

<b>Agenda Item</b>	A8
<b>Application Number</b>	25/00286/FUL
<b>Proposal</b>	Part retrospective application for the construction of a roof over existing silage pit, installation of drainage infrastructure to include an attenuation pond
<b>Application site</b>	Batty Hill Farm Lancaster Road Cockerham Lancaster
<b>Applicant</b>	Mr Hewitt
<b>Agent</b>	Mr Jake Salisbury
<b>Case Officer</b>	Mr Patrick Hopwood
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

**(i) Procedural Matters**

This is a major application that has received objections and is recommended for approval. As such, it has been referred to the Planning Regulatory Committee for determination in line with the Scheme of Delegation.

**1.0 Application Site and Setting**

1.1 The site that forms the subject of this application is Batty Hill Farm, which is located approximately 200 metres east of Lancaster Road on the edge of Cockerham. The farm constitutes around 450 hectares of land comprising several large modern and traditional agricultural buildings and cattle sheds, in addition to a two-storey farmhouse which is located on the eastern side of the complex. Batty Lodge and The Paddock are dwellings located on the southern edge of the main farm complex and both are understood to be agricultural workers dwellings associated with Batty Hill Farm. The agricultural buildings are predominantly finished in Yorkshire boarding to the walls under sheet roofs. There are also rough tracks in this area which provide secondary access to some of the agricultural buildings. A Public Right of Way (PROW) bridleway runs from Lancaster Road through the farm complex. The site is within the Open Countryside Local Plan designation, and within an aerodrome safeguarding zone.

**2.0 Proposal**

2.1 Without planning permission, a building (in the form of an open building with roof) has been constructed over the silage pit, measuring 100m in length, 9m in height to eaves and 11m in height to the ridge. This development (as built) has been refused planning permission under planning application 23/01215/FUL and subsequently dismissed at appeal (APP/A2335/W/24/3349052).

- 2.2 This application (as amended) seeks planning permission for the retention of the building in terms of its overall length and width, with the roof height lowered to 7m in height to eaves and 8m in height to the ridge.

### 3.0 Site History

- 3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
20/00600/FUL	Construction of a roof over existing silage pit (23m length, 9m eaves height, 12m ridge height)	Refused
20/00905/FUL	Construction of a roof over existing silage pit (20m length, 7m eaves height, 8m ridge height)	Approved
23/01215/FUL	Retrospective application for the construction of a roof over existing silage pit (100m length, 9m eaves height, 11m ridge height)	Refused and Dismissed at Appeal

### 4.0 Consultation Responses

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

Consultee	Response
Cockerham Parish Council	<b>Objection.</b> Concerns include: <ul style="list-style-type: none"><li>The prominence of the building due to its size.</li><li>Increased risk of flooding and drainage concerns.</li><li>Contaminated water entering the attenuation point and causing pollution downstream.</li></ul>
Thurnham Parish Council (neighbouring Parish)	<b>Objection.</b> Concerns include: <ul style="list-style-type: none"><li>Increased risk of flooding and drainage concerns, including the proposed details and reliability of ongoing maintenance.</li><li>Contaminated water entering the attenuation point and causing pollution downstream which discharges into the sensitive RAMSAR of Morecambe Bay.</li></ul>
County Highways	<b>No objections.</b>
Natural England	No response received.
Lead Local Flood Authority	<b>No objection</b> , subject to further surface water drainage evidence/details being provided either upfront or through planning condition.
Public Rights of Way Officer	No response received.
Environmental Health	No response received.
Shell	<b>Comments.</b> Pipeline not affected.
BPA	<b>Comments.</b> Pipeline not affected.
Black Knight Parachute Centre	No response received.
Ramblers	No response received.
Cadent Gas	No response received.
Engineering Team	No response received.

- 4.2 2 letters of objection have been received from members of the public, raising the following main concerns:
- Building too large, excessively high
  - Development very visible in surroundings
  - Plans are unclear
  - Potential for flood risk
  - Height requirement questioned

## 5.0 Analysis

5.1 The main issues are:

- Principle of Development
- Design, Scale and Landscape Impact
- Drainage and Flood Risk
- Residential Amenity
- Highways
- Ecological Impacts

5.2 **Principle of Development** (NPPF Section 6 (Building a strong, competitive economy); Policy DM47 (Economic Development in Rural Areas))

5.2.1 Section 6 Paragraph 88 of the NPPF states that planning decisions should enable the development of agricultural businesses. In accordance with Policy DM47, proposals in rural areas will be supported in principle for essential operations for agriculture where there is a proven and justified need.

5.2.2 The purpose of the proposed development - to erect a roof structure over the existing silage pit - is intended to reduce dirty water run-off and is supported by DEFRA's Catchment Sensitive Farming Scheme. The submitted appraisal report also details that covered silage improves animal health and nutrition. The appraisal also details that the 100m long silage clamp has been in situ since at least 2014 and is sized to meet the farm's silage storage needs based on the livestock numbers and their nutritional needs. It is considered that the proposal would support the existing farming operation at Batty Hill and contributes towards a reduction in environmental pollution. For these reasons, the principle of the development is therefore acceptable.

5.3 **Design, Scale and Landscape Impact** (NPPF Sections 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment); Policies DM29 (Key Design Principles), DM46 (Development and Landscape Impact) and DM47 (Economic Development in Rural Areas))

5.3.1 When this application was first submitted, the proposal sought a reduction in height (from what has been built on site) to 8 metres to the eaves and 9.159 metres to the ridge. It was considered that this would not provide any noticeable visual difference from the building currently on site and previously refused and dismissed on appeal. Amendments have been secured to reduce the height further with additional landscaping to provide some visual and landscape mitigation.

5.3.2 The amended height reflects that of the building approved under application 20/00905/FUL. This is largely dictated by operational requirements for safe management of the silage by machinery. The length of the proposed building will broadly correspond with the overall extent of the existing farmyard and buildings situated to the east, and it will not encroach into the open countryside to the north. While the building is undeniably long and lacks architectural interest or design quality, it is intended to serve a practical agricultural purpose in support of the farm's operations. Despite the reduction in height, the building will remain visually prominent due to its elevated position at the top of a small hill. The lowered height will help to lessen the visual impact to some extent, though not entirely. Its location has been chosen to align with the existing silage clamp already in place.

5.3.3 Officers have sought a landscaping scheme to soften and filter views of the structure over time. In particular, tree planting clumps to the north and south ends, along with scattered tree standards and a mixed native hedgerow. Whilst the proposed planting will take some time to establish, and will be subject to seasonal variation, over time the proposed landscaping will help alleviate the visual impact of the development.

5.3.4 Overall, with the height reduced to match that of the previously approved permission, the length relative to the existing buildings behind, and an adequate landscaping scheme to soften and filter views over time, the proposal is, on balance, considered acceptable in terms of design, scale and landscape impacts and would not therefore conflict with the development and NPPF as a whole.

5.3.5 The Aerodrome Safeguarding consultee has not responded to the application but given the context of other built structures at the farm of similar height, the proposed height is not expected to cause

any issues in terms of the Aerodrome Safeguarding Zone.

5.4 **Drainage and Flood Risk** (NPPF Section 14 (Meeting the challenge of climate change, flooding and coastal change); Policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-Off and Sustainable Drainage), DM36 (Protecting Water Resources and Infrastructure))

5.4.1 The application sets out that infiltration is not viable in accordance with BRE365 testing and that existing buildings are connected to a drainage system which flows into local watercourses. The proposed drainage strategy sets out that surface water runoff will be drained to a new attenuation pond, and discharged at a restricted rate of 1.5 l/s to an existing pond in the adjacent field. Silt and sediments can be captured in the upstream system to prevent discharge into local waterways. The roof structure will also help to prevent rainwater mixing with the silage and reduce risk of silage effluents from reaching the River Cocker and Morecambe Bay, as encouraged by the DEFRA Catchment Sensitive Farming Scheme.

5.4.2 As a major application, the Lead Local Flood Authority (LLFA) are a statutory consultee, and have returned no objection in principle to the proposed drainage layout, subject to a planning condition for further details. The applicant has attempted to provide the further details prior to determination, although the LLFA has found these details to be insufficient, and requested that the condition for further details is still required. Advice has been provided by the LLFA as to how the applicant can address these matters at discharge of condition stage. In order to ensure that the development can be safely drained, without resulting in increased risk of flooding on or off site, the condition as requested by the LLFA is required to make the development acceptable.

5.4.3 At this stage the applicant has demonstrated there is a feasible drainage solution, despite the current proposals remaining insufficient. Where it is possible to make a development acceptable (i.e. in this case through the submission of a final detailed drainage proposal), a planning condition should be imposed. Given the LLFA's position, and the requirement for a detailed drainage scheme, there is no substantive flood risk or drainage reason to withhold planning permission.

5.5 **Residential Amenity** (NPPF Section 12 (Achieving well-designed places); Policy DM29 (Key Design Principles))

5.5.1 The existing silage pit is over 20 metres from the nearest residential properties which form part of the farm complex, and approximately 150 metres from properties on Lancaster Road. The proposed building would be visible from these properties, but it would not lead to any adverse residential amenity impacts such as overshadowing and overbearingness.

5.6 **Highways** (NPPF Section 9 (Promoting sustainable transport); Policies DM29 (Key Design Principles), Policy DM61 (Prioritising Walking and Cycling))

5.6.1 The application site is located due northwest of the public right of way (PROW) and consequently would be highly visible from this bridleway. However, the scheme will not encroach onto the PROW therefore no direct impacts from the development are anticipated. There is sufficient manoeuvring space within the farmyard for management of the silage by tractor machinery, and vehicle movements are not anticipated to increase as a result of planning permission being granted. In this regard, the proposal is considered not to adversely impact highway safety or accessibility and would not conflict with the development plan and NPPF.

5.7 **Ecology** (NPPF Section 15 (Conserving and enhancing the natural environment); Policies DM29 (Key Design Principles), DM44 (The Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland))

5.7.1 The proposed development will be located approximately 1 mile east of the Lune Estuary SSSI and the Morecambe Bay SAC, SPA and Ramsar sites. Commenting on the previous application, Natural England raised no objection, and considered that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.7.2 The application is made part-retrospectively, in that the posts are already in situ and would be retained but with the tops sawn off and the roof reattached and reconfigured at a lower height. As a result, the proposal is exempt from mandatory Biodiversity Net Gain (BNG) under Schedule 7A of

the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). However, both the Local Plan (in particular Policies SP8 and DM44) and Paragraph 187 of the NPPF requires planning decisions to provide net gains for biodiversity.

5.7.3 The proposed landscaping scheme has been discussed with the Council’s Arboricultural Officer, and amendments have been secured to address concerns relating to spacing, species mix, planting methodology and maintenance. The amended scheme, consisting of a double staggered mixed species hedgerow and scattered tree standards with tree clusters at the north and south ends, is considered acceptable and will provide biodiversity enhancement and habitat creation within the site.

6.0 Conclusion and Planning Balance

6.1 Whilst the proposed structure is large in overall length and scale, utilitarian in design and will be visible within the locality, the development in its amended form is considered better related to the extent and height of the existing farm buildings and wider farmstead. The visual prominence of the development will, over time, be mitigated through the proposed landscaping programme. The proposed roof structure and associated drainage scheme will also enable for improved control of surface water runoff from the silage pit, preventing potentially contaminated water from entering the wider environment and reducing flood risk, which is to be encouraged. On balance, whilst there will be some visual harm arising from the development, with mitigation, this harm would be outweighed by the needs arising from farming enterprise and the wider environmental benefits set out above.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

Condition no.	Description	Type
1	Amended Plans	Control
2	Sustainable Surface Water Drainage Scheme (details to be submitted within 1 month and agreed details to then be implemented within 6 months)	Control
3	Implement Amended Landscaping Scheme	Control

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

In accordance with the above legislation, Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/Guidance.

Background Papers

None