

AGENDA ITEM NO.

DEVELOPMENT CONTROL PANEL

16 MAR 09

**APPLICATIONS REQUIRING REFERENCE TO DEVELOPMENT CONTROL
PANEL**

(Reports by Development Control Manager)

Case No: 0900055FUL (FULL PLANNING APPLICATION)

**Proposal: ERECTION OF AGRICULTURAL BUILDING TO HOUSE
FREE RANGE HENS**

Location: RECTORY FARM WISTOW ROAD

Applicant: MR D WAKEFIELD

Grid Ref: 527070 279092

Date of Registration: 19.01.2009

Parish: BROUGHTON

RECOMMENDATION - REFUSAL

1. DESCRIPTION OF SITE AND APPLICATION

1.1 This site is located approximately 1.5 km north west of Broughton, in an extensive area of farmland. The landscape is within the "Central Claylands" as defined in the Huntingdonshire Landscape and Townscape Assessment SPD, and is characterised by gently undulating countryside with a large scale field pattern broken by hedgerows and small copses. Built development is widely scattered and the area as a whole has an open appearance. The proposed development is to be located south of the main farm complex, in a field with mature hedges on the southern and western boundaries. The other boundaries are open. There is an existing access to the site from the Wistow to Kings Ripton road.

1.2 The proposal is to erect a free range egg production unit. This will involve the construction of a single building, having dimensions of 165m by 18m, with an eaves height of 2.4m and a ridge height of 5.4m. It will be built of timber, with tongue and grooved cladding and a profiled sheet roof. It will accommodate up to 24,000 birds, resulting in a ratio of 8 birds per square metre. For free range birds, legislation requires the stocking levels not to exceed 9 birds per square metre. In addition to the building, the unit will have an open range of 24 ha., equating to 1ha per 1000 birds, with no part of it being more than 350m from the building. The birds will be accommodated in two sections, and the building will also contain the feed bins and the egg collection and packing facilities.

1.3 The unit will be served by a new access road from the farm complex, and thence to the C112. Junction improvements are part of the overall development. The application states that vehicle generation for the unit is calculated at 2.4 HGVs per week plus other vehicles

associated with, for example, workers in the unit, and tractors/trailers for clearing out. This number is likely to be minimal.

- 1.4 Extensive planting around the site, and at more distant locations, is proposed in order to mitigate the impact of the proposal. This will take the form of the creation of new copses, and native species will be used.
- 1.5 The proposal is part of a farm diversification programme, and has been chosen because of a strong market for free range eggs, and good returns for the investment.
- 1.6 The site is in the open countryside and the road is classified (C112). There is a public footpath on the northern side of the site.

2. NATIONAL GUIDANCE

- 2.1 **PPS1 – Delivering Sustainable Development (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS7 – Sustainable development in rural areas (2004)**. Sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 2.3 **PPG13 Transport (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

- 3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents
 - **ENV2** – landscape conservation. Requires planning authorities and other bodies to protect important landscapes and to devise policies to protect and enhance the distinctiveness of the countryside, and to develop area wide strategies based on landscape assessments.
- 3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.
 - None relevant.

- 3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95
- **En12:** “Archaeological implications” – permission on sites of archaeological interest may be conditional on the implementation of a scheme of archaeological recording prior to development commencing.
 - **En13** – “Archaeological Implications” – in areas of archaeological potential, planning applications may be required to be accompanied by the results of an archaeological field evaluation, or a desk top study.
 - **En17** “Development in the countryside” – development in the countryside will be restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
 - **En18:** “Protection for countryside features” – offers protection for important site features including trees, woodlands, hedges and meadows.
 - **En25:** “General Design Criteria” – indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make provision for landscaping and amenity areas.
 - **CS9:** Flooding. The Council will normally refuse development proposals that prejudice schemes for flood water management.
- 3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)
- None relevant
- 3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007
- **P8** – development in the countryside. Should be restricted to that which is essential to the efficient operation of local rural activities or as otherwise specified in other policies in the Development Plan.
 - **P10** – Flood Risk. Development should not take place in areas of flooding or increase the risk of flooding elsewhere. Flood risk assessments are required where appropriate. Sustainable drainage systems should be used where appropriate.

- **E5** – a proposal for farm diversification should make an ongoing contribution to the business as a whole and should not involve built development on previously undeveloped sites unless the re-use or redevelopment of existing buildings on the site is not feasible or the opportunity exists to rebuild in a more appropriate location, and the floor area does not exceed 500 sq.m., and the siting and landscaping are such that the impact of the development is minimised.
- **G2** – Landscape Character – development proposals should respect and respond appropriately to the distinctive qualities of the surrounding landscape.
- **G3** - Trees, Hedgerows and other environmental features – development proposals should minimise the risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.
- **B1** – Design Quality – development should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B4** – Amenity – developments should not have an unacceptable impact on the amenity of existing and future occupiers.
- **B9** – sites of archaeological interest. A proposal which may affect an area of archaeological interest should be accompanied by a suitable assessment of the nature and significance of any remains so that the implications for the scheme can be considered.
- **T1** – Transport Impacts – development proposals should be capable of being served by safe convenient access to the transport network and should not give rise to traffic volumes that exceed the capacity of the local transport network.
- **T3** – Rights of way and other public routes – lists the criteria which should be considered in relation to rights of way.

3.6 Policies from the Huntingdonshire Local Development Framework Submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1:** “Sustainable development in Huntingdonshire” – all development will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered, including design, implementation and function of development.

4. **PLANNING HISTORY**

- None relevant.

5. **CONSULTATIONS**

- 5.1 **Broughton Parish Council – OBJECTION** (copy attached).
- 5.2 **Wistow Parish Council – NO OBSERVATION** (copy attached).
- 5.3 **Local Highway Authority (CCC)** – more information on existing movements required. Further comments awaited.
- 5.4 **Environmental Health Officer – NO OBJECTION.** The controls being proposed are sufficient to control any emissions from the site. The EHO has commented on a number of aspects of this proposal:-

1. Odour – based on Environment Agency guidance, this comes mainly from ammonia, which is released when the litter is too wet and ferments. The applicant is proposing to fit a plastic slatted floor, which will allow the droppings to fall through into a pit, through which air will be forced and the moisture levels monitored. This should prevent the build up of gases. Externally, the birds will be limited to certain areas during the cycle, and this will prevent the build up of litter. Odour may be detected at the end of the cycle when the site is cleared (about once every 60 weeks) but is acceptable in a rural location. The litter control appears to be the best available, and is adequate to prevent odours being emitted from the site.

2. Flies – there is no specific fly control guidance from the E.A., but the applicant intends to control this by a number of means. This control appears to be adequate, and there are no objections to this aspect of the scheme.

3. Impact on drainage system – The litter is to be removed manually, and there are no objections.

4. Land contamination – there is no evidence to suggest that a properly run poultry farm will contaminate the land. The applicant is proposing to manage the amount of litter, and this should negate any problems of contamination.

- 5.5 **County Archaeology** – pre- determination archaeological evaluation required as this site lies in an area of high archaeological potential.
- 5.6 **Environment Agency** – comments awaited
- 5.7 **CCC Footpaths Officer** – comments awaited.

6. REPRESENTATIONS

- 6.1 Neighbours – 20 replies have been received. The following issues have been raised:-

1. The proposal will generate a substantial amount of traffic, much of which will go through Broughton. This will increase the traffic hazards in the village, and the size of the vehicles used will cause damage to the verges and village greens. The amount of manure produced could result in as many as 73 return vehicle movements by heavy lorries. There should be a restriction on such vehicles through the village.

2. The environmental information is biased and invalid as it has come from a franchise partner of the applicant.

3. There will be a loss of amenity to nearby residents by reason of smell and noise. The prevailing western winds will blow the smells and noise towards the village.

4. The drains may not be able to cope with the effluent from the site and the quality of the ground water may be adversely affected.
5. The unit could become used for the intensive rearing of the birds without any controls being imposed.
6. There will be an increase in vermin, such as flies and rats, and an increase in unwanted wildlife such as foxes. This could have an adverse impact on the health of residents.
7. The proposed building will be very dominant and will have an adverse impact on the character of the area, and will spoil views of the village.
8. New legislation could allow the size of the unit to double. This would significantly increase the detrimental effects of this development.
9. The proposal will have an adverse impact on the character of the village and the Conservation Area.
10. The development could have an adverse impact on the trade of The Crown public house because of the smell and the flies.
11. There will be a loss of property values.
12. The type of boundary treatment to the range has not been specified.
13. The proposal could have an adverse effect on local flora, fauna and farming patterns.
14. Construction traffic will have an adverse impact on the local highway network.
15. The proposal could exacerbate flooding of the area.
16. An outbreak of avian flu could result in the area and the village being quarantined.
17. The environment of the nearby nursing home could be adversely affected.

7. SUMMARY OF ISSUES

- 7.1 The issues in this case concern the principle of the development, its effect on the character and appearance of the locality, the effect on local residents, the highway implications, flooding, archaeology and the public footpath.

The principle

- 7.2 This site is in the open countryside for the purposes of the Development Plan, wherein the policies are restrictive, and will normally only allow development which has an essential need to be in a rural location. Development for agricultural purposes is one of the permitted exceptions, and is applicable in this case. The scheme is intended to diversify the existing farming operations, and is in accordance with the provisions of PPS7, which encourage farmers to, inter alia, diversify into other areas of production, and to adapt to new and changing markets. In principle, the proposal is acceptable, and is consistent with the present land use. It accords with policies En17, P8 and E5, although the floor area proposed (2970 sq. m.) is considerably greater than the figure referred to in policy E5.

The impact on the character of the area

- 7.3 Referred to above, the landscape of the area is relatively open, and the site is visible from a number of directions, notably from the south and the west. However, although the building has a considerable

footprint, it will be relatively low, having a ridge height of 5.4m. This will help to reduce its impact, but, in addition, considerable planting, in the form of new copses will be planted, and the boundary hedges allowed to grow. The provision of these copses will complement the existing landscape features, and will substantially screen the building once the plants have started to mature. The planting will be of added benefit to the chickens in that the copses are within the range of the building, and will provide shelter from predators. The range is to be enclosed by a wire stock proof fence, with a strand of electric wire at the bottom, to deter foxes. Given that the building is some 300m from the nearest road, and in the light of the planting proposed, it is considered that the impact of the proposal on the character and landscape will be acceptable, and that it will comply with requirements of policies ENV2, En18, G2 and G3. The colour of the materials should be controlled by condition in the event of permission being given in order to ensure that the impact of the building is minimised.

The effect on local residents

- 7.4 The concerns of local residents have been reported in the section on representations above, and the Environmental Health Officer has commented on a number of these. These comments have been detailed above, and, from the environmental point of view, there are no reasons to refuse this proposal. The site is some distance from Broughton, and, with the screening proposed, the effect on its character, and that of the Conservation Area will be minimal. There is no evidence to suggest that the proposal will have an adverse impact on the trade of the local public house, nor that it will spoil the environment of the residential care home. The number of birds the unit is able to support is governed by legislation. The proposed building is intended to accommodate a maximum of 24,000 birds. The concerns of the neighbours are acknowledged, but there are no overriding reasons to withhold planning permission on these grounds, and any reason for refusal could not be defended on appeal. The proposal complies with policy B4.

Highway issues

- 7.5 The applicant has indicated that the unit will generate on average 2.4 lorry movements per week, and that this figure is no greater than that generated by a normal farming use. The access road at its junction with the C road is to be improved to allow easier access for the larger lorries associated with the use. Further comments are awaited from the Local Highway Authority, but the proposed level of traffic generation is very low, and it should not have an adverse impact on the existing highway situation, subject to any comments by the Local Highway Authority. The development complies with policy T1.

Flooding

- 7.6 This site is not in any notified flood zone, although the Parish Council has provided evidence showing that the site has flooded. However, there is no evidence to suggest that this is an ongoing problem, and drainage details would be required in the event of planning permission being granted. Flooding is not seen as a reason for

refusal, and the proposal complies with policies CS9 and P10, subject to the comments of the Environment Agency.

Archaeology

- 7.7 The County Archaeologist has recommended that a pre-determination evaluation be carried out to ascertain the presence or absence of archaeological remains within the development site. Based on the results obtained, an informed judgement can be made as to the provisions for the recording of such remains and their possible preservation in situ. The applicant has not provided any archaeological information to support the application and the proposal does not therefore comply with policies En12, En13 and B9.

Public footpath

- 7.8 The public footpath which crosses the northern part of the site is not affected by the building, but is within the proposed range. The comments of the Footpaths Officer are awaited, and will be reported at the meeting.

Conclusions

- 7.9 Whilst any comments received from outstanding consultees will need to be carefully considered, overall this proposal is acceptable for the reasons given above, with the exception of the archaeological issue. Accordingly refusal is recommended as the proposal does not comply with the requirements of policies En13 and B9 referred to above.
- 7.10 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should not be granted in this instance.

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8. RECOMMENDATION – REFUSE, for the following reason:

- 8.1 The proposal would be contrary to the provisions of policy En13 of the Huntingdonshire Local Plan 1995, and policy B9 of the Huntingdonshire Interim Planning Policy Statement 2007 in that the proposal is not accompanied by a suitable archaeological assessment of the nature and significance of any remains within the development area. The site is in an area of high archaeological potential, and, without the appropriate assessment, the Local Planning Authority cannot be satisfied that the proposal will not harm remains or artefacts of acknowledged importance.

BACKGROUND PAPERS:

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995

Huntingdonshire Local Plan Alterations (2002)
Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Local Development Framework Submission Core Strategy
2008

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