

<b>Agenda Item</b> A8	<b>Committee Date</b> 19 September 2016	<b>Application Number</b> 16/00606/FUL
<b>Application Site</b> Land To The South East Of Lower Addington Farm Kirkby Lonsdale Road Halton	<b>Proposal</b> Erection of an agricultural building for free-range hens and creation of a new access point	
<b>Name of Applicant</b> W.A. Agriculture Ltd	<b>Name of Agent</b> Mr Richard Parker	
<b>Decision Target Date</b> Extension of time until 23 September 2016	<b>Reason For Delay</b> Awaiting additional information	
<b>Case Officer</b>	Mrs Eleanor Fawcett	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Refusal	

## **1.0 The Site and its Surroundings**

- 1.1 The site comprises an area of agricultural land located between the settlements of Aughton, Over Kellet and Gressingham and lies adjacent to Kirkby Lonsdale Road (C478). It forms part of a larger field which slopes downwards away from the highway to the north west, and is bounded on two sides by a dry stone wall and to the south west by a post and wire fence and some trees and fragmented hedgerow. There appears to be a ditch crossing the land in north west direction, leading to Swarthdale Beck which runs along the north western boundary of the field. There is a wooded area between the field and the highway, approximately 10 and 18 metres in depth, which has been covered by a Tree Protection Order (TPO) following the submission of the application. An area of woodland is also present on the south eastern side of Kirkby Lonsdale Road, and lies adjacent to the highway for a distance of approximately 450 metres.
- 1.2 The site is located within the Countryside Area, as identified on the local plan proposals map and is approximately 10 metres from the boundary of the Forest of Bowland Area of Outstanding Natural Beauty (AONB), which lies on the south eastern side of the highway. There is a high pressure gas pipeline crossing the field within which the development is proposed to be sited, c100 metres to the north west of the site boundary. There is a public footpath located c110 metres to the north east of the site boundary which crosses an adjacent field and extends between Kirkby Lonsdale Road and Birkland Barrow Road. It also links to a public footpath on the opposite side of Kirkby Lonsdale Road which extends into the AONB. The site is also located in a Mineral Safeguarding Area and an area identified as low risk from coal mining activities, although there are high risk areas to the south east of the highway.
- 1.3 The nearest existing development to the site is a small stable building, c140 metres to the south west, and a large poultry building, c300 metres to the north west. The nearest residential properties are a small group at Swarthdale, c 450 metres to the north and a detached dwelling, Oaken Head Farm, a similar distance to the south west. At both these locations there are existing equestrian businesses.

## 2.0 The Proposal

- 2.1 Planning permission is sought for the erection of a large agricultural building to house hens for free range egg production. It is proposed to be 170 metres long, 15 metres wide and have a height of 3.6 metres to the eaves and 5.6 metres to the ridge. Vents are proposed in the roof which would project above the ridge height to 6.3 metres above ground level. Four feed silos are proposed towards the centre of the south east elevation with a width of approximately 3 metres and a height of 7.8 metres. The building is proposed to house 32,000 birds in a multi-tier system and would be split into nine separate bays with the middle section comprising the control/plant area and egg packing zone. There would be pop-holes on the north side of the building to allow the hens to enter and leave the building during the day.
- 2.2 A new access is proposed from Kirkby Lonsdale Road, which would be approximately 16 metres wide adjacent to the edge of the carriageway, narrowing to approximately 7 metres and widening into the site to around 24 metres. Some trees are required to be removed to create the access and visibility splays. The building would be at a lower level than the highway, as a result of the existing topography, and would be sited parallel to this at a distance of c30 metres from the edge of the carriageway. Both excavation and building up of the land is proposed to create a level area for the building and hardstanding. A track is proposed to the front of the building, parallel to the highway, and would extend along its full length and around the side elevations of the building.

## 3.0 Site History

- 3.1 There is no planning history on the application site. However, there are a number of developments associated with the free-range poultry business. These relate to two agricultural buildings for free-range hens and an agricultural worker's dwelling. These are all accessed from Birkland Barrow Road, which is approximately 550 metres to the north east of the site. One of the agricultural buildings has been in use for some time, whereas the other has only recently been constructed. There is also consent for the erection of a wind turbine, approximately 160 metres to the west of the site. The relevant consents are listed below.

Application Number	Proposal	Decision
14/00492/FUL	Erection of a poultry shed including 4 silo grain stores with associated access and landscaping	Approved
12/01126/FUL	Erection of one 50kW wind turbine (24.7 metres hub height with a blade tip height of 34.4 metres)	Approved at appeal
12/00947/FUL	Erection of an agricultural workers dwelling in connection to the adjacent Poultry Farm	Approved
09/00554/FUL	Construction of an Agricultural building for Free-Range Hens	Approved

## 4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Nether Kellet Parish Council	<b>No objection.</b> However, expect the development to comply with necessary permit requirements, environmental requirements regarding waste, consideration of water course contamination, shielding with tree cover where possible and consideration of renewable resources to the running of the facility.
Halton with Aughton Parish Council	<b>No comments</b> received
Environmental Health	<b>No objection.</b> No significant environmental health implications were noted
Tree Protection Officer	<b>Objection.</b> The proposed tree losses have significant potential to adversely impact upon the character, and appearance that the existing woodland trees collectively convey. This adverse impact could not reasonably be mitigated with new replacement planting in the medium to long term, given that it is proposed in an alternative location and not in the location that losses are proposed.

<b>County Highways</b>	<b>No objection</b> subject to conditions requiring: scheme for construction of access; surfacing of access with a bound material for a minimum distance of 10 metres; visibility splays of 2.4 by 215 metres; and access gate set back from road by 10 metres.
<b>County Council Planning</b>	No comments received
<b>Lead Local Flood Authority</b>	No comments received
<b>Public Rights of Way Officer</b>	No comments received
<b>Ramblers Association</b>	No comments received
<b>Environment Agency</b>	<b>Comments</b> - Poultry farmers must apply to the Environment Agency for an Environmental Permit to operate if their livestock capacity exceeds 40,000 poultry.
<b>Natural England</b>	The interest features of both European and Nationally designated sites may be sensitive to impacts from aerial pollutants, such as those emitted from the proposed development. The consultation documents provided do not include any assessment of air quality impacts. An initial screening for air quality impacts should be completed prior to determination of the application.
<b>National Grid</b>	<b>No objection.</b>
<b>Forest of Bowland AONB Partnership</b>	<b>Objection</b> due to the likely impact on the landscape of the AONB.
<b>Coal Authority</b>	<b>No comments</b> received

## **5.0 Neighbour Representations**

5.1 31 pieces of correspondence have been received objecting to the proposal and raise the following concerns:

- Industrial, utilitarian design of the building, its size and resulting landscape and visual impact including on the impact on the AONB
- Impact on the avenue of trees on the boundary with the AONB
- Industrialisation of the area
- Noise, odour and airborne pollution and cumulative impact with two other approved poultry buildings and associated health implications
- Disruption during construction
- Increase in traffic and impact on highway users including horse riders, cyclists and walkers and condition of the highway
- Access visibility proposed is insufficient given large size of vehicles and speed of the road
- Pollution to Swarth Beck from runoff water and impact on wildlife
- Will not support the community and will impact on nearby livery business
- No reference to use of renewables and will be constructed on a greenfield site
- Impact on users of the nearby public right of way
- Unsustainable location
- Will result in the loss of agricultural land
- Likely that a permit would be required from the Environment Agency given the number of hens in combination with the approved units

## **6.0 Principal National and Development Plan Policies**

6.1 National Planning Policy Framework (NPPF)

Paragraphs **7**, **14** and **17** – Sustainable Development and Core Principles

Paragraph **28** – Supporting economic growth in rural areas

Paragraph **32** – Access and Transport

Paragraphs **56**, **58** and **60** – Requiring Good Design

Paragraph **109** – Protecting valued landscapes and minimising impacts on biodiversity

Paragraph **115** and **116** – Conserving Landscape and Scenic Beauty in Areas of Outstanding Natural Beauty

Paragraph **118** – Conserving and Enhancing Biodiversity

## 6.2 Lancaster District Core Strategy

**SC1** – Sustainable Development  
**SC5** – Achieving Quality in Design

## 6.3 Lancaster District Local Plan - saved policies

**E3** – Areas of Outstanding Natural Beauty  
**E4** – Countryside Area

## 6.4 Development Management Development Plan Document (DM DPD)

**DM7** – Economic Development in Rural Areas  
**DM20** – Enhancing Accessibility and Transport Linkages  
**DM27** – Protection and Enhancement of Biodiversity  
**DM28** – Development and Landscape Impact  
**DM29** – Protection of Trees, Hedgerows and Woodland  
**DM35** – Key Design Principles  
**DM39** – Surface Water Run-Off and Sustainable Drainage

## 6.5 Other Material Considerations

The Forest of Bowland AONB Landscape Character Assessment (2009)  
A Landscape Strategy for Lancashire: Landscape Character Assessment (2000)

## 7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of development;
- Landscape and visual impact;
- Residential amenity;
- Access and highway impacts; and
- Impacts on ecology

## 7.2 Principle of development

7.2.1 The application relates to the erection of a large agricultural building to house hens for free-range egg production. The applicant has an existing operation within a building located c300 metres to the north west of the site, at its closest point. There is also consent for another unit, c600 metres to the north east. Both of these are accessed from Birkland Barrow Road.

7.2.2 The building would help to support the existing free-range egg production business in this location and the industry in general. The applicant has provided some information regarding the need for this type of development, advising that many supermarket retailers have been persuaded to adopt a "cage free" store offering by 2025. As a consequence of major retailers now committing to achieve this target many more free range units are required in the UK. The information goes on to say that there are approximately 38 million laying hens in the UK of which about half are caged and the rest in free range systems. If 18 million hens are to be moved from caged systems to free range systems over the next 9 years, then over 550 more 32,000 bird free range units are needed to deliver the pledges made by the retailers.

7.2.3 Paragraph 28 of the NPPF sets out that planning policies should support economic growth in rural areas including supporting the sustainable growth and expansion of all types of business through both the conversion of existing buildings and well-designed new buildings and promote the development and diversification of agricultural and other land-based rural businesses. DM7 of the DM DPD sets out that proposals for economic development will be supported where they maintain and enhance rural vitality and character and improve the sustainability of rural communities by bringing local, economic, environmental and community benefits. Other development proposals supported in principle include essential operations for agriculture where there is a proven and justified need.

7.2.4 The proposal will support the existing agricultural business and should not result in a significant increase in vehicle numbers to the area as it will utilise some of those associated with the existing business. Although on a large scale, it is a building for an agricultural enterprise and as such is considered to be acceptable in principle in a rural area.

### 7.3 Landscape and visual impact

7.3.1 The details of the size and position of the building are set out above in paragraphs 2.1 and 2.2. Given the nature and scale of the development, and the close proximity to the Forest of Bowland AONB, a landscape and visual impact assessment (LVIA) has been submitted. Although the site is located outside the AONB, it is covered by the Forest of Bowland AONB Landscape Character Assessment. The site is identified as landscape character type Drumlin Field, sub-type Docker-Kellet-Lancaster (13c), within the Lancashire Landscape Character Assessment, and is identified as sub-type Gressingham (K1) in the AONB assessment. Landscape character sensitivity is considered to be moderate to high as a result of the pattern of landscape features, including stone walls, hedgerows and pockets of woodland. Overall, the Drumlin Field Landscape Character Type is considered to have limited capacity to accommodate change without compromising key characteristics.

7.3.2 The site and surrounding landscape is characterised by rolling fields created by glacial activity which have drumlins of varying heights and steepness. There are also scattered areas of mature woodland which are characteristic of the landscape character type. In particular, there is an area of woodland around a former quarry to the north of the site and a belt of woodland adjacent to Kirkby Lonsdale Road which continues on the opposite side of the highway, within the AONB. The land slopes away from the highway which will help to reduce the prominence of the building when viewed from Kirkby Lonsdale Road. The trees provide a significant amount of screening of the field from the highway during summer months, although there are some views through. However, they are deciduous and, as such, the site would likely be more open during the winter months. The proposed access would also provide views into the site of the building and the associated hardstanding and vehicles.

7.3.3 More views of the building are likely to be gained from the public footpath which is located c110 metres to the north east of the site. Given the topography of the land, the site is clearly visible from most of the public footpath as it crosses the adjacent field. In addition to the siting of a building 170 metres in length, a significant amount of cut and fill is proposed to create a level area to site the building and hardstanding. Sections have been submitted with the application. The one through the building closest to the public right of way shows an increase in land levels of c3.2 metres. This will significantly alter the sloping topography of the land and will also reduce the effectiveness of some of the proposed screening around the building which will predominantly be at a lower level.

7.3.4 In addition to the alterations to the landform, it is considered that the building will appear overly prominent and incongruous within the landscape as a result of its significantly-large scale and utilitarian appearance, particularly when viewed from the public footpath. It is appreciated that there are two existing poultry buildings within the locality, but it is not considered that the proposal is well related visually to either of these, although one is already visible from the public right of way. If anything, the proposal would have a detrimental cumulative impact with the building to the north west, particularly from the footpath. Each application must be determined on its own merits and the specific characteristics of the current application site taken into consideration. It is also acknowledged that the building would be viewed against a significant number of trees. However, it is not considered that this or the proposed landscaping will adequately mitigate the landscape and visual impacts of this very large utilitarian building.

7.3.5 Views from the footpath have been considered within the submitted LVIA (viewpoints G and H). In the assessment it sets out that screening would reduce the impact of a section of the development over a 15 year period, but it will alter the current open aspect from this receptor and be of a different appearance to the existing vegetation. It goes on to say that it is considered that the significance of the development would be 'major adverse' at construction phase reducing to 'moderate adverse' at 15 years. In response to this, the AONB Partnership has set out that given the limited landscape mitigation proposed, they do not agree with this assertion that the significance will be reduced over time. However, the amount of landscaping proposed has now been significantly increased. The response does go on to say that the significance of the effects of 'moderate adverse' is sufficient to question whether the proposed development can be accommodated within the landscape without

compromising the local landscape character and that of the AONB designation. As set out previously, it is questionable how much screening would be afforded by the trees given the topography and how long these would take to have a reasonable screening impact. The presence of these trees within this open field would also alter the character of the landscape.

- 7.3.6 The other area of concern is in relation to the impact that the creation of the access will have on the character and appearance of this rural road. This will involve the removal of a number of trees for the access itself and to achieve adequate visibility splays. Concerns were originally raised by the Tree Officer in relation to the loss of a number of trees, and whether impacts had been fully assessed. As such an addendum to this has now been prepared. To overcome some of the issues raised, the building has been moved back from the highway from an original distance of 24 metres, to 30 metres from the carriageway edge. Trees are proposed to be felled including an Ash, 15 semi-mature trees (including sycamore, elm, beech and hawthorn) and 6 sycamore saplings, in order to accommodate access. A mature beech tree, and 4 semi-mature elm trees are proposed to be felled in order to provide the required visibility splay.
- 7.3.7 The trees within the site have strong physical and visual links with the woodland belt, established on the opposite side of the public highway and within the AONB. Aerial photographs (2013) show a continuous, unbroken cover of tree canopies across the public highway, to such an extent that it is virtually impossible to know that a public highway does in fact dissect this significant woodland area. In addition, whilst travelling in either direction along the public highway, the physical connections between trees on both sides of the road are obvious, with enclosing canopies creating a particularly pleasant, tunnel-like experience for users of the public highway. The loss of trees identified to provide the access will remove a block of tree planting, in effect destroying the existing character and appearance of what is an important continuous avenue of woodland planting. The proposed loss of the beech tree in order to accommodate visibility splays is a tree important for its contribution to the structure of the woodland belt and avenue effect. The loss of the beech tree has the potential to adversely impact upon the existing tree lined highway and the amenity that it currently conveys. Although the amended scheme now proposes the planting of a significant number of trees to compensate the loss of those adjacent to the highway, it is not considered that this would adequately mitigate the harm caused by their removal as they are in a different location.
- 7.3.8 In addition to the impact caused by the loss of trees, it is considered that the new access would have a significant urbanising effect on the rural road, which forms the boundary of the AONB. The access would be approximately 16 metres wide adjacent to the edge of the carriageway, narrowing to approximately 7 metres in an arc and then widening again into the site to around 24 metres. This would be surfaced in a bound material, likely tarmac or similar. The submission sets out that hardstanding adjacent to the building would be concrete. The LVIA also considers the landscape and visual impact of the track. This sets out that the impact of the development would be 'minor adverse' at time of construction reducing to 'negligible' with suitable additional planting at 15 years post construction. The justification for this is that this section of highway has a national speed limit with all site views being restricted to transient glimpses of the site, with screening provided by the trees adjacent to the highway. Although the visual impact of the access would be localised, it is considered that it would cause significant harm to the established woodland belt and introduce an incongruous element within this tree belt, having a detrimental impact on the character and appearance of this rural area.
- 7.3.9 The other location, from which there is considered to be some impact on views of the site, as acknowledged in the LVIA, is at a point along the public highway to the north of dwellings at Swarthdale (viewpoint D). The report sets out that this receptor point is illustrative both for occupants of vehicles traversing the highway, pedestrians using the highway and residents of 2 or 3 dwellings when exiting their properties onto the highway. It notes that the orientation of dwellings in this area is parallel to the highway and therefore windows within the dwellings are unlikely to have significant views of the site. The site is partially visible from this location, with the relative orientation of dwellings in this location and intervening vegetation partly screening the development at Year 1 with appropriate screening planting reducing the impact further by Year 15. The report goes on to say that it is considered that the significance of the development would be 'moderate adverse' at construction phase reducing to 'minor adverse' at 15 years.
- 7.3.10 Paragraph 109 of the NPPF sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 115 sets out that great weight should be given to conserving landscape and scenic beauty in AONBs, and

such areas should have the highest status of protection in relation to landscape and scenic beauty. Although the site lies slightly outside the AONB boundaries, it does not mean that it cannot be considered as a valued landscape. It also has strong visual linkage with the AONB, particularly due to the woodland belt on either side of the highway. Policy DM28 of the DM DPD sets out that proposals should, through their siting, scale, massing, materials and design seek to contribute positively to the conservation and enhancement of protected landscapes. It goes on to say that outside protected landscapes, the Council will support development which is in scale and keeping with the landscape character and which is appropriate to its surroundings in terms of siting design, materials, external appearance and landscaping. Policy DM29 sets out that the council will support the protection of trees and hedgerows which positively contribute, either as individual specimens or as part of a wider group, to the visual amenity and/ or environmental value of the location. For the reasons set out above, it is not considered that the proposal complies with these policies.

## 7.4 Residential Amenity

7.4.1 The nearest residential properties are a small group at Swarthdale, approximately 450 metres to the north, and a detached dwelling, Oaken Head Farm, a similar distance to the south west. There are some other residential properties in the locality, though these are located at greater distances from the site. Given the distance, existing landform and trees, there will be no adverse impacts on outlook, daylight or privacy to the residential properties. Some concerns regarding noise and smells have been raised from neighbouring properties. However, Environmental Health has raised no objections to the scheme. No mechanical ventilation or extraction system has been shown on the submitted plans and it may be that it will rely on natural ventilation through vents in the roof. Clarification is being sought in relation to this, but given the separation distance it is unlikely that any mechanical ventilation system would cause a noise nuisance to occupiers of residential properties. This could be controlled by condition.

7.4.2 As a result of the concerns raised by neighbouring properties in relation to smells, the applicant has submitted an odour assessment. This sets out that no complaints have been received by the Council in relation to the existing unit which is slightly closer to residential properties. It goes on to say that modelling has been undertaken which predicts the odour units at specific receptor locations surrounding the site, including those closest to the proposed unit. Environment Agency guidance outlines benchmark level odour units, above which, there is likely to be unacceptable odour pollution. The proposed poultry unit would be categorised as a moderately offensive odour and the benchmark level for moderately offensive odours is 3 odour units. The largest odour unit that any of the residential properties would experience is 1.27 units, which is below the benchmark level. Therefore the assessment concludes that it is unlikely that there will be unacceptable odour pollution.

7.4.3 Concerns have also been raised regarding biohazards, impacts on health, the need for a permit and impacts as a result of spreading of manure. In terms of the health of animals and outbreaks of diseases, all owners and keepers of animals, including farmed poultry have a duty of care under the Animal Welfare Act (2006). National Control Programs (NCPs) for the reduction of Salmonella cover farm animal species which present a potential risk of transmitting Salmonella and other zoonotic agents to humans. Risks to health are therefore covered by other regimes outside the planning system. Poultry buildings containing more than 40,000 hens require an environmental permit from the Environment Agency. It is possible that this operation will require a licence as it will exceed this number when combined with the existing units. However, this is something that will be determined by the Environment Agency. If a permit is required, this will be considered by the Environment Agency and it is not for planning to duplicate other licensing regimes. In terms of spreading manure, the submission sets out that this will be taken away from the site every four days, but it is not clear if it will be spread on land surrounding the site. However, there is other statutory and non-statutory guidance with regards to the spreading of manure on land.

## 7.5 Access and highway impacts

7.5.1 A new access is proposed from Kirkby Lonsdale Road to serve the development. No objections have been raised from the Highways Authority, subject to the provision of visibility splays measuring 2.4 by 215 metres. These splays were greater than those shown on the submitted site plan. As such, speed surveys were undertaken to determine the actual speed that vehicles travel down the road and whether a reduced splay would be acceptable. An amended plan has been provided which shows a splay measuring 160 metres to the northeast and 215 metres to the southwest. A response is awaited from the Highways Officer to confirm whether this is acceptable. One of the pieces of

public correspondence raised that the setback for the splay should be 4.5 metres as a result of the size of vehicles and the position of a driver within a cab which is further from the highway than a driver within a car. This has also been raised with the Highways Authority and the response is awaited. A verbal update will be provided at the meeting.

7.5.2 In terms of vehicle movements, the submission sets out that the building requires infrequent servicing no more than 4 times a week – twice by tractor and trailer, and twice by no more than one 12.5 metre articulated vehicle to bring feed and to collect the eggs. There will be a visit at the start and end of the cycle for re-stocking purposes. The wagon which currently services the existing free range unit also has capacity to service the new unit. It sets out that typical vehicle movements for a venture of this nature are as follows:

- Pullet delivery on articulated flatbed once every 60 weeks;
- Feed delivery on articulated tipper once a week;
- Old hen collection on articulated flatbed once every 60 weeks;
- Manure removal on farm tractor and trailer once every 4 days; and
- Egg collection as per need within the cycle, but about 1 per week.

Car access would be daily for the member of staff looking after the birds. Visitor spaces are provided for vets and also the cleaning contractors who will fumigate the building at the end of the 60 week cycle.

7.5.3 A management plan currently exists for the existing poultry units which makes HGVs approach from the west. This routes vehicles from junction 35 of the M6 along the route that the quarry lorries take, along Back Lane to the northern fringes of Nether Kellet, left towards Over Kellet, and then turn right onto Addington Lane from the Nether Kellet Road. The vehicle would then service the other Free Range Units before arriving at this Unit. It would return via the same route. This would avoid the village of Over Kellet, and would follow the established route of the quarry lorries through the northern fringes of Nether Kellet. This can be controlled by condition. No objections have been raised to this by the Highways Authority.

## 7.6 Impacts on ecology

7.6.1 Natural England has been consulted on the application and have advised that further information is required in order to fully assess any impacts on European and Nationally designated sites. This is particularly in relation to aerial pollutants emitted from this type of development. Natural England has advised that an initial screening for air quality impacts should be completed prior to the determination of the application. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. The sites that have the potential to be implicated by the development are listed below:

- Burton Wood Site of Special Scientific Interest (SSSI) - 1.6km from the site
- Thwaite House Moss SSSI - 4km from the site
- Crag Bank SSSI - 5km from the site
- Artle Dale SSSI, 5km from the site
- Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) Ramsar Site and SSSI - 5.7km from the site
- Calf Hill and Cragg Woods Special Area of Conservation (SAC), 6.5km away from the site
- Bowland Fells SPA, 7km from the site
- Leighton Moss SPA and Ramsar Site, 8km from the site

7.6.2 In response to the comments raised, an air quality assessment has now been submitted. This sets out that the screening assessment results show that the threshold, above which a detailed assessment would be required, was not exceeded at any of the abovementioned designated sites for both ammonia and nitrogen deposition. It goes on to say that there is therefore no need to proceed to a detailed assessment and the proposed poultry unit will have insignificant effects on nearby designated sites. Natural England has been consulted in relation to this and the response will be verbally reported at the Committee meeting.

7.6.3 In relation to ecological considerations within and in the vicinity of the site, an Ecological Appraisal



has been submitted. The assessment included a desk based assessment, a visit to the site in order to assess the habitats present, a bat activity survey and an inspection of trees for evidence to support roosting or hibernating bats.

- 7.6.4 Most of the site is considered to comprise poor semi-improved grassland with a very low species diversity and ecological value. Whilst the assemblage of species within it is higher than improved pasture, the species are all indicative of regular grazing and disturbance and the report sets out that this habitat does not constitute a Biodiversity Action Plan (BAP) habitat. The intact hedge bounding the site to the south is species poor and contains a low diversity of woody plant species but all hedgerows are a UK BAP habitat. However, the hedge is not impacted by the proposal.
- 7.6.5 In relation to protected species, there are two records of badgers within 2km of the site, though the development will not impact on any existing badger runs or setts and the porosity of the surrounding fields to the passage of badgers will not be affected. Precautionary mitigation is considered appropriate during construction. There are 3 records of bats within 2km of the site, but the foraging habitat over most of the site is very poor for bat species being open and exposed pasture. The poor semi-improved grassland offers negligible foraging opportunities for bats. The woodland bounding the site, through which the access will be created, provides high quality foraging habitat. Whilst this area of the site is the most structurally diverse, it is not considered exceptional in the local area. More extensive areas of medium and high quality habitat occur locally, including large areas of adjacent woodland. The report sets out that it is not considered that there would be significant degradation of foraging habitat as a result of the proposal and the tree loss would open the canopy and provide more structural diversity within it.
- 7.6.6 All trees in and around the site perimeter were assessed for evidence of features to support bats and assigned a risk category of 2 (low) or category 3 (negligible) risk. No indications of roosting or highly suitable roost sites were located within the trees. A walked transect of the site for a period of 1 hour was also undertaken. The report sets out that the results of the activity survey confirm the assessment of the potential for the habitat and trees at the site to support bats. It goes on to say that it is considered that bat species are highly unlikely to rely on the site for feeding but may occur in the local area, and roosting by bats will not occur on the site. Precautionary mitigation would be appropriate in respect of ensuring the foraging habitat on site is at least improved for use by bats.
- 7.6.7 The woodland offers potential habitat for feeding and nesting birds. The poor semi-improved grassland has a low potential for use by nesting birds as the grassland is grazed and as such is usually short. Trampling risks are also very high within this area of the site. There were no rot holes or cracks in the trees within the site boundary which would support tree hole dwelling species such as woodpeckers. Precautionary mitigation is also recommended in relation to nesting birds. In relation to other species, the report sets out that the risk to brown hares is considered to be low, impacts on invertebrates are considered to be low, and no specific mitigation in relation to reptiles is considered necessary. The precautionary mitigation suggested above is detailed within the report and could be controlled by condition.
- 7.6.8 One area that does not appear to have been fully considered within the assessment, is the potential for run-off from the development to enter Swarth Beck to the north west of the site. In addition to impacts on water quality it also has implication on ecology. There appears to be a ditch across the site which has potential to provide a pathway for pollution. The design and access statement sets out that manure from the building would be removed from the building twice a week via a manure belt and collection is likely to occur every 4 days. It is not clear if the manure will be stored somewhere before collection, or loaded directly into a wagon. No area for external storage has been shown on the plan. However, mitigation could be put in place to ensure that contaminants did not enter the watercourse, both during and post construction and this could be adequately controlled by condition. A detailed drainage scheme would be required.

## **8.0** **Planning Obligations**

- 8.1 There are no planning obligations to consider as part of this application.

## **9.0** **Conclusions**

- 9.1 The need for this type of development needs to be balanced against the harm that the proposal will cause. Although there may be an increasing demand for free-range egg production, each planning

application must be considered on its own merits and the specifics of the individual sites and proposal taken into consideration. As set out in this report it is considered that, by reason of the size, siting and design of the building, the topography of the land and the significant engineering operations required, the development will have a detrimental impact on the character and appearance of the landscape, particularly when viewed from the nearby public right of way. Although a significant amount of planting is proposed, it is not considered that this will fully mitigate the visual impact of the building, given the sloping nature of the land, and the planting will take a significant length of time to mature. The presence of this within the open field will also alter the character of the landscape. The creation of the access would also have an urbanising effect on this rural road and would cause significant harm to the established woodland belt which has strong physical and visual links with the woodland belt, established on the opposite side of the public highway and within the AONB, which enjoys the highest status of protection. Although the landscape and visual impact is relatively localised, it is not considered that need for the development, set out by the applicant, or any other economic benefits will outweigh the significant harm caused by the development.

### **Recommendation**

That Planning Permission **BE REFUSED** for the following reasons:

1. By reason of the size, siting and design of the building, the topography of the land, the size, design and location of the proposed access, including the removal of a section of woodland trees, and the associated engineering operations, the development will have a detrimental impact on the character and appearance of the landscape, including the incongruous and urbanising impact on this rural road and the significant harm to the established woodland belt. As a result of this, the development would also have an adverse impact on the setting of the Forest of Bowland Area of Outstanding Natural Beauty. The proposal is therefore contrary to the aims and objectives of the core Planning Principles and Sections 7 and 11 of the National Planning policy Framework, Saved Policies E3 and E4 of the Lancaster District Local Plan, and Policies DM28, DM29 and DM35 of the Development management Development Plan Document.

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in this report. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None