

Parish: Easingwold

Ward: Easingwold

4

Committee Date : 13 October 2016

Officer dealing : Caroline Strudwick

Target Date: 12 September 2016

Date of extension of time (if agreed): 21 October 2016

16/01364/FUL

**Construction of an agricultural livestock building.
at Low Moor Acres Farm North Moor Road Easingwold North Yorkshire
for Mr John Bullock.**

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 Low Moor Acres Farm is situated to the north west of Easingwold. The farm consists of 60 acres of land with several strands of agriculture on site, including horse livery, arable crops and cattle. The main enterprise on the farm is a contract pig fattening unit finishing approximately 4000 heads of pigs each year. The farm has a capacity to house 1100 pigs at any one time. Of these 540 pigs are accommodated within buildings that have planning permission and 560 pigs are accommodated in buildings that have been formed by extension or rebuilding that does not have planning permission.
- 1.2 This application seeks permission for an additional livestock housing unit to accommodate a further 700 pig places resulting in a total of 1800 pigs being on the farm at any one time. It is not considered by the applicant that there are any existing buildings available on site suitable to provide further pig places. The application does not seek retrospective approval for the unlawful buildings and extended building.
- 1.3 The rearing of 2000 or more pigs would require a permit to be sought from the Environment Agency however; this proposal is for 700 additional pigs bringing the total to 1800.
- 1.4 The livestock housing unit proposed is for two portal steel frame constructions next to each other to form one development. Together they will provide a total covered area of 46.57m by 39.6m (1844 sq m). Height to the eaves is proposed to be 4.26m and to the ridge 5.48m.
- 1.5 The building are shown to have concrete panel walls to 2m high, these are to be clad in green sheeting up to the eaves. The roof is to be fibre cement. The north west and south east elevations are to have gated accesses.
- 1.6 It is proposed that the building will have a concrete floor which will extend beyond the northwest elevation by approximately 6m to provide a loading and unloading area and space for machinery to manoeuvre when mucking out, bedding up and feeding.
- 1.7 The site comprises the farm house and other agricultural buildings.
- 1.8 The site is accessed from North Moor Road, where there are a number of residential neighbours, including residents at Poplar Farm, Green Acres and Brown Ridge, the curtilage of which are all within 200m of the site. North Moor Road itself is a narrow rural lane, with several other farms and commercial premises off it.
- 1.9 The site is located outside the Development Limits in the open countryside and in Flood Zone 1. There is a Public Footpath Right of Way running along the western boundary of the site between Low Moor Acres and Poplar Farm.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 06/02354/FUL Change of use of existing agricultural building to engineering workshop; Permission Granted January 2001
- 2.2 07/00821/FUL Single storey extension to existing dwelling; Permission granted May 2007
- 2.3 15/01519/FUL Construction of a double span agricultural livestock building; application withdrawn January 2001
- 2.4 16/01755/FUL Retrospective planning consent for the Change of Use of a former agricultural store to a residential two bed dwelling. Period of consultation ongoing.
- 2.5 There is an ongoing enforcement case regarding the unauthorised development of livestock houses on site, resulting in the creation of space to accommodate 560 pigs (15/00228/CAT3). The number of livestock on site and the impacts of the farming activities on the environment are changed as a consequence of the alleged unauthorised development. This application is therefore assessed on the estimated impacts of the lawful development.
- 2.6 16/00124/CAT3 Static caravan in use as an annexe to the dwelling to provide additional accommodation for an agricultural worker , the investigation is ongoing.

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 CP4 - Settlement hierarchy
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP32 - General design
- Development Policies DP26 - Agricultural issues
- Development Policies DP26 - Agricultural issues
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP42 - Hazardous and environmentally sensitive operations
- National Planning Policy Framework

4.0 CONSULTATIONS

- 4.1 Easingwold Town Council - received 20th July. Wish to see REFUSED as the proposed building is too large for the surrounding area and it will have an adverse impact on nearby residents. No additional response received during the second consultation period.
- 4.2 Highways - Concerns are expressed that North Moor Road serving the site is a single track road with limited forward visibility. There is existing traffic generation with the operation of the site and the proposal will increase that, however, it is considered that the increase is minor and would not have a severe impact on highway safety. Therefore any objection on highways ground would not be sustainable. A condition to protect the public right of way is recommended.

- 4.3 Kyle and Upper Ouse Internal Drainage Board - received 14th July. No observations to make.
- 4.4 Environmental Health - received 2nd September. Advises conditions to control odour, noise and flies. Additional comments received 29th September in response to the submission of a waste management plan, there were no further comments to make.
- 4.5 Ramblers York Group Footpath Secretary - Received 4th August. Observations made requesting that the grass verges of North Moor Lane should be kept in a good state, with large or heavy vehicles sticking to the carriageway. Welcome the proposed tree planting alongside the Public Footpath, on the boundary with Poplar farm, on the boundary, to avoid encroaching upon the usable width of the footpath. Prefer native species, rather than species such as Leylandii.
- 4.6 Public comment and site notice - 17 comments have been received supporting this application. 13 have been received objecting to the application. The main thrust of these objections is:
- Odour issues associated with an increase in activity.
 - Increased numbers of flies.
 - Insufficient land to accommodate increase in manure production on site.
 - North Moor Lane is too narrow to accommodate increased HGVs and tractors, also the surface is in a poor condition and is prone to flooding.
 - North Moor Lane is frequently used by walkers, cyclists and horse riders, increased traffic endangers those using it for those purposes.
 - The area is a residential area and unsuitable for intensified pig farming.
 - Risk of water course contamination from run off from the storage of manure.
 - Multiple enforcement issues on site which should be resolved before additional applications are decided.

Officer note: It is noted that all support comments have been submitted by individuals who do not live within that 400 metre vulnerable area, whereas objection comments have been made solely by those who do live within that 400m area. It should also be noted that a number of these comments, both objections and supports are multiple submissions.

Support for the application centre on

- The farm is well kept and well run
- There has been no experience of significant odour or noise when nearby
- North Moor Road is already used as a cut through by people accessing the A19 from north Easingwold
- The expansion of the farm secures the ongoing success and future
- British farming should be supported

5.0 OBSERVATIONS

- 5.1 Key issues include the location of the proposed development, the potential impact upon the appearance of the countryside, highway safety and impact upon residential amenity.
- 5.2 The farm is located to the south of North Moor Road. Within 400 meters of the proposed livestock are 7 protected buildings, including Poplar Farm, Green Acres and Brown Ridge. Poplar Farm lies immediately to the west of the Low Moor Acres

Farm and would be located approximately 200m from the proposed pig building. Green Acres is sited 220m from the proposed building and Brown Ridge would be some 230m from the proposed building.

Impact upon the countryside

- 5.3 The site is set in a rural location but in reasonable proximity to a pocket of isolated residential dwellings on North Moor Road. The operational part of the farm is south east from the frontage on North Moor Road.
- 5.4 The proposed livestock housing would be located further south east of the existing development. It would be largely hidden from North Moor Road. Limited views would be afforded from Husthwaite Road to the east and Thirsk Road to the west, however both of these roads are buffered by mature hedgerows and the proposed building would fit within the general agricultural character of this site and its surroundings.
- 5.5 Additionally, there is proposed hedge planting on the south western boundary of the site to soften the views in to the site from the three closest dwellings. The impact upon the character and appearance of the countryside would therefore be acceptable.

Highway Safety

- 5.6 An additional increase of 700 pigs on top of the 1100 presently on site (540 lawful and 560 unlawful) will involve more vehicular activity associated with the delivery of piglets, feed, the removal or waste and the removal of fattened pigs at the end of each 15-week fattening cycle. In each 15 week period there is to be a total of 30 tractor movements and 7 HGV movements to facilitate the pigs being delivered to the farm, feed going in, and houses mucked out and then pigs removed. These are cumulative, not daily movements, but they are not equally distributed across the weeks and so some days will see significantly heavier traffic than others. Even taking into account the delivery of feed and removal of waste, it is not considered that the intensification of the use of North Moor Lane would have any adverse highways impacts. North Moor Lane is only a narrow rural lane, however, this is no different to the majority of rural roads in the District and the road is not heavily trafficked. NYCC Highways has stated no objections on highways grounds but recommend that a condition should be placed on any permission granted to protect the PROW running by the site. As such, there are no objections to the proposals from a highways perspective.
- 5.7 Concern has been raised over the likely impact of the HGV and tractor activity in terms of congestion and frequency on North Moor Lane, endangering others using the road. HGV movements are predicted to increase from 23 to 55 movements in a 15 week period, and tractor movements from 96 to 164. These are spread across the 15 week period, with a maximum number of 16 (13 Tractor, 3 HGV) movements in one day, but some days there are no HGV or tractor movements. HGVs transporting finished livestock will normally load at 6.00am/ 6.30am depending on the time of year and be on site to around 9.30am. This would avoid leaving the farm during normal commuting or school run hours. Feed deliveries and movement of farmyard manure connected with the pig enterprise is normally between the hours of 8am to 6pm, there are no exact times stating regarding these movements however the increase in HGV traffic, when spread across a day, would not be significant. NYCC Highways consider that the increase is minor and would not have a severe impact on highway safety.

Residential amenity

- 5.8 There have been a number of objections made by the nearby residents, these centre on odour and the increase of traffic on North Moor Lane. The issues of highway capacity and highway safety have not given rise to objection from the Highway Authority. The issue of amenity due to the increase in movements is considered below.
- 5.9 The principle issues to consider are those associated with added noise, odour and flies. It is concluded in the Odour Assessment, carried out by YES consultancy that "there is unlikely to be an adverse impact of odour offsite from these activities taking place in the new livestock building."
- 5.10 Comments from colleagues in Environment Health make reference to the odour management plan, conditions have been advised to ensure that an odour management plan is implemented to ensure potential odour are minimised and that the number of pigs should not exceed 1800 at any one time.
- 5.11 In terms of noise, the applicants submitted a noise report assessing the impacts of the operational machinery and processes at the site, but not the animals themselves. There have been no comments made during the consultation period which relate to animal noise. Although the number of pigs would increase as a result of this proposal the distance to noise sensitive properties is greater and in the absence of previous complaint relating to animal noise there is no justification to object to the application on this basis.
- 5.12 The noise assessment, carried out by YES consultancy, concluded that "noise monitoring and noise predictions carried out by the YES Consultancy found that noise from the proposed pig unit would be unlikely to have an adverse impact on the residential amenity of the nearby residential properties, with predicted levels being below the currently representative background noise levels." The background noise predicted to come from the new pig house is likely to be below background noise levels already experience on the farm due to its location from the nearest residential dwelling. It is also considered, in paragraph 6.11 of the report that the structure of the walls, roof and existing farm buildings will form a buffer, providing greater levels of attenuation than actually quoted in the report's predicted south levels (table 6.3). As a result the YES consultancy considers that impact of noise from the pigs in the units would be at the No Observed Effect Level (NOEL).
- 5.13 Concern has been raised over the likely impact of the HGV and tractor activity in terms of congestion and frequency on North Moor Lane, endangering others using the road and the impact that this has upon the amenity of neighbours and other road users. As noted above there is no evidence to conclude that harm will occur due to congestion or highway safety. The predicted increase in movements on some days will be noticeable but over the pig rearing cycle the level of change is relatively small and would not give rise to a significant change in the level of debris on the road, dust or damage to verges and there is no reason to conclude that the change in level of traffic would harm residential amenity or the amenity of other road users.
- 5.14 A number of comments made in objection to this application are related to previous incidents of odour as a result of manure waste from the existing pig houses being stored on the farm, in the open air until it was possible to move it to a more suitable location, off site. The applicant has had a manure management plan produced to explain the increase in amount produced by the pigs and maps to demonstrate where the manure will be taken in Oulston and Coxwold. This amount of land extends to 440 hectares, 75% of this falls outside the Nitrate Vulnerable Zone and therefore there is no limit on the amount that can be spread, however it will equate to less than

170kg N/Ha. In order for the issue of odour to be managed colleagues in Environment Health have recommended conditions, and subject to these conditions, have no objection to the proposal.

- 5.15 Despite concerns raised by nearby residents there is not a contingency plan to be used if an agreement to send to manure off site fails. Comments received from colleagues in Environmental Health state that implementing the Odour Management would require that no manure is stored on site or within 400m of neighbouring residences and so odour arising from pig manure stored on site should not be an issue. However identification of the location of off-site storage and establishing impacts during the transport or storage are important considerations and can be controlled by planning condition.

6.0 **RECOMMENDATION:**

- 6.1 That subject to any outstanding consultations the application is **GRANTED** subject to the following conditions.

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 titled, Location, Proposed Floor Plan and Livestock Housing Plans received by Hambleton District Council on 13th June 2016 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, samples of which have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

4. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, 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.

5. The odour management plan submitted with the application shall be implemented and maintained. Deviations from the odour management plan and alterations to buildings housing pigs shall not take place without prior written approval from the local planning authority.

6. No more than 1,800 pigs shall be accommodated on site at any one time. Records to demonstrate the number and movement of pigs to and from this site must be maintained at these premises and kept available for inspection by officer(s) of the Council for 3 years.

7. All livestock delivery and collection is to take place in the area outlined red on the location plan submitted with the application.

8. No external plant or equipment is to be installed in existing or new pig housing without prior written approval from the local planning authority.

9. Prior to bring the development in to use a scheme shall be submitted for the written approval of the local planning authority detailing the actions to be taken to control flies at the premises. Thereafter the approved scheme shall be implemented and maintained.

10. Details of the location of off-site storage for manure shall be submitted and approved by the Local Planning Authority prior to the commencement of the development. Thereafter any off-site storage of manure shall be undertaken in accordance with the approved details.

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 Policies CP17 and DP32.

3. To safeguard the visual amenities of the area in accordance with Hambleton Local Development Framework Policies CP17 and DP32.

4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP1 and DP1.

5. To protect the residential amenity of neighbouring properties in accordance with Local Development Framework Policy CP1 and DP1.

6. To ensure that lawful pig numbers are not exceeded, which may lead to a negative impact caused by odour and noise to residents nearby and that the development is in line with Local Development Framework Policy DP1.

7. To safeguard the amenity of neighbours and ensure that the development is in line with Local Development Framework Policy DP1.

8. To safeguard the amenity of neighbours and ensure that the development is in line with Local Development Framework Policy DP1.

9. To safeguard the amenity of neighbours and ensure that the development is in line with Local Development Framework Policy DP1.

10. To ensure that this would not result in an unacceptable impact during the transport or storage of manure and ensure that the development is in line with Local Development Framework Policy DP1.

Informative

No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.