
Formation of slurry lagoon and associated infrastructure

Report Item No
A9

Springwood Farm Melbourn Road Staunton Harold Derby
Leicestershire DE73 8BJ

Application Reference
16/00287/FUL

Applicant:
R And W Gidlow

Date Registered:
15 March 2016

Case Officer:
Ebony Mattley

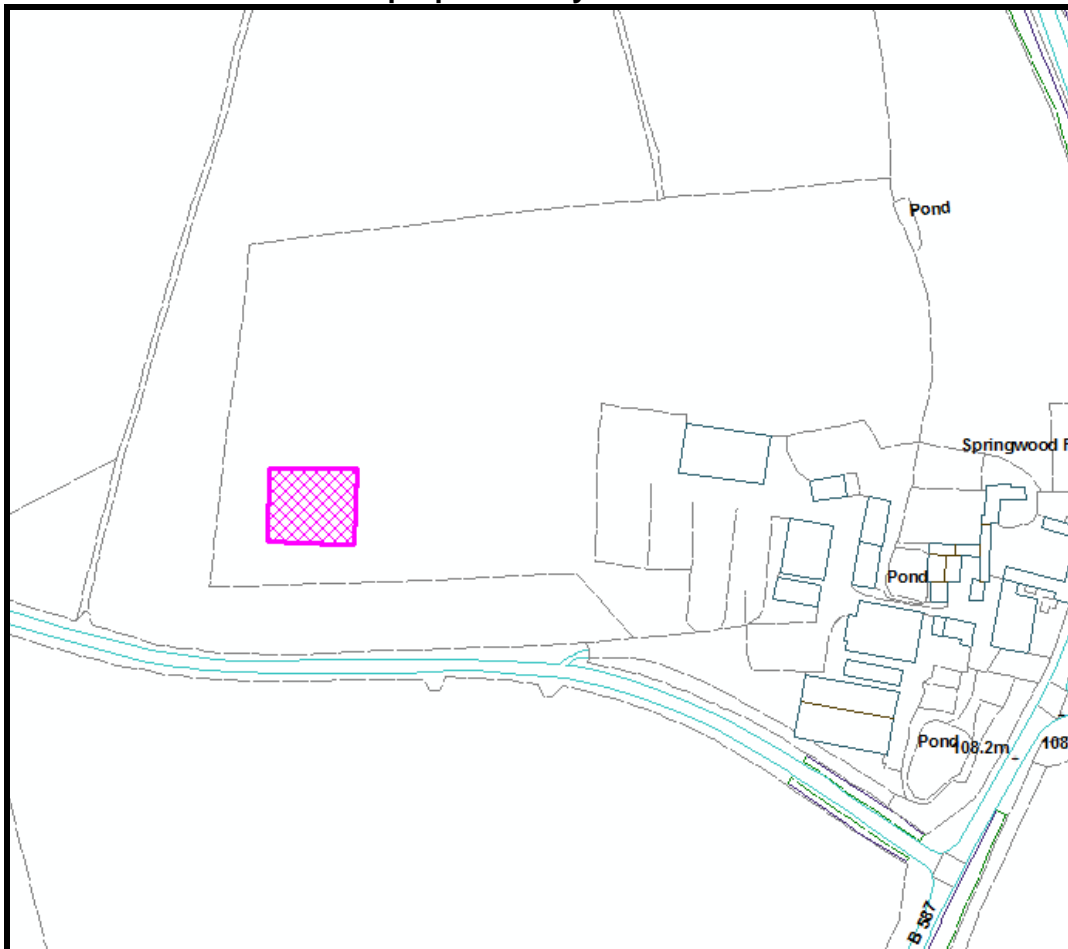
Consultation Expiry:
27 May 2016

Recommendation:
PERMIT

8 Week Date:
10 May 2016

Extension of Time:
11 January 2017

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is reported to the Planning Committee, at the request of Councillor Stevenson so that Members can consider the impact of the proposal on nearby Sites of Special Scientific Interest (SSSI's).

Proposal

Full planning permission is sought for the formation of a slurry lagoon and associated infrastructure at Springwood Farm, Melbourne Road, Staunton Harold.

Members may recall that the application was originally recommended for refusal, and was deferred by Committee in June 2016, to allow further discussions between Natural England and the applicant.

Consultations

No objections have been raised by statutory consultees and one letter of support has been received.

Planning Policy

The application site is located outside the Limits to Development, as defined in the adopted Local Plan Proposals Map 2002.

Conclusion

In conclusion, there is no objection in principle to the formation of a slurry lagoon, and it is not considered to give rise to any significant adverse impacts upon visual appearance, impact upon the setting of the Listed Building, impact upon protected species, impact upon SSSI's or occupiers of neighbouring properties or highway safety.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit, subject to conditions

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Full planning permission is sought for the formation of a slurry lagoon at Springwood Farm, Melbourne Road, Staunton Harold.

Natural England originally raised an objection based on the harm to Dimminsdale - a Site of Special Scientific Interest (SSSI) and other nearby SSSI's.

Members may recall that the application was originally recommended for refusal, and was deferred by Committee in June 2016 to allow further discussions between Natural England and the applicant.

Following an on-site meeting between all parties, amended plans have been received showing the surface water level measuring 31.6 x 31.6 meters, with a surface area of 998.56 square meters and re-consultation has been undertaken with Natural England and Leicestershire County Council Ecologist.

The application site is located outside the Limits to Development, as defined in the adopted Local Plan Proposals Map 2002 and submitted Publication Policies Maps June 2016.

Recent Planning History:-

09/00501/FUL - Formation of an earth banked slurry lagoon - Approved - 03.09.2009

2. Publicity

6 neighbours notified.

Site Notice displayed 11 April 2016.

Press Notice published Derby Evening Telegraph 13 April 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Severn Trent raise no objection, subject to the imposition of a condition.

Natural England raise no objection, subject to the imposition of a condition.

LCC Ecology raise no objections, subject to the submission and assessment of a badger survey or 20 metre buffer from the adjacent Spring Wood.

Third Party Representations

1 letter of support has been received stating that:-

The proposed slurry lagoon would reduce the amount of traffic on the main road as it would allow the farm to store more slurry and allow them to apply slurry at more appropriate times using an ambilical pumping system and it will be better for the environment.

All responses from statutory consultees and third parties are available for Members to view on

the planning file.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the framework. The closer the policies in the development plan to the policies in the framework, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 118 (Conserving and enhancing the natural environment)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside
Policy E3 - Residential Amenities
Policy E4 - Design
Policy T3 - Highway Standards
Policy T8 - Parking

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption.

S3 - Countryside
D1 - Design of New Development
D2 - Amenity
EN1 - Nature Conservation
EN6 - Land and Air Quality
HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Other Guidance

National Planning Practice Guidance - March 2014.
The Planning (Listed Buildings and Conservation Area) Act 1990

The Protection of Badgers Act 1992

The Wildlife and Country Act 1981.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

5. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, scale and design, impact upon the setting of a Listed Building, impact upon SSSI's; ecology, and impact upon residential amenity and highway considerations.

Principle of Development

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development:- economic, social; and environmental.

Paragraph 28 within the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- o Promote the development and diversification of agricultural and other land-based rural business.

The accompanying Design and Access Statement confirms that the farm must be able to hold 5 months worth of slurry and at present there is a deficit, and the new lagoon would provide sufficient storage whilst also allowing for the farm to continue to expand.

As the proposed slurry lagoon has been considered to be necessary for the long term operation of the agricultural holding, the proposal would accord with the aims of Policy S3 of both the adopted and submitted Local Plans. Furthermore, it is considered that the slurry lagoon would strengthen the viability of the agricultural holding, and promote the development of agricultural business which consequently contributes to the rural economy, in accordance with the overarching intentions of the NPPF.

Scale and Design

Following the submission of amended plans the lagoon would now measure 31.6 x 31.6 metres and will be dug into the ground.

Given that the lagoon is to be underground, it will only be the 300 mm earth bund and the proposed fencing that would be visible above ground level.

The applicant has confirmed that the fencing will be the same as that previously discharged under condition 3 attached to application ref: 09/00501/FUL for an earth banked slurry lagoon. The previously approved fencing was 1.85 metre high, using tanalised timber posts single

horizontal rail at 1.82 metres above ground level with strands of barbed wire, galvanized netting to a height of 1.8 metres and wire mesh to 0.9 metres. On the basis that this fencing has been previously approved no objections are raised to using the same fencing.

It is not considered that the earth bund or fencing would be visually prominent from outside of the site, given the existing hedgerows, agricultural buildings and the established planting of Spring Wood.

Overall the design of the proposal would be in accordance with Saved Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Impact upon the Setting of a Listed Building

The farmhouse of Springwood Farm is a Grade II listed building. The proposed development must be considered against section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting, the decision maker "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess".

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 132) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Although the proposed lagoon would be situated outside the defined area of the listed building, due consideration has been given to the impact the proposed lagoon and fencing may have on the setting of the listed building.

The scheme has been considered by the Council's Conservation Officer who has no observations regarding this submission and therefore is not considered to give rise to any harm.

Overall, given the distance from the lagoon to the listed building, and other than the earth bund and fencing, the development would not be visible above ground level. It is considered that the proposed lagoon would not detract from the setting of the listed building and the scheme is therefore considered to be in accordance with the NPPF.

Impact upon SSSIs

The Environment Agency has raised no objections to the proposal, subject to a note to applicant.

Natural England originally raised an objection based on the harm to Dimminsdale - a Site of Special Scientific Interest (SSSI) and other nearby SSSI's.

Following the submission of amended plans, Natural England have subsequently confirmed that there will be no significant adverse impacts on Dimminsdale Site of Special Scientific Interest (SSSI) and withdrew their objection.

Natural England have confirmed that this is on the basis of the surface area of the slurry lagoon and that the slurry lagoon will be crust-forming and have confirmed that in order to mitigate

adverse effects and make the development acceptable, the applicant should maintain a crust on the slurry lagoon as proposed in the amended plans and details of how the crust will be maintained should be provided as this is the key to keeping emissions at an acceptable level.

During the course of the application, details of how the crust will be maintained have been submitted and Natural England have confirmed that the details are acceptable. Conditions are recommended to be imposed requiring the lagoon to be crust forming and to be carried out and maintained in accordance with the submitted details.

Ecology

The scheme has been considered by the County Ecologist who has confirmed that the proposed lagoon would be sited to the east of Spring Wood, which is semi-natural ancient woodland and a 20 metre buffer would be required from badger setts in the woodland to the limits of the construction.

Originally the lagoon was proposed to be sited within 20 metres of Spring Wood, which therefore triggered the requirement for a badger survey, however during the course of the application, amended plans have been received which have re-positioned the lagoon to be situated 20 metres from the Wood, which therefore negates the need for a survey.

The amended plans still show a 20 metre distance from the Wood and the County Ecologist has confirmed she has no objection to the amendments.

Impact upon Residential Amenity

All neighbouring properties within 1 km of the site have been consulted upon. One letter has been received in support of the application.

Apart from the application dwelling - the farmhouse of Springwood Farm, the nearest residential dwelling to the proposed lagoon would be Springwood Cottage, located approximately 380 metres away and the most significant impact on the residential amenities of the occupants of Springwood Cottage would be from smells associated with the storage of slurry.

The scheme has been considered by the Council's Environmental Protection Team who have raised no objections. Following the original concerns raised by Natural England, officers have liaised directly with the Environmental Protection Team to ascertain if they have any further comments, and the Environmental Protection Team have confirmed they have no issues with regards to odour.

Although the proposed slurry lagoon could create smell implications, it is considered that these would not be significantly detrimental to the residential amenities of the occupants of Springwood Cottage to warrant a refusal of the planning permission given the smells already associated with the operation of the agricultural enterprise and existing slurry.

Highway Considerations

The proposed lagoon would not be accessed by vehicles and therefore there will be no changes to the current access and parking arrangements. There is no further consideration required in respect of highway safety.

Overall, it is considered that the development would not have any significant impact upon

highway safety or parking provision and the proposal is considered to be acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Conclusion

In conclusion, there is no objection in principle to the formation of a slurry lagoon, and it is not considered to give rise to any significant adverse impacts upon visual appearance, impact upon the setting of the Listed Building, impact upon protected species, impact upon SSSI's or occupiers of neighbouring properties or highway safety.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit, subject to the following conditions:-

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following amended plans, unless otherwise required by a condition of this permission: Proposed Site Plan Scale 1:1250; and 'Slurry Lagoon' Drawing No. GID.SEC.01.REV.A (scale 1:100) received by the Local Planning Authority on 18 November 2016.

Reason - For the avoidance of doubt and to determine the scope of the permission.

- 3 The slurry lagoon shall be crust-forming.

Reason - For the avoidance of doubt, and to ensure no significant adverse impacts on Dimminsdale Site of Special Scientific Interest (SSSI)

- 4 The crust will be maintained in accordance with the submitted details, received by the Local Planning Authority on 6 December 2016.

Reason - To ensure no significant adverse impacts on Dimminsdale Site of Special Scientific Interest (SSSI)

- 5 Before first use of the slurry lagoon hereby approved the fencing shall first be erected. The fencing to be erected shall be 1.85 metre high, using tanalised timber posts single horizontal rail at 1.82 metres above ground level with strands of barbed wire, galvanized netting to a height of 1.8 metres and wire mesh to 0.9 metres, unless alternative fencing is first agreed in writing by the Local Planning Authority.

Reason - To ensure a satisfactory standard of external appearance.

- 6 Before first use of the slurry lagoon hereby approved the topsoil and grass seeding as shown on 'Slurry Lagoon' Drawing No. GID.SEC.01.REV.A (scale 1:100) received by the Local Planning Authority on 18 November 2016 shall first be provided. Should the grass

fail to establish, die, be removed or become seriously damaged it shall be re-seeding during a period of 5 years from the first implementation of the approved landscaping scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided within a reasonable period and replaced, within a reasonable period.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 The slurry store is to be operated in accordance with current and future good farming practice guidance and advice as currently set out in Defra's Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers (2009).