

Parish: Newton-on-Ouse

Ward: Easingwold

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Committee Date : 3 March 2016

Officer dealing : Mr Andrew Thompson

Target Date: 26 January 2016

15/02701/FUL

Construction of a free range egg laying unit with associated feed bins, hardstandings and attenuation pond, and the siting of an agricultural workers mobile home. at Land Adjacent To Three Acres High Moor Lane Shipton By Beningbrough for B L Knowlson.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to a field of 5.5ha on the eastern side of High Moor Lane and to the west of the railway line. To the northeast boundary is an unmanned level crossing with a public footpath running to the north along Newton Sidings. The nearest residential properties is Three Acres, 1 to 2 Newton Sidings and Brickyard Cottages. The area is relatively flat with the boundaries being formed of hedges to High Moor Lane. Some tree planting has been carried out in the field.
- 1.2 The application proposes erecting a 11,000 bird free range egg laying unit as a new agricultural enterprise. The proposal is intended to enable the applicants to develop the modest land parcel into a viable agricultural business, creating full-time employment for the applicants and a further employed worker.
- 1.3 The proposed free range egg unit is to consist of a single purpose built poultry building extending to 73.148m x 18.287m and 2.6m to the eaves with a total height of approximately 6m. The proposal includes the siting of a mobile home (69sqm, measuring 11.5m by 6m) for a full-time agricultural worker.
- 1.4 The application is supported by a Design and Access Statement, Agricultural Justification Statement for the mobile home and a Flood Risk Assessment.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 No relevant planning history

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP3 - Community assets

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP15 - Rural Regeneration

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Core Strategy Policy CP18 - Prudent use of natural resources

Core Strategy Policy CP21 - Safe response to natural and other forces

Development Policies DP1 - Protecting amenity

Development Policies DP2 - Securing developer contributions

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP6 - Utilities and infrastructure

Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP36 - Waste
Development Policies DP43 - Flooding and floodplains
Development Policies DP44 - Very noisy activities
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance

4.0 CONSULTATIONS

- 4.1 Newton on Ouse Parish Council - Object on grounds that the site is inappropriate for purpose applied for; smell would affect local residents; noise from the birds; the visual impact; infestation of flies and/or rats attracted by smell; Trains whistle as they approach crossing causing panic to hens; No shade for hens; No site notice in place until 5 Jan 16; Proposed property concerns and specific issues with the Planning Application.
- 4.2 North Yorkshire County Council Highways - No objection subject to conditions.
- 4.3 Environmental Health - No objection subject to conditions.
- 4.4 Network Rail has "no observations to make".
- 4.5 Public Rights of Way Officer - No objection subject to an informative.
- 4.6 Ramblers Association - Objection - raising the following points
- Note the Applicant has already planted screening belts adjoining this Lane and also adjoining the railway.
 - Further planting is required at the High Moor Lane end of Newton Siding.
 - The proposed buildings are completely out of scale with other properties nearby and the existing hedge will not provide an adequate screen to break up the size of this unit from the Tollerton Road, which is used by a large number of motor vehicles and cyclists.
 - It is unclear as to who is going to live in what is said to be an agricultural worker's temporary mobile home, nor as to its permanence.
 - Concerned that there will be a further Application to erect a permanent home at the end of any period for a temporary home.
 - In either case 24 hour supervision is required, so where is the part time worker going to live, bearing in mind a Decision Letter mentioned in Mr Pick's Report said there should be a worker on call 24/7 within earshot of an emergency.
 - In respect of spooking of the hens, we note that Linton upon Ouse Airfield is within a short distance of the site and may cause problems.
 - Noise due to the proximity of the railway is hopefully ameliorated by the planting adjacent to the railway.
- 4.7 11 letters of objection have been received from local residents (some residents have written more than once) raising the following points:
- Visual Impact - size and scale and appears more industrial than agricultural.
 - 11,000 chickens seems to be highly over populating the land
 - Smell and odours and impact on amenity

- Dust, Flies, Rodents and Feral/Escapee Chickens
- Noise from alarms and operations and impact on amenity
- Animal welfare including noise from the nearby airfield, railway and road traffic
- Has justification for dwelling been made?
- Concern temporary dwelling will become permanent
- Creation of waste - how will this be dealt with?
- Drainage and would result in the pollution of groundwater and nearby lake
- Accuracy/adequacy of application form and supporting statement
- Loss of property value

5.0 OBSERVATIONS

5.1 The main issues are the principle of the development, the impact of the proposals on the character of the area, the impact on any nearby residential properties from noise and odour in particular and highway and drainage issues. The proposals, in accordance with regulations, are considered on their own merit and in terms of the accumulation with other development.

Principle of Development

5.2 The definition of agriculture, provided by section 336 of the 1990 Town and Country Planning Act, includes 'breeding and keeping of livestock (including any creature kept for the production of food)'. The application does not include the processing of meat at the site and therefore it is considered that the proposal falls under the definition of an agricultural activity and should be assessed against agricultural policies in the development plan.

5.3 One of the core principles of the NPPF is to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Paragraph 14 sets out a presumption in favour of sustainable development. Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should, amongst other things:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and
- promote the development and diversification of agricultural and other land-based rural businesses.

5.4 Policies DP25 and DP26 of the Development Policies DPD sets out support for agriculture and agricultural enterprises including the promotion of sustainable forms of agriculture which include environmentally sensitive, organic, and locally distinctive food production, together with its processing, marketing and retailing; and support for integration of agricultural activities, including for slaughter, processing and packaging facilities on farms which serve clusters or co-operatives of producers; and guiding the development (including the design and siting) of new agricultural buildings (including agricultural workers' dwellings) to locations which are sensitive to their environment.

5.5 The proposed development is for an agricultural enterprise and whilst modern in design and nature, considered further, the proposals for a free range egg laying unit are acceptable and supported in principle by national and local policy.

Impact of the development on the character of the area

- 5.6 The proposals are considered against and within the context of the impact of the buildings on the landscape and the wider area and the size of the proposals and concerns raised by local residents.
- 5.7 The proposals would be visible from the surrounding area, with the site and surroundings being relatively flat. The presence of recently planted hedgerows on the High Moor Lane frontage is noted and the proposals would sustain and enhance this planting. It is noted that the proposals are relatively low in height at 2.6m to the eaves and 5.95m at maximum.
- 5.8 In the context of the landscaping to the High Moor Lane and other agricultural enterprises (e.g Shipton Grange and Stackhouse Farm) the long to medium range visual impact would not be significant or unusual for the landscape of large agricultural enterprises and structures.
- 5.9 The public footpath along Newton Sidings is noted and the proposals would be visible from the footpath. Landscaping and planting are proposed to mitigate this impact. Therefore it is considered that the proposals would have a localised impact but would be seen in an existing agricultural context that already exists and therefore whilst there is a localised visual impact, the proposals are considered not to be significant.
- 5.10 The proposals are considered to be acceptable and would cause limited harm in terms of the impact on terms of landscape that would need to be considered in the planning balance.

Relationship to Neighbouring and Nearby Residents - Noise and Odour

- 5.11 It is noted that the nearest residential property (Three Acres) is approximately 150m north from the poultry building with properties on the opposite side of the railway (1-2 Newton Sidings) being approximately 220m north east from the proposed building. Brickyard Cottages lie approximately 375m south from the proposed agricultural building.
- 5.12 Considering odour, control of waste and operations including management and maintenance regimes that can be secured by planning condition can ensure that the proposals are adequately controlled and managed. Environmental Health Officers comment that suitable plans will include the detailed controls to be put in place to manage waste products and prevent odour and flies associated with the development being detected outside the boundary of the premises. It should be noted that at some times odour will be generated e.g. emptying of waste stores, and details will need to include the steps to be implemented to reduce the odour at sensitive receptors.
- 5.13 In terms of noise emissions from the site, this is generally limited to the operation of the ventilation fans. The ventilation system operated on the poultry unit will be acoustically attenuated to achieve a rating of negligible impact on a BS4142 2014 assessment at the closest sensitive receptor. The presence of the railway and location are noted and the application details indicate that the poultry shed includes two mechanical conveyor systems, for feed and egg collection. Environmental Health Officers advise that the noise produced by these systems is likely to be able to be contained within the site. However there are no details included regarding mechanical ventilation of sheds or forced air drying of waste. These systems have the potential to produce noise levels which may affect neighbouring premises and it would be prudent to confirm that any such systems could be operated without loss of

amenity to neighbouring premises prior to their installation and have advised suitable planning conditions to deal with this matter.

- 5.14 Considering the proposed building will be separated by a significant distance from residential properties. Environmental Health officers raise no objections to the proposals subject to appropriate conditions. In accordance with national advice the use of conditions should be used wherever practicable to address and mitigate development. On this basis appropriate planning conditions can secure appropriate mitigation and management of the site to ensure that there would be no significant impact on the amenity of nearby residents and the proposed development would not be considered to be significant when considered in the context of Environmental Health Officers' advice.

Proposed Dwelling

- 5.15 The supporting justification to the proposals highlight that the labour for the proposed free range egg production unit will be provided by the applicants, Mr and Mrs B L Knowlson, together with an additional part time worker. The applicant proposes the siting of a temporary agricultural workers dwelling on the holding as the managers house for the free range egg production enterprise. The temporary dwelling will be occupied by Mr and Mrs B L Knowlson.
- 5.16 The proposed business at Railway Field has an estimated establishment cost of £250,000 in groundworks, buildings, equipment and services. Total fixed costs for the proposed business are estimated to be £65,100.00, which leaves a projected profit of £56,120.00 to cover capital repayments, providing a 5 year payback on capital invested.
- 5.17 The proposed temporary dwelling will enable the manager to permanently reside on the site to provide for the ongoing supervision and welfare of the birds, and to provide corrective action in the event of a livestock emergency, such as a smothering event or equipment failure.
- 5.18 The proposed dwelling has been sited to the north west of the free range egg unit. The choice of location is to enable a livestock worker to reside within sight and sound of the free range egg unit and would be closest to the proposed access point also allowing control and awareness of access to the site.
- 5.19 The submitted justification provides a sound assessment of the financial costs, planning policy and assessment of planning policy and appeal decisions. On the basis of the information provided by the applicants, it is considered that the proposal fully accords with the provision of paragraph 55 of the National Planning Policy Framework, i.e. there is an existing essential need for a full time worker to reside on the site to provide for supervision of the poultry unit, including constant and adequate supervision of the poultry enterprise and related systems and to carry out essential emergency repairs at short notice both within and outside normal working hours.
- 5.20 The design and size of the proposed residence is modest (being single storey and 69sqm in total) and the modular design would be akin to a static caravan. Therefore subject to appropriate controls the proposed temporary dwelling is considered acceptable and in accordance with national and local planning policy.

Highways Impact and Relationship to the Railway

- 5.21 Access to the proposed development is to be means of the existing site entrance.
- 5.22 It is noted that North Yorkshire County Council highways officers raise no objection. There is suitable turning and manoeuvring area within the site and the proposals

would not cause a danger to highway safety. Local residents raise the issue of management of feral chickens on the highway however with suitable fencing (chicken wire) and management the proposals would not cause a danger to highway safety. It is also noted that Network Rail offer no observations with regard to the safety of the railways.

- 5.23 The proposals are therefore considered to satisfactorily address issues of highway safety.

Drainage and Groundwater Pollution

- 5.24 The application site is located within Flood Zone 1 and therefore is in a location that would be least at risk from flooding. The application is supported by a Flood Risk Assessment to demonstrate that surface water drainage does not generate localised flooding, under the requirements of the new regulations that came into effect on 6th April 2015.

- 5.25 Having regard to the proposals and the supporting information, the proposals would not cause a risk to flooding or groundwater pollution.

Other matters

- 5.26 Having regard to other matters raised by local residents, these have been carefully considered however do not outweigh or alter the consideration of the principal issues highlighted above. Matters such as property value are not a material planning consideration.

Planning Balance

- 5.27 Having considered the policies of the Development Plan, national guidance and all comments, consultation responses regard to the proposals and the submitted information, the proposals would assist and deliver positive economic sustainability with regard to the agricultural business. There would be at worst a neutral impact on highways and biodiversity and there would be limited impact on the amenities of neighbours in terms of noise and disturbance which would be controlled by the appropriate planning conditions and there would be a limited impact on the local landscape which would be capable of being mitigated by appropriate planting. Having considered all the impacts it is considered that the positive elements would outweigh the negative elements of the proposals and are acceptable subject to appropriate conditions.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED**

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered IP/BLK/01, IP/BLK/02, IP/BLK/03, IP/BLK/04 received by Hambleton District Council on 30 November 2015 unless otherwise approved in writing by the Local Planning Authority.

3. The external surfaces of the development shall not be constructed other than of materials, details of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

4. Prior to commencement of the development an waste, odour and fly management plan shall be submitted to the local planning authority for written approval. Thereafter the approved scheme shall be implemented and maintained.

5. Prior to the commencement of development details of any fixed external plant or equipment and acoustic management shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

6. There shall be no deliveries or collection of materials or products by HGV outside the hours of 8am and 8pm.

7. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements: a. The details of the access improvements shall have been approved in writing by the Local Planning Authority h. The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway. All works shall accord with the approved details.

8. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: a. vehicular access b. vehicular parking c. vehicular turning arrangements d. manoeuvring arrangements e. loading and unloading arrangements. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal

10. There shall be no establishment of a site compound, site clearance, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway b. on-site materials storage area capable of accommodating all materials required for the operation of the site. c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

11. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

12. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs and those existing hedgerows and trees that are to be retained, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) DP1, DP26, DP32, and DP33.

3. To safeguard the visual amenities of the area in accordance with Hambleton Local Plan Policy DP30 and DP32

4. In order to ensure effective control over potential odours and flies and in accordance with Policies DP1, DP25 and DP26

5. In order to ensure effective control over potential noise disturbance and residential amenity and in accordance with Policies DP1, DP25, DP26 and DP44

6. In order to ensure effective control over potential noise disturbance and residential amenity and in accordance with Policies DP1, DP25, DP26 and DP44

7. In accordance with Policy DP3 and DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

9. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

10. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

11. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with Hambleton Local Development Framework Core Strategy Policy CP4 as

amplified by Paragraph 55 of the NPPF and the Council's Adopted Interim Planning Guidance Note (April 2015).

12. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies CP17 and DP32.