

APPLICATION NO:	21/00679/FUL
LOCATION:	Land to the east of Ramsbrook Lane and adjacent to Clamley Park Plantation, Hale
PROPOSAL:	Proposed erection of three agricultural buildings with access track and ancillary concrete apron
WARD:	Hale
PARISH:	Hale
APPLICANT:	Mr Bill Webb
AGENT:	Mrs Melanie Lawrenson, ML Planning Consultancy Ltd
DEVELOPMENT PLAN:	ALLOCATIONS:
Halton Delivery and Allocations Local Plan (2022)	Green Belt – CS(R)6, GB1
Halton Core Strategy (2013)	Ancient Woodland – HE1
Joint Merseyside and Halton Waste Local Plan (2013)	Core Biodiversity Area – HE1
DEPARTURE REPRESENTATIONS:	No
KEY ISSUES:	None
	Development in the Green belt Ecology
RECOMMENDATION:	Approve subject to conditions
SITE MAP	

1. APPLICATION SITE

1.1 The Site

The application site covers an area of 1306sqm. The site lies to the north of Hale Village on arable land known as Manor Farm. The site is located in the centre of the farm land to the east of Clamley Park Woodland.

1.2 Planning History

On the red line site there is no relevant planning history. However, Manor Farm itself is 1000 acres and stretches around Hale Village. The Manor Farm house/hub is located on Within Way and that is where the grain is currently stored. There are planning permissions relating to grain dryers and a grain storage building in that area (12/00047/FUL and 93/00322/FUL).

2. THE APPLICATION

2.1 The Proposal

The application seeks planning permission for three adjoining agricultural storage buildings with ancillary concrete apron and upgrade and extend the current access track running from Ramsbrook Lane to the west.

2.2 Reason for Proposal

The applicant's current grain store is located at Manor Farm and was constructed in approx 1987. Given the increase in the applicant's acreage from 300 to 1000 since 1990 the current grain store is no longer able to accommodate the increased harvest.

The applicant has attempted to utilise additional storage by using the potato stores to store the grain. However, this is only a short term remedy as the applicant has to sell the grain in September to make room for the potato harvest.

In addition to this, the existing unsuitable stores are located on Within Way, on the very edge of the eastern part of the village. Agricultural vehicles currently struggle with the narrow village roads and the applicant states that with increased visitors to the village and beach, on street parking makes access even harder.

2.3 Documentation

The application is accompanied by the associated plans in addition to a Design and Access Statement and an Extended Phase 1 Ecology Survey.

3. POLICY CONTEXT

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

3.1 Halton Delivery and Allocations Local Plan 2022 (DALP)

The site is designated as Green Belt on the Halton Delivery and Allocations Proposals Map. The following policies within the adopted Local Plan are considered to be of particular relevance:

- CS(R)6 Green Belt
- GB1 Control of Development in the Green Belt
- HE1 Natural Environment and Nature Conservation
- GR1 Design of Development
- GR2 Amenity
- C1 Transport Network and Accessibility

3.2 Halton Core Strategy 2013 (CS)

The following policies, contained within the Core Strategy are of particular relevance:

- CS1 Halton's Spatial Strategy
- CS2 Presumption in Favour of Sustainable Development
- CS18 High Quality Design
- CS19 Sustainable Development and Climate Change
- CS20 Natural and Historic Environment
- CS23 Managing Pollution and Risk
- CS24 Waste

3.3 Joint Merseyside and Halton Waste Local Plan 2013 (WLP)

The following policies, contained within the Joint Merseyside and Halton Waste Local Plan are of relevance:

- WM8 Waste Prevention and Resource Management
- WM9 Sustainable Waste Management Design and Layout of New Development

MATERIAL CONSIDERATIONS

Below are material considerations relevant to the determination of this planning application.

3.44 National Planning Policy Framework

3.5 The last iteration of the National Planning Policy Framework (NPPF) was published in July 2021 and sets out the Government's planning policies for England and how these should be applied. Paragraph 47 states that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing. Paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

3.6 National Planning Practice Guidance (NPPG)

Together, the National Planning Policy Framework and National Planning Practice Guidance set out what the Government expects of local authorities. The overall aim is to ensure the planning system allows land to be used for new homes and jobs, while protecting valuable natural and historic environments.

3.7 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

Equality Duty Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:- (1) A public authority must, in the exercise of its functions, have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application. There are no known equality implications arising directly from this development that justify the refusal of planning permission.

4. CONSULTATIONS

Highways and Transportation Development Control (Highways)

No objection to the proposed development, subject to conditions regarding access, visibility and drainage.

Merseyside Environmental Advisory Service (MEAS) – Ecology and Waste Advisor

MEAS, in their initial consultation response of the 22nd December 2021, required a Habitats Regulations Assessment report prior to determination. One was prepared in and the follow up letter from MEAS dated 16th May 2023, they confirm that the Habitats Regulations Assessment report concludes that there are no likely significant effects. However, they advise if there are any amendments to the proposals the whole plan/project/development will need to be re-assessed for likely significant effects. This includes amendments prior to determination and through subsequent approval/discharge of conditions or requests to vary the proposal.

Other requirements asked for in the initial consultation response which can be dealt with by way of condition/informative include:

- the need for a Construction Environmental Management Plan (CEMP) document to manage and mitigate the main environmental effects during the construction phase of the proposed development, primarily runoff into the nearby ditch network.
- a non breeding bird survey undertaken from September to March inclusive
- reasonable avoidance measures should be put in place to ensure that there are no adverse effects on badgers and hedgehogs (included in CEMP)
- works on site should not commence during the period 1 March to 31 August inclusive to protect breeding bird species.

Lead Local Flood Authority

The LLFA agrees that the development is located within flood zone 1 and that flood risk would be low.

The development would represent an increase in the impermeable area of more than 1000m² within the drainage catchment but no assessment is provided of how this would affect surface water runoff rates from the site or flood risk elsewhere.

Therefore the LLFA requires a surface water drainage strategy to be submitted prior to development commencing to demonstrate that the development would comply with local and national policy regarding flood risk. This can be dealt with by way of planning conditions.

Natural England

The potential significant effects on Mersey Estuary Special Protection Area (SPA), Mersey Estuary Ramsar and Mersey Estuary Site of Special Scientific Interest (SSSI) need to be considered, including consideration of the potential for pollution of the nearby designated sites during construction and operation.

United Utilities (UU)

There is a large pressurised sewer in close proximity to the proposed development. Due to the nature of this infrastructure, it will not be acceptable to build on top of this asset, nor within the easement strip. This will be issued as an informative on the decision notice.

UU also request conditions relating to surface water and foul water drainage.

Hale Parish Council

No comments received

Environmental Protection

No comments to make.

Liverpool Airport

Liverpool Airport have determined that the proposal will have no impact on operations at LJLA and therefore has no objections. They do however require an informative regarding cranes or lifting equipment if the height exceeds 10 meters or that of the surrounding structures or trees.

5. REPRESENTATIONS

5.1 Two representations were made by residents of Hale village. Their concerns are summarised below:

- Loss of view across the fields
- Noise pollution
- Worried about increased flooding in back gardens in Hale

6. ASSESSMENT

6.1 Principle and Development in the Green Belt

The application site lies within the Green Belt. Policy GB1 in the DALP states that construction of new buildings in the Green Belt are inappropriate with the exception of, among others, buildings for agriculture and forestry.

The site forms part of existing farmland on an existing working agricultural farm. The buildings proposed are to store grain and therefore constitute buildings for the purposes of agricultural use and therefore complies with Policy GB1.

6.2 Scale, Layout and Appearance

The application proposes three agricultural buildings, all adjacent to each other so will be viewed as a whole. All will be 12m high totalling a floorspace of 1306sqm.

Open plan grain store – 42.6m x 24.3m

Grain dryer – 6m x 9.3m

Machinery store – 12/1m x 9.3

Hardstanding – 15m x 18.1m

Seen as a whole the proposal will look to be 60.7m wide.

The floorspace and heights are in line with the specific requirements set out by farm assurance requirements for crops entering the food chain.

For materials, the roof is to be cement fibre sheeting and the walls box profile tin sheets and concrete grainwall panels.

The materials used are typical for this type of agricultural building.

The hardstanding will be made of concrete and is essential for access to the buildings for collecting and depositing crops.

There have been two representations from residents of Hale Village concerned about the loss of views across the fields. The nearest houses are on Carlow Close and Arklow Close in the northern boundary of the village. These houses are approximately 430m away from the proposed development.

Whilst the development is shielded from view by the wood when viewed from the west, when viewed from the south the buildings would be viewed in the distance. However, they are so far in the distance that it is not considered an overbearing view and is a typical building to view on a working farm. Furthermore, the maintenance of a view is not a material planning consideration. There is no right to a view in English law, as this would too broadly restrict the ability of other people to develop land. This position dates back to the 1610 Aldred case which held that rights had to be sufficiently definite to be enforceable.

The proposed scale, layout and appearance of the buildings would be in keeping with agricultural nature of the existing land use and mitigated to an extent by the adjacent wooded area. The proposal is consistent with Policies GR1 and GR2 of the DALP. A condition is recommended that the buildings be

implemented in accordance with the approved plans and details, and for approval of external materials.

6.3 Highways and Access

There is an existing access track to the site off Ramsbrook Lane.

The Highway Officer has noted that 2m of verge exist subsequent to the carriageway. As such it would be necessary for any access construction here to be carried out by the Highway Authority or via appropriate legal agreement with the Highway Authority. In addition to this we would require the gate to be set back off highway to allow sufficient space for a large vehicle to park and not obstruct the highway to a distance of 11m.

Other than suggested conditions, Highways do not object to this proposal and therefore it is considered that the proposal complies with Policy C1 of the DALP.

6.4 Flood Risk and Drainage

It is identified that the site is within flood zone 1 and is at low risk of flooding. Surface water is proposed to be discharged to an existing manhole within the field in which the development is proposed. It is assumed that this manhole connects to a public or private sewer network.

Due to an increase in the impermeable area of more than 1000m² the LLFA requires a surface water drainage strategy to be submitted prior to development commencing to demonstrate that the development would comply with local and national policy regarding flood risk. This can be dealt with by way of planning conditions and should alleviate concerns raised by two local residents regarding flooding.

6.5 Ecology and Habitats

The development site is close to the following designated sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan Core Strategy policy CS(R)20 applies:

- Mersey estuary SPA (970m south-east)
- Mersey Estuary Ramsar Site (970m south-east)

The application was initially supported by an extended phase one habitat survey report in accordance with Local Plan Core Strategy policy CS20 (Extended Phase 1 Ecological Survey Appraisal – Land to the East of Ramsbrook Lane, Sensible Ecological Solutions, November 2021) which MEAS deemed to meet BS 42020:2013 and advised that the survey/report is acceptable, with the exception of the conclusions in relation to functionally linked land and qualifying bird species.

MEAS requested an Assessment of Likely Significant Effects prior to determination.

MEAS also requested additional information to be provided and then in their second consultation response dated 17/05/23 stated that due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Local Plan policy CS(R)20 applies. MEAS have provided a Habitats Regulations Assessment report which concluded that there are no likely significant effects.

MEAS have also recommended condition in relation to breeding birds and Badger and Hedgehog Reasonable avoidance mitigation.

The attachment of the conditions suggested above would ensure that the proposal from an Ecology perspective is compliant with Policies GE21 of the Halton Unitary Development Plan and Policy CS20 of the Halton Core Strategy Local Plan.

6.6 Waste Management

The proposal is major development and involves construction activities which are likely to generate significant volumes of waste. Policy WM8 of the Merseyside and Halton Waste Joint Local Plan (WLP) requires the minimisation of waste production and implementation of measures to achieve efficient use of resources, including designing out waste and minimisation of off-site disposal. In accordance with policy WM8, evidence through a waste audit or a similar mechanism (e.g. a site waste management plan) demonstrating how this will be achieved must be submitted and can be secured by a suitably worded planning condition.

7. CONCLUSIONS

7.1 The proposal would provide much needed agricultural buildings which is deemed appropriate development in the Green Belt. The proposal is therefore acceptable in principle. The scale, layout and appearance of the buildings is acceptable and typical for a working agricultural farm. The proposal would not have a significant impact on the highways, and any potential effects relating to flood risk and species protection can be mitigated by the use of planning conditions. The proposal is considered to comply with DALP Policies GB1, GR1, GR2, and C1 and is recommended for approval.

8. RECOMMENDATION

That the application is approved subject to the following:

Conditions relating to the following:

1. Standard time limits condition
2. Plans condition listing approved drawings (GR1)
3. External facing materials (GR1)

4. Access provision (C1)
5. Existing and proposed site and finished floor levels (GR1)
6. Submission and agreement of drainage scheme (HE9)
7. Construction Environmental Management Plan (HE1,HE9)
8. Details in relation to wildlife protection (HE1)
9. Protection of nesting birds (HE1)
10. Reasonable Avoidance Measures (RAMs) for amphibians/reptiles and hedgehogs (HE1)
11. Site waste management (WM8)

9. BACKGROUND PAPERS

9.1 The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972

10. SUSTAINABILITY STATEMENT

As required by:

- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.