

## RIBBLE VALLEY BOROUGH COUNCIL REPORT TO PLANNING & DEVELOPMENT COMMITTEE

Agenda Item No.

meeting date: THURSDAY 7 NOVEMBER 2013  
 title: NON-DETERMINATION AND NON-VALIDITY APPEAL IN RELATION TO AN APPLICATION FOR A PROPOSED POULTRY UNIT AT OAKFIELD, LONGSIGHT ROAD, CLAYTON-LE-DALE, BB1 9EX  
 submitted by: DIRECTOR OF COMMUNITY SERVICES  
 principal author: CLAIRE BOOTH – ASSISTANT PLANNING OFFICER

### 1 PURPOSE

1.1 To advise Committee in relation to the recently received non-validation and non-determination appeal and request guidance on the issues relating to the Council's reasons for not validating the application and the proposed refusal of the scheme.

1.2 Relevance to the Council's ambitions and priorities

- Community Objectives – } The matters identified raise issues associated with protecting the local environment and the amenities of local residents.
- Corporate Priorities - } local residents.
- Other Considerations – None.

### 2 BACKGROUND

2.1 This application was initially made valid on the 29 April 2013. It was given the planning reference 3/2013/0448/P with the 8 week statutory determination period ending on the 24 June 2013. During this period the statutory consultation process was carried out and the Council visited the site on the 29 May 2013 and considered there to be serious misgivings in the application. In the days following the Council spoke to various consultees to clarify the information they needed in order to make sound judgements on the acceptability of the proposals. After which the Council discussed how to proceed with the application; whether to refuse the application based on insufficient information being submitted or request the necessary from the Agent to enable the Council to make a sound judgement based on factual information. The latter route was chosen and the Agent was contacted on the 05 June 2013 and advised of the information needed to assess the application. The application was subsequently made invalid whilst awaiting for this information. As it stands today the Council still considers this application to be invalid and for this reason the application has not been determined. Applicants do have the opportunity to appeal for non-validation of an application and also the non-determination of the application and this is what has been done.

### 3 ISSUES

3.1 In cases for non-determination it is important to gauge the views of Planning and Development Committee in order that Committee Members are satisfied with the officer report and are in agreement with its content and conclusions.

3.2 A report is included as Appendix 1 to this report providing details of the representations received and the issues arising. Committee may be aware that there has been a great deal

of public interest in this proposal from local residents and that there are still a number of matters yet to be examined in greater detail in order to form a final opinion.

3.3 However, on the basis of the planning merits of the case at this particular point in time, it is considered that should a formal recommendation have been made to Planning and Development Committee, it would have been one of refusal for the following issues forming the substance of the Council's case:

1. Insufficient information has been made available to enable a comprehensive assessment to be made of the likely impacts of the application on the amenities of local neighbours in respect of noise, odour and air quality.
2. Insufficient information has been made available to enable a comprehensive assessment to be made on the likely impacts of the application on highway safety.
3. Insufficient information has been made available to enable a comprehensive assessment to be made on the likely impacts of the application on the boundary trees and hedgerow and the subsequent impact on local wildlife.

3.4 I am mindful of these reasons and I am aware that between now and the appeal process there may be an opportunity for some of these issues to be resolved.

#### 4 RISK ASSESSMENT

4.1 The approval of this report may have the following implications:

- Resources – The Appeal process is costly in terms of officer time required to provide all the relevant documentation to the Planning Inspectorate.
- Technical, Environmental and Legal - No implications identified.
- Political - No implications identified.
- Reputation – No implications identified.
- Equality & Diversity – No implications identified.

#### 5 **RECOMMENDED THAT COMMITTEE**

5.1 Request that Committee endorse the above issues as reasons for refusal and authorise the Director of Community Services and Head of Planning Services to liaise as appropriate to establish the best possible case to defend the appeal.

CLAIRE BOOTH  
ASSISTANT PLANNING OFFICER

JOHN HEAP  
DIRECTOR OF COMMUNITY SERVICES

#### BACKGROUND PAPERS

3/2013/0448/P – Proposed poultry unit at Oakfield, Longsight Road, Clayton-le-Dale, BB1  
Report included as Appendix 1 to this report.

For further information please ask for Claire Booth, extension 4493

071113/CB/P&D

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

DATE: 7 November 2013

REF: CB

CHECKED BY:

APPLICATION NO: 3/2013/0448/P (GRID REF: SD 366217, 432928)  
PROPOSED ERECTION OF A POULTRY UNIT AT OAKFIELD, LONGSIGHT ROAD,  
CLAYTON-LE-DALE, BB1 9EX

- PARISH COUNCIL: No comments or observations received.
- ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR): No comments or observations received due to inadequacy of the information submitted.
- LANCAHIRE COUNTY COUNCIL LAND AGENTS Will respond to the LPA when the requested additional information has been received regarding bird numbers and ventilation.
- ENVIRONMENTAL HEALTH Objects to the proposal due to the sites unsuitable location close to residential properties. Also require significant additional information be submitted in respect of odour management, dust mitigation, pest control and site specific noise generation and control.
- ENVIRONMENT AGENCY: Request that they are re-consulted upon submission of the requested information and the validation of the application.
- ADDITIONAL REPRESENTATIONS: A total of 11.no letters of objection have been received from 9.no individual addresses, one of which is a business. The comments received can be summarised as follows:
- Odour and noise and dust issues from operation of business.
  - Vermin issues.
  - Impact on wildlife.
  - Against intensive livestock operation.
  - Traffic impact.
  - More akin to an industrial operation than an agricultural business.
  - Adverse impact on local business economy.
  - Entrance and visibility units.
  - Too close to residential properties.
  - Visual impact due to size of building.
  - Light pollution.
  - Impact on listed building.
  - Inadequate information submitted to assess the application.
  - Limited employment is secured by proposal.

## **Proposal**

This application seeks permission for a proposed poultry unit incorporating an egg packing area, two silos and a parking and manoeuvring area for vehicles.

The poultry unit has approximate dimensions of 76.3m x 8.2m x 5.4m to the ridge and would be faced with timber boarding to the elevations with slate grey steel profile sheeting to the roof. Each of the gable ends would contain a number of doors for access to the building. On the south-east gable facing Showley Road eight fans are proposed in two rows of four. The top row would contain fans measuring 1200mm in diameter and the fans on the bottom row would measure 900mm in diameter.

The supporting information states that 16 apertures would be present on each of the side elevations, however, these are not shown on the submitted drawing and it is unclear how these would be incorporated into the proposal.

The egg packing building would be built in the same materials as the main building proposed and would extend from the south west elevation of the building with a lean to roof. This building would have approximate dimensions of 18.0m x 6.0m x 3.9m where it would abut the main building, and 2.5m at eaves level.

The two silos proposed would be located to the south west corner of the building (at the end of the building closest to Showley Road) and would each have an approximate height of 7.4m and measure approximately 3.0m x 3.0m.

Access to the site would be through an existing field gate on Showley Road and via an existing field access track. An area of hard standing measuring approximately 27m x 20m.

## **Site Location**

The property to which this application relates is located on the A59 opposite the car park of TIGGIS restaurant within land designated as open countryside. A number of residential and commercial properties are in close proximity of the site.

The proposed poultry unit would be sited on the field to the south west of the applicants' house between the A59 and Showley Road.

The field in which the building is to be located is bounded by a traditional field hedge along its south-western boundary and trees along its boundary with Showley Road. A pond exists in the south-east corner of the site close to the proposed/ existing access.

## **Relevant History**

None.

## **Relevant Policies**

*Ribble Valley Districtwide Local Plan*

Policy G1 - Development Control.

Policy G2 - Settlement Strategy.

Policy ENV3 – Development within Open Countryside.

Policy ENV7 – Protected Species.  
Policy SPG – Agricultural Buildings and Roads

*Ribble Valley Core Strategy - Regulation 22 Submission Draft Post Submission Version  
(including Proposed Main Changes)*

Policy DMG1 – General Considerations.

Policy DMG2 – Strategic Considerations.  
Policy DME1 – Protecting Trees and Woodlands.  
Policy DME2 – Landscape and Townscape Protection.  
Policy DME3 – Site and Species Protection and Conservation.  
Policy EN2 – Landscape.

*National Planning Policy Framework*  
Achieving Sustainable Development.  
Section 11 – Conserving and enhancing the natural environment.

### **Environmental, AONB, Human Rights and Other Issues**

The issues in respect of the determination of this application include residential amenity, visual amenity, highway safety, ecology, and trees and hedges.

#### **Residential Amenity**

It is often the case that one of the main issues in relation to Poultry rearing relates to odour issues and noise, it is critical that adequate and site specific details are with such apps to enable a proper assessment to be made.

In respect of residential amenity, the Council's Environmental Health department has been consulted on the appropriateness of the information submitted with the application to enable the Council to form sound judgements. It is the opinion of that department that the documents submitted fail to stipulate the likely number of birds, age and how exactly the unit is to be operated i.e. provide site specific information and adequate detail of associated control measures. The reports are considered not specific to the application site and are general with detail.

Notwithstanding this lack of detail, the building will only be some 68-70 metres from the garden boundary of neighbouring residential properties and only some 100 metres to the nearest non-associated dwelling. There are some 24 residential properties and several food businesses within relatively close proximity of the application site. With the prevailing winds being south west to north east the noise from the ventilation fans and odour from the poultry unit will naturally affect nearby dwellings.

As it stands the application fails to stipulate likely numbers of birds, age and how exactly the unit to be operated. Ironically, in the appeal documents submitted it is stated that the poultry unit would house 10,000 birds, however, still no details of how the unit is to be specifically operated, including the operation of the ventilation fans and their noise output, and the management of dust and pests are still brief in detail.

The applications noise impact report is not site specific but refers to measurements undertaken in Cumbria where conditions may well be fundamentally different. This report also fails to refer to the periodic catching and removal of birds, which is a necessity for welfare standards and is usually undertaken at night. This by its very nature creates periods of noise which would undoubtedly cause disturbance to local residents.

With regard to the odour report submitted, significant additional site specific information is required. This should state intended operational practice to show how odour is to be effectively controlled and assurance given of no perceptible odour beyond the site boundary. Reference purely to 'Code of Good Practice for the Protection of Air' is in the Council's opinion insufficient. Poultry Units are notorious for problems with odour, pest control, noise and dust, which are by their nature very difficult to avoid.

### Visual impact

This part of Longsight Road is characterised by detached properties facing on to the A59 which form a short ribbon of development on this part of the A59. Oakfield, the applicant's property forms the end of the development on the south east side of the road.

The proposed building would run at 90 degrees to the A59 and would be clearly visible when travelling along the A59 towards Clitheroe. I consider it is this vantage point that the proposal would have the greatest impact visually. Due to the scale of the building and its vast extension across the fields when travelling along the road in the direction of Clitheroe it would seriously detract from the visual amenities of the locality. In addition, due to this site being isolated from an actual farmstead, the proposed silos, which would be higher than the proposed poultry building, would appear as incongruous and prominent additions in this area of open countryside to the serious detriment of the visual amenity. However, it may be possible to mitigate the impact with a significant landscape belt and appropriate colouring.

### Highways

Access to the site is from Showley Road with a double track width leading to a hard standing in front of the poultry unit. The proposal includes a 2.4m viability splay.

As the application is invalid no formal comments have been sought from LCC highways. It is the intention to request their views during the appeal process but in order to safeguard the Council's position it is prudent to incorporate the inadequacy of such information as an element of concern, however, should the County Surveyor be satisfied with the proposal this element should be withdrawn from any reasons.

### Trees/ Woodland/ Ecology

In relation to tree ecology, there is a lack of information submitted to assess the scheme and on that basis, it has not been possible to fully assess the proposal and so this lack of information needs to be incorporated as a reason for refusal.

RECOMMENDATION: That the application be REFUSED for the following reasons:

1. The proposed poultry unit by virtue of its close proximity to neighbouring dwellings and restaurants is considered contrary to Policy G1 of the Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy - Regulation 22 Submission Draft Post Submission Version. It would result in conditions that would have a seriously detrimental impact on the amenity of local residents and businesses by virtue of noise, odour and dust nuisance.
2. The application presents insufficient information to demonstrate that there would not be a detrimental impact on biodiversity and the trees and hedgerow on the site and as such is contrary to Policies ENV7 and ENV13 of the Ribble Valley Districtwide Local Plan, Policies DME1 and DME3 of the Ribble Valley Core Strategy - Regulation 22 Submission Draft Post Submission Version, and Section 11 of the National Planning Policy Framework.
3. Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, on site turning facilities and vehicle movements. The proposal, therefore, is contrary to Policy G1 of the Districtwide Local Plan and Policy DMG1 of the Ribble Valley Core Strategy - Regulation 22 Submission Draft Post Submission Version.