

<b>Application Number:</b>	2014/0508	<b>Application Type:</b>	Full
<b>Proposal:</b>	Construction of one pole barn to contain aquaponics business, to include solar panels on the roof	<b>Location:</b>	Former Alden Cotton Mill Alden Road Helmshore Rossendale
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	24 February 2015
<b>Applicant:</b>	Mr Chris Mason	<b>Determination Expiry Date:</b>	27 February 2015
<b>Agent:</b>	Mr Gary Dearden		

<b>Contact Officer:</b>	Lauren Ashworth	<b>Telephone:</b>	01706-238637
<b>Email:</b>	planning@rossendalebc.gov.uk		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>Yes</b>
<b>Other (please state):</b>	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That Committee Approve planning permission for the reasons set out in Section 9.

## 2. SITE

The application relates to an irregular shaped parcel of land containing and surrounded by mature trees. The application site has an area of 0.3ha. The land rises steeply to the north and east. There is an area of hardstanding of recent origin to its centre which is relatively flat. The site has a gated private access from Alden Road leading to another gated access

point entering the heart of the site. Alden Road is a narrow unadopted road serving a number of residential properties.

Alden Brook runs through the south of the site on a north east/south west axis. Located on the area of hardstanding at the time of the case officer site visit was a timber framed wood store. There were various types of debris strewn on the site including piles of natural stone.

The site is within the southern part of Alden Wood. Alden Wood is designated as an Important Wildlife Site and is classified as 'Broadleaved / mixed woodland' and is a priority habitat in the Lancashire Biodiversity Action Plan. The site is also located within an area of Countryside outside the Urban Boundary of Haslingden, as designated in the Rossendale District Local Plan.

### **3. RELEVANT PLANNING HISTORY**

- 2014/0114 – Construction of pole barn to contain aquaponics business to include solar panels on the roof. Refused 25.07.14 for the following reasons:
  1. *The application site comprises a greenfield site which is located outside the urban boundary within the countryside. Policy 1 of the Core Strategy states that development should take place within the urban boundary unless it has to be located within the countryside. The application does not adequately demonstrated why it is necessary for the proposed aquaponics building to be located within the countryside. The proposal is therefore not acceptable in principle, it does not constitute a sustainable form of development and therefore fails to comply with Policy 1 of the Adopted Core Strategy (2011) and the National Planning Policy Framework.*
  2. *Alden Road, for the majority of its length, is a road privately maintained with public bridleways and a public footpath running along its length. The road is single track for the majority of its length with no formal passing places. It is rural in nature with vegetative verges running along both sides and there are sections of the road where a pedestrian and vehicle could not pass side by side. Alden Road is unsuitable to accommodate the potential vehicle generation and the large goods vehicles required to access this site would be detrimental to highway safety, particularly considering the users of the footpath and bridleway. The application does not demonstrate that there is safe and suitable access to the site and therefore the proposal fails to comply with Policies 1, 23 and 24 of the Council's adopted Core Strategy (2011) and Section 4 of the National Planning Policy Framework.*
  3. *The application site is located within Alden Wood which is designated as an Important Wildlife Site. The proposed building, which includes solar panels, is proposed to be erected in close proximity to the woodland. There are discrepancies within the submitted information and discussions on site as to whether it will be necessary for trees to be removed in order to accommodate the proposed building. Furthermore, if trees with bat roost potential would be affected by the proposal, further assessment/surveys to establish the presence/absence of bat roosts are required prior to determination of the application. Without this information the Local Planning Authority cannot be satisfied that the proposal conserves and enhances biodiversity as required by the NPPF. For these reasons the proposal fails to comply with Policies 1, 17, 18, and 24 of the Council's adopted Core Strategy (2011), and Section 11 of the National Planning Policy Framework.*

- 2010/0318 - Construction of Wood Store and Two Portabins (retrospective). Refused 16 08.10. An appeal was lodged and a split decision was issued:

*“I dismiss the appeal insofar as it relates to the erection of 2 portacabins on the land. I allow the appeal insofar as it relates to the erection of a wood store, and I grant planning permission for the erection of a wood store.”*

#### 4. **PROPOSAL**

Planning permission was refused in July last year for a significantly larger aquaponics business on this site. As set out above, three reasons of reason were given as follows: 1) the application failed to demonstrate why it is necessary for the proposed building to be located within the countryside; 2) Alden Road is unsuitable to accommodate the potential vehicle generation and large goods vehicles; and 3) discrepancies with submitted information in relation to tree removal and associated impact on bats.

Following the refusal notice and further discussions with officers, the applicant now seeks full planning permission for the construction of a single pole barn to contain aquaponics business. The building will measure 27 metres in length, 5.5 metres in width and will have a pitched roof with an eaves height of 4.1 metres and a ridge height of 8 metres. The roof will contain a parapet, beneath which solar panels will be fitted. The building will be constructed from timber boarding supported with timber poles. The roof is proposed to be finished in profiled aluminium in a green colour. The building would be sited on the area of existing hard standing within the existing woodland. It will contain two hydroponic tanks, rearing tanks, seedling / nursery area, a small filtering unit and a small facilities area for staff. In the previously refused application permission was sought for a building of the same size, but with two further buildings also proposed as part of future expansion, meaning overall the revised scheme is approximately one third of the size of the earlier one. The previous application also included a shop to serve the general public, training courses and tours for members of the public also. All of these elements of the previous scheme are now omitted.

The application is accompanied by the following supporting documents:

- Design and Access Statement;
- Arboricultural Implications Assessment;
- Ecological Scoping Survey; and
- Pond Biodiversity Survey of Waterbodies.

The Design and Access Statement explains that the aquaponics process begins with the breeding of small fish fry which in the applicant’s case is rainbow trout. The fish occupy small fish tanks and are then transferred to larger tanks which increase in size incrementally allowing the fish to grow to their adult size, at which point they are proposed to be released into the adjacent lodge. Water from the fish tanks is filtered and the waste removed. The water which becomes rich in nitrates is fed to plant tanks to promote growth. The plants extract the nitrates from the water, which is then filtered and pumped back into the fish tanks where the fish produce waste and the cycle begins again. Whole fish and other produce including lettuce, herbs, tomatoes and peppers will be produced and sold to local shops and restaurants, and anglers will be able to catch fish from the lodge. The number of anglers will be restricted by the use of permits to ensure a sustainable balance is achieved.

The solar panels would be used to power LED lighting within the modules to promote plant growth and any surplus will charge back up batteries for use during prolonged periods of darkness. The system is not connected to the national grid, it is silent, and as the building is sealed, there will be no light spillage. A night watchman is required to take samples of the water to ensure that the delicate balance of temperature and chemical content is maintained, and to make any adjustments needed. The worker will work on site alone on a 12 hour shift pattern and the one worker creates four vehicle movements per day.

The existing access off Alden Road will be used. No additional hardstanding is required.

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

- Section 3 Supporting a prosperous rural economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

- AVP 5 Strategy for South West Rossendale
- Policy 1 General Development Locations and Principles
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 16 Preserving and Enhancing Rossendale's Built Environment
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

## 6. **CONSULTATION RESPONSES**

### **RBC (Environmental Health)**

No objections raised subject to the following conditions:

- Development Site/ End Use Phase Delivery Hours
  - Monday to Friday 08:00 to 18:00
  - Saturday 08:00 to 13:00
  - No deliveries permitted on Sundays or Bank or Public Holidays.
  - Access and egress for delivery vehicles shall be restricted to the working hours indicated above during the development and end use phase.
  - Reason- to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.
- Noise arising from the application site (specified as LAeq at the boundary of any noise sensitive premises in use at the date of this planning permission) shall not exceed the background level (LA90) during the development phase or end occupation. Any measurement and assessment shall be made in accordance with

the advice contained within British Standard (BS) 4142:1997; Method for rating industrial noise affecting mixed residential and industrial areas.

Reason:- To protect the amenity of the adjoining land users/occupiers.

- Measures should be in place during the development phase to prevent dust from site operations travelling beyond the site boundary.

Reason:- To protect the amenity of the adjoining land users/occupiers.

- No burning of materials shall take place at the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To protect the amenity of the adjoining land users/occupiers.

## **Environment Agency**

*"We have no objection in principle to the proposed development and would like to offer the following comments:*

### **Flood Risk**

*The watercourse Alden Brook adjoining the site is designated a "Main River" and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior written Consent of the Environment Agency. Full details of such works must be submitted to us for consideration.*

*The Agency has a right of entry to the Alden Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact John Ruckledge at 01925 542466 to discuss our access requirements.*

*The applicant should not assume that the grant of planning permission guarantees that Flood Defence Consent will be granted.*

### **Fisheries**

*Under Section 30 of the Salmon and Freshwater Fisheries Act 1975 you are likely to require written consent obtained from the Environment Agency to stock your fishery and need to be registered with CEFAS (Centre for Environment, Fisheries and Aquaculture Science) This is to prevent the spread of fish diseases and to minimise damage to fisheries or the environment that may be caused by unregulated or inappropriate fish movements. Application forms can be found on [www.efishbusiness.co.uk](http://www.efishbusiness.co.uk).*

*Failure to rescue fish before a pond is destroyed may also be an offence under the Animal Welfare Act 2006. Adding material which harms fish, their spawning grounds, or their food is an offence under the Salmon and Freshwater Fisheries Act 1975. If a pond containing fish is going to be filled in, then fish will need to be removed before the pond is lost. Before you can move your fish to another water, you will need written consents from the Environment Agency, to:*

*- Catch the fish if using an instrument other than a rod and line (if catching using rod and line, then an Environment Agency rod licence will be required)*

*- Introduce the fish to another water body*

*Application forms for catching and moving fish can be found on [www.efishbusiness.co.uk](http://www.efishbusiness.co.uk).*

*Failure to obtain appropriate consents is an offence under the Salmon and Freshwater Fisheries Act 1975. The Fisheries, Recreation and Biodiversity team can be contacted for further advice via our National Customer Contact Centre ([enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk), telephone: 08708 506 506).*

## Biodiversity

Paragraph 109 of National Planning Policy Framework (NPPF) recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible and contributing to the Government's commitment to halt the overall decline in biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

We recommend that a clear, unobstructed buffer between the edge of the watercourse and the proposed development is incorporated in to the layout of the proposed development. The buffer zone shall be free from built development, including lighting, domestic gardens and formal landscaping.

For maximum biodiversity benefit, the site layout should use watercourse(s) on site as a feature rather than a constraint. Watercourses can be integrated in to the layout as a positive feature by locating new built development in positions that overlook watercourses and including them within areas of public open space rather than hiding them behind gardens and fences.

Integrating watercourses in to a site as a positive feature will not only provide a better environment, but it could also provide social and economic benefits, such as contributing to green infrastructure provision and/or enhancement and potentially increasing the economic value of a development.

## Environmental Permitting

Foul drainage should be connected to the main sewer. Where this is not possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater will need to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency. This applies to any discharge to inland freshwaters, coastal waters or relevant territorial waters. The granting of planning permission does not guarantee the granting of a permit which will only be granted where the risk to the environment is acceptable.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period may be registered as an exempt activity provided that no public foul sewer is available to serve the development.”

## LCC (Highways)

“An objection was raised to the previous application 2014/0114 on the grounds that Alden Road would be unsuitable to accommodate the additional vehicle trips that would be generated by the business.

The current amended business model produces significantly fewer vehicle trips with the elimination of the tours, training days and shop facility. The business will now generate minimal trips by the staff operating the site and will be of no detriment to highway safety.

Therefore I would raise no objection to the application and should the applicant be approved I would recommend a condition as stated below:-

No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Timing of deliveries by HGV to minimise impact upon neighbours.
- x) Communication with neighbours regarding deliveries to minimise conflicts.”

### **LCC (Ecology)**

Initial comments were received on 6 January 2015 towards the revised scheme:

*“My ex-colleague Sarah Gorman provided comments on the previous application for the site (ref: 2014/0114) (letter dated 9<sup>th</sup> July 2014). I have reviewed her response along with the information submitted with this previous application and information submitted with this current application.*

*I note that the Ecological Scoping Report, Pond Biodiversity Survey, Arboricultural Implications Assessment and Arboricultural Method Statement are the same as submitted with the previous application. This current application appears to differ in terms of the proposed location of the building. I also note that an updated Design & Access Statement has been submitted and that the use of the aquaponics business appears to have altered.*

*The first application (number 2014/0114) involved rearing fish and growing fruit and vegetable produce for selling on as food. The current application involves rearing fish for subsequent release into the nearby lodge to be used for angling purposes. On the whole I have limited my comments to these apparent differences in the applications (2014/0114 and this current application) and those matters which were previously highlighted by Sarah would need addressing prior to determination of the previous application.*

#### **Comments regarding differences in the applications**

*I understand from the submitted document that fish are already present in the lodge (Pond Biodiversity Survey) and that there is a history of permitted fishing (Ecological Scoping terms of angling on the lodge and associated infrastructure (for example is increased usage by anglers proposed?, formalisation of use of the lodge by anglers?, any infrastructure associated with angling? etc). The submitted Design & Access Statement indicates that a disabled access route to the lodge will be created, however the proposed plans do not appear to show any infrastructure associated with angling on the lodge, and it is not clear to me where this access would be, what it would involve or what habitat it would affect. In addition, the ecological surveys and assessments appear to have been carried out based on the proposed building only and it is therefore not clear to me that impacts associated with any use of the site by anglers (if being applied for) have been fully considered (for example habitat losses resulting from proposed infrastructure and access routes, increased disturbance at the site etc.)*

### Matters previously raised

*Sarah Gorman commented that Rossendale Borough Council would need to be satisfied that the proposals would not result in light spill onto bat habitats and that trees with bat rooting potential would not be affected.*

*The submitted Design & Access Statement confirms that there would be no light spill outside the proposed building. I recommend that a planning condition is attached to any approval to ensure that bat habitat would not receive light spill (as recommended below) and that potential bat roosting sites are retained unaffected.*

### Additional comments

*I note that the Design & Access Statement states that "The surrounding landscape will be managed pro-actively and wildlife encouraged" (point 3) and that "currently the trees are overgrown and would benefit from a management plan to ensure optimal growth". Any such management of the area will need to be informed by ecological surveys and be with the objective of maintaining and enhancing biodiversity value of the site. It is not clear to me whether requiring management of the area would be proportionate to the likely impacts, particularly as the full proposals are not clear to me (as discussed above). Any such management associated with this application or required to offset losses/impacts should be informed by a detailed management plan, which can be made subject to planning condition as required.*

### RECOMMENDATIONS

**The following matter will need to be addressed before the application is determined:**

- *It is not clear to me what is being applied for as part of this application in terms of use/increased use of the lodge for angling (see above). Rossendale Borough Council will need to be satisfied that the ecological implications of all aspects of the application have been fully assessed/addressed and that adequate compensation/mitigation has been proposed to offset any losses (such as habitat losses associated with proposed angling infrastructure) and other adverse impacts (such as increased disturbance) (see above).*

*If the above matter can be adequately addressed and Rossendale Borough Council is minded to approve the above application or any amended proposals, **planning conditions (or Section 106 agreements) are recommended to address the following matters:***

- *No works shall commence until a fully detailed management plan for the site has been submitted and approved in writing by Rossendale Borough Council. The plan shall be informed by results of ecological surveys and shall demonstrate maintenance and enhancement the biodiversity value of the site. Any approved plan shall be implemented in full.*

- *No external lighting associated with the development shall be installed without the prior approval, in writing, from Rosendale Borough Council. All lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. trees/woodland, ponds, culvert, watercourse) and or/ bird breeding places. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).*

- *All trees with any bat roost potential shall be retained and these, along with the culvert, shall not be affected in any way as a result of the development to which this permission applies.*

- *The following precautionary measures shall be implemented in order to avoid any impacts on Alden Valley Woods Important Wildlife Site and the semi-natural habitats within:*



- A minimum 5m wide buffer zone shall be retained between the features of biodiversity value (e.g. ponds and woodland) and the proposed development and this buffer zone shall be adequately demarcated prior to commencement of works.
  - There shall be no access, vehicle movement, storage of materials or dumping of waste associated with the development to which this permission applies within the adjacent woodland (or other semi-natural habitat) or within the 5m buffer zone.
  - All trees being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837:2012 Trees in relation to design, demolition and construction - Recommendations).
  - Any proposed planting, shall comprise native species appropriate to the locality and shall be subject to prior approval by Rossendale Borough Council.
  - The applicant shall adhere to appropriate Environment Agency Pollution Prevention guidelines.
- No vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.
- The following precautionary measures shall be implemented in order to avoid any impacts on reptiles, hedgehogs, amphibians and badgers (protected species and Species of Principal Importance):
    - Prior to the commencement of works there shall be a repeat survey of the site (up to at least 30m from the works area) for the presence of badgers. The report of the survey together with proposals for mitigation / compensation, if required, shall be submitted to Rossendale Borough Council for approval in writing. Any necessary and approved measures for the protection of badgers will be implemented in full.
    - Works affecting any features likely to provide shelter for amphibians, hedgehogs and/or reptiles (for example, rubble piles, log piles, piles of leaf litter, dense vegetation) will be avoided when these species are likely to be hibernating.
    - All areas of suitable terrestrial habitat including likely places of shelter (e.g. rubble piles, log piles, dense vegetation), shall be carefully searched prior to removal / any works affecting these areas. If clearance works are unavoidably carried out at the time of year when these species may be hibernating or breeding, any amphibians, reptiles and/or hedgehogs found should not be disturbed and advice should be sought from an appropriately qualified person. Otherwise any amphibians, reptiles and/or hedgehogs encountered shall be moved to a safe area of suitable habitat, which will then remain undisturbed.
    - Any trenches left open overnight shall have a means of escape for any animals that might fall in (such as provision of low angle sloping wooden boards of approximately 300 mm wide to provide a ramped exit).
    - Any trenches left open overnight shall be checked each morning prior to commencement of works and any animals found within shall be moved to a suitable area of nearby habitat that will then remain undisturbed.
    - No containers of chemicals should be left open over night to avoid risk of poisoning.
    - If the presence of protected species is detected or suspected at any stage before or during development works, then works must not proceed until advice has been sought from Natural England regarding the need for a licence and/or the implementation of necessary mitigation measures.”

The application supplied additional information as requested by the County Ecologist in relation to the links to the existing lodge and the following response was received:

*“It appears as though the access track and pathway are already present and that the lodge is already stocked with fish.*

*The lodge has poor suitability for GCN and based on the submitted information about the lodge it seems reasonably unlikely that further introductions of fish would result in significant ecological impacts. As the access route and car park are already present and no further infrastructure is proposed, based on this information (which I have not corroborated with a site visit) it also seems reasonably unlikely that this element would result in any significant ecological impacts.”*

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order 10 notification letters were sent to neighbouring properties and a site notice were displayed. 8 letters of objection have been received and the reasons for objection are summarised below:

- The site is not a brownfield site and is not available for development. It comprises Alden Wood and has not been used for industrial purposes for over 150 years.
- There is no convincing argument as to why this needs to be located within the countryside.
- Opening times are not known.
- The building will overlook neighbouring properties, impose on privacy and ruin outlook.
- This is a rural farming community with no need for such a business that would have no benefit to the village.
- The site is clearly visible particularly in winter.
- Alden Road is not wide enough to accommodate traffic of this size in particular heavy goods vehicles and this road is maintained by the residents.
- Concerns regarding light pollution.
- Concerns regarding birds, bats and great crested newts.
- It is unclear how fresh water will be fed into the site.
- Will trees be protected in accordance with the applicant’s statement?
- Concerns regarding the viability of the proposed business. Lumb Valley Anglers Club closed the lodge in 2008 due to poor numbers / lack of interest.
- Concerns regarding presumption in favour of the future redevelopment of this site should planning permission be granted.
- In winter months the building will be extremely prominent. Profiled sheeting to the roof is not appropriate within the countryside.
- Concerns regarding noise from vehicle movements and odour from the proposed business.
- The links from the business to the use of the lodge for anglers is contradictory and unrealistic.
- There is nothing to stop the applicant developing the site further in future if he wishes.

## **8. ASSESSMENT**

The main considerations of the application are:

1) Principle; 2) Biodiversity; 3) Access/Parking; 4) Neighbour Amenity; 5) Visual Amenity

1) Principle

The application site is located within the countryside area where development is limited to that which is necessary in such areas; development generally should be located within the

urban boundary (Policy 1 of the Core Strategy). This is a greenfield site. The proposed development comprises a form of agricultural use; the definition being:

*“...includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of the farming of the land), the use of land as grazing land, meadowland, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and ‘agricultural’ shall be construed accordingly”.*

The applicant has clarified that the use would involve fish breeding and production of foods such as fruit and vegetables to be sold off site for example to local restaurants. The Design and Access Statement explains that for fish breeding a controlled and very secure, quiet location with very clean air is needed, however officers are aware of aquaponics businesses located successfully within urban areas. The applicant states that the proposed solar panels will generate electricity to power the LED lights and the building will be constructed from timber cladding to ensure it is sustainable and environmentally friendly. The applicant considers that it not would not be appropriate to develop this type of business model within an urban location. Furthermore, unlike the earlier proposal the applicant has now clarified that the adjacent lodge will be used in association with the aquaponics business in that the fully grown fish will be either sold and / or released into the lodge to enable anglers to fish as they used to do when the lodge was owned by Lumb Valley Anglers Club. The Environment Agency has provided the applicant with advice relating to fisheries as under Section 30 of the Salmon and Freshwater Fisheries Act 1975, written consent is required from the EA to stock a fishery and it would need to be registered with the CEFAS.

Unlike the earlier proposal the applicant has now clarified why the aquaponics use proposed in this case is necessary in a rural location and has demonstrated an important link to the adjacent lodge. The National Planning Policy Framework states that the development and diversification of agricultural and other land-based rural businesses should be promoted, and that the sustainable growth of businesses in rural areas with well-designed new buildings should be supported. For the reasons above Officers consider that the proposed rural business at the scale proposed is appropriate in principle in this countryside location and as such accords with the NPPF and Policy 1 of the Adopted Core Strategy (2011).

## 2) Biodiversity

The application site is located within Alden Valley Woods which has been identified as an Important Wildlife Site. Policy 18 of the Core Strategy requires the Council to avoid the loss of trees and to ensure that where necessary, developments make provision for new and replacement planting. When determining applications Section 11 of the NPPF requires Local Planning Authorities to conserve and enhance biodiversity. It states that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. Members will note that the previous application was refused in part due to inconsistencies with regards to tree removal, and potential associated impacts on bats.

A number of important points have been clarified with regards to biodiversity as part of the revised application. The scale of the development now proposed does not necessitate tree removal meaning the development will not have an impact on bats, which are a protected

species. This is secured also by planning condition. The County Ecologist has confirmed that the lodge is already stocked with fish, and that the lodge has poor suitability for great crested newts. Conditions are required to ensure that the proposal will not have a harm impact on other protected species including badgers and birds, and other conditions including the submission of a biodiversity management plan will ensure the proposal maintains and enhances biodiversity as required by the NPPF.

Overall the County Ecologist has concluded that it is reasonably unlikely that the proposal would result in any significant ecological impacts.

### 3) Access / Parking

LCC Highways raised an objection to the previous application 2014/0114 on the grounds that Alden Road would be unsuitable to accommodate the additional vehicle trips that would be generated by the business. The applicant has made significant changes to the proposed development to seek to address the previous concerns in this regard. The Highways Engineer at LCC is now satisfied that the current amended business model produces significantly fewer vehicle trips with the elimination of the tours, training days and the shop facility, and that the business will now generate minimal trips by the staff operating the site and will be of no detriment to highway safety. On the basis of the amended application and reduction in scale of the enterprise, no objection to the application is raised subject to a condition requiring a construction method statement which shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Timing of deliveries by HGV to minimise impact upon neighbours.
- x) Communication with neighbours regarding deliveries to minimise conflicts.”

On the basis of the views of the Highway Authority and subject to the condition above, officers are now satisfied that there is safe and suitable access to the site to serve the proposed development as required by Section 4 of the NPPF.

### 4) Neighbour Amenity

Although privacy and overlooking matters have been raised as concerns from neighbours, the proposal will not give rise to such issues for the reason that there are no windows proposed in the building, and there will be no light spill from the building for this reason also. The building is proposed within an existing woodland, and is situated over 100 metres from the nearest house, therefore the development will not have an overbearing impact on any neighbouring properties.

Neighbours have raised concerns regarding noise and disturbance during construction and during deliveries to and from the site once operational. LCC Highways have requested a construction method statement be submitted to the LPA and approved before any development commences. This statement would include details of (amongst other things):

timings of deliveries, details of construction hours, wheel washing facilities, communication with neighbours regarding deliveries to minimise conflict etc. The applicant will be required to adhere to the method statement for the duration of the construction phase. The Council's Environmental Health Officer has requested a planning condition which controls the hours of delivery to and from the site post construction i.e. once operational. In attaching any planning condition, Local Planning Authorities must be satisfied that the six tests for conditions are met i.e. that all conditions are: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects.

Being mindful of the concerns of the neighbours, the Environmental Health Officer's comments and the comments of the Highway Engineer, Officers believe the proposed conditions are appropriate.

Subject to planning conditions, Officers are satisfied that the proposal will not harm the amenities of neighbours and is therefore compliant with the NPPF, and Core Strategy Policies 23 and 24.

#### 5) Visual Amenity

Neighbour objections refer to the size and scale of the proposed building and concerns over its appearance within the countryside. Officers have visited the site and conclude that the dimensions of the building are appropriate and will ensure that the building will not dominate its surroundings. The proposed materials for the building are acceptable and are not dissimilar to what would be expected from an agricultural building although a condition is recommended which requires samples of the materials to be used on the walls and roof of the building to be submitted for approval. During the summer months the building will largely be screened by the surrounding woodland, and in winter months the use of the materials proposed will help to ensure the building does not appear incongruous with its setting. The applicant has clarified that tree removal is unnecessary as a result of the large reduction in the size of the building proposed. This will be secured by planning condition.

Overall, subject to the use of planning conditions, Officers consider the proposal is acceptable in terms of design, materials and overall visual amenity and is in accordance with Policies 23 and 24 of the Adopted Core Strategy and the NPPF.

### 9. **SUMMARY REASON FOR APPROVAL**

The scheme would provide for the creation of an aquaponics business for the production of food and breeding of fish, and associated links to the adjacent lodge. This is considered to be a use appropriate to its countryside location. Subject to conditions, the proposal would not have a detrimental impact on highway safety within the area, and it will maintain and enhance the biodiversity value of the site. The scheme is considered acceptable in terms of visual amenity and neighbour amenity. The development is considered to accord with the National Planning Policy Framework, and Policies 1, 8, 18, 19, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

### 10. **RECOMMENDATION**

That the application be approved.

## **CONDITIONS**

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

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2. The development shall be carried out in accordance with the following unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
  - Planning application forms signed and dated 17/11/14.
  - Plans CM4-00B received 15/01/15; CM4-01 received 02/12/14; and CM4-02 received 02/12/14.

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. The premises shall only be used for an aquaponics business and for no other purpose including retail.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises or other uses associated with the aquaponics business, in the interests of safeguarding the amenities of the area and to comply with the National Planning Policy Framework, and Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).

4. Prior to the commencement of the development hereby approved, samples of the proposed wall and roof materials listed on the application form shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details / samples.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies 23 and 24 of the Council's Core Strategy DPD(2011).

5. None of the existing trees or shrubs within the site shall be lopped, topped, felled, uprooted or willfully damaged or destroyed without the prior written consent of the Local Planning Authority.

Reason: The existing trees and shrubs represent an important visual amenity which the Local Planning Authority considers should be maintained, and in order to comply with the National Planning Policy Framework and Policies 1, 17 and 18 of the Council's Core Strategy DPD (2011).

6. No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees to be retained on site. All existing trees shown on the plans hereby approved as being retained on site shall be protected by fencing in accordance with BS5837:1991 'Trees In Relation To Construction', in accordance with a scheme and specification which shall have been submitted to and approved in writing by the Local Planning Authority. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object.

Reason: To ensure that the trees on the site are protected during construction works in the interests of local amenity, and in order to comply with National Planning Policy Framework Policies 1, 17 and 18 of the Council's Core Strategy DPD (2011).

7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel washing facilities
  - vi. measures to control the emission of dust and dirt during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - ix) Timing of deliveries by HGV to minimise impact upon neighbours.
  - x) Communication with neighbours regarding deliveries to minimise conflicts.

Reason: In order to comply with the National Planning Policy Framework, and Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).

8. During the operation of the aquaponics business hereby approved, deliveries to the site by HGV shall be limited to Monday to Friday 08:00 to 18:00 and Saturday 08:00 to 13:00 with no deliveries by HGV permitted on Sundays or Bank or Public Holidays.

Reason: In order to restrict the times during which any disturbance and nuisance may arise and in order to comply with Policy 24 of the Council's Core Strategy DPD (2011).

9. No development shall commence until a detailed scheme for the storage of bins has been submitted to and approved in writing by the Local Planning Authority. The approved bin storage scheme shall be implemented prior to first use / occupation of the development hereby approved and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies 23 and 24 of the Council's Core Strategy DPD (2011).

10. No development shall commence until a fully detailed biodiversity management plan for the site has been submitted and approved in writing by Rossendale Borough Council. The plan shall be informed by results of ecological surveys and shall demonstrate maintenance and enhancement of the biodiversity value of the site. The approved management plan shall be implemented in full in accordance with the timescales provided within it.

Reason: In the interests of biodiversity and in order to comply with the National Planning Policy Framework and Policy 18 of the Council's Core Strategy DPD (2011).

11. No external lighting associated with the development shall be installed without the prior approval, in writing, from Rosendale Borough Council. All lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. trees/woodland, ponds, culvert, watercourse) and or/ bird breeding places. The principles of relevant guidance should be followed (e.g. the Bat

Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

Reason: To ensure that any bat habitat would not receive light spill and in order to comply with the National Planning Policy Framework and Policy 18 of the Council's Core Strategy DPD (2011).

12. No goods / materials shall be stored on the site other than in the building shown on the approved plans.

Reason: To ensure a satisfactory appearance of the site in the interests of local visual amenity and to comply with Policies 23 and 24 of the Council's Core Strategy DPD (2011).

13. No vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

Reason: To ensure that birds are protected and their habitat enhanced, in accordance with Circular 06/05, the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 and to accord with the National Planning Policy Framework and Policy 18 of the Council's Core Strategy DPD (2011).

14. The following precautionary measures shall be implemented in order to avoid any impacts on reptiles, hedgehogs, amphibians and badgers (protected species and Species of Principal Importance):

- Prior to the commencement of works there shall be a repeat survey of the site (up to at least 30m from the works area) for the presence of badgers. The report of the survey together with proposals for mitigation / compensation, if required, shall be submitted to Rossendale Borough Council for approval in writing. Any necessary and approved measures for the protection of badgers will be implemented in full.

- Works affecting any features likely to provide shelter for amphibians, hedgehogs and/or reptiles (for example, rubble piles, log piles, piles of leaf litter, dense vegetation) will be avoided when these species are likely to be hibernating.

- All areas of suitable terrestrial habitat including likely places of shelter (e.g. rubble piles, log piles, dense vegetation), shall be carefully searched prior to removal / any works affecting these areas. If clearance works are unavoidably carried out at the time of year when these species may be hibernating or breeding, any amphibians, reptiles and/or hedgehogs found should not be disturbed and advice should be sought from an appropriately qualified person. Otherwise any amphibians, reptiles and/or hedgehogs encountered shall be moved to a safe area of suitable habitat, which will then remain undisturbed.

- Any trenches left open overnight shall have a means of escape for any animals that might fall in (such as provision of low angle sloping wooden boards of approximately 300 mm wide to provide a ramped exit).

- Any trenches left open overnight shall be checked each morning prior to commencement of works and any animals found within shall be moved to a suitable area of nearby habitat that will then remain undisturbed.



- No containers of chemicals should be left open over night to avoid risk of poisoning.
- If the presence of protected species is detected or suspected at any stage before or during development works, then works must not proceed until advice has been sought from Natural England regarding the need for a licence and/or the implementation of necessary mitigation measures.

**Reason:** In order to avoid any impacts on reptiles, hedgehogs, amphibians and badgers (protected species and Species of Principal Importance) and to accord with the National Planning Policy Framework and Policy 18 of the Council's Core Strategy DPD (2011).

### **INFORMATIVES**

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

2. The applicant's attention is drawn to the advice letter from the Environment Agency dated 05/01/15 with regards to flood risk, fisheries, biodiversity and environmental permitting (copy sent by EA directly to agent).