rural setting. The building would be of typical construction and include natural grey sheeting for the roof and timber clad boarding and concrete panels for the walls. The proposed location for the building would ensure that it would successfully relate to the existing cluster of buildings within the landscape and would therefore not appear as an alien or divorced feature within the open countryside. From the northern and western viewpoint the building would be read against the existing farm buildings. The proposed materials are appropriate and would help the building to blend into the surrounding landscape. The proposal therefore would have no further impact to the character and appearance of the surrounding open countryside than the current circumstance.

## **Highway Matters**

The development would not generate additional traffic movements and would not adversely affect the existing access and parking arrangements. The proposal would utilise an existing access and would not have an adverse impact upon highway safety in the vicinity.

## **Protected Species**

Ponds are suitable habitats for Great Crested Newts which are listed as a protected species under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and the existing mature trees on the site are suitable habitats for Bats, Barn Owls and Breeding Birds. Protected species are considered to be a material consideration in the determination of a planning application, and therefore any impact must be considered and mitigated accordingly.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or nesting places,

- In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is
- No satisfactory alternative and
- No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- A requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- A licensing system administered by Natural England.

Local Plan Policy NE.9 (Protected Species) seeks to prevent harm to protected species and their habitats.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The results section of the survey indicates that the proposals would be unlikely to have a significant adverse impact upon protected species. The recommendations section of the report will be conditioned accordingly.

In conclusion, the proposals, if conditioned to be in accordance with the recommendations of the protected species survey, would not have an adverse impact upon protected species provided that there are no objections from the Council’s ecologist.

## **11. CONCLUSIONS**

The proposed storage building represents essential development associated with an existing agricultural business which is considered an appropriate use within the open countryside. The building will be viewed in the context of the existing farm complex and would therefore not have an adverse visual impact upon the open countryside. In addition the proposals as conditioned will not have an adverse impact upon ecology and the proposals will have no discernable impact upon highway safety or neighbouring residential amenity.

## **12. RECOMMENDATIONS**

**APPROVE subject to conditions:**

- 1. Commence development within 3 years**
- 2. Development in accordance with the Approved Plans**
- 3. Materials as specified in application forms**
- 4. Recommendations of Protected Species Survey to be implemented**

