

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

12 March 2020

Application No:	SMD/2019/0331		
Location	Land at Ball Green Farm, Woodhouse Lane, Brown Edge		
Proposal	A cubicle shed for the housing of the dairy herd - Phase 3 Resubmission of SMD/2018/0029		
Applicant	Mr D Clement		
Agent	Mr Bill Parry		
Parish/ward	Brown Edge	Date registered	25/05/2019
If you have a question about this report please contact: Mark Ollerenshaw tel: 01538 395400 ext 4921 mark.ollerenshaw@staffsmoorlands.gov.uk			

REFERRAL

This application is to be decided at Planning Applications Committee as requested by Cllr Heath and the application is locally contentious.

1. SUMMARY OF RECOMMENDATION

REFUSE

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 Ball Green Farm is a well established farm business comprising 273 acres and a further 120 acres rented. The site comprises part of a field located to the north east of Ball Green Farm and east of Gorsey Bank, Brown Edge. The site is located within the SMDC boundary, however, the farmhouse itself together with neighbouring residential properties within close proximity to the west / north west and Ball Green Assembly of God Church, are within the Stoke on Trent Council area.

2.2 The site is within the Green Belt and Countryside.

3. DESCRIPTION OF THE PROPOSAL

3.1 The application is for the erection of a steel framed cubicle building Phase 3 for the housing of cattle and is a resubmission of a previously refused application, ref SMD/2018/0029.

3.2 The proposed building, which is to be constructed in three phases, will, when fully completed, contain 256 cubicles in banks either side of a central feed passage.

3.3 The proposal is a steel portal framed building which shall be finished in coloured plastisol box profile above 2 m concrete panels and a fibre cement sheet roof. In total it will be 55 metres long and 36.6 metres wide consisting of three phases. The finished building including all stages would have a height to eaves of 4.75 metres on the north western elevation and 7.72 metres on the south western. The ridge height from floor level would be 8.5 metres.

3.4 This application is for Phase 3, one of the sides of the main building which shall be 55 metres long x 9.1 metres wide. (Separate applications for Phases 1 and 2 which involve the construction of the main building and a wing to either side of the building are considered elsewhere on this agenda).

3.5 The application explains that: "Within the farm, given the topography of the land, there are very few relatively flat areas where a building of this type could be placed. Those that are available would require not only the construction of a building but also further accommodation for dry and calving cows, a milking parlour, dairy and completely new slurry storage system. The proposed site is not ideal but the proposal is that the north western long elevation will be built into the slope with the lower 1.5 metres being below ground level".

3.6 The proposals include a planting belt along the north western side elevation of the building between the proposal and the neighbouring properties at Farm Lea and Heather View.

3.7 The farm is operated by 4 full time staff whose only employment is on the holding. These are the applicant together with his 2 sons and his niece. They all participate in the full management and running of the holding.

3.8 The application, the details attached to it, including the plans, comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=129620>

4. RELEVANT PLANNING HISTORY

SMD/2019/0320 - A cubicle shed for the housing of the dairy herd - Phase 2. Resubmission of SMD/2018/0027 - Pending (also on this agenda).

SMD/2019/0349 - Proposed cubicle shed for the housing of the dairy herd - Phase 1. Resubmission of SMD/2018/0028 – Pending (also on this agenda).

SMD/2018/0027 - Proposed steel framed cubicle building Phase 2 200ft x 300ft Lean to – Refused 08/06/2018.

SMD/2018/0028 - A proposed steel framed cubicle building. Phase 1 200ft x 60ft main building – Refused 08/06/2018

SMD/2018/0029 – Proposed steel framed cubicle building. Phase 3 200ft x300ft lean to – Refused 08/06/2018.

5. PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The development plan comprises the adopted Staffordshire Moorlands Core Strategy Development Plan Document (26th March 2014) and supporting evidence documents.

Core Strategy Development Plan (Adopted 26th March 2014)

- S01 Spatial Objectives
- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6c Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- R1 Rural Diversification
- NE1 Biodiversity
- T1 Development and Sustainable Transport

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Design Principles SPG

Core Strategy Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

National Planning Policy Framework (NPPF)

- Paragraph 11 The presumption in favour of sustainable development
- Section 6 Building a strong, competitive economy
- Section 9 Promoting sustainable transport
- Section 12 Achieving well designed places
- Section 13 Protecting Green Belt Land
- Section 14 Meeting the challenge of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

Emerging Staffordshire Moorlands Local Plan

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications was agreed by the Council and the subject of public consultation between 18th September 2019 and 31st October 2019. The schedule consisted of modifications that the Inspector has deemed necessary to make the Local Plan sound. Following the consultation, the Inspector concluded that further hearing sessions were necessary to consider; proposals for safeguarded land at Gillow Heath in Biddulph, housing land supply, Local Green Spaces in Cheddleton (Ox Pasture), Biddulph (Dorset Drive and implications for the emerging neighbourhood plan) and Blythe Bridge. They were held on 4th and 5th February.

On 27th February, the Inspector issued his post hearing advice. Key recommendations in the letter include:

- The proposed safeguarded land at Gillow Health, Biddulph should be removed. Neither should the site be allocated for housing as requested by the landowners as the case for exceptional circumstances has not been met. The land will remain Green Belt as per the Local Plan Submission Version agreed by the Council in June 2018
- No further housing allocations in Biddulph are required
- No further amendments to the housing trajectory are required aside from pushing back the predicted commencement of the Wharf Road, Biddulph site (excluding BDNEW) until 2022/23.
- Monitoring of housing supply will determine if a full or partial Local Plan review is required within 5 years
- Land at Ox Pasture (Cheddleton) and Dorset Drive (Biddulph) should revert back to the Local Green Space designations as per the Local Plan Submission Version as agreed by the Council in June 2018.
- Other modifications were considered during the recent hearings sessions are necessary to make the plan sound, including; updating neighbourhood area housing requirements (Policy SS4) to reflect the latest monitoring data, updating the employment land area for the Tunstall Road allocation to reflect the masterplan and other adjustments to the wording of Policy SS4 and Policy DC2.

No further representations will be sought by the Inspector. As such, the Local Plan policies as proposed to be modified in September 2019 along with the Inspector recommended revisions (February 2020) provide a strong indication of the final policies likely to be adopted in the Local Plan. The Inspector's final report is expected within 2 months and will reflect the post hearing advice. The Council will be able to consider the adoption of the Local Plan at this point. As such, the plan is at a very advanced stage of preparation with some of the key outstanding objections now having been resolved following the February 2020 hearing sessions.

In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is considered below:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the main modifications have been subject to consultation
- The extent to which there are unresolved objections to relevant policies this varies depending on the policy in question – the Inspector wishes to explore outstanding objections on a limited number of issues at the February hearing sessions further before drawing conclusions.
- The degree of consistency of the relevant policies in the emerging plan to this Framework – policies have been modified to address soundness issues identified by the Inspector to date. It is the Council’s view that the policies (as modified) are consistent with national policy. The Inspector has yet to draw final conclusions, particularly on the matters subject to further hearing sessions.

Given the above, the majority of policies (as modified) can be given substantial weight.

Emerging Policies

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS8 Larger Villages Area Strategy
- SS10 Other Rural Areas Area Strategy
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

6. CONSULTATIONS CARRIED OUT

Site notice published	Expiry date for comments: 16/07/2019
Press notice published	N/A
Neighbour Notification	Expiry date for comments (in relation to additional information): 02/03/2020

6.1 23 no. letters/emails of objection have been received. The main points raised can be summarised as follows:

- Nothing has changed on this application to make any difference from the first time it was submitted.
- Irreversible harm to countryside and Green Belt.
- Inappropriate development in the Green Belt.
- Adverse landscape impact.
- Noise and light pollution.
- Increase odour nuisance and impact on health and well being / concern over extended slurry provision in the future.
- The siting of the new slurry tank is not detailed on the submitted plans – this could be a massive blot on outlook and landscape generally.

- The proposal will exacerbate the problems that residents already with the farm – noise, heavy plant travelling too fast on small roads, cattle escaping, broken fences.
- The proposal represents a massive change to the local area, going from a small dairy farm to an almost American style industrial farm.
- Increased livestock movement within metres of residential properties.
- Loss of privacy for adjacent residential properties and right to quiet enjoyment of gardens.
- Breach of the neighbours' human rights.
- The proposed building would dominate neighbouring properties and also cause overshadowing.
- Increase in vehicles travelling to and from the site – milk tankers etc – which will cause a highway hazard, including flooding and inconvenience to neighbours.
- The proposals would cause an already poor highway network further issues.
- How will foul sewage be disposed of and how much slurry storage is required?
- The prospect of slats leading to an underground tank which then feeds into a further sealed underground tank on neighbour's doorstep is horrifying.
- No detail of bedding removal operations.
- Adverse impact on wildlife.
- Removal of hedgerows prior to this development – have this been approved?
- Increased flies, pests, vermin.
- Increased pollution and contamination.
- Adverse impact on views.
- It is the applicant's intention to move the whole herd into the new buildings.
- How many years will it take for the screening belt to grow and mask the building of the size proposed and how does the applicant intend to prevent the cows from devouring the planting.
- The landscaping will not stop noise, smells or pests.
- A new barn has been erected which adversely affects the neighbours.
- Concerns over use of automatic scrapers – noise etc.
- There are alternative locations for the building.
- Issues around animal welfare standards.
- The site location plans fail to provide a true record of the existing farm and buildings.
- Misleading and inaccurate information submitted with the application.
- Public consultation is flawed as all relevant information is not currently available.

6.2 5 no. letters of support have also been received, including one from Moorland Veterinary Centre, which raise concerns that the existing farm building for housing the cows has serious issues which compromise the comfort and welfare of the cows. A new, purpose-built shed with better feed

passages and alleyways, and modern comfort cubicles, would help eliminate the problems.

6.3 Councillor Gill Heath has also written in support of the three applications on the basis that:

- The proposal is a much needed building to support the ongoing viability of a working farm. Extra land has been purchased to enable family succession in the farm and more cattle are necessary.
- Modern day buildings are also necessary for animal welfare.
- The farm supports 3 full time workers as well as the applicant.

Brown Edge Parish Council

6.4 No objection.

Coal Authority

6.5 Originally objected to the application on the basis that a Coal Mining Risk Assessment had not been submitted.

Following submission of a Coal Mining Risk Assessment (9 July 2019, prepared by Wardell Armstrong), the Coal Authority withdraws its objection subject to a condition requiring submission of a scheme of intrusive site investigations to assess ground conditions and potential risks, together with any proposed remedial works and implementation of those works.

Staffordshire Wildlife Trust

6.6 Original comments 11.07.2019

The applications are not accompanied by sufficient information to assess the full impact of the proposals on any potential important habitat or species. A preliminary ecological appraisal is required. Surveys, landscaping, drainage and slurry storage plans should be submitted before the applications are determined.

Revised comments 13.02.2020

Following submission of a Preliminary Ecological Appraisal (Nov 2019), there is no objection to the proposals as there will be no significant ecological impacts, other than the loss of improved grassland. The report notes tree planting will be provided, indicated by drawing no. 3933-04 dated 23.11.18 in appendix 2, to mitigate this loss and provide a net gain for biodiversity. Recommend this is secured via a suitably worded condition as part of any approval.

SCC Highways

6.7 No objection subject to a condition that the development shall not be brought into use until the access to the site has been relevelled, reconstructed, resurfaced and completed in accordance with details to be first submitted to and approved in writing by the local planning authority.

The access is onto a road under the responsibility of Stoke City Council, though it is very close to the border.

Stoke City Council Highways should be contacted for their view.

The existing access is slightly lower than the carriageway at one end. This has caused the carriageway to become damaged. The access into the yard should be realigned vertically such that it ties in with the slope of the carriageway to avoid damage to the carriageway.

Woodhouse Lanes falls towards roads which are the responsibility of Staffordshire County Council.

Above condition is recommended to reduce runoff of mud etc onto Staffordshire Highways.

Environmental Health

6.8 Recommend refusal.

Potential Areas of Environmental Concern:

1. Noise (plant Machinery, general operations)
2. Manure collection / transfer and disposal
3. General Odour / Flies/ Site drainage

Reason: It would appear from the submitted plan that the barn location maybe approx. 10m further away from residential gardens than the previous proposal, so revised distance approx. 30-40m. There is some information on the management of waste and machinery to be used in the building but the information provided in the application form still remains insufficient for environmental health to properly assess the impacts to neighbours.

Lack of Information:

- No information on the reason for the sighting of the unit and why it is so close to neighbours (presumably dictated by ground conditions?)
- How would unsocial timings of agriculture work not impact on neighbourhood amenity especially during unsocial hours? It is difficult to understand how this agricultural shed will operate effectively and not impact on the nearest neighbours.
- No information on likely numbers of cattle housed in the units, what is the potential?? This will help assess impact.

- No information on bedding type (type of manure generated basically) and how this will be collected (slats/ scrapped etc) and odour potential
- No information on how this will be transferred and/ or stored - e.g. does the current slurry tank have capacity (typically required to be 6months so timely manure applications can be made) or will they have to put in additional capacity.
- No information on capacity on there current holding (land) to dispose of any additional manure (e.g. they will likely already have a Manure management plan – restricting the amount they can apply)

Updated comments based on new information

Recommendation- Refusal

Whilst the further information allows for an improved understanding of the proposal and is welcomed, it does indicate that the development is likely to cause unreasonable disruption to the amenity of the neighbours with its current proposed location being only 40m to existing residential properties. The main impacts on amenity are considered to be from Noise and Odour from the proposed units and are discussed below;

1. Noise – The proposed development is approx. 40m away from existing residential housing. This development given the number of cattle to be housed and associated operational noise is likely to increase background noise levels during unsocial hours. The garden amenity of the nearest residential properties is also likely to be compromised by an inevitable increase in daytime noise levels. The proximity and normal use of the proposed building will inevitably cause changes to the sound levels in this area. Imposing a condition restricting timings would be unworkable given the nature of the proposed activity. Any use of plant and machinery could be conditioned to prevent noise transfer but noise caused by cattle and associated operational noise could not be conditioned.

2. Odour – In addition to the cattle themselves, the site is going to be on low bedding slurry (anaerobic) system with an initial slurry holding tank under the proposed buildings.

It is likely that the units will be a significant source of odour. In addition a suitable ventilation system is likely to be installed (for animal welfare reason), which could also exacerbate this issue.

Given the close proximity of the residential area, it would seem unlikely that the odour strength of this potential offensive odour would have the opportunity to disperse and reduce sufficiently to ensure significant loss of amenity for the residential properties.

It should also be noted that the response to previous points (4&5) it would appear that an additional above ground unit will also be installed at some stage, and there is no indication where, or perhaps what choices will be available for its location (due to the constraints apparent for this proposal -

access / ground conditions/ proposed locations of these buildings etc). This therefore also has the future potential to impact on the amenity of the neighbours should it (have to be) located too close to the residential buildings.

SCC Minerals and Waste

6.9 No comments to make.

Severn Trent Water

6.10 No objection.

SCC Flood Risk Management

6.11 Refer to standing advice.

Stoke on Trent City Council (Dept. of Environment and Transport)

6.12 No comments received.

7. OFFICER COMMENT

Planning Policy

7.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Council's Development Plan is formed of the Core Strategy Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998) remains in force until the Council's Development Plan Document is adopted.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' as contained within the National Planning Policy Framework (the Framework) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or, II. Specific policies in that Framework indicate that development should be restricted.

Main Issues and Background

7.3 The key issues for consideration in assessment of this application are the principle of the development in the Green Belt and countryside, the impact on rural character and appearance of this part of the countryside and wider landscape, the impact on nearby residential amenity and highway safety impact.

7.4 As noted above, the three applications (SMD/2019/0320, 0331, 0349) are resubmissions of the previously refused applications, ref. SMD/2018/0027, 0028 and 0029, which were refused by the Planning Applications Committee in June 2018 for the following reason:

The siting of the proposed building in close proximity to neighbouring dwellings at Heather View and Farm Lea would result in unacceptable harm to the living conditions of these neighbouring occupiers due to overbearing impact, noise and general disturbance, odour and loss of outlook. The proposal is therefore contrary to Policy DC1 of the Core Strategy and paragraph 17 of the NPPF, which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.5 The resubmissions seek to address the previous reason for refusal by rotating the position of building so that it is aligned on a north east/south west axis and part of the building would therefore be sited on lower ground than before. The design and access statement explains that this means that all activity removing cattle from the building and scraping out of manure would be carried out through doors directly facing the existing farm buildings only. There will only be a necessity to open one of the gates on the northeastern elevation on a regular basis to enable the feed trailer to turn around.

7.6 In addition, a planting belt is proposed along the north western boundary to shield the building and provide privacy.

Principle of Development / Green Belt

7.7 The farm is a well established farm business which supports 3 full time workers as well as the applicant and the applicant is seeking to expand the business. The proposed building will be used for the housing and accommodation of the milking portion of the dairy herd at the farm and it has been designed to meet current standards required by Farm Assurance and welfare standards. The letter from the Veterinary Centre supports the need for a new, purpose-built shed with better feed passages and alleyways, and modern comfort cubicles and the principle of the development is therefore accepted.

7.8 The site is located within the Green Belt and Countryside. In accordance with paragraphs 87 to 89 of the NPPF, local planning authorities should regard the construction of new buildings as inappropriate development unless it falls within one of a number of categories of exceptions. These

include “buildings for agriculture and forestry”. The proposal is required for agricultural purposes and as such falls within a category of exceptional development in the Green Belt as set out in the Framework and therefore does not constitute ‘inappropriate development’.

7.9 Policy SS6c of the core strategy supports development in the countryside which meets an essential local need and supports the rural diversification and sustainability of the rural area. The policy aims to sustain the rural economy by supporting the diversification of existing farm enterprises in accordance with policy R1.

7.10 The erection of buildings for agricultural or equestrian purposes in the countryside is not unacceptable in principle providing the development does not harm the visual amenities of the area or the environment in general and complies with all other policies in the Core Strategy and NPPF.

7.11 The proposal will allow the farming business to develop. Given the extent of land ownership and plans to develop the farm business, it is considered that there is sufficient justification for the proposal and that it is consistent with the principles set out in Section 6 of the NPPF.

Impact on the character and appearance of the area.

7.12 In order to protect the open and rural character and appearance of the countryside, it is important that new buildings are not excessive in scale in relation to their purpose. Policy DC3 seeks to protect and, where possible, enhance local landscape by resisting development which would harm or be detrimental to the character of the local or wider landscape or the setting of a settlement.

7.13 The proposed building would be located within close proximity of existing agricultural buildings to the south and residential properties to the west/north west. The proposal is a large industrial type building which would be built in three phases. The building will be constructed in timber space boarding above 2m high concrete panels with the south west elevation being in plastisol coated steel cladding. The roof would be clad in fibre cement sheets. It is considered that the proposed materials are in keeping with the existing buildings on the farmstead.

7.14 In total the proposal is of substantial scale and massing, having a length of approx. 55m, a width of 36m, and maximum height of 8.5m. The site is located towards the top of the hillside and exposed in views from the east, however, when viewed from long range vantage points to the east the proposal would be seen against the backcloth of existing built form and in the context of existing large agricultural buildings on the farm. The proposal would be dug down into the sloping site which will further reduce its impact on the character of the landscape. Appropriate planting along the eastern flank of the building would further soften the visual impact and this could be dealt with by way of a condition. The site is relatively well screened from Gorse Bank and Bemersley Road to the west by existing buildings and mature hedgerows and

the applicant proposes further planting to the north western side of the building which would further soften and screen the proposal. The proposal would not be readily visible from Woodhouse Lane due to the steep embankment.

7.15 Subject to appropriate soft landscaping, it is concluded that the proposed building/s would not be significantly harmful to the character of the countryside and therefore accords with Policy DC1 and DC3 of the CS.

Residential Amenity

7.16 National planning policy dictates that at the heart of its core principles, planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This is further re-iterated in CS Policy DC1, which seeks to protect residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping as informed by the Council's 'Space about Dwellings' SPG.

7.17 The proposed development is within close proximity of residential occupiers to the north west at Farm Lea and Heather View. As noted above, the previous applications were refused on grounds of adverse impact on the amenities of these neighbouring occupiers by reason of overbearing impact, noise and general disturbance, odour and loss of outlook.

7.18 The applicant has sought to address the previous concerns by rotating the building and also part of it would be located on lower ground relative to the residential properties. Additionally, a planting belt is proposed along the north western elevation of the building which, once established, could screen views of the building from the neighbours' views. The rotation of the building means that it is located slightly further away from the neighbouring properties than previously proposed, however, at the nearest point, the proposed building would still be approx. 37 metres from the rear gardens of properties on Heather View and approx. 45 metres from the rear elevations of the dwellings. A number of objections continue to be raised by the neighbouring occupiers in relation to odour, noise, loss of privacy, loss of outlook and other nuisances.

7.19 As with the previous applications, the Environmental Health Officer has recommended refusal of the applications due to concerns about the proximity of the building to neighbouring properties; possible unsocial hours of working; lack of information on bedding type and collection and odour potential; capacity of the slurry tank and the possible need for additional capacity; and lack of information on manure management. Further supporting information was submitted by the agent during the course of the application which seeks to address the concerns of the Environmental Health Officer in relation to these matters, but the EHO continues to have concerns and recommends refusal. The information received indicates that the development is likely to cause unreasonable disruption to the amenity of the neighbours with its current proposed location being only 40m to existing residential properties. The number of cattle to be housed and associated operational noise is likely to increase background noise levels during unsocial hours. The garden

amenity of the nearest residential properties is also likely to be compromised by an inevitable increase in daytime noise levels. The proximity and normal use of the proposed building will inevitably cause changes to the sound levels in this area. Imposing a condition restricting timings would be unworkable given the nature of the proposed activity. Any use of plant and machinery could be conditioned to prevent noise transfer but noise caused by cattle and associated operational noise could not be conditioned. It is likely that the units will be a significant source of odour. In addition a suitable ventilation system is likely to be installed (for animal welfare reason), which could also exacerbate this issue. Potential offensive odour would be unlikely to have the opportunity to disperse and reduce sufficiently to avoid significant loss of amenity for the residential properties. In relation to slurry tank capacity, the Design and Access Statement states that there will be a need for a further 500,000 gallon slurry store but there is no indication where, or perhaps what choices will be available for its location (due to the constraints apparent for this proposal - access / ground conditions/ proposed locations of these buildings etc). This therefore also has the future potential to impact on the amenity of the neighbours should it be located too close to the residential properties.

7.20 Although there is some planting proposed between the building and these neighbouring properties, given the close proximity of the building to these neighbours and the number of cattle housed (256), this would be unlikely to sufficiently mitigate the impact on the living conditions of the neighbouring dwellings due to the close proximity of the building.

7.21 In relation to alternative siting for the proposal, the Design & Access statement explains that, due to the topography of the land, there are very few relatively flat areas where a building of this type could be placed. Those that are available would require not only the construction of a building but also further accommodation for dry and calving cows, a milking parlour, dairy and completely new slurry storage system. However, the application does not provide details of the possible alternative locations for the building and it should be noted that the applicant has not engaged in pre-application discussions with the Council to explore alternative sites following the refusal of the previous applications in 2018.

7.22 In summary, it continues to be the case that the proposal would impact substantially on the amenities of the neighbours and the proposal is contrary to Policy DC1 of the Core Strategy and Paragraph 127 of the NPPF.

Highway Safety

7.23 In accordance with policies DC1 and T1 all new development should provide for safe and satisfactory access.

7.24 A number of objections have been received raising concerns about increased vehicle movements to and from the site and increased mud/muck on the road. However, it is noted that SCC Highways have raised no objections in this respect. The proposed development would be served by the existing access from Woodhouse Lane. Highways observe that, as the

existing access is slightly lower than the carriageway at one end and the carriageway has become damaged, a scheme for works to the access is required. The access needs to be relevelled and reconstructed in accordance with a scheme to be agreed. Highways also advise that, as the access is onto a road under the responsibility of Stoke City Council, the Stoke City Council Highways should be contacted for their view. The City Council has been consulted on the applications but no comments have been received from their Highways department.

7.25 Therefore, taking the above into account, and subject to the condition recommended by the Highway Authority, it is concluded that there would be no adverse, or 'severe', impact on the local road network and the proposals thereby comply with the provisions of section 9 of the NPPF and Core Strategy policies.

Biodiversity

7.26 The site forms part of an area of grazing land of no obvious ecological interest. Following the receipt of a Preliminary Ecological Appraisal during the course of the application, the Wildlife Trust is satisfied that there will be no significant ecological impacts, other than the loss of improved grassland. Tree planting will be provided within the site which will mitigate the loss of grassland and provide a net gain for biodiversity. As such the development would comply with Policy NE1.

Other Matters

7.27 With regard to pollution, there is no indication that the proposal will present a significant pollution risk and other legislative regimes would provide effective pollution controls.

7.28 The proposed development is not within a high flood risk area and the development does not raise any significant flood risk or drainage concerns.

7.29 The site falls within a Coal Mining High Risk Area. The Coal Authority objected to the applications on the basis that a Coal Mining Risk Assessment had not been submitted. Following the submission of such an assessment the Coal Authority has withdrawn its objection subject to a condition requiring a scheme of intrusive site investigations and any necessary remedial works.

8. CONCLUSION & PLANNING BALANCE

8.1 The proposal seeks planning permission for an agricultural building to serve the existing farm enterprise at Ball Green Farm. The site is within the countryside and Green Belt and therefore subject to policies SS6 and SS6c of the Core Strategy. The NPPF identifies three dimensions to sustainable development i.e. economic, social and environmental. The Framework makes it clear that these roles should not be undertaken. The proposal would provide economic benefits to the rural economy. It is considered that the proposed development is necessary for the purposes of agriculture on the unit and will

allow the existing agricultural business to grow and provide for improved animal welfare standards. The proposal is not an inappropriate form of development in the Green Belt. Subject to appropriate conditions, there is unlikely to be any significant impact on landscape character, highway safety, ecological interests, pollution or flood risk. However, given the proximity of the proposal to nearby residential properties, it is considered that the revised applications do not satisfactorily address the previous concerns relating to the adverse affect upon the amenities of neighbouring occupiers at Heather View and Farm Lea. The proposal is therefore contrary to Policy DC1 of the Core Strategy. In this instance, it is considered that the environmental harm identified outweighs the benefits of the scheme and the application is therefore recommended for refusal.

9. RECOMMENDATION

A. That the application be REFUSED for the following reasons:

1. The siting of the proposed building in close proximity to neighbouring dwellings at Heather View and Farm Lea would result in unacceptable harm to the living conditions of these neighbouring occupiers due to overbearing impact, noise and general disturbance, odour and loss of outlook. The proposal is therefore contrary to Policy DC1 of the Core Strategy and paragraph 127 of the NPPF, which states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Site Plan



