DELEGATED REPORT

Recommendation Made: 8 August 2011

Reference:- 11/00443/FUL **Parish:- Witherley Parish Council**

Applicant:- Mr William Trivett
Manor Farm
6 Main Road
Ratcliffe Culey
Atherstone

Location:- Manor Farm 6 Main Road Ratcliffe Culey Atherstone Leicestershire

Proposal:- CONSTRUCTION OF LAGOON FOR STORAGE OF FARM SLURRY AND DIRTY WATER

Introduction:-

This application seeks full planning permission for the construction of a lagoon for the storage of farm slurry and dirty water.

The lagoon is required to enable the applicant to comply with the Nitrate Vulnerable Zone (NVZ) which state that 5 months storage capacity is required for slurry and dirty water from farm stock. The proposed lagoon will have a volume of 1100 cubic metres and measures 20m x 20m, thereby giving an area of 400 square metres. The lagoon will have a depth of 3.5m. An earth mound up to a height of 1m is proposed around the perimeter of the slurry lagoon to help screen the development. A 1.8m chain link fence is proposed around the perimeter of the lagoon which will be erected for security purposes. A concrete apron is also proposed between the farm buildings and proposed slurry lagoon to allow vehicular access for filling and emptying the contents of the slurry lagoon.

The farm is located on the edge of Ratcliffe Culey, within the open countryside. The site is accessed off Main Road to the north.

Relevant Planning History:-

None

Consultations:-

No objection subject to conditions has been received from the Head of Community Services (Pollution)

No objections have been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage)
Environment Agency

A site notice was displayed and neighbours notified. At the time of writing the report no comments have been received from:-

Witherley Parish Council
Ramblers Association
Ward Members
Neighbours

Development Plan Policies:-

Adopted Core Strategy:-

No relevant policies

Adopted Local Plan:-

NE2- Pollution
NE5- Development in the Countryside
BE1- Design and Siting of Development

Appraisal:-

The main considerations in respect of this application are the principle of development, the impact of development upon the character and appearance of the countryside and on the amenities of neighbouring properties.

Principle of Development

The development is required in connection with the agricultural operations of the farm. It is a requirement by the Environment Agency for farmers to demonstrate storage capacity for slurry and dirty water, hence the need for the slurry lagoon. Under the guidance of policy NE5 development is normally acceptable where it is shown to be for the operational requirements of agriculture. In this case it is considered that the applicant has demonstrated that the slurry lagoon is required in connection with their agricultural operations, thereby resulting in the development being acceptable in principle.

Impact on the character and appearance of the countryside

Although the slurry lagoon will have an area of 400 square metres it will largely be dug into the ground and only the surface of the development will be visible. However the formation of an earth mound to a height of 1m around the perimeter of the lagoon will ensure that the development is effectively screened from view and will therefore not be visually harmful to the character or appearance of the countryside. The proposed slurry lagoon is sited within 20m of the applicant's existing agricultural buildings located at Manor Farm, thereby viewed as part of the same agricultural complex. Therefore the proposed development is not regarded as being in isolation to the main farm. The proposed development would be screened by the existing farm buildings sited 20m to the east and to a lesser extent it will be partially screened by the existing dwellings fronting onto Main Road to the north.

A 1m high earth bund is proposed around the perimeter of the site with concrete pad for loading/removal access with area for farmyard manure. It is proposed to erect a chain link fence (maximum height of 1.8m) to the outside of the earth bund. This is required for security purposes to prevent encroachment into the proposed slurry lagoon. The open mesh design of the proposed chain link fence will still allow views of the countryside to be retained. Subject to the imposition of a condition controlling the details and implementation of the wall and the landscaping (grass seed) of the proposed earth bund it is considered that the scheme will assimilate into its countryside location.

Impact on residential amenity

It should be noted that the proposed slurry lagoon will be sited adjacent to a working farm which produces noise and odour, issues which are commonly associated with agricultural practises. The proposed slurry lagoon will be sited 80m to the south of the nearest residential property, namely 6 Main Road. The proposed slurry lagoon will produce odour (in the form of ammonia) as anaerobic digestion will be taking place. Additional details relating to the enzymes that can be added to the slurry to control odour have been provided by the applicant. The Head of Community Services (Pollution) has reviewed the additional information and recommended that conditions be imposed in relation to odour, pest control and the importation of contaminated material. It is considered that the imposition of a condition in relation to a management scheme for odour control is not required in this case as the odours produced from the slurry lagoon will be commensurate to the existing odours produced by the agricultural operations at the site.

Vermin ingress can be controlled through good building management and maintenance. In relation to importation of contaminated waste the applicant has verbally confirmed that no material will be imported into

the site and the perimeter bund will be formed from the material that is excavated from the construction of the slurry lagoon. The importation of waste is regulated by the Environment Agency.

Conclusion

The proposed slurry lagoon is considered to constitute essential works in regard to the ongoing agricultural operations at the application site. The slurry lagoon will be screened by a grassed mound, thereby resulting in a form of development that will not be visually detrimental to the character and appearance of the countryside. The proposed perimeter chain link fence is essential for security purposes and its open link design will still allow views of the countryside to be retained. By virtue of its siting away from residential properties to the north and the imposition of a planning condition to control the release of odours the proposed development is not considered to be detrimental to the living conditions of residential properties in the vicinity of the site. Therefore the proposed development is recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it constitutes essential works associated with agricultural operations, by virtue of its siting and scale is not considered to be detrimental to the character and appearance of the countryside and doesn't result in loss of residential amenity.

Hinckley and Bosworth Borough Council Local Plan (2001) :- Policies BE1, NE2, NE5

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan, Cross-Section, Site Layout Plan received on 06 June 2011 and the details contained within the application letter received on 02 June 2011.

3 Notwithstanding the submitted details no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) schedule and species of grassing the earth mound
(ii) means of enclosure (wall) including details of its height
(iii) implementation programme for the seeding of the bund and erection of the wall

The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the work is carried out within a reasonable period and thereafter maintained, in the interests of visual amenity and to ensure that the development is not harmful to the character and appearance of the countryside to accord with policies BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such

species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Scott Jackson Ext 5929