

Planning Committee

11 January 2020

Agenda Item 4

Contact Officer: Claire Billings

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Report of the Head of Economic Growth and Development

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT, 1985

All documents and correspondence referred to within the report as History, Consultations and Letters of Representation, those items listed as 'OTHER BACKGROUND DOCUMENTS' together with the application itself comprise background papers for the purposes of the Local Government (Access to Information) Act, 1985.

Other consultations and representations related to items on the Agenda which are received after its compilation (and received up to 5 p.m. on the Friday preceding the meeting) will be included in a Supplementary Report to be available at the Committee meeting. Any items received on the day of the meeting will be brought to the Committee's attention. These will also be background papers for the purposes of the Act.

FORMAT OF REPORT

Please note that in the reports which follow

- 1 'Planning Policy' referred to are the most directly relevant Development Plan Policies in each case. The Development Plan comprises the Lichfield District Local Plan Strategy 2008-2029 (2015), Lichfield District Local Plan Allocations 2008-2029 (2019), any adopted Neighbourhood Plan for the relevant area, the Minerals Local Plan for Staffordshire 2015-2030 (2017) and the Staffordshire and Stoke on Trent Joint Waste Local Plan 2010-2026 (2013).
- 2 The responses of Parish/Town/City Councils consultees, neighbours etc. are summarised to highlight the key issues raised. Full responses are available on the relevant file and can be inspected on request.
- 3 Planning histories of the sites in question quote only items of relevance to the application in hand.

ITEM 'A' Applications for determination by Committee - **FULL REPORT**

ITEM 'B' Lichfield District Council applications, applications on Council owned land (if any) and any items submitted by Members or Officers of the Council.

ITEM 'C' Applications for determination by the County Council on which observations are required (if any); consultations received from neighbouring Local Authorities on which observations are required (if any); and/or consultations submitted in relation to Crown applications in accordance with the Planning Practice Guidance on which observations are required (if any).

AGENDA ITEM NO. 4

ITEM A

APPLICATIONS FOR DETERMINATION BY COMMITTEE: FULL REPORT

11 January 2020

CONTENTS

Case No.	Site Address	Parish/Town Council
19/01736/FULM	Barn Farm Cranebrook Lane Hilton Lichfield	Wall

LOCATION PLAN

19/01736/FULM

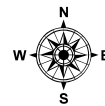
Barn Farm Cranebrook Lane
Hilton Lichfield WS14 0EZ

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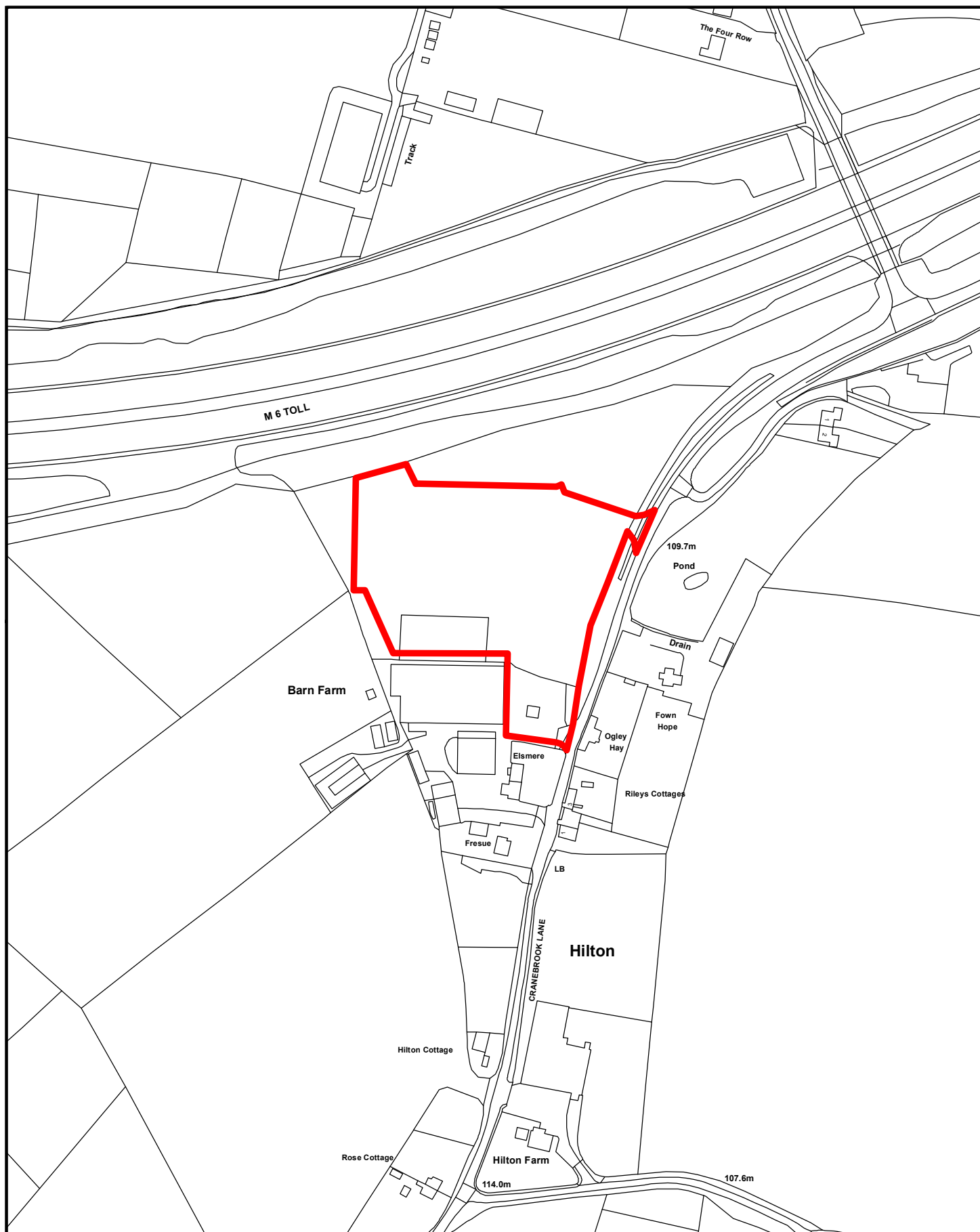
Dated: January 2021

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19/01736/FULM

**ERECTION OF 1 NO. AGRICULTURAL BUILDING FOR COLD STORAGE WITH LEAN-TO CANOPY,
PRIVATE WAY/TRACK TO SERVE POTATO GRADER, HARDSTANDING AND ASSOCIATED WORKS
(PART RETROSPECTIVE)**

**BARN FARM, CRANEBROOK LANE, HILTON, LICHFIELD
FOR MR A HORSFIELD**

Registered: 07/01/2020

Parish: Wall

Note: This application is being reported to the Planning Committee due to significant planning objections raised by Wall Parish Council.

The Parish Council objections relate to:

- Large storage facility and as such is a non-conforming development in the Green Belt.
- Strident feature in the landscape particularly due to its proximity to residential dwellings.
- Unsuitable access for any additional heavy commercial vehicle use.
- Access to the site could only be via the junction of Cranebrook Lane with the A5 dual carriageway where there is no acceleration or deceleration lane and use of this junction by heavy commercial vehicle would be extremely dangerous.
- The use of the existing farm access into the site from Cranebrook Lane opposite the residential dwellings is totally unsuitable (and appears to have already been widened without planning approval). The use of the existing access was because any alteration would have been incompatible with the previous agricultural 'permitted development' application. That application is no longer permitted development, so the inadequacy of the current access can now be considered as grounds for refusal.
- No noise assessment for the grading operations and machinery that would be used within the lean to building for the grading of the potatoes.
- The application does not provide adequate arrangements for drainage.

RECOMMENDATION: Approve, subject to the following conditions:

CONDITIONS

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.
2. The development authorised by this permission shall be carried out in complete accordance with the approved plans and specification, as listed on this decision notice, except insofar as may be otherwise required by other conditions to which this permission is subject.
3. The development hereby permitted shall not be brought into use until, the proposed new access to the site has been constructed in accordance with the submitted Drawing. No.3186-61 Rev. C, the subject of this planning permission.
4. Within one month of the new access hereby approved being brought into use any length of existing site access, which shall include the access crossing between the site and carriageway edge, made redundant as a consequence of the development hereby permitted, shall be permanently closed with the access crossing reinstated as verge and suitable boundary treatment put in place, in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

5. The development hereby permitted shall not be brought into use until the access drive within the site has been surfaced in a bound material between the rear of the highway boundary and the proposed gates.
6. The development hereby approved shall not be brought into use until a surface water drainage interceptor, connected to a surface water outfall, has been provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing by the Local Planning Authority.
7. The turning and reversing areas shall be retained at all times free of obstruction for its designated purpose.
8. Within one month of the completion of any of the buildings hereby approved, a bat or bird box shall be installed within the site. The bat or bird box shall thereafter be retained as such for the life of the development.
9. Within one month from the date of this permission and before the first installation of such, full details of the security measures to be used on the site including CCTV equipment shall be submitted to and agreed in writing by the Local Planning Authority. The approved security measures shall be implemented in full within an agreed timescale but no later than three months from the first use of the buildings and hardstanding hereby approved and shall be maintained as such thereafter for the life of the development.
10. The development permitted by this planning permission shall only be carried out in accordance with the approved Drainage Strategy (Feb 2020 / XABFBarnFarm.23 / Mayer Brown Limited), Drainage Technical Note (20/03/2020), and revised Surface Water Drainage Strategy (Drawing XABFBarnFarm.23_D01 Rev P4). In particular the following mitigation measures detailed within:
 - Limiting the surface water run-off generated by the 1 in 100 year + 40% Climate Change critical storm so that it will not exceed 5.0 l/s and not increase the risk of flooding off-site;
 - Provision of adequate attenuation flood storage on the site to a 1 in 100 year + 40% Climate Change standard;
 - Levels and inlets to the drainage system to be constructed so as to collect all surface water runoff to ensure it will not cause flooding on or off site up to the design storm of 1 in 100 years + 40% Climate Change;
 - Inspection, cleansing and maintenance of the drainage system to be undertaken for the lifetime of the development.
11. Within the first planting season following the implementation and first use of any part of this development hereby approved and landscape and planting scheme shall be implemented in accordance with details to be first submitted to and approved in writing by the local planning authority. The landscaping shall include hedge planting along the Cranebrook Lane boundary of the farmstead where there are any gaps, including where the redundant access is.

REASONS FOR CONDITIONS

1. In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended.
2. For the avoidance of doubt and in accordance with the applicant's stated intentions, in order to meet the requirements of Policy BE1 of the Local Plan Strategy and the National Planning Practice Guidance.
3. In the interests of highway safety and to comply with policy ST1 of the Local Plan Strategy.

4. To avoid the proliferation of redundant access lengths and improve highway safety as a consequence of the development hereby permitted and to protect the amenity of nearby local residents, and thereby conform to policies ST1 and BE1 of the Local Plan Strategy and the National Planning Policy Framework
5. In the interests of highway safety and to comply with policy ST1 of the Local Plan Strategy.
6. In the interests of highway safety and to comply with policy ST1 of the Local Plan Strategy.
7. In the interests of highway safety and to comply with policy ST1 of the Local Plan Strategy.
8. In order to encourage enhancements in biodiversity and habitat, in accordance with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development Supplementary Planning Document and the National Planning Policy Framework.
9. In the interests of site security and in order to comply with Policy BE1 of the Local Plan Strategy and the National Planning Policy Framework.
10. To ensure the site is suitable drained and to comply with Core Policy 3 of the Local Plan Strategy and the National Planning Policy Framework.
11. To ensure suitable screen planting is provided, in order to protect the character and appearance of the Green Belt and open countryside, in accordance with policies CP3, BE1 and Strategic Priority 12 of the Local Plan Strategy and the National Planning Policy Framework.

NOTES TO APPLICANT:

1. The Development Plan comprises the Lichfield District Local Plan Strategy (2015) and Lichfield District Local Plan Allocations (2019).
2. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2017, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee of £34 for a householder application or £116 for any other application including reserved matters. Although the Council will endeavour to deal with such applications in a timely manner, it should be noted that legislation allows a period of up to 8 weeks for the Local Planning Authority to discharge conditions and therefore this timescale should be borne in mind when programming development.
3. The development is considered to be a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.
4. Please be advised that Lichfield District Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on the 19th April 2016 and commenced charging from the 13th June 2016. A CIL charge applies to all relevant applications. This will involve a monetary sum payable prior to commencement of development. In order to clarify the position of your proposal, please complete the Planning Application Additional Information Requirement Form, which is available for download from the Planning Portal or from the Council's website at www.lichfielddc.gov.uk/cilprocess.

PLANNING POLICY

National Planning Policy

National Planning Policy Framework

Local Plan Strategy

Core Policy 1: The Spatial Strategy

Core Policy 2: Presumption in Favour of Sustainable Development

Core Policy 3: Delivering Sustainable Development

Core Policy 7: Employment & Economic Development

Strategic Priority 12: Countryside Character

Policy NR1: Countryside Management

Policy NR2: Development in the Green Belt

Policy NR3: Biodiversity, Protected Species & their Habitats

Policy NR7: Cannock Chase Special Area of Conservation

Policy BE1: High Quality Development

Policy ST1: Sustainable Travel

Policy ST2: Parking Provision

Supplementary Planning Document

Sustainable Design SPD

Biodiversity and Development SPD

Rural Development SPD

Other

Wildlife and Countryside Act 1981 (as amended 2016)

The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017)

The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006

Section 40 of the NERC Act 2006

No adopted Neighbourhood Plan, but lies within the Wall Parish Council designated neighbourhood area.

RELEVANT PLANNING HISTORY

15/01147/ABN	Agricultural Determination: Creation of access track.	Withdrawn	28/10/2015
17/00352/PND	Prior Notification : Change of use from agricultural buildings to 3no residential dwellings	Prior Approval Refused	18/08/2017
18/00434/FUL	Refurbishment of store, including painting and recladding, raising height of rafters and associated alterations.	Approved	11/06/2018
18/00632/FULM	Erection of agricultural building with lean-to canopy; extension to farmyard, erection of outbuilding to form transformer cabin, creation of new farm access drive and access point including reduction in width of existing farm access and associated works.	Refused	18/06/2019
19/00547/ABN	Agricultural Determination: Erection of cold store for the storage of potatoes	Prior Approval Not Required.	13/05/2019
19/01028/FUL	Erection of 1no open sided agricultural lean-to building	Withdrawn	12/11/2019

CONSULTATIONS

Wall Parish Council - recommends REFUSAL of this application.

Further to the response submitted by Wall Parish Council on 5 December 2020, further flooding has occurred on Cranebrook Lane at the location of the proposed new access road. As previously mentioned, this is the low point on Cranebrook Lane and water/debris from the large hardstanding

areas created in the proposed development will flow down to this point, especially as the proposed new access road is built where the applicant's additional plans of June 2020 had proposed an attenuation pond be created to control run-off from the site. (14/12/2020)

Previous comments: This response is additional to the consultation response submitted on 24/1/2020 and relates to the amended plans submitted by the applicant on 20/11/2020. The Council recommends refusal of the application as amended. Despite what the application may say about 'regularisation', no part of the current proposal (including the parts already constructed) has permission under 19/00547/ABN of May 2019. Agricultural permitted development applies only if the development is below 1,000 sq. m. and that ceased to apply when the applicants 'inadvertently' constructed the hardstanding and onsite roadways.

The amended proposal for a wide new access onto Cranebrook Lane (even though the original application said no new access was proposed) shows that this is a warehousing development requiring regular access by heavy commercial vehicles, rather than an agricultural use, and it therefore confirms it is a significant non-conforming development in the green belt. Moreover, the proposed new access is also sited over the exact area allocated for an attenuation pond in the applicant's drainage strategy plan of June 2020 and there appears to be no alternative drainage plan or attenuation pond proposed. The new access way runs downhill directly to the low point on Cranebrook Lane where flooding already occurs due to the gullies being blocked by gravel etc. washed down from the current operations on the development. With no alternative drainage proposal, surface water run-off and debris from the large areas of hardstanding will flow down the new access road onto Cranebrook Lane and exacerbate the existing flooding problem. (05/12/2020)

Previous comments: This planning application is required because the applicants have not complied with the requirements of the 'agricultural development' (permitted development) determination under 19/00547/ABN of May 2019. The Planning Statement that accompanied that application stated, para 2.3: 'It has been established that if the GPDO requirements are met by an application, then the principle of whether the development should be permitted is not for consideration in the prior approval procedure. Any assessment of siting, design or external appearance in the prior approval procedure must be made in the context where the principle of development is not itself at issue.' As the GPDO requirements have NOT been met, an assessment of siting, design and external appearance CAN now be considered as legitimate planning considerations.

The fact that most of the development comprised in this application has already been constructed is immaterial; this application needs to be considered on its merits as a new application. It is not, as claimed in para 1.1 of the applicant's Planning Statement to the current application a 'regularisation' of the Cold Store, hardstanding, private way and turning facility ' these items have no current planning consent. The applicant's claim (para 3.16) that the Cold Store has been 'approved' under the prior approval procedure is similarly incorrect. The applicant's Planning Statement to 19/00547/ABN claimed that the development was below 1,000 sqm. and therefore permitted as agricultural development. It also stated (para 2.7) that 'this application for prior notification does not seek prior approval for the means of construction of a private way'. So the present claim that the major additions of the associated hardstanding and access road private way were constructed 'inadvertently' (para 3.6) is scarcely credible.

The application should therefore be REFUSED on the following grounds:

1. This is an extremely large storage facility and as such is a non-conforming development in the Green Belt. Large quantities of potatoes will need to be imported to and exported from the site, so the building is effectively a warehouse not an agricultural building.
2. The size and mass of the building would be a strident feature in the landscape particularly due to its proximity to residential dwellings.
3. The access to the site is down a long and very narrow lane which is unsuitable for any additional heavy commercial vehicle use.

4. Access to the site could only be via the junction of Cranebrook Lane with the A5 dual carriageway where there is no acceleration or deceleration lane and use of this junction by heavy commercial vehicle would be extremely dangerous.

5. The use of the existing farm access into the site from Cranebrook Lane opposite the residential dwellings is totally unsuitable (and appears to have already been widened without planning approval). The use of the existing access was because any alteration would have been incompatible with the previous agricultural 'permitted development' application. That application is no longer permitted development, so the inadequacy of the current access can now be considered as grounds for refusal.

6. There is no noise assessment for the grading operations and machinery that would be used within the lean to building for the grading of the potatoes. This is an important consideration given the proximity of residential dwellings.

7. Flooding on Cranebrook Lane has occurred recently apparently arising from block drains following potato washing operations on site. The current application does not provide adequate arrangements for drainage.

8. The 'lean to' building would appear to have been submitted as an additional application 19/01028/FUL (now withdrawn) to avoid exceeding the 1,000 sq. metre limit for an agricultural building under 19/00547/ABN. The lean to building now needs to be considered as part of the application which would create additional noise and vehicle movements to and from the site. The applicant's claim (para 3.18) that the lean to would 'reduce' vehicle movement along Cranebrook Lane is not accepted ' the cold store and lean to do not have planning consent and the greatest reduction in vehicle movement would be achieved by refusing this entire application. (24/1/2020)

Staffordshire County Council (Highways) - No objections on highway grounds to the proposed development, subject to a conditions being included on the approval. (15/04/2020)

Previous comments: Does not consider that the application, as submitted, adequately assesses the highway impact of development and further information is required as set out in this response. Without this information, they are unable to provide final highway advice or advise whether this application is acceptable and any conditions and/or contributions which would be required to make it acceptable in highway terms. (27/01/2020)

Staffordshire County Council (Flood Risk Officer) - The overall principles set out in the Drainage Strategy, Drainage Technical Note, and revised Surface Water Drainage Strategy Drawing are acceptable, with discharge restricted to 5.0l/s via an online attenuation pond to an existing drain, and a drain run included for the access track.

The details of the construction and finished levels will be important in this case to ensure that surface water runoff is directed towards and collected into the surface water drainage system for attenuation. Ongoing maintenance by the site owner/operator will also be crucial to ensure continued performance of the system.

The proposed development will only be acceptable if the following measures, as detailed in the Drainage Strategy submitted with this application, are implemented and secured by way of a planning condition on any planning permission. (06/08/2020)

Previous comments: In the absence of an acceptable Drainage Strategy, object to grant planning permission and recommend refusal on this basis for the following reasons:

- New information has been brought to light by local residents which suggest that the recent work at this site has increased flood risk in the local area as a result of surface water leaving

the site as overland flow and also increased the rate of discharge to the watercourse to the east of the development resulting in flooding.

- The drainage strategy layout submitted with this application does not demonstrate how surface water at the entrance to the site and other areas within the submitted application boundary is captured in the surface water drainage system and furthermore has not been included within the hydraulic calculations.

Before they would be in a position to recommend approval, it should be demonstrated that the receiving watercourse has capacity to accept the proposed surface water run-off rate and that all of the area captured within the application boundary is either drained through the system in accordance with DEFRA's Non-Statutory Technical Standards for Sustainable Drainage Systems or controlled in a manner which does not increase flood risk elsewhere. (13/03/2020)

Seven Trent Water - As the proposal has minimal impact on the public sewerage system there are no objections and do not require a drainage condition to be applied. (13/01/2020, 14/04/2020 and 26/06/2020)

Ecology Team- The ecology team is satisfied that the proposed works are unlikely to negatively impact upon protected or priority species or habitats (i.e. those defined under the Wildlife and Countryside Act 1981 (as amended 2016), The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017), The Protection of Badgers Act 1992 or listed under section 41 of the Natural Environment and Rural Communities (NERC) Act 2006).

However, under policy NR3 of the adopted Lichfield District Council Local Plan a net gain to biodiversity must be incorporated into all developments. Due to the nature and location of the proposed development it is recommended that this net gain could be best achieved via the inclusion of a bat box or a bird box (or bat brick, swallow cup etc.) either within the applications red line or the blue line, where applicable. However a net-gain to biodiversity value could also be achieved through onsite habitat improvement works or the creation/planting of new habitats or features (i.e. additional tree or hedgerow planting, hibernacula creation, wildlife pond creation 'etc.'). Once incorporated into the development scheme such a net gain to biodiversity should be looked upon favourably and afforded appropriate weighting upon determination of the application as per the guidance of the National Planning Policy Framework 2019. (17/04/2020)

Environmental Health Team - As part of further discussions the applicant has highlighted a new access proposed under the previous application. As the new access will move traffic movements away from the cottages, this acts as betterment over the existing situation. (13/11/2020)

Previous comments: This application appears to mirror application reference 18/00632/FULM in that it is for a very similar operation, and is supported by the same noise report. The following therefore still needs to be addressed:

1. Information has not been supplied with regards noise levels from HV equipment as requested. As a result they cannot determine whether the equipment will generate noise levels that will impact adversely on neighbouring amenity, or whether any suitable mitigation measures are available to control such potential impacts. Therefore, cannot be satisfied that the matter can be addressed by means of a suitably worded planning condition.

2. Noise breakout from inside the proposed unit will not meet the requirements of LDC planning policy on noise and vibration. Paragraph 5.2 of this document requires that the rating level (calculated in accordance with BS4142) be at least 5dB below the existing background noise level (LA90). The noise report submitted in support of the application indicates that the rating level will only be around 1 dB(A) below. Given the inherent uncertainty in such assessments, it is entirely possible that this noise source will at times be clearly audible at the nearest noise sensitive receptor, especially at times where tractors are offloading into the storage units late into the evening and the roller doors are open.

3. Tractor noise is also predicted to have an impact in excess of LDC Planning Policy. The report makes this assumption based upon only 1 tractor movement per hour. It is entirely possible that more vehicle movements could occur. Also the assessment has been made considering operations between 07.00 and 23.00hrs, whereas the background noise levels used for the purpose of the assessment are typical background levels found between 07.00 and 18.00, therefore the true impact of activities into the evening are not fully considered.

4. With regards to the BS4142 assessment of the reversing alarm, the characteristics of the tonal alarm would make them clearly audible at neighbouring residential property. Only a 2dB correction factor has been applied to take account of this. The standard makes it clear that a 2dB correction is relevant where the noise is only just perceptible. In this instance based upon the applicants noise report, the alarms will be well over 10 dB above background, and therefore clearly audible. On this basis, the correction is an underestimate. The noise should also attract further correction as it is clearly intermittent and impulsive, but this has not been considered. Overall, concerned that reversing alarms will have an adverse impact on neighbouring residential amenity. (09/03/2020)

Arboriculture Officer- The site is not within any designated conservation area nor are there any TPO'd trees, nor indeed any trees of any note affected. As such there are no arboricultural grounds for any objection. (09/01/2020 & 03/04/2020)

Architectural Liaison Officer- It is important that a high level of physical security is incorporated in these proposals and that the following minimum recommendations are complied with and therefore there is no objections to this application subject to a condition requiring amended details of the CCTV measures on the site. (24/01/2020)

LETTERS OF REPRESENTATION

10 letters of objection have been received in respect of this application. The comments made are summarised as follows:

- Intensive farming enterprise that will only increase with this development.
- Surface water issues.
- Access issues including historic increases to the width without consent.
- General highway safety issues.
- Noise and vibrations emanating from many hundreds of HGV, tractor and other heavy machinery movements.

OTHER BACKGROUND DOCUMENTS

Drainage plan and report
Noise Assessment
Planning Statement
Transport Statement
Agricultural Need Statement
Topographical Survey

PLANS CONSIDERED AS PART OF THIS RECOMMENDATION

Dwg 3186 – 63A Proposed plans and elevations
Dwg 3186 – 61A Proposed site plan

OBSERVATIONS

Site and Location

The application site relates to Barn Farm farmstead. This comprises a number of existing portal framed buildings with an area of hardstanding between the two groups of buildings, as well as to the

west of recently constructed cold stores. Access to the site is currently through a single point to the west of Cranebrook Lane. The access opens out into a large open yard area located in front of the existing large portal framed buildings.

The application site is currently in arable agriculture use and located to the north of Barn Farm. The topography of the land is such that it slopes gently from south to north. Residential properties are located to the south east and south of the application site, fronting onto Cranebrook Lane. The application site's eastern boundary is formed by a native hedgerow.

The entire site is washed over by Green Belt and is in the open countryside. The site is not located within a Conservation Area nor is it within proximity to any designated or non-designated heritage assets.

Background

A previous application (18/00632/FULM) was submitted and refused for a similar scheme to the current proposal on this site. The reasons for the refusal related to the fact that the access was considered insufficient and there would be undue impact on the amenity of occupiers of neighbouring residential properties because of noise.

A further application, (19/00547/ABN) was approved under a prior notification process for the buildings that are also part of this application.

This application was necessary on account of the existing area of hardstanding being laid concurrently with the erection of the agricultural cold stores, which resulted in works/development in excess of 1,000 square metres. Due to this level of hardstanding the development exceeded the provisions of Schedule 2, Part 6, Class A of the (General Permitted Development) Order 2015 (as amended) and hence planning permission is required for the development.

Proposals

This application seeks planning permission for the erection of a single agricultural building and lean to at the side of this building. The application also seeks to regularise various other developments on the site and includes the following:

- Agricultural Buildings (Cold Stores) – previously granted prior approval under the (General Permitted Development) Order and in situ (regularisation);
- Agricultural Lean-to, to provide shelter for workers and machinery during the grading process (proposed);
- Hardstanding (regularisation);
- Creation of a private way to the side and rear of the buildings, with turning facility to the rear of lean-to, to allow access for tractor's delivering potatoes from field to the grader (regularisation).

The application has been amended to incorporate a new access at the northern end of the site to create relief from the activities on site from the residential properties on Cranebrook Lane.

Determining Issues

1. Policy & Principle of Development
2. Design and Impact upon the Character and Appearance of the Surrounding Area
3. Impact upon Green Belt
4. Access and Highway Safety
5. Ecology
6. Flood Risk
7. Noise & Impact on Residential Amenity
8. Human Rights

1. Policy & Principle of Development

- 1.1 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan for Lichfield District comprises the Lichfield District Local Plan (1998) (saved policies) and the Local Plan Strategy 2008-2019.
- 1.2 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, this is echoed in Local Plan Strategy Core Policy 2. Paragraph 12 of the NPPF states that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.'*
- 1.3 Paragraph 83 of the NPPF supports a prosperous rural economy and planning decisions should *(a) enable sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings and (b) the development and diversification of agricultural and other land-based rural businesses.*
- 1.4 Strategic Priority 12 of the Local Plan Strategy states that countryside character seeks to protect and enhance the quality and character of the countryside, its landscapes and villages. This is to be achieved by ensuring that development which takes place to meet identified rural development needs contributes positively to countryside character through enhancements to the local environment and preserves the openness of the Green Belt.
- 1.5 Policy NR2 (Development in the Green Belt) of the Lichfield Local Plan Strategy reflects the policy within the NPPF. The Policy states that all development within the Green Belt must retain its character and openness. Inappropriate development is by definition harmful to the Green Belt and will not be approved except in very special circumstances.
- 1.6 Core Policy 7 (Employment and Economic Development) of the Local Plan Strategy provides support in principle for the proposal as it states: *The District Council, working in partnership with business and local communities, will maintain and enhance a diverse local economy and encourage opportunities for inward investment. Proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan Policies.* This is furthered echoed in Policy NR1 (Countryside Management) which supports the delivery of diverse and sustainable farming enterprises. Policy Rural 1 (Rural Areas), also supports rural employment and diversification where it accords with Core Policy 7.
- 1.7 Development Management Policy NR1 (Countryside Management) recognises the important of the economic role of the countryside and the role that planning plays in supporting and facilitating positive countryside management and in strengthening the rural economy. The proposed development lies within the 0-15km of the Cannock Chase SAC. Evidence prepared to support the Local Plan identified that development which results in an increase in visitors to the SAC can have an adverse impact upon the sites integrity and the purposes for which it is designated. A separate assessment is therefore required in order to meet the requirements of the Habitat Regulations.
- 1.8 The proposed development is in association with a working farm located on this site. The works for which planning permission are sought are all in association with the workings on the farm and therefore are considered necessary for the farm to function. As such, it is considered that the principle of the development under the consideration of this application is supported both by national and local policy in terms of the agricultural use of the land, however the presumption in favour of sustainable development does not apply in this case.

2. Design and Impact upon the Character & Appearance of the Surrounding Area

- 2.1 Core Policy 3 of the Local Plan Strategy states that *development should protect and enhance the distinctiveness of the District and its settlements, and development proposals should be of a scale and nature appropriate to its locality*. This is echoed by Policy BE1 of the Local Plan Strategy, which requires new development to, *carefully respect the character of the surrounding area and development in terms of layout, size, scale, design and public views*.
- 2.2 The proposed building and lean-to would be located within the site and off the highway boundary and read as part of the existing buildings on site. In terms of scale and design the proposal is for an agricultural building on the site with an attached lean-to structure of an open canopy design. There are two attached cold storage buildings on the site; as approved under application reference 19/00547/ABN, which are included in this application for regularisation. The design of these buildings were considered appropriate under the prior approval notice and in terms of this application, the buildings are of a scale and design appropriate for the type of buildings found on a farm.
- 2.3 With regards to the area of hardstanding, although it is accepted that the area exceeds that considered appropriate under a prior approval notice, it is however accepted that the area is required in connection with the use of the existing buildings on the site. In terms of impact, it is considered that the hardstanding area does not result in any adverse impact on the site area nor upon the area of open countryside.
- 2.4 In conclusion, it is considered that the design and appearance of the existing buildings and the proposed lean-to canopy structure are of an appropriate design and appearance for an agricultural building within the open countryside. As a result, the application will not have a significant impact upon the local character of the surrounding area. For these reasons it is considered that the application proposals comply with the requirements of Core Policy 3 as well as the requirements of Policy BE1 with regard to design and visual impact.

3. Impact upon the Green Belt

- 3.1 The application site is located within the West Midlands Green Belt and therefore is subject to a stricter degree of control in order to ensure that any development preserves the special characteristics and openness of the area. The decision making process when considering proposals for development in the Green Belt is in three stages and is as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 3.2 Policy NR2 of the Lichfield Local Plan strategy states that, within the Lichfield District portion of the West Midlands Green Belt, all development within the Green Belt must retain its character and openness. Inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 3.3 Paragraph 145 of the NPPF states that, *Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt, unless it is for one of the exceptions listed in the National Planning Policy Framework*. One of these exceptions is buildings for agriculture and forestry.

- 3.4 The proposed buildings are to serve an agricultural use and therefore are not considered as inappropriate development in the Green Belt. In summary, the site lies within the adopted Green Belt, the proposed development meets the exceptions at Paragraph 145 of the NPPF and therefore not considered to be inappropriate development in the Green Belt and as such is considered acceptable in principle.
- 3.5 As noted in the section above, it is considered that the proposed buildings and area of hardstanding will be seen in context of the existing buildings and working farm that already existing on the site. Furthermore, there is an embankment with the M6 Toll to the north of the site, which creates a barrier beyond. Subject to appropriate landscaping, to be secured by condition, it is considered there would be no undue harm caused to the character and openness of the Green Belt.
4. Access, parking and highway safety.
- 4.1 Policy BE1 of the Lichfield Local Plan Strategy requires development to protect public safety and Policies ST1 and ST2 of the same document both refer to highway safety in relation to various issues including access and parking provision. Paragraph 109 of the NPPF highlights the point that, *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 4.2 The proposed access, as amended, is deemed to be sufficient to allow the vehicles that will come to use it, according to the Staffordshire County Council highways guidance. An amendment to the transport statement has also confirmed that the proposal would be acceptable and would not create a severe impact on the highway network, in line with the guidance within the NPPF. Members will see from the consultations section of this report that the advice from County Highways is that there are no objection to the proposal on highway grounds, subject to a condition requiring any redundant access as a consequence of the development to be permanently closed with the access crossing reinstated as verge. This new access is a more perpendicular access than the previous scheme and has the support of the highways authority. This revised access is also supported by the Council’s Environmental Health Officer, who considers that the revised access arrangement will help mitigate against issues of those living nearby.
- 4.3 In light of this, it is considered that the proposal takes account of access and egress to the public highway and highway safety overall in line with the adopted local plan strategy and would not have a severe impact in general terms. For these reasons, the proposal is considered to be in conformity with Local Plan Policies BE1, ST1, ST2 and paragraph 109 of the NPPF and therefore there are no highway reasons to warrant a refusal in this instance.
5. Ecology
- 5.1 To comply with the guidance contained within Paragraphs 8c, 108 and 118a of the NPPF and the Council’s biodiversity duty as defined under Section 40 of the NERC Act 2006, new development must demonstrate that it will not result in the loss of biodiversity value across the site. Due to the Local Planning Authority’s obligations to ‘reflect and where appropriate promote relevant EU obligations and statutory requirements’, the applicant must display a net gain to biodiversity as per the requirements of the EU Biodiversity Strategy 2020. Furthermore, producing a measureable net-gain to biodiversity is a requirement of all developments under Policy NR3 of the Local Plan Strategy and the Biodiversity and Development SPD.
- 5.2 The applicant has agreed to install a bird/bat box in line with the comments made by the LDC ecologist and therefore demonstrate that a net gain in ecology can be demonstrated. The provision of the bird/ bat boxes can be secured by condition.

- 5.3 It is considered that the overall scheme, including the biodiversity net gain, will suitably comply with the requirements of Policy NR3 of the Local Plan Strategy, the Biodiversity and Development SPD, the NPPF and the wildlife legislation stated above.

6. Flood Risk

- 6.1 Core Policy 3 states that development should give priority to utilising ground infiltration drainage techniques and including sustainable drainage techniques and incorporate other sustainable techniques for managing surface water run-off such as green roofs in new development and in retro-fitting where historic flooding events have been identified.
- 6.2 The proposal has been supported by a drainage strategy, technical note and SUDs drawing and the proposal will include an attenuation pond to fully address the issues laid out in original concerns from the Staffordshire Flood Authority. Although it is accepted that an objection to the application has been received from the Parish Council relating to flooding in the area however, as members will see from the comments received that the revised drainage details are considered acceptable by the Flood Authority. As such, subject to a condition being applied to ensure that the agreed drainage strategy is completed there are no objections raised to the proposal on the issue of drainage / flood risk.

7. Noise and Impact on Residential Amenity

- 7.1 Core Policy 3 states that development should minimise levels of pollution or contamination to air, land, soil or water, including noise pollution. Policy BE1 states that development should have a positive impact on amenity, by avoiding development which causes disturbance through unreasonable...*noise, light, dust, fumes or other disturbances*.
- 7.2 The application is supported by a noise survey which following initial consideration by the Council's Environmental Health Officer, a number of unresolved issues were identified which were similar to a previous scheme on the site. Although it is acknowledged that the noise report addressed several concerns identified in the previous application, it was still considered by the Environmental Health Officer that a significant impact upon neighbouring residential amenity was still found, due to the site access being immediately opposite residential dwellings which front immediately onto Cranebrook Lane. Furthermore, objections received from the Parish Council and residents have raised noise as an issue with the application proposals.
- 7.3 The main area of concern about noise is due to the proposal significantly increasing the volumes of traffic, including tractors and HGVs visiting the site. This increase in noise was as a direct result of engine noise, from acceleration and deceleration, and the clatter of trailers over uneven ground/unmade tracks would be clearly audible inside neighbouring residential properties, which would occur during noise sensitive hours also. The noise report had assumed that this impact would be acceptable on the basis that the vehicles will be typically on average 125 metres from property, and that movements will equate to around 1 per hour. Whilst these assumptions might not appear to be unreasonable, it was considered by the Environmental Health Officer that in reality vehicle movements could be far more frequent and are unlikely to be controllable by means of a planning condition. In addition to this, the vehicles will manoeuvre into the site and operate at a much closer distance than that quoted (i.e. less than 10 metres).
- 7.4 In order to seek to address this concern, the agent provided a justification on why the application is acceptable in terms of noise issues. They advise that:
- The operation of grading potatoes will take place on the site, irrespective of whether this permission is granted.

- Without adequate on-site storage, the potatoes that are delivered to the site from the land will, after being graded, have to be taken by lorry for onward storage elsewhere.
- This is not sustainable and creates more movements on the road and, by extension, more activity/movement at the access and thus more noise.
- The LPA will be mindful that, had the applicant not laid the hardstanding concurrently with the erection of the buildings, they would have been permitted development (as confirmed by the grant of prior approval previously). Following the path of a refusal to its possible conclusion i.e. the buildings being removed from the site through enforcement action, the applicant would retain his right to build the same size buildings, in the same location and for the exact same purpose, under their agricultural PD rights.
- Finally, if noise became an issue, they consider that there are provisions under the Environmental Protection Act 1990 to determine whether any noise constitutes a 'statutory nuisance'.

7.5 Notwithstanding this point, Members attention is also drawn to paragraph 017 of the Planning Practice Guidance, which states that:

"When assessing whether a statutory nuisance exists, local authorities will consider a number of relevant factors, including the noise level, its duration, how often it occurs, the time of day or night that it occurs and the 'character of the locality'. The factors influencing the 'character of the locality' may include long-established sources of noise in the vicinity – for example, church bells, industrial premises, music venues, public houses or airfields, and whether they are constant or intermittent."

7.6 In addition to this, it is also accepted that certain size buildings could be built under the prior approval process similar to the size of building proposed under the current application; as it is only due to the size of the hardstanding exceeding the size allowed, which has resulted in the requirement for this application. Despite this point, it is clear that the main issue relating to noise problems to the residents revolves around the issue of access to and from the site and associated vehicle movements. As such, in order to address this concern the applicant submitted an amendment to the point of access, which will allow for vehicles to access and leave the site further away from the nearby residential properties. In considering this amendment, the Environmental Health Officer has confirmed that the noise from vehicles will be reduced as a result and they no longer object to the proposals on noise grounds.

7.7 For the above reasons and subject to conditions including the requirement to install the revised vehicular access point, it is considered that there would be no noise related reasons to justify refusal of planning permission.

8. Human Rights

8.1 The proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with an individual's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report in having regard to the representations received and, on balance, is justified and proportionate in relation to the provisions of the policies of the development plan and national planning policy.

Conclusion

The NPPF states that there are three dimensions to sustainable development, namely economic, social and environmental and that these should be considered collectively and weighed in the balance when assessing the suitability of development proposals.

There are notable concerns relating to noise, however it has been assessed that the noise generated by the agricultural activity could still increase should the development not be approved. Grading potatoes as per the usual activity on the site will continue and without the storage that is being applied for through this development, the potatoes that are delivered to the site from the land will, after being graded, have to be taken by lorry for onward storage elsewhere causing further disruption locally and increased vehicle movements is not environmentally sustainable.

Given that there is some noise already present as a cause of the existing site use, and that the proposal would make an improvement by relocating the vehicular access, it would be unreasonable to refuse the application on this basis. Following the re-submission of various details that are now deemed satisfactory by the relevant consultees, the proposal is acceptable and would conform to relevant policies on agricultural development. Therefore, the application is recommended for approval, subject to conditions.