

Item Number: 7
Application No: 12/00868/FUL
Parish: Weaverthorpe Parish Council
Appn. Type: Full Application
Applicant: Mr Patrick Giles
Proposal: Erection of an agricultural livestock building to include formation of vehicular access
Location: Land At OS Field 0054 Main Road Weaverthorpe Malton North Yorkshire

Registration Date: 8 October 2012 **8/13 Week Expiry Date:** 3 December 2012
Case Officer: Shaun Robson **Ext:** 319

CONSULTATIONS:

Parish Council	Object
Highways North Yorkshire	Recommend conditions
Sustainable Places Team (Yorkshire Area)	
Countryside Officer	More information required
Tree & Landscape Officer	
Archaeology Section	No known archaeological constraint
Environmental Health Officer	

Neighbour responses:

Overall Expiry Date: 25 February 2013

INTRODUCTION:

Members will recall that this application was presented to the Planning Committee on the 15th January 2013. Following a lengthy discussion Members resolved to defer the application in order to seek clarification on a number of issues. Those issues consisted of the following:-

- Clarification with regard to the form and housing of the pigs;
- Clarification in regard to the method of disposal of the waste from the site, given the restricted size of the application site.

In terms of the housing of the animals within the livestock unit, the pigs are proposed to be brought to site and fattened to a finished weight and then taken from the unit. The animals are proposed to be housed permanently within the building.

The disposal of the waste is via a mechanical loader, on to waiting trailers which in turn remove the solid manure for storage and spreading on third party land. The waste disposal is carried out approximately every 20 weeks following the end of a batch of pigs.

SITE:

The site lies between Helperthorpe and Weaverthorpe, outside of the development limits as defined within the Ryedale Local Plan. The site comprises a former quarry to the south side of the public highway and is bounded by mature hedgerows.

PROPOSAL:

Planning permission is sought for the erection of an agricultural building within the quarry. The building is proposed to measure approximately 15.2m x 30.5m and would measure 3.7m to the eaves and 5.6m to the ridge. The building is proposed to be used for the rearing and finishing of 400 pigs on a straw based rearing system. The application also includes the formation a new vehicular access.

HISTORY:

06/01116/FUL: Change of use of former chalk pit for erection of block of eight stables with tack room and hay/straw storage and erection of trailer shed together with formation of all weather equestrian arena, car parking area and formation of vehicular access. Refused 11.01.2007. Appeal dismissed 10.10.2007.

3/144/5A/PA: Outline application for bungalow and garage and stable for two horses at OS Field No 76 Weaverthorpe. Refused 12.12.2974.

3/144/5/PA: Outline application for erection of dwelling house, workshop, store and storage space at Carvells Pit Weaverthorpe. Refused 01.10.1974.

POLICY:

National Policy Guidance

National Planning Policy Framework
Section 3: Supporting a prosperous rural economy.

National Planning Policy Guidance

Ryedale Plan - Local Plan Strategy

Policy SP9 – The Land-Based and Rural Economy
Policy SP13 – Landscapes
Policy SP16 – Design
Policy SP19 – Presumption in favour of Sustainable Development
Policy SP20 – Generic Development Management Issues

APPRAISAL:

Members will note that this application is brought before Committee following a formal objection from the Parish Council.

The main considerations to be taken into account are:

- i) Impact on the Area of High Landscape Value
- ii) Residential amenity
- iii) Highway safety

Policy SP9 of the Ryedale Plan – Local Plan Strategy states:-

Ryedale's land-based economy will be sustained and diversified with support for:

- *New buildings that are necessary to support land-based activity and a working countryside, including for farming, forestry and equine purposes*

- *Replacement dwellings for land management activity if no other existing available buildings suitable or capable of conversion*
- *Replacement of non-traditional general-purpose storage buildings to support farming, forestry or equine related activity*
- *Conversion of traditional buildings for tourism or residential uses (subject to the occupancy conditions set out in Policy SP21)*
- *Conversion of existing buildings and provision of new buildings to support appropriate small-scale rural economic activity in line with Policy SP6*
- *Appropriate farm and rural diversification activity including innovative approaches*
- *Local food production and sales. Farm shops which will meet a demand for local produce and which contribute to the local economy will be supported where they do not adversely affect easily accessible convenience shopping*
- *Appropriate new uses for land including flood management and energy production related research and education in this field*
- *Small-scale extraction of local building stone and limited aggregate provision*

And indirectly by supporting:

- *The retention of a livestock market within Ryedale on a site which is convenient to users, well related to the main road network and in a location which is close to a Market Town but will not harm its character, landscape setting or the amenities of nearby residents*
- *Local weekday and Saturday markets, farmer's markets and events*
- *Proposals or actions that would assist in utilising and retaining traditional rural skills including land and woodland management, farming, conservation, local traditional building techniques*

The building would be constructed on a unit which is less than 5 hectares in area and at present, has no other buildings associated with it. Whilst a touring caravan is presently stored on the site, there is no evidence that it has been used for residential purposes. The applicant's agent has also confirmed that the rearing and finishing of pigs within the building would not require round the clock supervision.

The land rises towards the south and the building would sit towards the rear of the site, within the existing quarry area. As such, the building would not be visually prominent within the landscape. Isolated agricultural buildings are not normally encouraged, due to the physical impact on the surrounding area. The building would be sited within the quarry and given its location is considered to be appropriate in terms of minimising its impact on the wider landscape. The Tree and Landscape Officer has been consulted on the application and has recommended the addition of trees on the western boundary, to further screen the proposed building from the west of the site.

The building would be located approximately 340m from the nearest residential properties, which are located within the village development limits. There is considered to be sufficient distance from the proposed building and existing residential properties to ensure there would be no material adverse impact on residential amenity.

The Countryside Officer has been consulted on the application and has confirmed that there are no objections to the proposed development in relation to ecology.

A letter of objection has been received from Weaverthorpe Parish Council in relation to the proposed development. The material planning issues raised in the objection are:

- Impact on highway safety
- Surface water discharging to soakaway

Issues raised which do not refer to material planning considerations are:

- Livestock would not be given an adequate level of attention
- The building would lead to pressure for future residential uses on the site, outside of development limits

In relation to highway safety, the application includes the formation of a new vehicular access to the north east corner of the site, with the existing access to be closed off. The highway safety aspect of the application has been considered by the Local Highway Authority and no objections are raised subject to conditions.

The Parish Council has also raised concerns in respect of drainage of the site, specifically in respect of contaminated water from the cleaning out of the building going to a soakaway. The applicant's agent has confirmed that dirty water from the cleanout process of the building will be to a sealed dirty water tank, which will be emptied by a tanker.

In view of the above, it is considered that the material objections of the Parish Council are satisfactorily addressed by Highways conditions and further information in support of the application. It is considered that the application is in accordance with the National Planning Policy Framework, National Planning Policy Guidance and Policy SP9 of the Ryedale Plan – Local Plan Strategy. Accordingly, the recommendation is that the application be approved.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason:- To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme of their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy, and in the interests of highway safety.

4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in

accordance with the published Specification of the Highway Authority and the following requirements:

(i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii)(a) The access shall be formed with 10 metre radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 10 metres into the site shall be constructed in accordance with Standard Detail number E7d.

(iii) Any gates or barriers shall be erected a minimum distance of 12 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(vi) The final surfacing of any private access within 12 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy 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.

- 5 No part of the development shall be brought into use until the existing access on to Main Street has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and in the interests of highway safety.

- 6 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number IP/PG/02 for parking spaces, turning areas and access shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 7 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 in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway 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 in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that no mud or other debris is deposited on the carriageway in the

interests of highway safety.

- 8 Before any part of the development hereby approved commences, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of trees along the western boundary of the site. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to accord with Policy SP13 of the Ryedale Plan - Local Plan Strategy.

- 9 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Drawing No. IP/PG/02; IP/PG/03.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES:

- 1 You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 2 These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
Regional Spatial Strategy
National Planning Policy Framework
Responses from consultees and interested parties