

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	02.03.2020
Site Location:	Land At Berry Wormington, Stanway Road, Stanton, Broadway, Gloucestershire,
Application No:	19/00723/FUL
Ward:	Isbourne
Parish:	Stanton
Proposal:	New livestock housing/calf rearing building and formation of new access track and yard.
Report by:	Bob Ristic
Appendices:	Site location plan Plan & Elevations Levels plan
Recommendation:	Refuse

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to an agricultural field located on the western side of the B4632, approximately $\frac{3}{4}$ of a mile to the north of New Town Toddington and immediately to the south of Berry Wormington Farm.
- 1.2 More specifically the site relates to the south-western corner of the field, which is screened from the road by a hedge and various trees and shrubs which run along the southern boundary. The wider field slopes down to the southwest from a crest in the central part of the site.
- 1.3 The site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and is bound by watercourses to the south and west, with the south-western part of the site falling within Flood Zone 3 (**see site location and layout plans**).
- 1.4 The application seeks planning permission for a livestock shed (building 2) which would be located within the south-western corner of the site and would have a floor area of approximately 220 square metres. The building would be 12.2 metres wide x 18.1 metres long and 6.5 metres high to the ridge.
- 1.5 The building would have an east to west orientation and would be enclosed on 3 elevations. It would be constructed with a 2 metre high concrete panel plinth with Yorkshire boarding above. The roof would comprise profiled metal sheets.
- 1.6 The applicant has advised that the proposed building is required for livestock housing/calf rearing and ancillary storage of feed and straw. The barn is proposed to allow for the farm business to diversify and the proposal would allow for the

rearing of 60 calves per batch and would accord with 'Red Tractor' requirements for welfare/space standards.

- 1.7 The proposal also seeks permission for a new access track from the B4632 which would 'dog-leg' north before running westwards through the field to the site of the proposed building and is common to all 3 applications.
- 1.8 The site is subject to two further application for agricultural buildings which are also on this agenda (see section 2 below), which if permitted could form a group of 3 buildings.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
19/00722/FUL	New livestock/general purpose store building and formation of new access track and yard.	Pending	
19/00724/FUL	New agricultural workshop/storage (3) building and formation of new access track and yard.	Pending	
18/00883/FUL	Proposed agricultural building (1) for livestock housing and general purpose storage, associated access track and yard area.	WDN	15.05.2019
18/00884/FUL	Proposed agricultural building (2) for livestock housing, associated access track and yard area.	WDN	15.05.2019
18/00885/FUL	Proposed agricultural building (3) for livestock housing, associated access track and yard area.	WDN	15.05.2019
18/00886/FUL	Proposed agricultural building (4) for storage and workshop use, associated access track and yard area.	WDN	15.05.2019

3.0 RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

3.2 National guidance

National Planning Policy Framework (NPPF) (2019)
 Planning Practice Guidance (PPG)
 Planning (Listed Buildings and Conservation Areas) Act 1990

3.3 Development Plan

The Gloucester, Cheltenham and Tewkesbury Joint Core Strategy; 2017 (JCS):

SD6 – Landscape
 SD7 – The Cotswolds Area of Outstanding Natural Beauty
 SD8 – Historic Environment
 SD14 – Health and Environmental Quality
 INF1 – Transport Network
 INF2 – Flood Risk Management

- 3.4 **Tewkesbury Borough Local Plan to 2011; March 2006 (TBLP)**
AGR5 – New Agricultural Buildings
- 3.5 **Preferred Options Consultation, Tewkesbury Borough Plan 2011-2031 (2018):**
AGR1 – Agricultural Development
- 3.6 Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)
- 3.7 The First Protocol, Article 1 (Protection of Property)

4.0 **CONSULTATIONS**

- 4.1 **Stanton Parish Council** - Welcomes the substantial reduction of the landscape and visual impacts of the new proposals
- Planning officer to determine whether the proposed agricultural units are reasonably necessary to support the agricultural enterprise
 - Proposed works include a 500m access road / track
 - Would result in the total development area exceeding 1000 sqm.
 - No proposal for a dwelling to support the agricultural enterprise.

Toddington Parish Council - No objections

- Agree with comments from Highways and Stanton Parish Council

Cotswolds AONB Conservation Board

- Board objected to the previous planning applications
- Board provided pre-application advice to the applicant
- Much of our pre-application advice has been taken on board in terms of location, layout and potential landscaping and biodiversity enhancement measures.
- The reduction in the number of buildings and overall footprint of these buildings (from approximately 1,310m² to 761m²) is a significant factor.
- Photomontages help to assess the visual impact
- Proposals represent a significant improvement
- Potential adverse effects on the AONB would be significantly reduced
- Adverse visual effects for receptors on the Cotswold Way National Trail on the Cotswold escarpment and the B4632 would be reduced, as would the adverse effects on the setting of Grade II listed Berry Wormington Farmhouse.
- Overall effect on the Cotswolds AONB is still likely to be adverse, albeit relatively minor compared to the previous applications.
- High landscape sensitivity of this location.
- Significance of adverse effects will depend on how the applicant addresses light pollution
- Submission does not explain how lighting will be sympathetic
- Dark skies are one of the attributes of the AONB which makes it so outstanding
- Open-sided layout of two of the buildings and roof lights on the third building pose the risk of light pollution from within the buildings
- External lighting would potentially cause additional light pollution.
- Conditions should be imposed to (i) avoid and (ii) minimise light pollution, in line with Policy CE5 (Dark Skies) of the Cotswolds AONB Management Plan 2018-2023
- For the LPA to decide the overall balance of adverse and beneficial effects.
- Proposals for additional buildings in this location are highly unlikely to be appropriate.
- Further development is likely to exceed the 'landscape capacity' of the site

Environmental Health - No objection to the application in terms of noise / odour / pests adversely impacting the nearest sensitive receptor(s)

County Highways - No objection

Land Drainage Officer - No objection subject to conditions

Environment Agency Flood Risk - No comment

Environment Agency - No comments regarding the livestock/storage buildings
- Any muck store should comply with relevant NVZ/Silage Slurry & Agricultural Fuel Oil (SSAFO) regulations
- If any agricultural fuel oil is to be stored then it should comply with SSAFO regulations where relevant.

Gloucestershire Highways - No objection subject to conditions

County Archaeologist - No objections
- No known archaeology at this location or in the immediate locality
- Low risk that archaeological remains will be adversely affected by this development proposal

Health and Safety Executive – No objections
Site lies within consultation distance of a major pipeline

Building Control - No comment

5.0 **PUBLICITY AND REPRESENTATIONS**

5.1 The application has been publicised through the posting of a site notice for a period of 21 days. In response, 11 representations have been received and the comments raised are summarised below:

5.2 Object
- Impact on landscape still significant
- Would make a big impact on AONB
- Would detract from landscape quality
- Would be visible from Cotswold Way, other footpaths and steam railway
- Applicant previously had plans for a dwelling at the site & remains a future possibility
- Closer to watercourse
- Concerns about waste, slurry and pollution
- Will increase surface runoff
- Would be contrary to policy to protect landscape
- Land bought without buildings
- Land previously farmed with no buildings
- Employed staff are vet students during lambing not locals
- Will open doors to other building on green land
- Access is from a fast road
- Recent accident/fatality
- Applicant has HGV and other vehicles
- Slow moving vehicles are a hazard
- Light pollution has not been addressed

- Development will reduce available land
- No real business plan to decide if viable

Support

- Berry Wormington is a former livestock farm
- Fantastic applicant's want to build livestock sheds on farmland
- Adjoining owners appear to have converted farm buildings
- Need to support local farmers
- View of Farm Buildings expected in countryside
- Prefer this to eyesore of converted barns that locals can't afford
- Proper buildings required to house lamb stock
- Lambing and calving are a 24hour commitment
- Purchased land will give a permanent base
- Will allow business to grow
- Stock Farming is backbone of agriculture and shapes the AONB landscape
- Would reduce livestock mortality
- Difficult to get onto farming ladder without a 'silver spoon'
- Buying a farm in the area is beyond realms of normal farmers
- Necessary to allow applicant's to keep farming
- No intentions to stop renting land to applicant
- Long term agreements not possible due to land being in family trust
- Hundreds if not thousands of houses have been granted in AONB
- Surprised other issues are more important than food

6.0 **POLICY CONTEXT**

6.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of The Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which "indicate otherwise". Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other materials considerations."

6.2 The development plan comprises the Joint Core Strategy (JCS) (2017) and saved policies in the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP).

6.3 Other material policy considerations include national planning guidance contained within the National Planning Policy Framework and the emerging Tewkesbury Borough Local Plan (Preferred Options Consultation) 2011-2031.

6.4 The relevant policies are set out in the appropriate sections of this report.

7.0 **ANALYSIS**

7.1 Paragraph 83 of the National Planning Policy Framework states planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural businesses.

7.2 Policy AGR5 of the Local Plan states that the erection of new agricultural

buildings will be permitted provided that the proposed development is well sited in relation to existing buildings and landscape features in order to minimise adverse impact on the visual amenity of the locality paying particular regard to areas of outstanding natural beauty, the proposed development is sympathetically designed, that there is adequate operational access and that suitable provision is made for all waste products.

- 7.3 The application advises that the applicant has been farming for over 25 years with the present livestock business being built up over the past 20 years on rented premises. While the applicant continues to rent agricultural land, the rented buildings have been taken back by landowners.
- 7.4 In addition to rented land the applicant owns 60 hectares of land which includes the application site. The applicant advises that buying an established farm/buildings in the area is prohibitively expensive and is therefore seeking planning permission for the proposed development in order to allow the business to continue to be viable and to grow.
- 7.5 The applicant sets out that livestock enterprise currently comprises:
- 1200 breeding ewes (600 cross bred sheep, plus 600 north country Cheviots)
 - Up to 2400 following lambs
 - 30 breeding rams
 - 12 suckler cows
 - 12 suckler calves (around 6 months coming into winter housing)
 - 12 older suckler calves

In addition the applicant makes approximately 50 acres of grass into hay and owns a number of agricultural vehicles, machinery and associated equipment.

- 7.6 The Council's Agricultural Consultant (CAC) has assessed the application case for the proposed building to provide a calf rearing unit which has been supported by correspondence from 'Meadow Quality' which sets out their requirements and standards for calf rearing buildings and enterprises. The submitted letter from Meadow Quality also advises that, subject to planning permission being secured for the proposed building, the applicant would be recruited to supply 60 calves per batch on a 3-4 month rotation. The CAC has advised that based on the submitted information the agricultural requirements of a building of the proposed design and size are justified for the proposed use.
- 7.7 As set out above, the NPPF states that decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings. The principle of the development is therefore acceptable subject to an assessment of other material considerations including landscape and heritage impact, flood risk and pollution, highway safety and residential amenity.

Landscape character and Visual Amenity

- 7.8 Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan and Paragraph 172 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection.

- 7.9 JCS Policy SD6 sets out that development will seek to protect landscape character for its own intrinsic beauty and for its benefit to economic, environmental and social wellbeing which should have regard to the local distinctiveness and historic character of the different landscapes. Policy SD7 sets out that all development proposals in or within the setting of the Cotswolds AONB will be required to conserve and where appropriate enhance its landscape, scenic beauty, wildlife and cultural heritage.
- 7.10 The Cotswolds Area of Outstanding Natural Beauty Management Plan 2018-2023 sets out at Policy CE10 that development should have regard to and help to deliver the purposes of Conserving and enhancing the natural beauty of the AONB and Policy CE5 sets out that Proposals that are likely to impact on the dark skies of the Cotswolds AONB should have regard to these dark skies, by seeking to (i) avoid and (ii) minimise light pollution.
- 7.11 The site is located within the "Unwooded Vale" between the AONB to the south and the outliers of Dumbleton Hill to the north and between the Cotswold Scarp at Lidcombe Hill and Dumbleton Hill and occupies part of a shallow valley floor next to a small brook that flows north from Stanway to join the River Isbourne at Wormington. The site and its surroundings feature in elevated views from the east forming part of the wide open vale landscape however there are no public footpaths in the immediate vicinity of or crossing the site.
- 7.12 The Cotswolds Conservation Board Officer has advised that the board objected to the previous planning applications for 4 buildings on an elevated and prominent part of the site. The Board subsequently provided pre-application advice to the applicant before they submitted the current planning applications.
- 7.13 The Board confirms that much of the advice has been taken on board in terms of location, layout and potential landscaping and biodiversity enhancement measures the potential adverse effects on the AONB would be significantly reduced, compared to the previous planning applications. In particular, the adverse visual effects for receptors on the Cotswold Way National Trail on the Cotswold escarpment and the B4632 would be reduced, as would the adverse effects on the setting of the nearby Grade II listed building of Berry Wormington Farmhouse.
- 7.14 However, given the high landscape sensitivity of this location, lying as it does between the Cotswold Escarpment and the Escarpment Outliers of Dumbleton and Alderton Hills, in an area with relatively few man-made structures, the Board considers that the overall effect of the proposed developments on the Cotswolds AONB is still likely to be adverse, albeit relatively minor compared to the previous applications. However the significance of these residual adverse effects will depend, to some degree, on how the applicant addresses the issue of light pollution and protecting dark skies. Further information in respect of the proposed lighting to the development has been requested from the applicant and **an update will be provided at committee.**
- 7.15 The Council's Landscape Adviser (CLA) has reviewed the proposal on the basis that while the barns have been submitted as separate applications, the applicant has advised that 3 buildings proposed are inter-dependent and would all be required for continued viable operation the agricultural enterprise.
- 7.16 While there are concerns with regards to the impact of lighting, spread of clutter

and ephemera that might arise as part of a new agricultural holding the CLA considers that other than these concerns the simple forms and muted materials of the proposed structures, as well as the revised siting of the building at a lower level would result in some minor visual harm from the B4632 and elevated footpaths in the AONB to the east however the harm to the special qualities of the AONB would not be material.

- 7.17 The proposed new access would entail the loss of hedgerow adjacent to the B4632 which would result in some landscape harm particularly in the short term. The applicant has proposed the reinstatement of the frontage hedgerow outside of the required visibility splay to the new access along with further hedgerow planting has been proposed along the length of new track as it dog-legs to the east in order to provide screening from the highway. The impact of the track through the site would be mitigated by the topography of the site with an east-west crest running through the central part (to the north of the track) which would restrict views from the wider area. Materials could be controlled by planning condition.
- 7.18 Nevertheless, it is considered that the proposal would be intrusive in an undeveloped, sweeping valley linking Wormington Grange and Stanway and as a consequence of this local visual intrusion and local landscape character harm the proposal could have a material impact upon the setting of Wormington Grange and the heritage impacts of this are discussed below.
- 7.19 The applicant has proposed further native hedge planting throughout the site to screen the development and contribute to biodiversity and an indicative landscaping strategy is being prepared. The precise details of the location, species, size, mix and density, along with the future maintenance of the planting could be secured by condition. In addition the applicant is preparing further information to clarify the extent of the external hard surfacing (apron) associated with the proposed development. These details are awaited and **an update will be provided at committee.**
- 7.20 Overall, subject to the additional details referred to above, it is considered that there would be some harm to the sensitive AONB landscape which weighs against the proposal, however this harm can be further mitigated through additional strategic landscaping and controls.

Historic Environment

- 7.21 Paragraph 184 of the NPPF states that, 'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'
- 7.22 Paragraph 193 of the NPPF states 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 7.23 Paragraph 194 of the NPPF states that, 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.'
- 7.24 Policy SD8 of the JCS states that: 'Development should make a positive contribution to local character and distinctiveness, having regard to valued and distinctive elements of the historic environment. The policy also states that: Designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness and sense of place.'
- 7.25 The Borough Conservation Officer (BCO) has advised that the development is potentially within the parkland setting of Wormington Grange (Grade II* Listed). As such when determining planning applications the LPA has a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving the setting of these listed buildings.
- 7.26 The historic parkland setting of The Grange is currently largely unspoilt. The BCO advises that the sensory experience of the approach to the grange is considered to be very sensitive to change particularly from the drive approach from the formal entrance off the B4632 (including the Grade II Listed Lodge and the Gates and associated piers and railings) up the avenue and turning towards the 'reveal' of the Grange's façade
- 7.27 In terms of the impact of the proposed development the BCO sets out that there would be some views of the proposed buildings from the foreground of Wormington Grange with the top 1 – 1.5 metres of the roof visible from parts of the drive. These peripheral views have the potential to be moderately distracting but would not be overwhelmingly prominent or dominant.
- 7.28 The BCO advises that the proposal would result in less than substantial to the setting of the heritage asset and, it is considered that this harm could be mitigated through the control levels, strategic tree and hedge planting to bolster existing boundaries and further consideration of materials, external lighting and landscaping can be secured by condition. Subject to these matters being addressed in a satisfactory manner the BCO advises that there would be no harm to the setting of Wormington Grange.
- 7.29 Berry Wormington Farm lies to the northeast of the larger field parcel and is a Grade II designated heritage asset. The proposed development would have no adverse impact on the setting of these buildings due to the separation and ground levels across the site which would screen the proposed development.
- 7.30 Overall, in heritage terms, subject to the mitigation referred to in paragraph 7.28 above, the proposal would preserve the setting of nearby designated heritage assets.

Flood Risk & Pollution

- 7.31 JCS Policy INF2 sets out that development must avoid areas at risk of flooding and proposals must not increase the level of risk to the safety of occupiers of a site, the local community or the wider environment either on site or elsewhere. Policy SD14 sets out that High-quality development should protect and seek to improve environmental quality, should not create or exacerbate conditions that

could impact human health or result in unacceptable levels of pollution.

- 7.32 The south-western part of the site falls within Flood Zone 3 and the application has been accompanied by a flood risk assessment and drainage strategy. The report sets out that while alternative locations have been explored within the wider field parcel the application site has been selected due to its low lying position and the reduced landscape harm. Furthermore, the applicant has advised that there have been no recorded instances of flooding on the site within the past 20 years.
- 7.33 The proposal has been reviewed by the Council's Flood Risk Management Engineer (FRME) who has advised that given the 'less vulnerable' vulnerability class of the agricultural buildings, the siting of the units is in accordance with the NPPF however any increase in impermeable surfacing has the potential to increase surface water runoff and disturb flood flows and this, particularly in view of the cumulative effect of the 3 applications (721 m² of impermeable surfaces) will need to be addressed in accordance with the adopted SPD.
- 7.34 The area is understood to have low permeability, so soakaways would not be viable to the required standard, however a suitable solution should be achievable given the proximity of the watercourse. The FRME is satisfied that precise details can be secured by condition.
- 7.35 There is potential for effluent to leach from the site and into the watercourses as diffuse pollution. While the addition of organic matter and nutrients to soils may be beneficial in agricultural terms, their entry to water resources is detrimental and has the potential to kill native flora and encourage weed growth.
- 7.36 The FRME has advised that the primary objective of effluent management is to treat the organic matter and reuse the nutrients in a beneficial and ecologically sustainable manner and would involve managing dust, odour, gaseous releases and nutrients that may all adversely affect soils, water resources, flora and fauna as well as the general amenity of neighbours. It is considered that an appropriate management plan can be secured by condition.
- 7.37 The Environment Agency have raised no objections to the proposal in terms of flood risk or contamination subject to compliance with relevant Nitrate Vulnerable Zone Silage Slurry & Agricultural Fuel Oil (SSAFO) regulations to which the applicant's attention is drawn.

Highway Safety

- 7.38 JCS Policy INF1 'Transport Network' states that developers should provide safe and accessible connections to the transport network.
- 7.39 While the wider field benefits from an existing access from the B4632 to its north-eastern corner, this would not achieve required visibility splays required and would result in the formation of an access track running across the prominent, elevated parts of the site.
- 7.40 The proposed access location is set approximately 400 metres to the south of the existing access point. The application has been accompanied by a transport report and drawings which demonstrate that appropriate visibility splay of 2.4 x 215 metres can be achieved in either direction within the highway and over land within the applicants' control.

- 7.41 The proposal will entail the loss of some hedgerow in order to achieve the required splays and the applicant has advised that this would be compensated for through the planting of new hedgerow outside of the splay and along the access track. These details can be secured by condition.
- 7.42 The County Highways Authority have been consulted on the application and no objection in respect of highway safety have been raised subject to compliance with conditions.

Residential Amenity

- 7.43 Policy SD14 of the JCS states that new development must cause no unacceptable harm to local amenity including the amenity of neighbouring occupants.
- 7.44 The nearest dwellings to the proposed development is Berry Wormington Farm which is set over 450 metres to the northeast of the proposed building and Lydes Farm which is over 270 metres to the southwest and in an elevated position.
- 7.45 The application seeks the use of the agricultural building for livestock which may give rise to odour and noise emissions within the vicinity. However the Environmental Health adviser has confirmed that as a result of the separation, the proposed barn and associated use would not cause unacceptable harm to the amenity of neighbouring occupants in terms of noise, odour or pests.

Other Matters

- 7.46 Concerns have been raised that the proposed development particularly when considered cumulatively with the other proposed agricultural buildings at the site may give rise to the need for an agricultural dwelling at the site.
- 7.47 The applicant sets out that the proposed building is required to allow the business to expand and diversify into calf rearing which needs to take place under cover and with strict controls to ensure bio-security and that this new enterprise would also allow for the business to diversify its income and aid with cash flow throughout the year.
- 7.48 The Council's Agricultural Consultant has advised that the proposed calf rearing enterprise would involve the care of vulnerable animals (especially up to three months old) and suckler cows calving during the autumn. The nature of this use may enter into the realm of presenting an essential need for there to be somebody permanently based on site in the form of a caravan or subsequently a dwelling as the new enterprise establishes.
- 7.49 The Cotswolds Conservation Board have explicitly advised that any future proposals to build additional buildings in this location are highly unlikely to be appropriate as further development such as further agricultural buildings or a new dwelling are likely to exceed the 'landscape capacity' of the site (i.e. the capacity of the site to accommodate development without significant adverse effects on the Cotswolds AONB). These concerns are shared by the Council's Landscape Advisor who advises that the proliferation of residential development in this sensitive location would likely have a more pronounced detrimental effect upon landscape character. Similar conclusions are reached in respect of impact on heritage assets, and in particular the setting of Wormington Grange.

- 7.50 While any subsequent application for development would need to be considered on its own merits it should be noted that the proposed calf rearing use is likely to require a level of continual monitoring throughout day and night over and above that required for sheep or the present cattle business.
- 7.51 The applicant has advised that they presently farms across a number of land parcels and are accustomed to making visits across various sites throughout the course of a day and night as required and that on this basis no on-site residential accommodation is proposed or required.
- 7.52 Nevertheless, while any subsequent application for development would need to be considered on its own merits the applicant's attention is drawn to the above concerns in terms of the likely unacceptable landscape and heritage harm from further development at the site. Should planning permission be granted, the Applicant is advised to bear this in mind before making any decisions in terms of investing further in the site.

8.0 CONCLUSION AND RECOMMENDATION

- 8.1 The proposal would introduce built development within a sensitive landscape setting. While the proposal would result in some adverse impact to the landscape this is likely to be minor subject to concerns related to lighting being addressed by the applicant and these details can be controlled/secured by condition. Subject to this being addressed in an acceptable manner it is considered that the economic benefits arising as a result of securing the certainty of agricultural buildings for an existing, viable agricultural business would outweigh this limited landscape harm.
- 8.2 It is therefore considered that, on balance, and subject to compliance with conditions the proposal would be acceptable and it is recommended that authority be **delegated to the Technical Planning Manager to Permit the application subject to receipt of satisfactory information in respect of landscaping, lighting, pollution control and clarification of the extent of the apron to the building and the imposition or revision of conditions as appropriate.**

Conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application form, and drawing numbers nos.4804-001A, 4804-101A, 4804-105A, 3513008A-SSM 001 A3, SK01, 2532_01 and Location Plan Building 1 except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. No development including site clearance or preparation shall take place until details of measures to protect trees and hedging along the southern and eastern boundaries of the site have been installed in accordance with BS:5837:2012 and details which shall first be submitted to and approved in writing by the Local Planning Authority. The protective fencing shall be retained in accordance with the approved details for the duration of the construction phase.

Reason: In the interest of the visual amenity of the area.

4. Notwithstanding the submitted details, no construction works shall take place above slab level until precise details and where appropriate samples of the following have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be similarly maintained there after:-

- External facing and roofing materials including colour and profile,
- Surfacing material to the access track
- Details of all boundary treatments and enclosures
- Details of any external lighting to the building and site - including luminance, light spread and envisaged duration of illumination.

Reason: To ensure a high quality finish to the development in the interest of the visual amenities of the area.

5. Prior to the development hereby permitted first being brought into use a waste management plan for processing of the manure, effluent, dust and any other material which may give rise to pollution shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details for the duration of the use.

Reason: To ensure that waste materials are treated appropriately and do not affect the natural environment including watercourses.

6. The building hereby permitted shall not be brought into use until a landscaping scheme has setting out precise details of the position, size, species and mix of new planting to screen the development has been submitted to and approved in writing by the Local Planning Authority. The Landscaping shall be implemented in accordance with the approved details no later than the first planting season following the completion of the development. The landscaping shall thereafter be maintained for a period of 10 years. If during this time any trees, shrubs or other plants are removed, die, or are seriously diseased these shall be replaced during the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 10 year maintenance period.

Reason: Interest of the visual amenity of the area.

7. Throughout the construction period of the development hereby permitted provision shall be made within the site that is sufficient to accommodate the likely demand generated for the following:

- i. parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;

iv. wheel washing facilities

Reason: To reduce the potential impact on the public highway and accommodate the efficient delivery of goods.

8. The development hereby permitted shall not be brought into use until fire hydrants have been provided within the site in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire.

9. Prior to the occupation of the development hereby permitted the vehicular access shall be laid out and constructed and thereafter maintained in accordance with the submitted plan drawing no. SK01, but with a minimum entrance width of 6.0m, kerbed entry/exit radii of 10.0m. Any gates shall be situated at least 10.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and the area of access road within 10.0m of the carriageway edge of the public road shall be surfaced in bound material.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

10. The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 215m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained free from obstruction so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians.

11. No construction above slab level shall take place until a detailed design, maintenance & management strategy and timetable of implementation for the surface water drainage strategy have been submitted to and approved in writing by the Local Planning Authority. The maintenance and management strategy shall demonstrate the technical feasibility/viability of the drainage system through the use of SuDS to manage the flood risk to the site and elsewhere and the measures taken to manage the water quality for the life time of the development. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.

Reason: To ensure the development is provided with a satisfactory means of drainage and thereby preventing the risk of flooding. It is important that these details are agreed prior to the commencement of development as any works on site could have implications for drainage, flood risk and water quality in the locality.

12. No development shall be brought in to use/occupied until a SuDS management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime, has been submitted to and approved in writing by the Local Planning Authority. The approved SuDS maintenance plan shall be implemented in full in accordance with the agreed terms and conditions.

Reason: To ensure the continued operation and maintenance of drainage features serving the site and avoid flooding.

13. The development shall be carried out in accordance with the levels set out on drawing no.4804-105A.

Reason: In order to minimise the impact of the development upon the wider landscape.

14. Any external lighting approved under Condition 4 above shall be PIR operated and shall be extinguished other than for use during access and egress or for security purposes.

Reason: In order to protect the natural environment from light pollution

15. No further external lighting other than that approved under Condition 4 shall be installed at the site without the prior express permission of the Local Planning Authority.

Reason: In order to protect the natural environment from light pollution.

Notes:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.

2. The applicant is advised that any future proposals to build additional buildings in this location are highly unlikely to be appropriate as further development (such as agricultural buildings or a new dwelling) are likely to exceed the 'landscape capacity' of the site with resultant harm to the special qualities of the AONB and the setting of adjoining listed buildings.

3. The proposed development will involve works to be carried out on the public highway and the Applicant/Developer is required to enter into a legally binding Highway Works Agreement (including an appropriate bond) with the County Council before commencing those works.

4. The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

5. Your attention is drawn to guidance regarding the Storing silage, slurry and agricultural fuel oil set out on the following webpage

<https://www.gov.uk/guidance/storing-silage-slurry-and-agricultural-fuel-oil>