

ITEM NO:		
	<u>Location:</u>	Manor Farm Church Lane Bygrave Baldock Hertfordshire SG7 5EE
	<u>Applicant:</u>	Northern
	<u>Proposal:</u>	Installation of slurry lagoon.
	<u>Ref. No:</u>	17/04355/FP
	<u>Officer:</u>	Sam Dicocco

Date of expiry of statutory period: 16.03.2018

Submitted Plan Nos: P01; P02

Extension of statutory period: 21.01.2019

Reason for referral to Committee: The development is other operational development in a site area of 1 hectare or greater (1.73 Hectares)

1.0 **Relevant History**

1.1 None relevant to the site.

2.0 **Policies**

2.1 **North Hertfordshire Local Plan No.2 with Alterations**

LP2 Green Belt
LP16 Areas of archaeological significance

2.2 **National Planning Policy Framework**

SECT6 Supporting a strong, competitive economy
SECT12 Achieving well-designed places
SECT13 Protecting Green Belt land
SECT 16 Conserving and enhancing the historic environment

2.3 **Supplementary Planning Documents**

Design Supplementary Planning Document

2.4 **North Hertfordshire Draft Local Plan 2011-2031**

D1 Sustainable design
D3 Protecting living conditions
HE1 Designated heritage assets
NE1 Landscape

3.0 **Representations**

3.1 **Site Notices: 19/01/2018 Expiry: 09/02/2018**
Press Notice: 18/01/2018 Expiry: 08/02/2018

Consultee responses

Environmental Protection (land contamination and air quality) – No objection.

Environmental Protection (noise and other nuisances) – Initial objection based on lack of information overcome by submission of Odour Management Plan, subsequent no objection subject to conditions.

Environment Agency – Initial objection based on lack of information overcome by submission of Revised Design Statement, subsequent no objection subject to conditions.

Natural, Historic and Built Environment Advisory Team (Archaeology) – Initial objection overcome by submission of Archaeological Evaluation Report, subsequent no objection.

Lead Local Flood Authority – Comments advising seeking comments of the Environment Agency.

Hertfordshire Ecology – No objection.

Neighbour representations

None received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site forms part of an established agricultural unit within the Green Belt. The site also lies within an area of archaeological interest. The site is located on a plot of land to the south of Church Lane and the west of the A505. The development would lie approximately 180m to the south west of a Scheduled Monument, namely, "Two bowl

barrows at Bygrave, 650m east of Park Wood”. The Scheduled Monuments description is as follows –

“Bowl barrows, the most numerous form of round barrow, are funerary monuments dating from the Late Neolithic period to the Late Bronze Age, with most examples belonging to the period 2400-1500 BC. They were constructed as earthen or rubble mounds, sometimes ditched, which covered single or multiple burials. They occur either in isolation or grouped as cemeteries and often acted as a focus for burials in later periods. Often superficially similar, although differing widely in size, they exhibit regional variations in form and a diversity of burial practices. There are over 10,000 surviving bowl barrows recorded nationally (many more have already been destroyed), occurring across most of lowland Britain. Often occupying prominent locations, they are a major historic element in the modern landscape and their considerable variation of form and longevity as a monument type provide important information on the diversity of beliefs and social organisations amongst early prehistoric communities. They are particularly representative of their period and a substantial proportion of surviving examples are considered worthy of protection.

Despite having been reduced in height by cultivation, the two bowl barrows at Bygrave survive comparatively well and will contain archaeological remains and environmental evidence relating to the monument and the landscape in which it was constructed. The close association of the barrows may be significant as few such pairings survive as earthworks in this area, most having been levelled by ploughing over many years.”

4.1.2 The sites surroundings are, to the west, agricultural. The site is located immediately to the west of a raised, electrified railway line, which is in turn, adjacent to a major trunk road, namely, the A505. A Biogen facility is sites on the eastern side of the A505. The site is also framed to the north by Church Lane, a single agricultural road, albeit with access onto and off the A505. Church Lane tunnels underneath the raised railway line and A505.

4.2 **Proposal**

4.2.1 The application seeks planning permission for engineering works to create a slurry lagoon. The lagoon would be contained by banking which would measure approximately 2.2m in height externally, with 4m in height from the bottom of the proposed slurry pit. The lagoon would measure 77.5m in length and 76.5m in width measured from the inner top of the banks. The lagoon would need to be secured with perimeter fencing and a secure gate.

4.3 **Key Issues**

4.3.1 Policy 2 of the Saved Local Plan states that the Council aim to keep the uses of land within the Green Belt open in character. Planning permission will only be granted for appropriate buildings, extensions or changes of use which would not result in a significant visual impact. This proposal is neither a change of use, new building or extension.

- 4.3.2 The National Planning Policy Framework (NPPF) states within paragraph 146 that engineering operations which preserve the openness of the green belt and do not conflict with the purposes of including land within the green belt would not be inappropriate. The 2011-2031 Local Plan Proposed Submission relies upon the contents of the National Planning Policy Framework to assess the appropriateness of development within the Green Belt.
- 4.3.3 Openness is best defined as the absence of built form. The engineering operation proposed, in terms of the banking required to form the slurry pit, would not be built form. Notwithstanding this, the banks, at a maximum of 2.2m in height externally, have potential to impact the open nature of the Green Belt by interrupting the landscape. The banking would be green in nature. In this case, by reason of the green nature of the banking, the sites location in terms of surrounding hard and raised landscape features (railway line and A505) as well as the surrounding topography, would not have any impact on the openness of the Green Belt in this location.
- 4.3.4 In terms of built form, the secure perimeter fencing would impact the openness of the Green Belt. The design of the perimeter fencing could, and would need to, be controlled by way of condition to ensure that the fencing is secure but as open and transparent as feasible, mitigating the impact upon the openness of the green belt. By reason of the conditioned fencing, nearby raised railway line and associated structures, as well as the topography of the site and sites surroundings, the associated built form, in this case, would have a limited impact upon the openness of the green belt or the visual character of the surrounding landscape.
- 4.3.5 The proposed slurry lagoon and associated security fencing would not conflict with the purposes of including land within the Green Belt as set out in paragraph 134 of the NPPF.
- 4.3.6 Given the above discussion, it cannot be stated that the proposal would preserve the openness of the Green Belt, and as such, even though the impact on openness can be somewhat mitigated by conditions, the development must be considered inappropriate. Inappropriate development is, by definition, harmful, and should not be approved unless in very special circumstances. Very special circumstances must clearly outweigh harm to the green belt by reason of inappropriateness and any other harm.
- 4.3.7 The engineering operation and associated security fencing required for the creation of the slurry lagoon is for agricultural purposes. Agriculture should be promoted within the Green Belt as an inherently open use which serves to preserve its essential character and purposes. Buildings for agricultural purposes are considered appropriate within the Green Belt regardless of impact on openness and purposes. Finally, there are permitted development rights in tact for the erection of 2m high fencing on the site. This is a reasonable fall-back position which must be given weight in the balance of 'very special circumstances'.

- 4.3.8 In light of the above, it is considered that very special circumstances exist in this case which clearly outweigh the limited harm to the openness of the green belt.
- 4.3.9 It is considered, in line with the conclusion above in regards to the Green Belt, that the proposed development would not cause harm to the value of the site in regards to the landscape character area. As such, the proposal accords with the provisions and purposes of policy NE1 of the 2011-2031 Local Plan Proposed Submission.
- 4.3.10 The site lies approximately 180m to the south west of a Scheduled Monument. The setting of a heritage asset is the surroundings in which a heritage asset is experienced. By reason of the proximity of the proposed development, it is considered that the proposal has the potential to affect the setting of the Scheduled Monument, albeit, the form of the development is not likely to be prominent or intrusive.
- 4.3.11 Bowl Barrows are a major historic element in the modern landscape and their considerable variation of form and longevity as a monument type provide important information on the diversity of beliefs and social organisations amongst early prehistoric communities. In this case, the Bowl Barrows are considered of particular importance as the two bowl barrows at Bygrave survive comparatively well and will contain archaeological remains and environmental evidence relating to the monument and the landscape in which it was constructed. As a result, it is considered that the contribution of the setting of the Scheduled Monument to its significance, in this case, would be their importance and prominence in the modern landscape. As a result, the setting of the Scheduled Monument should remain subordinate to the heritage asset.
- 4.3.12 The banking, at 2.2m in height externally, would not be at a greater height than the Bowl Barrows, thereby remaining a subordinate feature within the landscape setting. The banking would not interrupt any views in or out which would impact experiences of the asset by reason of the intercepting raised, electrified railway line. Accordingly, it is not considered that the development would harm the contribution of the setting to the significance of the nearby Scheduled Monument.
- 4.3.13 No concerns have been raised from the environmental health team in relation to odour nuisance as a result of the proposal. As such, no harm is expected to result from the proposed development upon the living conditions of nearby residential uses.
- 4.3.14 No objection has been raised on behalf of Hertfordshire County Council Historic Environment team in relation to the site in terms of archaeological interest. As such, the development is considered to accord with policy 16 of the Saved Local Plan.
- 4.3.15 No objection has been raised on behalf of Hertfordshire County Council Ecology team in relation to the site in terms of wildlife interest. As such, the development is considered to accord with policy 14 of the Saved Local Plan.

4.4 **Conclusion**

- 4.4.1 The proposed engineering operation and associated secure fencing would cause limited harm to the openness of the Green Belt, thereby representing an inappropriate form of development in accordance with paragraph 90 of the NPPF. In this case, it is considered that 'very special circumstances' exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. No harm would result from the proposal on living conditions of the occupiers of nearby residential premises, the wildlife or archaeological value of the site, or the environment in terms of contamination of water sources. The proposal would not harm the contribution of the site to the setting of the nearby heritage asset. Accordingly, the proposal is considered to comply with the provisions of the local development plan.

5.0 **Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 **Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting approved documents and plans listed above.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The design and construction of the lagoon shall be within the parameters given in the 'Revised Design Statement' by Red Shed Design. The design shall be agreed in writing with the Local Planning Authority prior to construction and then works shall be carried out in line with the agreed scheme.

Reason: To protect groundwater. The site is located within Source Protection Zone 3, above a principal chalk aquifer within the Water Framework Directive (WFD) Cam and Ely Ouse Chalk groundwater body where we carefully monitor development proposals

of all types. Source Protection Zone 3 is a significant groundwater source used for potable water (that is high quality water supplies usable for human consumption). This aquifer is partially overlain by Glacial Head superficial deposits. The closest watercourse is 130m to the east. Groundwater at the site needs to be sufficiently protected from non-hazardous pollution. The site is also located within a Nitrate Vulnerable Zone (NVZ). The slurry lagoon presents a potential for non-hazardous pollution of nitrate vulnerable groundwater used for drinking water abstraction.

4. Prior to the commencement of the development hereby approved, further details, to include elevations at an appropriate scale, of the security fencing shall be submitted to and approved in writing by the Local Planning Authority. The details approved by way of this condition shall then be implemented and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the security fencing will be as transparent as possible to mitigate the potential impact to the openness of the Green Belt.

5. Prior to the commencement of the development, the developer shall submit an odour management plan, produced in accordance with the Institute of Air Quality Management Guidance on the assessment of odour for planning, for approval by the Local Planning Authority. Once approved, the details shall be implemented in perpetuity.

Reason: To protect the amenities of existing residents.

Proactive Statement:

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted proactively in line with the requirements of the Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.