

<b>No.1</b>	<b>APPLICATION NO.</b>	2019/0747/FUL
	<b>LOCATION</b>	Bungalow Farm Heatons Bridge Road Scarisbrick Lancashire L40 8JQ
	<b>PROPOSAL</b>	Construction of a mushroom farm in conjunction with the agricultural business, Smithy Mushrooms Limited, to include portal frame buildings, car parking, hardstanding and sustainable drainage system.
	<b>APPLICANT</b>	Smithy Mushrooms Limited
	<b>WARD</b>	Scarisbrick
	<b>PARISH</b>	Scarisbrick
	<b>TARGET DATE</b>	12th November 2019

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## **1.0 DEFERRAL**

- 1.1 This application was deferred by Planning Committee at their meeting on 9 July 2020, in order for officers to seek further clarification on the following matters:

Highway issues namely the level of HGV movements and the achievability of the required sight lines.

Proposed lighting on site, to assess any potential impact on residential amenity and biodiversity as a result of lighting.

Consideration of an application for a Mushroom Farm in north Yorkshire.

Potential for cross contamination of crops, and case law pertaining to this.

Reconsideration of the potential loss of grade 1 agricultural land.

Clarification regarding whether a sequential search to identify a more preferable brownfield site, or a site of lower grade agricultural land can be required.

Further clarification that mushroom growing is classed as an agricultural use and substrate production is an ancillary use to the use of the land for the growing of mushrooms.

- 1.2 In this regard, the applicant has submitted the following additional information:

Vectos – Supplementary Technical Note (August 2020) and Drawing VN81164-D108  
Vectos – Additional Information Report (September 2020)  
Counsel Legal Advice, Kings Chambers, Manchester (August 2020)  
Counsel Legal Advice, Kings Chambers, Manchester (November 2019)  
External Lighting Design Statement, JRB Environmental Design Ltd  
Lighting Scheme, Drawing 019.040.E016  
Socio-Economic Impact of Expansion Plans, Final Report v.6.0  
Letter from Pennine Ecological, 25.08.2020  
Supplementary Supporting Statement, September 2020  
Soil Classification Report 2020  
Landscape Appraisal: Addendum Statement

- 1.3 Additional information has been subject to consultation, and further assessment is contained within the body of the report.

## **2.0 SUMMARY**

- 2.1 The application relates to construction of a mushroom farm in conjunction with the existing Smithy Mushrooms Limited business at Smithy Lane, Scarisbrick. The proposed development is for the purposes of agriculture and is therefore appropriate development in the Green Belt. Various reports in respect of technical matters, including drainage, highways, noise and odour have been submitted for consideration with the application, and following assessment it has been found that the proposed development would be acceptable and would not give rise to significant adverse impacts in respect of these matters. I consider that there would not be any significant ecological impacts as a result of the proposed development. Whilst the development would result in a noticeable visual impact, I consider the impact on landscape character to be acceptable in this location. Large scale agricultural buildings are common within the Borough and this proposal would deliver economic benefits to the rural economy and facilitate the expansion of an existing local business. In my view the proposal complies with the relevant policies of the National Planning Policy Framework and West Lancashire Local Plan and in this location the economic benefits of the scheme outweigh the visual harm which would result from the proposed development.

### **3.0 RECOMMENDATION: APPROVE subject to conditions.**

#### **4.0 THE SITE**

- 4.1 The application site is located to the south of the Leeds and Liverpool Canal, to the southeast of Heatons Bridge. Access to the site is currently taken via a field access direct from Heatons Bridge Road. The site is currently open land, and is located in part to the rear of existing agricultural buildings.
- 4.2 The site is located on the edge of the settlement of Heatons Bridge, which is sited around Heatons Bridge Road and Smithy Lane, with the main residential area being on the west side. The settlement includes commercial uses including a vehicle repair garage, public house, holiday-park, and a cluster of light industrial units on Smithy Lane. Heatons Bridge Farm is a distributor centre for the export of farm produce to the catering trade.
- 4.3 There are residential properties to the south east, south west and west of the site. The site is located to the east of the detached residential properties at 61a and 79 Heatons Bridge Road.

#### **5.0 THE PROPOSAL**

- 5.1 Smithy Mushrooms Limited (SML) currently have a facility located off Smithy Lane which is approximately 390m to the west of Heatons Bridge Road. SML are a leading grower specialising in exotic mushrooms such as oyster, shiitake and coral mushrooms, supplying large retailers such as Marks and Spencer, Booths and Tesco. They also supply major food service wholesalers and food processors/ready meal companies. SML has exceeded capacity at its existing site and propose to expand further by creating purpose built facilities at the application site.
- 5.2 The application proposes construction of a mushroom farm and would include the erection of portal frame buildings and the installation of a formal access, car parking and associated hardstanding. The proposed mushroom farm would be in conjunction with the existing SML business rather than a replacement facility. SML are seeking to expand their business by providing a purpose built growing and incubation room, office, laboratory, plant room, cold store, packing area, and boiler room. The building would extend to approximately 17,561 m<sup>2</sup> on site, and would be located adjacent to the north and west

boundaries of the site. The buildings would have a maximum height of approximately 7.9m.

- 5.3 Access to the site would be taken from Heatons Bridge Road. There would be a total of 58 car parking spaces (in addition to those at the existing site), and an area for the loading and unloading of lorries. To the west of the proposed building would be a surface water attenuation basin.

## **6.0 PREVIOUS RELEVANT DECISIONS**

### **Application site**

- 6.1 No relevant planning history.

### **Adjacent site, no.79 Heatons Bridge Road**

- 6.2 2020/0820/FUL - Proposed new access onto the B5242 (Heaton Bridge Road) at 79 Heatons Bridge Road (Bungalow Farm). Currently under assessment.

## **7.0 CONSULTEE RESPONSES**

- 7.1 Canal and River Trust (22.08.19) – No comment.
- 7.2 United Utilities (10.09.19) – No objection.
- 7.3 Environmental Protection, Contaminated Land (13.09.19) - No objection.
- 7.4 Highway Authority (09.12.19 and 23.10.2020) – No objection.
- 7.5 Merseyside Environmental Advisory Service (17.10.19, 14.01.2020, 19.06.2020 and 09.09.2020) - No objection.
- 7.6 Natural England (06.01.2020, 03.07.2020 and 02.09.2020) – No objection.
- 7.7 Environmental Protection (16.10.2020 and 26.06.2020) – No objection.
- 7.8 Lead Local Flood Authority (09.06.2020) – No objection.
- 7.9 Environment Agency (02.07.2020 and 07.07.2020) – No objection.

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Representations in support of the proposals have been received, these can be summarised as:

Support for a business which is responding to consumer needs;  
The business is a success and defying the Brexit slump;  
The development would provide opportunities for the future benefit of people wishing to work and live in a rural area;  
The business deserves funding and help;  
The development is agricultural and therefore appropriate in the countryside;  
Many of the surrounding fields have become poor for wildlife, especially those given over to turf farms;  
Evidence of Whooper Swans should be treated with caution as some of the photographs supplied are not within the application site;

Swans/geese visit fields in the area where potatoes are available as a food source. Potatoes are only grown on Land at Bungalow Farm once every 6-7 years in rotation, and when grown, are early varieties so land is ploughed and re-drilled with a winter cereal crop before swan breeding season begins. Therefore, geese and swans do not visit the application site every year;

Development would improve drainage in the area, and attenuation will reduce the risk of future flooding where it currently appears to be a problem;

The process of growing exotic mushrooms does not lead to odour;

Up to date heating and cooling systems will be used to ensure green credentials;

Many other businesses in West Lancashire grow produce above the ground rather than in it, for example, tomatoes, strawberries, pak choi and lettuce.

## 8.2 Objections to the application have been received, these can be summarised as:

The land will become derelict when the mushroom farm is no longer in use;

This proposal is only Phase 1 of a 3 phase program;

An extraordinary Local Plan Review meeting should be held to find a suitable alternative site;

Loss of Grade 1 Agricultural Land;

There is no 'Lower Grade 1 Agricultural Land' classification;

Coronavirus has had an impact on farmers and increased demand for UK grown vegetables and potatoes as supplies from Europe have been suspended. Therefore, best and most versatile land should be protected;

Laying of concrete means that the land can never be reverted to agriculture;

Local farmers have diversified into producing kale and spring cabbage; if planning permission is granted the land would become less diverse, producing only one type of crop;

Factory use which should be located on an industrial estate;

Log manufacture is not an agricultural practice;

Log manufacture will rely on imports;

It is not standard practice for mushroom growers to produce own substrate;

Impact on the Green Belt;

The land may eventually become a brownfield site;

The sequential search discounts sites that are in Green Belt;

SML rent their existing site, planning permission should not be granted on the presumption that they will be able to continue using the site;

SML will close their existing site once the proposed development becomes operational;

The current site is leased with no long term security and therefore the argument for siting the development close to the existing is not valid;

SML currently import more mushrooms than reported;

Local workforce will not benefit as workers tend to be migrant;

The business is not family run, the Directors are South Korean and the company is owned by Hyundai Corporation Holdings Co which is also South Korean;

Smithy Mushroom is not a locally owned business and will not employ people from the local area;

There is no large building contractor in the area and so construction jobs will be taken by people from further afield;

There is no local affordable housing for the associated low paid, low skilled labouring jobs;

Visual and landscape impact;

There are no buildings within West Lancashire comparable in scale;

The size of the development would be out of keeping in the local area;

Landscaping will not detract from the size of the building;

Increased trees as a result of landscaping on the site could increase numbers of pigeons in the locality, which eat kale and spring cabbage crops. Use of bird scarers or gas guns cause issues of antisocial behaviour;

Impact on pedestrian safety from increased vehicular movements including HGVs;  
Children attending St Mary's Catholic Primary School have to cross Hall Road which is a hazard and will be worsened by the proposed development;  
There have been a greater road traffic incidents than reported in the Transport Assessment;  
The roads are narrow country lanes and need widening;  
Increased vehicle movements between the two sites;  
A bus and a HGV cannot pass on the roads;  
Bus routes would be jeopardised by the development as the road is already a challenge to local bus drivers as a result of the amount of HGVs;  
The surrounding road network is already damaged with potholes and damaged grids etc;  
The bus stop that would be used by future employees is inadequate as it is sited in an area of no pavement or street lighting;  
Current speed limits and lack of pavements and street lighting mean the surrounding road network is not safe for pedestrians or cyclists;  
Detailed access plans are required;  
The expansion of Shaw Hall Holiday Park will increase highway problems;  
Caravan delivery to Shaw Hall impacts on the road network;  
Impact on the local road network;  
As a result of the pandemic traffic flow on local roads is reduced and as such the Planning Committee site visit will not be an accurate reflection of traffic levels;  
Inadequate draining resulting in flooding;  
The development will increase flooding in the area which will have an impact on local farming of winter vegetables (cabbage, leek and potatoes);  
New housing developments in Burscough and Southport have caused flooding issues;  
If the proposed culvert is not maintained and blocks it could lead to flooding which would result in loss of crops;  
Odour;  
The odour report is flawed;  
Light pollution;  
Air pollution;  
Noise pollution;  
House prices will be affected;  
Scarisbrick would be a less desirable place to live;  
Mental health and well-being of families that live near to the site will be affected as a result of the development;  
Increased noise and disturbance;  
Impact on Pink Footed Geese, Whooper Swans and other birds;  
There are approximately 3 badger setts and also water voles in the locality;  
Impact on bats, owls, sparrow/kestrel hawks and hares;  
From the end of December 2019 to mid-January 2020 there has been in excess of 180 whooper swans on the site;  
The ecology report is inadequate as there are several red listed bird species on and around the proposed site, including, the English grey partridge, Yellowhammers, Corn Buntings, skylarks and lapwings;  
Additional survey work should be carried out on newts, frogs, water voles, hedgehogs and foxes;  
The development will impact local hydrology and drainage upon which wildlife depend;  
Hunting habitat for Barn Owl will be destroyed;  
A global emergency has been declared due to climate change and as such it would be more practical and environmentally friendly to site a factory nearer to a motorway network;  
The development is not sustainable;  
The development will increase the amount of electricity cut outs in the area;  
Non-recyclable waste created would increase with the scale of development;  
Where will the water required for the process of growing mushrooms come from?;

Increased consumption of mushrooms is a diet fad;  
 There is no sustainable supply of oak sawdust;  
 Construction should not lead to increase in dust during the construction phase which may impact on the ventilation system at Bungalow Farm;  
 Health impacts from spores released into the atmosphere;  
 Contamination of mushroom crops from construction activities;  
 Exotic mushroom can cause respiratory allergies;  
 There is a risk of explosion from autoclaves;  
 The Planning Committee site visit and meeting should be postponed until members of the public are able to attend Planning Committee in person;  
 Inconsistencies in the development floor area;

8.3 Scarisbrick Parish Council have objected to the proposed development. Their objections can be summarised as:

Drainage strategy lacks detail and the proposed culvert is contrary to guidance issued by the Lead Local Flood Authority;  
 There would be trade effluent containing contaminants that could pollute the water course;  
 The development may lead to land being waterlogged and exacerbate downstream flooding;  
 The ecology surveys are inadequate;  
 Feeding grounds for Pink Footed Geese are being progressively lost;  
 There is no lighting information;  
 Diversion and culverting of watercourses will impact ecology in the short and long-term;  
 The sequential approach to site selection lacks formal evidence and the site requirements are highly specific and lack flexibility;  
 The Sequential Assessment submitted with the application is not fit for purpose as it does not investigate the use of lower grade farmland;  
 The development is inappropriate in the Green Belt and as a result of its size will cause harm to openness;  
 Very special circumstances outweighing harm have not been identified and the employment opportunities have been over-exaggerated;  
 There are no buildings of a comparable size in West Lancashire, however, the application should be assessed on its own merits.  
 The height of the proposed buildings add to their bulk;  
 The design is that of a commercial building;  
 The building would dominate the buildings at Bungalow Farm and Heatons Bridge Farm;  
 The Landscape and Visual Impact Assessment is biased and fails to take account of the positive attributes of the site itself;  
 The scale, bulk and design of the building along with the accompanying HGV and parking facilities are not sympathetic to the intrinsic character of the countryside;  
 'Modern Enclosure' landscape is uncommon in Lancashire.  
 The proposed development and ecology and visual mitigation measures would detract from the landscape which is of historic importance;  
 NPPF and Local Plan policies require development to make a positive contribution to their setting – adding to the quality of the setting within the landscape. The proposed development does not make a positive contribution;  
 Agricultural exemption from Green Belt policy does not give immunity from landscape considerations;  
 The development fails to appreciate the intrinsic character and beauty of the countryside and is not sympathetic to local character and history;  
 Residential amenity will be impacted by noise;  
 The issue of loss of 'natural capital' (soil) has not been addressed. The NPPF states that soils should be protected and the economic and other benefits of best and most versatile agricultural land must be recognised in planning decisions. Considerations with regard to

appropriateness within the Green Belt and/or definitions of agriculture are not relevant to this requirement;

'Low Quality Grade 1' agricultural land classification does not exist;

The Transport Assessment is flawed in its methodology, particularly in relation to anticipated vehicle movements;

Road safety fears have been dismissed and do not reflect the daily experience of residents who have supplied evidence to illustrate concerns;

The visibility splays are out of the Applicant's control;

The carriageway is too narrow;

Car parking arrangements are contrary to the NPPF and Policy GN3 and Policy EN2 of the Local Plan;

The visibility splays are not achievable on site because of an existing hedge, and it would not be appropriate or enforceable to impose a planning condition which requires maintenance of the hedge;

The extent of car parking proposed in a rural setting is unacceptable;

Accident statistics are incomplete, and therefore the conclusions drawn inaccurate;

The applicant suggests that cycling is viable means of accessing the site, but local roads are unsafe for cyclists;

The bus information included in the Transport Assessment is flawed;

The site is not accessible on foot;

The Transport Assessment is not carried out to industry standard and does not include impact from approved developments that have not been completed;

The site could not be considered as accessible by cycle, bus or on foot;

There is a water main at the access point of the proposed development, which is a live trunk main carrying the supply of potable water to the village of Banks and beyond. United Utilities have a restrictive covenant on this and statutory rights for inspection, maintenance and repair. Feasibility of the access is affected by this;

Photomontages should be included within the submission;

The scale, layout, height, mass, bulk and design of the proposed development is not commensurate with the immediate local area and will be visually detrimental to the historic character and appearance of the landscape and surrounding countryside;

- 8.4 Wrightington Parish Council object to the proposed development, their objections can be summarised as:

The development would be larger than many of the storage and distribution facilities in the locality;

It would generate a lot of HGV movements to and from the M6 and have a significant detrimental impact on communities along the route, including Wrightington;

The Transport Assessment is evasive in terms of vehicle movements;

The produce is perishable and so the facility will run on a 24 hour basis;

The site is Green Belt and Grade 1 agricultural land, and the land could never revert back;

The development should be located on an industrial estate.

- 8.5 Newburgh Parish Council - object to the proposed development because of concern about additional HGV traffic.

- 8.6 Burscough Parish Council - object to the proposed development because of the potential detrimental impact on roads in Burscough.

- 8.7 Campaign to Protect Rural England object to the proposed development, their objections can be summarised as:

The land is Green Belt and also Grade 1 Agricultural Land, and it would be difficult to revert the land back to this following the development;

The growing of mushrooms is not an agricultural use;  
 The proposed development is inappropriate and therefore harmful;  
 There would be encroachment onto open countryside;  
 The benefits to the development do not outweigh the harm;  
 The applicant should be asked to provide a method statement to show how this could be achieved along with the carbon cost of such works;  
 The application does not include details of climate change commitments, environmental cost or mitigation and compensatory measures;  
 There would be a visual impact from the development and intrusive impact from night time lighting;  
 The development is inappropriate, and contrary to 4 of the 5 purposes of Green Belt detailed in the NPPF, and very special circumstances have not been demonstrated;  
 The application states that 87% of the workforce live within 5 miles of the site; this would be true if the factory was located on nearby industrial estates. There is a high level of employment in Scarisbrick and therefore there is not an available local workforce;  
 There is a risk from fire and explosion from storage and transfer of sawdust and bran;  
 Silos may be used to store sawdust and bran;  
 The development would lead to ecological impacts, including impacts on eels, bats, and badgers.  
 Insufficient weight was given to the visual harm in the Planning Committee Report;  
 If the Council was minded to approve the application the CPRE would request a 'Call in' by the Secretary of State due to the significant and substantial harm to Green Belt purpose;  
 Insurmountable harm to the landscape and severe visual impact;  
 Conditions relating to ecology will not adequately mitigate the negative impacts;  
 Traffic safety concerns;  
 Water and flooding issues;  
 Loss of residential amenity;  
 Light pollution;  
 Sites on the Brownfield Register should be considered;  
 Changes to the site would be irreversible and therefore the site cannot be classified as agricultural;  
 Development harm is counterproductive to visitor economy;  
 The Landscape and Visual Impact Assessment (LVIA) is flawed in a number of areas, and consequently leads to the wrong conclusion;  
 Lack of sketch illustrations in the submission;  
 The building would be double the scale of the local retail complex;  
 Noise from vehicle movements within the yard would impact on local residents;  
 Viewpoints from dwellings on Moorfield Lane and the Public Rights of Way are not identified in the landscape appraisal;  
 Light pollution;  
 The site would cease to be rural unless a condition requiring the site to be returned to its original open productive farm field is enforced;

## **9.0 SUPPORTING INFORMATION**

- 9.1 Planning Supporting Statement (July 2019)
- Design and Access Statement (July 2019)
- Sequential Approach to Site Selection (July 2019)
- Transport Assessment (July 2019)
- Below Ground Drainage Strategy (25.03.19)
- Flood Risk Assessment (25.03.19)
- Air Quality Assessment (16.07.19)
- Noise Assessment (17.07.19)
- Preliminary Ecological Appraisal (July 2019)



Wintering Bird Survey (April 2019)  
 Water Vole Survey (May 2019)  
 Landscape Appraisal (July 2019)  
 Socio-Economic Impact of Expansion Plans (July 2019)  
 Further Information Report (December 2019)  
 Transport – Technical Note 01 (November 2019)  
 Letter from Pennine Ecological (7<sup>th</sup> November 2019)  
 Revised Water Vole Survey (April 2020)  
 Revised Badger Survey (April 2020)  
 Shadow Habitats Regulations Assessment (May 2020)  
 Vectos - Supplementary Technical Note (August 2020) and Drawing VN81164-D108.  
 Vectos – Additional Information Report (September 2020)  
 Counsel Legal Advice, Kings Chambers, Manchester (August 2020)  
 Counsel Legal Advice, Kings Chambers, Manchester (November 2019)  
 External Lighting Design Statement, JRB Environmental Design Ltd  
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 Letter from Pennine Ecological, 25.08.2020  
 Supplementary Supporting Statement, September 2020  
 Soil Classification Report 2020  
 Landscape Appraisal: Addendum Statement

## **10.0 RELEVANT PLANNING POLICIES**

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed. The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

### ***National Planning Policy Framework 2019 (NPPF)***

Building a strong, competitive economy  
 Promoting sustainable transport  
 Making effective use of land  
 Achieving well-designed places  
 Protecting Green Belt land  
 Meeting the challenge of climate change, flooding and coastal change  
 Conserving and enhancing the natural environment

### ***West Lancashire Local Plan 2012-2027 DPD***

SP1 – A Sustainable Development Framework for West Lancashire  
 GN1 – Settlement Boundaries  
 GN3 – Criteria for Sustainable Development  
 IF2 – Enhancing Sustainable Transport Choice  
 IF3 – Service Accessibility and Infrastructure for Growth  
 EC2 – The Rural Economy  
 EN2 – Preserving and Enhancing West Lancashire's Natural Environment  
 Supplementary Planning Document – Design Guide SPD (January 2008)  
 Supplementary Planning Guidance - Natural Areas and Areas of Landscape History Importance (originally issued 1996, updated August 2007)

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

### **Background**

- 11.1 Smithy Mushrooms Limited (SML) has operated a mushroom farm at 229 Smithy Lane, Scarisbrick for over 25 years. SML specialises in the production of exotic mushrooms for the UK market, and is one of the leading producers of exotic mushrooms in the UK. SML currently supply large retailers, such as Marks and Spencer and Tesco, and the food service market across the UK through the major food service wholesalers and food processors/ready meal companies.
- 11.2 The process of growing mushrooms has three key stages. Agricultural/forestry product is brought to the site in the form of oak sawdust and wheat bran. The feedstocks are bagged and then heated, and following this, the mushroom spawn is introduced into feedstock bags and the sealed bags are placed in incubation rooms. The mushroom mycelium then grows in the bags and spreads throughout consuming and binding the material together. The incubation takes 100-110 days and results in a solid log which is removed from the bag. The logs are then placed in specially constructed growing units designed to provide a controlled atmosphere for the growth of the crop. The logs can be harvested for the mushroom crop multiple times.
- 11.3 SML currently relies upon the import of logs from outside the UK, from Kosovo or China. The business has exceeded capacity at its existing site and proposes to expand further by developing the application site for mushroom production and also production of growth substrate (oak sawdust logs). The expansion would allow for this growth to take place on site. Prior to the July meeting of the Planning Committee, the Applicant had advised that production of growth substrate would allow SML to export substrate, however, the Applicant has since advised that the prospect of exporting substrate was investigated early on in the development proposals and is now not possible, as the substrate incubation space has been tailored to only be sufficient to supply the proposed growing rooms. An updated Socio-economic Report has been submitted to clarify this point.

### **Principle of development**

- 11.4 Policy GN1 of the West Lancashire Local Plan states that '*development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies*'. Paragraph 145 in the National Planning Policy Framework states that '*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*'. There are 7 exceptions to this, including '*buildings for agriculture and forestry*'. Agriculture is defined by s336(1) of the Town and Country Planning Act 1990 as:
- 'Horticulture, fruit growing, seed-growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, 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'*.
- 11.5 Whether or not the use of a building for the growing of mushrooms constitutes agriculture was discussed at the July Planning Committee, and further clarification was requested. Following deferral the Applicant has submitted Counsel Opinion (dated November 2019 and August 2020) both of which conclude that as the proposed development would be for the rearing and production of the living mycelium logs and the subsequent growth of a mushroom crop from those logs, the proposed development constitutes an agricultural use. Counsel opinion goes on to consider the proposed packing area and concludes, based upon case law that this is ancillary to the primary use of the building, which is for the purposes of agriculture.

- 11.6 The Council has sought their own Counsel Opinion which also concludes that the main use of the proposed buildings is for the cultivation of mushrooms and is therefore an agricultural use. It goes on to say that provided any other uses/activities are merely ancillary/ordinarily incidental to this primary use, the buildings can be described as 'agricultural buildings' within the meaning of NPPF. Counsel has also considered the other uses/activities described in the Supporting Statement, including the rearing of the mycelium logs, the provision of an office, laboratory and cold storage, and packing area. Counsel concludes that the production of mycelium logs is ancillary/incidental to the primary agricultural use of the site (i.e. the cultivation of mushrooms), and that use of certain parts of the building as an office, laboratory and storage area in connection with the primary use would be ancillary/ordinarily incidental to that use. To ensure packing remains ancillary to the agricultural use of the site a condition will be imposed so that only produce from the existing Smithy Mushroom site and the application site can be packed within the packing area contained within the new building.
- 11.7 The development of the site for use as a facility for the growing of mushrooms is for agricultural purposes and this has been verified by legal opinion and supported by case law, therefore as the proposed development would be used for the purpose of agriculture, it falls within exception 145(a) of the NPPF and does not represent inappropriate development in the Green Belt. It is acknowledged that the proposed mushroom farm would involve the siting of a building on the land, rather than growing taking place on, in or under soil, however the use would still be for agricultural purposes based on the definition in s.336(1) of the Act, and is therefore not considered to be inappropriate development in the Green Belt. As the proposed development is for agriculture and therefore not inappropriate, harm to openness is explicitly excluded from consideration as part of the assessment of the development. The Council has sought Counsel's opinion on this point and it has been confirmed that, if a proposed development is not inappropriate, there is no requirement to assess the impact of the development on openness or demonstrate very special circumstances.
- 11.8 There is no requirement under the NPPF for the applicant to justify an agricultural need, however as the NPPF places 'great importance' on Green Belts (para 133) and considers essential characteristics of the Green Belt to be their openness and permanence, it would be perverse not to consider agricultural need. SML is an established agricultural enterprise, and the proposed mushroom farm would allow them to expand their existing mushroom farming enterprise and operate from both sites. The expansion would allow the creation of purpose built facilities for both growth substrate (oak sawdust logs) and mushroom production, allowing the company to displace imports of logs (all are currently imported) and mushrooms (some are currently imported) and expand to meet customer demand. I am satisfied that the development proposed would accommodate the agricultural needs of the mushroom farm which has seen increased consumer demand for mushrooms in recent years.
- 11.9 On this basis, I am satisfied that the proposed development is appropriate and required for agricultural purposes, and the Council would not be justified in assessing impact on openness of the Green Belt or requiring the Applicant to demonstrate very special circumstances. Therefore the principle of this development is acceptable, subject to compliance with other relevant planning policy.

### **Landscape Character and Visual Amenity**

- 11.10 Chapter 15 of the NPPF advises that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan). Policy EN2 of the Local Plan requires

that developments should take account of their landscape setting and historic landscapes by having regard to the different character types across the Borough and the quality, importance and uniqueness of the landscape in question as defined in the 'Natural Areas and Areas of Landscape History Importance' SPG.

- 11.11 The site is identified as falling within the 'Clieves Hills and Scarisbrick' landscape character area in the SPD, which is predominantly characterised by '*low, undulating land rising to Clieves Hills, prominently visible from mosslands to the west; there are panoramic views to the south, west and north from higher ground and the farmland here is mainly intensive arable. There are many farmsteads and many nucleated settlements*'. The SPD advises that it is preferable to avoid the introduction of tall columnar constructions, or other development which will be prominent. The front part of the site is identified in the Local Plan as being of local landscape history importance where there are fragments of historic landscape and it is important to retain historic field boundaries.
- 11.12 The submitted Landscape and Visual Impact Assessment (LVIA) seeks to identify the difference between the current site and surroundings, and the proposed additional development, and assess the effect it would have on the landscape and visual quality of the site context. It identifies the approximate area from which the site is visible (the Zone of Visibility), which at the current time is relatively limited as there are no vertical elements within the site as there are no landmarks which would draw attention to it. It also identifies visual receptors within this area, which is the term given to individuals and defined groups of people who have the potential to be affected by a proposal; this includes people living in the area, people working there and those passing through.
- 11.13 The construction of the mushroom farm would provide a vertical landmark, increasing visibility of the site and therefore increasing the Zone of Visibility. The LVIA concludes that in landscape terms, the development replaces an area of open pasture with the proposed building and associated hard surfacing, and as open fields are the prevailing land cover in the area, the loss is insignificant; the loss of the short length of hedgerow to create the access point is also insignificant, this also being a common feature of the area. The report indicates that in visual terms the magnitude of change introduced is minimal due to the development being located immediately adjacent to the existing Bungalow Farm and Heatons Bridge Farm and being seen as part of this group.
- 11.14 I consider that the proposed development would have an impact on the landscape of the area, and the introduction of a large building on the site will be clearly visible especially when entering Heatons Bridge from the south. Whilst I do not consider the proposals as columnar, they would have a degree of prominence within the landscape. However, their prominence would be reduced to a certain degree by the profile of the building being broken up by the use of bays and the fact that the height of the building is consistent with other buildings in the landscape context, including those in relatively close proximity to the site on Heatons Bridge Road (in particular the group of buildings at Heatons Bridge Farm) and Smithy Lane. Whilst the development would clearly be visible in the landscape as there are views of the site from various points along Heatons Bridge Road and along the canal bank there are other large agricultural farm units to the west and across the road and many views of the application site are interrupted by hedges, groups of trees and clusters of other buildings.
- 11.15 To mitigate the impact on the wider landscape, the application includes an indicative landscaping scheme that shows substantial tree planting. This proposed landscaping will go some way to lessening the visual impact by way of softening the development, although this will take time as the planting matures. Whilst it is acknowledged that planting will not screen the buildings from view, in time an effective landscaping scheme will assist with integrating the development into the landscape.

- 11.16 On balance I consider that there would be limited harm to landscape character as a result of the development as key features of the landscape would remain including the existing pattern of field boundaries. The development would have a significant visual impact but would be seen in the context of other built development at Bungalow Farm and Heatons Bridge Farm. Large scale agricultural buildings are common features of the agricultural landscape within West Lancashire and are necessary to support modern farming practices, and in my view the visual impact of the development would not warrant a refusal of planning permission.
- 11.17 An Addendum Statement has been submitted by the Applicant which comments on the landscape and visual effects of measures proposed to mitigate potential impacts on over-wintering birds on the site. The measures are a 2m screen fence on the northern, eastern and south-eastern boundaries. The Statement concludes that from the principal viewpoints identified in the LVIA, where the fence is visible the general effect is neutral; the fence will be more prominent on the northern boundary, but over time proposed planting will mature to provide a continuous hedgerow boundary. The fence is to be temporary, to remain in place during the immediate operational phase until the post development boundary landscaping has matured to an extent to create acceptable natural screening, details of the fencing and landscaping is to be submitted and approved prior to installation. I agree with the conclusions reached in the Addendum Statement and as the fencing is to be for a temporary period I am satisfied that it will not have an adverse visual impact which would warrant refusal of planning permission.

### **Development of agricultural land**

- 11.18 At the July meeting Planning Committee advised that they wanted the impact from the potential loss of grade 1 agricultural land to be reconsidered.
- 11.19 Paragraph 171 of the NPPF advises that development plans should distinguish between the hierarchy of international, national and locally designated sites; allocate land with least environmental or amenity value, where consistent with other policies in the Framework. Footnote 53 advises that 'where significant development of agricultural land is demonstrated necessary, areas of poorer quality land should be preferred to those of higher quality'. The Council have sought Counsel opinion on this matter and been advised that NPPF paragraph 171 is concerned with plan-making, not decision taking, and is therefore not directly relevant to this decision and so cannot be taken into account.
- 11.20 Paragraph 170 of the NPPF advocates planning policies and decisions contributing to and enhancing the natural and local environment by recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. Policy EN2 advises that irreversible development of open agricultural land will not be permitted, where it would result in the loss of the best and most versatile agricultural land, except where absolutely necessary to deliver development associated with the agricultural use of the land.
- 11.21 Following deferral of the application the Applicant has submitted an Agricultural Land Classification Assessment which confirms that the site is Grade 1 agricultural land, a Supplementary Supporting Statement has also been submitted which sits alongside this. The Statement advises that the development would not necessitate removal of soil from the site. The proposed buildings are to be built on raft style foundations, which are removable when the buildings are no longer necessary or at the end of their lifespan, and the site could revert to its previous state. The proposed boiler room/office building would require deeper pile foundations, however, this is a relatively small area of the site, and so would not result in a significant loss of agricultural land.

- 11.22 It is acknowledged that there is concern about the loss of best and most versatile land as a result of the proposed development. However, the Applicant has confirmed that the soil would remain on site and as such the resource would not be lost to development. As the proposed development would not involve the substantial removal of Grade 1 soil off site and the proposed development is for the purposes of agriculture (as detailed earlier in the report), I consider that development on this piece of agricultural land, for the purposes of agriculture is acceptable.
- 11.23 It is acknowledged that mushrooms are not grown directly from the soil, and so the Grade 1 agricultural land would not be used in this process. Many agricultural businesses in the Borough do not grow directly in the soil and buildings/ glasshouses are required, for example hydroponics. Given the nature of exotic mushroom production, buildings are required and considered necessary for their production. Whilst the development would result in significant built form and associated hardstanding, as the proposed development is necessary for agricultural purposes to meet the needs of an expanding local mushroom farm business, I consider the development is in accordance with Policy EN2 of the Local Plan.

### **Residential Amenity**

- 11.24 Policy GN3 of the Local Plan states that development should 'retain or create reasonable levels of privacy and amenity for occupiers of neighbouring and proposed properties.
- 11.25 Whilst the development would be visible from nearby residential properties, the proposed building would be sufficient distance from the nearest residential neighbours (including nos. 61, 79, 147 and 149 Heatons Bridge Road, Lime Kiln Farm and Barn) to ensure that the development would not cause any undue harm to neighbouring residents through overshadowing or overlooking. The building will be visible and sited on an area which is currently free from development, and alter the view currently experienced by nearby residents. However, whilst the building would be relatively large, the maximum height has been kept as low as possible at 7.9m whilst still allowing the space necessary for operation, and this height is not continuous across the building which would be broken up into bays, and lower at various points reducing down to a minimum of approximately 5m. It is acknowledged that the introduction of a building on the site would impact on the view experienced by local residents, however I am satisfied that the height of the proposed building combined with the distance from residential dwellings ensures the potential harm to amenity would not be so significant to warrant refusal of the application, in accordance with Policy GN3 of the Local Plan.
- 11.26 A Noise Impact Assessment has been submitted with the application which includes data in respect of background noise measurements at the nearest dwellings to the application site, and uses noise measurements from the existing facility in order to assess the potential impact of noise emitted from the proposed development. Noise modelling used to predict the noise levels at the nearest dwellings was found to be below the prevailing background noise level, suggesting that the potential for significant impact is low. The Council's Environmental Health Officer has assessed the proposals and is satisfied with the noise modelling exercise. Concern was initially raised that all likely noise sources were not covered in the assessment including chiller units, pumps and cold water tanks. However, the building layout plan has now been amended to include these features internally within the building, thereby removing this potential exterior noise source. Clarification has also been provided in respect of the use of refrigeration units on delivery vehicles, and it has been confirmed that no vehicles will be parked with the refrigeration units running; vehicles will not wait on site and if they do arrive early will be instructed to turn engines off. It has also been confirmed that no goods vehicles will be left on site

outside of working hours. Operational matters such as these can be controlled by planning condition.

- 11.27 An Air Quality Assessment has been submitted with the application which provides a review of existing air quality in the vicinity of the proposed development, and an assessment of the impact of the proposed development on local air quality during both its construction and operation phases in terms of odour, road traffic emissions and operation of biomass plant, and concludes that the impact on local air quality is considered to be insignificant. The Council's Environmental Health Officer has reviewed the information submitted and is satisfied that the methodology used is acceptable and agrees with the conclusion that the potential impact on air quality is low.
- 11.28 In terms of the odour assessment, this concludes that there would be a slight adverse impact as a result of the development. The site is located adjacent to residential dwellings which are described as highly sensitive, and occupiers can reasonably expect a high level of amenity. The potential odour from the proposed development is classed as low risk, therefore there is a low risk of odour on a highly sensitive receptor. This equates to a slight adverse effect on the receptor locations. Institute of Air Quality Management (IAQM) guidance advises that where the overall effect is greater than 'slight adverse', the effect is likely to be considered significant. Therefore the potential odour associated with the development is not considered to have a significant impact on nearby receptors. The Council's Environmental Health Officer agrees with the findings of the assessment, but has advised that as they are based on using a sawdust log substrate only, and further assessment would be required if a manure based substrate was to be used on site. Should planning permission be granted, I consider it necessary to impose a condition to ensure no manure or other based substrate will be used without further odour assessment.
- 11.29 There is potential for lighting to have an impact on nearby residents, and following discussion at Planning Committee, the Applicant has submitted an external lighting layout and a Statement to accompany this. The Statement advises that the proposed lighting has been directed to the areas of main activity where vehicle movements are present and where staff movements would be highest. All light fittings would be designed to have less than 2% upward light spill. Column lights would be reduced to a height of 6m and lighting provided to the access road would be low level bollard lighting. The lighting scheme would also use an intelligent control of the luminaires which reacts to movement. An indicative lux diagram has been submitted with the application which appear acceptable but final lighting details will be secured by condition.
- 11.30 I am satisfied that subject to the imposition of suitably worded planning conditions the development would not have any significant impact on neighbouring residents in accordance with Policy GN3 of the Local Plan.

## **Highways**

- 11.31 Heatons Bridge Road is a single lane carriageway with an approximate width of 5.5m, with a footway to the northern side and is subject to a 50mph speed limit. To the north-west of the proposed site access, off Heatons Bridge Road, the speed limit changes to 40mph approximately 160m to the south-east of Smithy Lane.
- 11.32 Highway matters were discussed at length at the July Planning Committee and a request was made to seek further clarification in respect of the expected level of vehicle movements post development, and the achievability of the required sight lines, taking into account actual vehicle speeds on Heatons Bridge Road. Following the meeting the

Applicant submitted further highway information for review; Supplementary Technical Note (August 2020) and Supplementary Technical Note (September 2020).

- 11.33 As a result of concern that the access design had not been considered against representative vehicle speed data, local residents commissioned their own Transport Assessment by CBO Transport Ltd which has been submitted to the Council on behalf of local residents and concludes that the necessary levels of visibility cannot be achieved from the proposed site access. The CBO Report advises that actual traffic speeds are higher than those reported in the Transport Assessment prepared by Vectos on behalf of the Applicant, and for this reason the relevant visibility splay standards are detailed in the Design Manual for Roads and Bridges (DMRB) rather than Manual for Streets (MfS) and should be 160m in both directions. The report concludes that based on speeds recorded by CBO Transport Ltd and visibility requirements within DMRB, the visibility to the left of the access (south-east) cannot be achieved and the shortfall is significant at approximately 50m. Following submission of the CBO Report the Applicant submitted a further Technical Note (October 2020) by Vectos in response to this. All of the additional highway related information has been reviewed by the Highway Authority.
- 11.34 The application includes details of the proposed access from Heatons Bridge Road including visibility splays. The Highway Authority have requested splays of 160m provided in both directions at the proposed accessed point, based on *DMRB*, which contains information about current *standards* relating to the *design*, assessment and operation of motorway and all-purpose trunk *roads* in the United Kingdom. The Highway Authority have advised that Heatons Bridge Road is neither a trunk road nor a motorway, but the higher requirements from DMRB were requested at the site in order to provide a robust scheme. Visibility splays of 160m are in line with the proposition by CBO Transport on behalf of local residents.
- 11.35 Whilst the methodology used to obtain traffic speed data differs between Vectos and CBO, both reports record speeds lower than 53mph, and therefore based on DMRB a 160m visibility splay in both directions is suitable. Both Vectos and CBO agree that visibility splays of 160m in both directions would be sufficient, and the Highway Authority are in agreement with this position.
- 11.36 The CBO report goes on to consider the ability to provide the 160m splay, and concludes that the visibility splay to the right of the proposed access can be achieved, but to the left it falls short by approximately 50m. The Highway Authority considered the achievability of sightlines prior to the July meeting and following the submission of additional information have undertaken a further review.
- 11.37 The CBO report makes the assumption that the adopted highway finishes at the rear of the footway, and for this reason, based on the speed data obtained an adequate sightline to the left of the proposed access cannot be achieved. However, according to LCC Highway adoption plans an adopted verge of 2m exists at the proposed access for the development which is adequate to accommodate the required visibility splay to the left. A hedge is present along the rear of the adopted highway and currently encroaches into the adopted highway and the proposed visibility splay, and for this reason the Highway Authority have requested a condition requiring the developer to clear the land within the visibility splays of obstructions exceeding 1m in height prior to the proposed mushroom farm being brought into use.
- 11.38 Concern has been raised in respect of management of the hedge in order to maintain adequate visibility splays, and the request by the Highway Authority that this be subject to a planning condition. A representation has been received which states that the hedge is in the control of the owner of Bungalow Farm, and there is no obligation to manage or



maintain it to prevent obstruction of the visibility splay. The Highway Authority have advised as there is an adopted service verge of approximately 2m wide along this section of the roadside, any structures (including hedgerows) are not normally acceptable within a service verge. If there is encroachment from a hedge into a service verge which impacts on highway safety, the Highway Authority would require the owner trims it back in the interest of highway safety. It is incumbent on land owners to ensure vegetation growth does not interfere with the safe operation of the highway network, however if safe operation is impeded the highway authority has powers to serve notice on land owners under Section 154 of the Highways Act 1980.

- 11.39 The suitability of visibility splays of 2.4m x 160m have been subject to significant scrutiny and are considered acceptable by two highway consultants and the Highway Authority. The Highway Authority remain of the opinion that the required visibility splay for the development is achievable within the applicant's red edged boundary and the adopted highway, and is therefore satisfied that these can be achieved provided that a hedge which runs along the rear of the adopted highway service verge is managed to restrict growth.
- 11.40 The Transport Assessment which has accompanied the application estimates vehicle trip generation based upon pro-rata trip rates from the Applicant's existing site located off Smithy Lane. The existing site will remain in operation, however, there would be a reduction in staff based at the existing site. For the purposes of the assessment and in order to provide a robust assessment, no reduction at the existing site has been included. The Highway Authority have reviewed this approach and consider it to be a reasonable methodology.
- 11.41 The existing site generates 13 two-way car trips during the AM peak hour period, and 15 two-way car trips during the PM peak hour period, and it is predicted that the proposed development will generate 21 two way vehicle movements during the AM peak and 23 two way vehicle movements during the PM peak. This equates to one additional vehicle every 2 to 3 minutes during the busiest part of the day. The Transport Assessment goes on to provide an analysis of expected impacts at the following junctions:
- Proposed site access junction off Heatons Bridge Road;  
B5242 Heatons Bridge Road/Smithy Lane;  
A570 Southport Road/Smithy Lane/Pinfold;  
A570 Southport Road/Bescar Brow Lane;  
B5242 Pippin Street/Tollgate Road;  
B5242 Pippin Street/A59 Liverpool Road South.
- 11.42 The percentage impact at each junction has been calculated and it has been predicted that the proposed development would result in a negligible impact on the surrounding highway network. The Highway Authority have reviewed the information contained in the Transport Assessment and agree with the conclusions reached in respect of potential impact on the wider highway network and consider that the level of movements to and from the site would not have a significant impact on the operational performance of the local highway network.
- 11.43 The Applicant has submitted further information in respect of off-peak vehicle trip generation, which indicates this would be 18 two-way inter-peak trips over a time period of 7 hours. The Highway Authority are satisfied traffic generation from the proposed development would not be severe and therefore do not object to the proposed development based on the level of vehicle movements to and from the site.

- 11.44 Concerns have been raised by local residents about the potential increase in highway accidents that may occur as a result of the development. The Transport Assessment includes an accident review using on-line records, and the report concludes it is unlikely the proposals will contribute to the occurrence of additional accidents. The Highway Authority have reviewed their five year data base for Personal Injury Accident and consider that the proposed development would not worsen the current highway situation.
- 11.45 A total of 58no. vehicle parking spaces would be provided on site. Based on the proposed level of employment, size and nature of the development, this level of on-site parking is acceptable.
- 11.46 I am satisfied that the development would have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site, and that there would be adequate visibility splays and sufficient car parking to cater for staff numbers on the site, in accordance with Policy GN3 and Policy IF2 of the Local Plan. In the interests of sustainability a condition will be imposed requiring details of motorcycle and secure cycle parking.

### **Drainage**

- 11.47 The NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere, and that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate, and the systems used should take account of advice from the Lead Local Flood Authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and, where possible, provide multifunctional benefits.
- 11.48 Policy GN3 of the Local Plan advises that the Council will ensure development does not result in unacceptable flood risk or drainage problems by requiring development to demonstrate that sustainable drainage systems have been explored alongside opportunities to remove surface water from existing sewers.
- 11.49 The site is located within Flood Zone 1, meaning that the site is least susceptible to flooding. The application is accompanied by both a Flood Risk Assessment and a Below Ground Drainage Strategy.
- 11.50 The Below Ground Drainage Strategy identifies that foul water from the cultivation area and foul water from the office/plant area would be collected in separate below ground pipework systems and discharge via new proprietary treatment tanks before being conveyed into the existing water course. The Environment Agency have advised that there should be a single package treatment system; this will be secured by planning condition.
- 11.51 In terms of surface water drainage, the proposed development will increase the amount of impermeable area on the site and therefore, has the potential to increase the rate of surface water run-off. The Building Regulations (Part H) and the NPPF require consideration of sustainable drainage techniques, based on a hierarchical approach to the management of surface water to minimise the impact of the development. Surface water flows should be designed to discharge to:

Infiltration based systems, for example soakaways and porous paving;  
Watercourses;  
Surface water sewers;

## Combined water sewers.

- 11.52 As a result of the geology in the area, infiltration has been discounted because it would not be feasible on the site. Instead, it is proposed that use is made of the existing watercourses bordering the site boundary along with detention ponds within the site boundary.
- 11.53 It is proposed that the existing drainage ditch that crosses the site from the southeast to the northwest is diverted to the northeast and culverted below the proposed HGV turning and parking area within a suitably sized drainage pipe with concrete bed and surround. The existing drainage ditch would be made redundant and backfilled. The new culvert would open into a new drainage ditch extending to the north of the site to connect into the existing drainage ditch bordering the northern boundary of the site. Access will be provided at either end of the culvert to enable inspection and maintenance.
- 11.54 The new building will incorporate a free discharge rainwater system that will connect into a pipework collector system via suitably sized conventional gravity drainage system. The building drainage system will discharge to the southwest of the site into a new detention pond. The surface water runoff from the access road would be collected by yard gullies discharging through Permaseptor treatment units before entering the piped drainage system to be conveyed into the new detention pond. Surface water from the HGV turning area and car park will be collected and treated and discharged into a new piped drainage system which would be conveyed into the new detention pond. The detention pond would discharge via a pumping station into the adjacent drainage ditch at a restricted flow rate.
- 11.55 The Below Ground Drainage Strategy includes a Maintenance and Management Plan which advises that these responsibilities will be undertaken by SML and will include bi-monthly inspections of channels and gullies for signs of blockage and oil spillage and removal of debris and blockages as required.
- 11.56 The Lead Local Flood Authority has reviewed the proposals in respect of drainage and have no objections to the drainage strategy and associated Maintenance and Management Plan. Development in accordance with the drainage proposals put forward will be secured by planning condition.
- 11.57 The new stormwater management system would allow surface water to be collected, treated and discharged into the surrounding watercourse system via a detention pond and restricted flow. The system has been designed for a 100yr return period storm event plus an additional 40% to allow for climate change, and I am satisfied that the Drainage Strategy submitted with the application is acceptable and that in terms of drainage the proposals comply with Policy GN3 of the Local Plan.
- 11.58 Concern has been raised about the presence of a water main within the site boundary. United Utilities have not objected to the proposed development but have advised the Applicant in their consultation response that there is an easement and water main within the site, and reminded them of their responsibilities in respect of this.

## Ecology

- 11.59 Various ecology reports are included within the initial planning application submission, and supplementary reports have been provided following consultation with Natural England and the Council's ecology advisors MEAS.
- 11.60 The site is close to European sites Martin Mere SPA, Ramsar and SSSI and Ribble & Alt Estuaries SPA and Ramsar sites, and as such, fields within and surrounding the site may

provide functionally linked land for these sites. Due to potential pathways and impact on the above sites, a Habitats Regulations Assessment for likely significant effects is required for the proposed development, and this concludes that without mitigation measures there will be likely significant effects on the above sites.

- 11.61 Following submission of anecdotal photographic evidence from local residents and advice from MEAS, a revised Shadow Habitats Regulations Assessment has been submitted. This contains a 'Test of Likely Significant Effects' (TOLSE) and an Appropriate Assessment. The TOLSE concludes the proposals will have likely significant effects on the European sites through direct loss of functionally linked land and disturbance to pink-footed goose and whooper swan through both the construction and operation phases. The Appropriate Assessment makes a detailed assessment of the effects of the proposed development on the conservation objectives of the site, and concludes that with appropriate mitigation measures, including the installation of solid visual and acoustic hoarding along site boundaries prior to the wintering bird season and sensitive working practices, there would be no adverse effect upon the integrity of Martin Mere and Ribble Alt & Estuaries European sites. The Council's Ecological advisors, MEAS are satisfied with this approach. The mitigation measures detailed in the report will be secured by planning condition.
- 11.62 Additional survey work has been submitted in respect of badgers, the findings of which have been reviewed and accepted by MEAS. As a precautionary measure reasonable avoidance methods detailed in the report will be secured by planning condition.
- 11.63 An updated Water Vole Report has also been submitted which found no evidence of water vole and was consistent with previous surveys in 2018 and 2019 which attributed burrows and runs to brown rat. However, there is potential for the site to be colonised by water vole and, and as a precautionary measure in line with recommendations in the report a pre-commencement survey of ditches is required immediately prior to works within 5 metres of any ditch. To compensate for the loss of potential habitat, new ditch provision as recommended in the report is to be implemented. This can be secured by planning condition.
- 11.64 Following the July Planning Committee the Applicant has submitted a proposed lighting plan for the proposed development which has been reviewed by MEAS and Natural England to consider potential impacts on biodiversity as a result of the proposed lighting scheme. Both have confirmed that they have no objections to the proposed lighting on site.
- 11.65 I am satisfied that the proposed development accords with the requirements of Policy EN2 of the Local Plan.

### **Trees and landscaping**

- 11.66 The proposed development does not involve the significant loss of trees on the site. The application includes an indicative landscaping scheme that shows tree planting around the majority of the boundary. This proposed landscaping will go some way to lessening the visual impact by way of softening the development, although this will take time as the planting matures. Planting could be designed to take into account local distinctiveness and also potential impact from landscaping on other surrounding land uses, including potential impact on existing farming practices. I consider that landscaping should be concentrated on the site frontage, to reduce any visual impact from the building and associated hardstanding, and to also minimise disruption to current farming on adjacent land. Landscaping details would be secured by condition.

## **Economic Impact/Sustainability**

- 11.67 The application has been accompanied by an Economic Impact Assessment which identifies that SML is a leading supplier of exotic mushrooms and now accounts for 156 tonnes of mushroom production annually, with a turnover of £5.6m. The applicant indicates that demand for exotic mushrooms is growing rapidly and is higher than SML is currently able to supply. SML consider there is potential to increase UK production, having the effect of displacing imports. In order to meet customer demand and capitalise on the market opportunity and remain competitive, SML have identified that substantial investment is needed to allow them to increase production and reduce imports of mushrooms. Expansion would also allow SML to take advantage of the growing market for exotic mushrooms and supply export customers in addition to the UK market. SML consider having the two sites close together will help operational efficiency.
- 11.68 In addition to expanding production, SML hope to reduce costs by bringing substrate production on-site. At present, sawdust logs are imported and are subject to changes in exchange rates and carriage costs. SML has identified a UK Oak sawdust supplier and propose to buy raw sawdust for sterilisation, log production and inoculation on-site. According to the supporting statement, this would reduce imports of growing logs and associated costs, and also have the effect of reducing carbon footprint and result in a more sustainable business model.
- 11.69 The applicant advises that Smithy Mushrooms currently has 38 full time equivalent (FTE) members of staff with 34% of the workforce living within 3 miles of the site and 87% within 5 miles. The applicant indicates that proposed project would see staff numbers grow from 38 to 70 FTE.
- 11.70 In order to be competitive, SML consider expansion necessary, allowing them to increase production and bring substrate production on-site, avoiding the need for additional expenditure on log imports. The proposed development will enable this, and allow increased production to meet orders. Bringing this additional economic activity to the Borough would support and increase local employment. SML has considered the potential of relocation and rejected it for a variety of reasons, including the fact that the company has significant investment in its current site, much of which would be lost as a result of relocation; the company has a local workforce with sustainable commuting patterns; and, the company consider that there are no local sites available of the correct size with the combination of factors that they need.
- 11.71 The Economic Impact Assessment concludes that expansion of the existing site onto nearby available land is the only viable option for the company, and if the company is not permitted to expand, it risks being squeezed out of the market by remaining competitors which would lead to subsequent loss of local jobs and in addition to direct loss of jobs, supplier spend.
- 11.72 Paragraph 83 of the NPPF advises that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to say that the use of site that are physically well-related to existing settlements should be encouraged where suitable opportunities exist.
- 11.73 Agriculture remains economically important to the Borough. I acknowledge the case put forward by the applicant and recognise employment opportunities in rural areas of the Borough are limited and therefore consider it important to protect existing employment uses, and where possible allow for growth of employment. I consider that the economic

benefits associated with the expansion of SML are significant to the Borough and local economy.

### **Other matters**

- 11.74 A representative for the CPRE Lancashire spoke at the July Planning Committee meeting and made reference to an appeal decision relating to a proposed development in Yorkshire, and has since supplied details of the case that was referred to which relates to a proposal for the 'erection of a new mushroom growing shed and staff building with associated infrastructure and landscape'. The appeal decision is dated 28<sup>th</sup> November 2011 and relates to a site in open countryside, not a site within the Green Belt. The development was considered unacceptable due to the potential for adverse effect on the surrounding countryside, causing unacceptable impact on character and appearance. Each planning application is to be judged on its own merits, and the Yorkshire case cannot be directly compared to the current application. The impact of the proposed development on landscape character and visual amenity is assessed in 10.10 to 10.17. It is my view that the impact of the proposed development on landscape character and visual amenity would not be so significant to warrant a refusal of this planning application.
- 11.75 Representations have been received in respect of the proposed development being more suited to an employment park/industrial estate on a non-Green Belt site, and the quality of the Sequential Assessment submitted with the application. The NPPF requires sequential assessments in respect of some retail and town centre development, they are not a requirement for agricultural development on Green Belt sites. The Local Plan reflects the requirements in the NPPF and also includes the requirement for sequential testing for some other developments, including accommodation for temporary agricultural workers and affordable housing in the Green Belt, but similarly, it does not include a requirement for submission of sequential information for an agricultural use on a Green Belt site.
- 11.76 A significant number of objections against the development have been received which suggest there are more suitable sites available which are not on Green Belt or agricultural land. Counsel opinion has confirmed that the proposed development constitutes agriculture and as such there is no requirement for the Applicant to consider alternative or sequentially preferable sites. For this reason the Council is unable to take into consideration the sequential information put forward with the application. The proposed development is for an agricultural use and it would be inappropriate as part of this assessment to direct an agricultural development towards an allocated employment/industrial site which would be restricted to different use classes, such as B2 (General Industrial) or B8 (Storage and Distribution) uses.
- 11.77 An objection has been received in respect of lack of information regarding the safe storage and transfer of sawdust and bran and the storage of biomass for the proposed biomass boiler, and potential for explosion and fire risk. These are not planning matters and fall within the remit of the Health and Safety Executive. The objection infers that silos would be used for storage of sawdust and bran which may have an impact on the landscape; there are no silos included within the submission.
- 11.78 Concerns have been raised about the potential for cross contamination between sites which would impact upon mushroom crops at no.79 Heaton's Bridge Road. According to information submitted, crops should be protected from dust and debris carried in the air, or landing on equipment, in order to protect the crop from contamination. Disease can occur at times when building work is carried out which can generate dust and debris, and during harvest time especially in dry weather if a farm is located next to cultivated fields. A condition is recommended requiring the developer to submit a Construction Management

Plan prior to development to ensure that any risks from contamination during the construction process are minimised.

- 11.79 Concern has also been raised about the potential for exotic mushrooms to cause respiratory allergies. This is not a matter for the Local Planning Authority, and not a material factor that can be taken into account in the assessment of the proposals.
- 11.80 The ownership of Smithy Mushrooms is not a material planning consideration and cannot be considered in the assessment of the application.
- 11.81 Objections have been received requesting the decision on this application be deferred until members of the public are able to attend Planning Committee Meetings in person. The Government has advised that local planning authorities should take advantage of new powers to hold virtual planning committees, to determine planning applications as expeditiously as possible to boost economic recovery.

## **Conclusion**

- 11.82 The above assessment has identified that there would be limited harm to landscape character and a significant visual impact as a result of the development. The harm identified has got to be balanced against other factors which weigh in favour of the development. I acknowledge the economic case put forward by the Applicant and that employment opportunities in rural areas of the Borough are limited, and I therefore recognise the importance of retaining existing employment within the Borough, and where possible allowing for growth in employment. The proposed development would allow a local employer to remain in the area and expansion of the business would bring benefits to the local economy.
- 11.83 The NPPF is clear in its support for economic growth, and at paragraph 80 advises that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'. On balance, whilst the size of the development will inevitably have an impact on the landscape and visual amenity, I consider the harm identified in this assessment would not warrant refusal of the application and is outweighed by the economic benefits that would come from the development. The design of the building is appropriate, and there would be no undue impact on highway safety, residential amenity or biodiversity. I consider that the proposed development complies with relevant policies contained in the NPPF and the Local Plan.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to the following conditions and reasons:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.  
Reason: To comply with the requirements 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 approved shall be carried out in accordance with details shown on the following plans:  
Plan reference:  
Site Location Plan - SK.32.3 received by the Local Planning Authority on 19.07.19.

Site Layout Plan - Proposed - SK.32.2E received by the Local Planning Authority on 19.07.19.

Plans as proposed - SK.0.1F received by the Local Planning Authority on 28.11.19.

Elevations as proposed - SK.0.2B - received by the Local Planning Authority on 26.07.19.

Proposed Site Access Plan - VN81164-D104' received by the Local Planning Authority on 12.11.2020.

Swept Path Analysis, Articulated Vehicle - VN81164-TR102' received by the Local Planning Authority on 12.11.2020.

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

3. The materials to be used on the external surfaces of the development (brickwork, cladding and roofing materials along with materials used in any hard surface) shall be as outlined on the planning application form received by the local planning authority 13.08.19.  
Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. Foul and surface water shall be drained on separate systems.  
Reason: To secure proper drainage and to manage the risk of flooding and pollution and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. Prior to the buildings hereby approved being brought into use, surface water drainage shall be carried out in accordance with the submitted FRA (EPG-8954-FRA-01 25/03/19 Rev 4.0) & Below Ground Drainage Strategy (EPG-8954-RP-DS-01 25/03/19 Rev V 4.0). Thereafter the drainage scheme shall be managed and maintained in accordance with the maintenance measures identified.  
Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on, or off the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. The development shall be implemented in accordance with the mitigation strategies described in:  
Revised shadow HRA (Shadow Habitats Regulations Assessment- Version 2, TEP, May 2020, ref: 8076.002);  
Badger Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020; and  
'Water Vole Survey- Land at Smithy Mushrooms, Pennine Ecological, 27th April 2020',  
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. No development, other than works to implement the access, shall begin until the access and road have been implemented in accordance with the Proposed Access Layout drawing numbers VN81 164-D104 (including visibility splays measuring 2.4m x 160m in both directions) and VN18 164-TR102 and constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level, and all construction vehicles shall enter and leave the site from the new site access.  
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



8. The development hereby permitted shall not be brought into use until the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the approved plans. These areas shall be retained at all times thereafter.  
Reason: To ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. No part of the development hereby permitted shall be brought into use until the land between the existing highway boundary and the visibility splays indicated on the submitted plan VN81 164-D104 (visibility splays measuring 2.4m x 160m in both directions) has been cleared of all obstructions exceeding 1 metre in height. The land shall be so maintained thereafter at all times that the proposed development is in use/operation.  
Reason: To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. Prior to any part of the development hereby permitted taking place a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The plan shall provide for; the parking of vehicles of site operatives and visitors; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the location of the site compound; suitable wheel washing / road sweeping measures and appropriate measures to control the emission of dust and dirt during construction. All works which form part of the approved scheme shall be implemented while any demolition/construction works are in operation.  
Reason: These details are required prior to the commencement of development in order to protect the amenity of neighbouring occupiers and ensure highway safety and to comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. Notwithstanding the details submitted no part of the development hereby permitted shall be occupied until a scheme for the provision of cycle and motorcycle parking, in accordance with the Council's current standards, has been submitted to and approved in writing by the Local Planning Authority.  
The approved scheme shall be implemented before the buildings are brought into use and shall be retained as such thereafter.  
Reason: To ensure that adequate provision is made for parking cycles and motorcycles on the site in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
12. Notwithstanding the details shown on the approved drawings, no part of the development shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.  
The details shall relate to all land surfaces not built upon and shall include:
- Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks
  - hard surfaced areas and materials,
  - planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing / phasing of work.
  - existing plants / trees to be retained
  - A detailed regime for the ongoing and longer term maintenance of all soft landscaping is also required to be submitted for approval.

The approved landscaping works shall be implemented and completed prior to the use of the building commencing unless otherwise agreed in writing by the Local Planning Authority.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 7 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to the character of the area and the nature of the proposed development and to comply with Policy GN3 and EN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. The rating level of noise from deliveries, internal activities and plant/machinery shall not exceed 41dB LAeq at the boundary of any nearby residential premises between the hours of 0700 and 2300 and 24 dB LAeq, between the hours of 2300 and 0700 on any day.  
All measurements and assessments shall be done in accordance with BS4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound.  
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. There shall be no diesel powered vehicle/trailer mounted refrigeration units operated on stationary vehicles. Vehicle/trailer mounted refrigeration units must be connected to an electrical supply if required to power the unit. There shall be no vehicle/trailer mounted refrigeration units operated outside the hours of 0600 - 1900 on any day, whether or not on an electrical supply.  
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. Any sound produced by reversing alarms or indicators on vehicles on the site (other than delivery vehicles) shall not be clearly distinguishable above background noise at the boundary of any nearby residential premises.  
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. Heavy Goods Vehicles shall not enter or leave the site except between the hours of 0600 and 1900.  
Reason: To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
17. No construction shall commence until details of the biomass boiler have been submitted to and agreed in writing by the Local Planning Authority. Details shall include:  
the siting and height of any emission stack;  
details of any measures which are necessary to attenuate noise from the emission stack;  
and  
confirmation that the boiler will meet the Target Emission Rates quoted within the Air Quality Assessment Report Number 101986V2 submitted with this application.  
The approved scheme shall be fully installed and operating prior to the development hereby permitted being first brought into use.  
It shall thereafter be retained, maintained and operated to the approved specification.  
Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour and noise generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. No manure or other based substrate not detailed in the planning application shall be used for the growing of mushrooms unless and until a further odour assessment has been submitted to and approved by the local planning authority.  
Reason: To safeguard the amenities of neighbouring occupiers, in respect of odour generation and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
19. Prior to construction a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the electric vehicle charging points have been installed in accordance with the agreed details.  
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
20. The building shall not be operational until a scheme detailing the proposed lighting (including all floodlighting, external building lights and car park lighting) to be installed on the site has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed and maintained in accordance with the agreed scheme.  
Reason: To minimise the visual impact of light on nearby residential properties in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
21. Prior to commencement of works on site a method statement for an Ornithological Watching Brief, including the identification of disturbance triggers and corrective measures shall be submitted to and agreed in writing with the Local Planning Authority. The development should be implemented in accordance with the agreed Watching Brief and method statement.  
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
22. High disturbance works must be temporarily suspended if local temperatures (as recorded by nearest Met Office data and/or available site specific measurements) are below zero degrees centigrade for a period of 7 consecutive days, and remain suspended until temperatures reach above zero degrees centigrade for a period of 3 consecutive days. The relevant nature conservation bodies should be informed of when works are suspended and re-commenced.  
Reason: To safeguard protected species and so ensure that the development complies with the provisions of Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
23. Notwithstanding the details provided in the Below Ground Drainage Strategy by Environmental Protection Group (reference EPG -8954-RP-DS-01; dated 25/03/19), the development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved, prior to the buildings being brought into use.  
Reason: To ensure the proposed development complies with Policy GN3 in the West Lancashire Local Plan 2012 to 2027 and NPPF paragraph 180.
24. Only mushrooms grown at the application site hereby approved or at Smithy Mushrooms Limited, 229 Smithy Lane, Scarisbrick shall be packed on the application site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the packing of mushrooms remains ancillary to the agricultural use of the site, thereby ensuring that the development remains an appropriate use in this green belt location in compliance with Policy GN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EC2 - The Rural Economy

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.