

Application Number:	2011/372	Application Type:	Outline
Proposal:	Erection of Poultry Unit & 2 associated feed silos, including Diversion of Public Footpath No.469	Location:	Hey Head Farm, Off Tong Lane, Bacup
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	24 January 2012
Applicant:	Mr P Harrison	Determination Expiry Date:	17 February 2012
Agent:	Hartley Planning and Development Associates		

Contact Officer:	Richard Elliott	Telephone:	01706-238639
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REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Reason for Call-In:

3 or more objections received

Other (please state):

MAJOR

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

	RECOMMENDATION(S)
	Approval, subject to the conditions detailed in Section 9 of the report.

APPLICATION DETAILS

1. SITE

Hey Head Farm is situated in the Countryside to the east of the Urban Boundary of Bacup, which is defined by Tong Lane. It comprises an area of approx 35 hectares, the complex of buildings serving it accessed from Tong Lane.

The principal building on the site is a traditional stone-building, in use as 2 dwellings, with an attached barn. There are three portal-frame agricultural buildings located to the north forming a cluster of agricultural buildings. An access track runs from the farm yard between the house and the agricultural buildings rising upwards to the fields to the north. The track curves round to the east leading to a large poultry unit permitted under planning application 2008/0082. Further to the north is Dry Corner Farm and to the north is a working quarry.

There are a number of public footpaths within the vicinity of the application site; most notably No.469 cuts through the site on a east/west axis. High voltage overhead electricity lines also run in the vicinity of the site.

2. RELEVANT PLANNING HISTORY

2006/20: Erection of 2 no. Agricultural buildings with associated silage clamp, yard and access
Approved

2008/82: Erection of a free range Egg Unit
This application proposed erection of a building located approximately 90m to the NE of the existing agricultural buildings and farmyard. (See appended report/plans)

Intended to accommodate 12,000 birds, it was to have timber-boarded sides and a
a
feed
profiled-sheeting roof, measuring 85.4m x 18.3m x 5.4m at the roof-ridge. Two
silos were to stand on its S side.

In accordance with the Officer Recommendation, this application was Approved and the scheme has been implemented.

2008/813: Change of use of part of yard to parking of five HG Vehicles
Refused.

2009/159: Demolition of 1no. agricultural building and erection of 2no. agricultural buildings
Approved.

2009/160: Change of use of part of yard to parking of five HGVs
Refused & Appeal Dismissed.

2010/204: Construction of part garage/part agricultural building
Refused & Appeal Dismissed

2010/633: Erection of Poultry Unit (Outline)
This application proposed erection of a building located approximately to the

NW of the main complex of agricultural buildings and farmyard. (See appended location plan)

Intended to accommodate 27,500 birds, it was to be constructed with the same facing materials and to the same dimensions as the poultry building permitted by Planning Permission 2008/82.

Officers were concerned that the proposed building was to be sited in a position which related poorly with the building permitted by Planning Permission 2008/82.

Accordingly, this application was Refused by Officers on the grounds that the proposed building, by reason of its siting/size, would be an unduly prominent and obtrusive feature in the landscape and would unnecessarily and unacceptably erode the essentially open and rural character of the area.

3. THE PROPOSAL

Outline permission is now sought for a poultry building of rather smaller size than that proposed under Application 2010/633. More significantly, its siting as been changed.

Permission is sought for the erection of a poultry building to measure 79.3m x 13.1m with a pitched roof to a height of 6.2m, with only the matter of Landscaping reserved for later consideration. It is to be sited on the North side of the main complex of agricultural buildings and farmyard and immediately to the west of the poultry building permitted by Planning Permission 2008/82.

The building would be constructed with block walls to a height of 1m with weatherboarding above to be coloured brown. The roof would be profiled steel sheeting coloured slate grey. Six roof mounted chimneys would be evenly distributed along the roof ridge and projecting 0.4m above it. There would be some excavation to the front and rear of the building to create a level platform for its construction. Two feed silos of approximately 6.5m in height would be located immediately adjacent to the northern gable.

The building is for the production and sale of free range eggs and would house some 27,500 birds. The Agent advises that :

- Egg collection would be by a 7.5 tonne lorry two times per week.
- Bird delivery and collection is by two 8-wheeled lorries every 14 months.
- Feed delivery is by an 8-wheeled lorry once per 8 weeks and manure removal would be via tractor and trailer twice per week in the summer and once per week in winter.

The Agent has further advised that manure from units such as this is very valuable and there is high demand from farmers. It is possible that the unit will produce more manure than is needed on the farm. Other unit holders sell it by the cart load to adjoining farmers who bring a cart for its collection, say one per week. Given the demand for it, and its high value, it is not envisaged that large surplus amounts will be stored on the farm itself.

Access to the building would be from the existing farm yard. The existing track leading from the farm yard to the existing poultry building would be reconfigured to give vehicular access to the new building.

Construction of the new building will necessitate diversion of a 70m length of Public Footpath No 469. It is proposed to divert the footpath so that it passes the eastern gable of the

building and meets up with the definitive path further to the west after a distance of 115m.

4. **POLICY CONTEXT**

National

PPS1 Sustainable Development
PPS4 Economic Growth
PPS7 Rural Areas
PPG13 Transport

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles
RDF2 Rural Areas
RT2 Managing Travel Demand
RT4 Management of the Highway Network
EM1 Environmental Assets
W1 Strengthening the Regional Economy

RBC Core Strategy DPD (2011)

AVP2 Bacup, Stacksteads, Britannia and Weir
Policy 1 General Development Locations and Principles
Policy 8 Transport
Policy 9 Accessibility
Policy17 Rossendale's Green Infrastructure
Policy 19 Climate Change & Low Carbon and Zero Carbon Sources of Energy
Policy 23 Promoting High Quality Designed Spaces
Policy 24 Planning Application Requirements

Other Material Planning Considerations

Draft National Planning Policy Framework (2011)
LCC Landscape Strategy for Lancashire

5. **CONSULTATION RESPONSES**

LCC (Highways)

No objection, however, the applicant needs to contact LCC Rights of Way regarding the diversion of the public footpath.

LCC (Land Agents)

The building would be in a better location than previously proposed from a functioning point of view, is suitable in terms of design and materials and would provide convenient access.

There does not appear to be any formal provision for storing the dung produced. The applicant intends to spread some on his own land but clearly there will be restrictions on the time of year when it is possible to do so. This should be investigated further as it could affect amenities of neighbouring properties and users of the footpath networks.

RBC (Env Health)

No objection subject to clearing-out of the unit being restricted to two days per week and not to be carried out on Saturdays, Sundays or Bank Holidays.

Any manure to be removed from the site to be via covered vehicles and not to be disposed of on the above days.

United Utilities

No objection

The development is shown to be adjacent to or to affect Electricity North West operational land or electricity distribution assets. Where it is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West Limited.

Rossendale Ramblers

The proposed diversion to FP 469 is a small one, which should not be too inconvenient for path users. We therefore do not object to this application so long as the diversion is clearly signposted for several years. This is to allow for OS maps to be modified to show the change, and to avoid unnecessary confrontations between path users and the landowner.

6. REPRESENTATIONS

To accord with the General Development Procedure Order 4 site notices were posted and 45 neighbours were consulted by letter on the 22/11/11.

No objections have been received.

7. ASSESSMENT

The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Access/Parking

Principle

The application site lies within a Countryside Area wherein national and local policy do not restrict agricultural development so long as it is reasonably necessary for the purposes of agriculture within the unit and seeks to minimise impact on visual and neighbour amenity, highway safety, etc.

The proposed development is for an agricultural use and the County Land Agent considers that the building is now in a better location than previously proposed from a functioning point of view and appropriate for its intended use in terms of design and materials.

Accordingly, the proposal is considered acceptable in principle.

Visual Amenity

The proposed building would be substantial in size. However, it would not be dissimilar to the existing poultry unit situated immediately to its east. In my opinion the existing unit sits quite well below the skyline and is not unduly prominent or intrusive from wider viewpoints, helped by its low profile, the rising hills beyond and other features such as the pylons and buildings in close proximity.

Although the proposed unit would be marginally taller, it would still retain a similar backdrop to the existing unit, and is clearly designed for agricultural purposes. Furthermore the proposed siting would have some trees behind plus an existing farmhouse – Dry Corner Farm. It would be angled so that its length would be more open to view from the west than the existing building. However, on balance and subject to an appropriate landscaping scheme, I do not consider its siting would have an unduly detrimental impact on the landscape or the essentially open and rural character of the countryside.

Neighbour Amenity

Dry Corner Farm is sited immediately to the north of the site with its gable facing southwards. There has been no objection from the residents of this property however in relation to the proposed scheme and no reported complaints arising from the existing unit. The Council's Environmental Health Unit has not objected to the scheme.

Accordingly, I do not consider that the development would have an unduly detrimental impact on neighbours.

Access/Parking

There has been no objection from the Highway Authority; it is satisfied that the local highway network can accommodate the additional traffic movements to and from the site the proposal will generate.

The diversion of public footpath necessary to accommodate the proposed development is relatively modest. Neither the LCC Rights of Way Officer or Rossendale Ramblers has objected to it.

Accordingly, the scheme is considered acceptable in terms of access/parking.

8. SUMMARY REASON FOR APPROVAL

The scheme is considered acceptable in principle, it being for an agriculture purpose within a Countryside Area, and would not result in unacceptable detriment to the essentially open and rural character of the countryside, neighbour amenity or highway safety/footpaths. It is therefore considered that the proposal accords with the provisions of PPS1 / PPS4 / PPS7 / PPG13, Policies DP1-9/ RDF2/ RT2 / RT4 / EM1 of the Regional Spatial Strategy and Policies 1 / 8 / 9 / 17 /19 of the Council's Core Strategy DPD (November 2011).

9. CONDITIONS

1. No development shall be started until full details of the landscaping (hereinafter called the 'reserved matters') has been submitted to and approved in writing by the Local Planning Authority.
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.
2. Application for reserved matters approval shall be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

3. The development shall be carried out in accordance with the drawings numbered 10 E 145 E /02 and the proposed site plan and sections dated as received 18 November 2011, unless otherwise required by the other conditions or otherwise first agreed in writing by the Local Planning Authority.
Reason: To accord with the permission sought.

4. The building hereby approved shall not be brought into use until a scheme detailing means of periodic disposal of manure from the building has been submitted to and approved in writing by the Local Planning Authority. All manure shall thereafter be disposed of in accordance with the approved scheme and in covered vehicles.
Reason : To protect the amenity of occupiers of neighbouring properties in accordance with Policy 24 of the Council's Core Strategy DPD (November 2011).

5. No cleaning out or manure disposal shall take place on Saturdays, Sundays or Bank Holidays and each clearing out event and manure removal shall take place within 2 days with no other storage or disposal of manure taking place on the site.
Reason : To protect the amenity of occupiers of neighbouring properties in accordance with Policy 24 of the Council's Core Strategy DPD (November 2011).

6. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.
Reason : To safeguard the amenities of neighbours, in accordance with Policy 24 of the Council's Core Strategy DPD (November 2011).

Background Papers

Document Details	Appendix Number
Report and Plans 2008/0082	Appendix A
Report and Plans 2010/0633	Appendix B