

Item Number: 7
Application No: 18/00035/MFUL
Parish: Sherburn Parish Council
Appn. Type: Full Application Major
Applicant: Mr John Slack
Proposal: Erection of an agricultural building for the housing of fattening pigs and formation of an adjacent hard core yard area
Location: Sherburn Ings Farm Station Road Sherburn Malton North Yorkshire YO17 8PS

Registration Date: 29 January 2018
8/13 Wk Expiry Date: 30 April 2018
Overall Expiry Date: 16 March 2018
Case Officer: Niamh Bonner **Ext:** Ext 325

CONSULTATIONS:

| | |
|--|-----------------------|
| Sustainable Places Team (Environment-Agency Yorkshire Area) | No Objection |
| Lead Local Flood Authority | Recommend Condition |
| Environmental Health Officer | Recommend Condition |
| Parish Council | No Responses Received |
| Highways North Yorkshire | No Objection |
| Vale Of Pickering Internal Drainage Boards | No Objection |

Neighbour responses: The Occupier Petrefield

SITE:

The application site Sherburn Ings Farm is located within the open countryside to the north of Sherburn. The site is accessed via a farm track to the east from Brompton-Ings Road. Part of the site is located within Flood Zones 2 and 3, in close proximity to the River Derwent.

The site currently incorporates two existing pig housing buildings and a mobile home for use as a temporary agricultural workers dwelling. Approval has been granted for a permanent agricultural workers home.

PROPOSAL:

This application seeks approval for the erection of an agricultural building for the housing of fattening pigs and formation of an adjacent hard core yard area.

The proposed building and hard core area will be located adjacent to two existing pig buildings of a similar scale.

POLICIES:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

HISTORY:

The following applications are considered relevant to the current proposal:

10/00305/MFUL: Erection of a 8,000 bird free range egg laying unit with 1no. associated feed bin. Approved

12/01141/FUL: Siting of a one bedroom mobile home for use as a temporary agricultural workers dwelling with parking area. Approved

14/00103/MFUL: Erection of an agricultural building for the housing of pigs (retrospective application) Approved

14/00104/MFUL: Erection of an agricultural building for the housing of pigs. Approved

15/01438/FUL: Erection of roof over existing open yard to form livestock handling area (part retrospective application) Approved

16/00912/FUL: Erection of a three bedroom agricultural workers dwelling with parking and amenity area. Approved

18/00037/FUL: Erection of an agricultural storage building for straw. Approved

APPRAISAL:

The main considerations within the determination of this application are:

- i. The principle of development
- ii. Form, design and landscape impacts
- iii. Flood risk and drainage
- iv. Impact upon neighbouring amenity
- v. Highway safety
- vi. Other matters, including consultation responses.

i. The principle of development

This application is 'major' development because the proposed building has a floor area in excess of 1,000m² as such it is required to be determined by the Planning Committee. It is noted within the Planning Statement that the agricultural business is a pig fattening unit, which has been established for over 5 years. The current livestock incorporates 1600 weaned piglets and 870 fattening pigs. This proposed building would enable the site to accommodate an additional 850 head of stock, improving business turnover and income.

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that 'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'

Policy SP9 (The Land Based and Rural Economy) of the Ryedale Plan - Local Plan Strategy is supportive of new buildings that are necessary to support land-based activity and a working countryside, including farming. Furthermore, Section 3 (Supporting a prosperous rural economy) of the National Planning Policy Framework is supportive of sustainable growth and expansion of all types of business and enterprise in rural areas, through well designed new buildings.

In this case, this proposal relates to the erection of an agricultural building in the wider open countryside within an established agricultural business, to provide for the housing of fattening pigs and formation of an adjacent hard core yard area. This is an existing, established farm and the principle of further buildings to support this activity is acceptable and in accordance with Policy SP9 of the Ryedale Plan, Local Plan Strategy.

ii. Form, design and landscape impacts

The structure is positioned along the northern side of and parallel to the two existing pig buildings at Sherburn Ings Farm. The building would extend 60m x 18.7m, with an eaves height of 3.6m and a ridge

height of 6m, which would maintain the exact scale of these two buildings. This design would incorporate the usage of olive green cement fibre sheets and box profile tin sheets for the walls and roof. Openings would be located solely within the eastern side elevation.

This proposal presents a significant addition to the application site, because the building incorporates a footprint of approximately 1092 square metres. However, it is acknowledged that the application site is an existing farmstead and there are large buildings already in which this new building would be read as a group. Whilst significant in footprint, this proposal would incorporate a relatively low pitched roof form, according with the other agricultural buildings on site.

Whilst the footprint of the building is acknowledged, due the narrowest gable end fronting the highway at a distance of c168 metres from the nearest public highway it is considered that this building would have a relatively limited impact in landscape terms particularly given the grouping of development at this point. This, together with the existing landscaping on the site (particularly along the western boundary) will ensure the building is not incongruous and no further landscaping is considered necessary.

The closest neighbouring property is Petrefield to the north west situated at a distance of c125m is separated by a boundary which incorporates mature landscaping and this is considered acceptable to screen the development from this viewpoint.

iii. Flood Risk and Drainage

The site is located within Flood Zone 3. The remaining land holding belonging to the applicant at the site is also in Flood Zone 3. The proposed building is functionally required for the agricultural business. The application is for the erection of an agricultural building, which is considered to be a 'less vulnerable' land use in the Planning Practice Guide: Flood Risk and Coastal Change.

The Environment Agency were consulted in respect of this proposal given its location within Flood Zones 3. A response was received and confirmed they have reviewed the Flood Risk Assessment submitted by ML Planning Consultancy dated 01/02/2018. It was noted that there was no objection to the proposed development if it was carried out in accordance with this document. A condition will be added to ensure this is undertaken. The Environment Agency within their response noted that an Environmental Permit issued by the Environment Agency is required at any farm where the number of places for production pigs >30kgs is to exceed 2000 to ensure appropriate pollution control. Further advice was provided in this respect and an informative will be attached to any approval to remind the applicant of their responsibilities under this separate legislation.

Due to the scale of the application, the Internal Drainage Board and Lead Local Flood Authority were consulted. The Internal Drainage Board made the following response:

“Surface water from the new building will discharge into a farm ditch which eventually runs into Sherburn Cut, a Board-maintained watercourse. The farm ditch for most of the time is a dry ditch and because of the sandy nature of the land it acts as a soakaway. In view of this, surface water discharge from the building is, in my opinion, unlikely to have any impact on Sherburn Cut. In normal circumstances, the Board would ask for underground attenuation to be restricted to an agricultural discharge rate. Because of the very small area, the Board would normally accept a rate not exceeding 5 litres/second from any attenuation. With this particular application, we do not consider attenuation is necessary with the discharge being into the dry ditch. In view of the above, the Board have no objection to the development.”

The Lead Local Flood Authority requested further information during the determination period of the application, in terms of a drainage layout, including details of the existing and proposed drainage network and integration, drainage outfall location, peak flow rates, required attenuation storage, topography and finished floor levels. Information was also requested in relation to the capacity for any additional flows/volumes from the new building and to ensure its serviceability.

This information was provided and the LLFA Officer confirmed in a revised consultation response dated 4th October 2018 that they had no objection on the basis of the submitted information, subject to it being carried out in accordance with the approved details.

It is therefore considered that the proposal complies with Policy SP17 (Managing Air Quality, Land and Water Resources) of the Ryedale Plan - Local Plan Strategy.

iv. Impact upon neighbouring amenity

A letter of objection has been received from the occupiers of the neighbouring property, Petrefield. This raises the following summarised issues:

- Concerns about another pig building and the environmental effect on the land and area.
- Concerns over where the dirty water goes as the properties in this area are on boreholes.
- Presence of rats and the unpleasant smell of pigs

The concerns raised are acknowledged. In the determination of this application, as detailed above the Environment Agency were consulted and in their response they confirmed no overall objection and provided information in relation to Environmental Permitting/The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSFAO) Regulations 2010 and as amended 2013.

Accordingly, an informative to draw the applicant's attention to this response and therefore remind them of their duties under this separate Environmental legislation will be attached to any decision notice for approval.

It is therefore considered that as the three bodies, the EA (who hold statutory responsibility for pollution protection of watercourses) the LLFA and the IDB are content with the proposed building to be used for pig housing, that we can be satisfied that there will not be any harm from to any nearby boreholes as a result of the proposed development. The Case Officer has also checked this approach with the Council's Environment Specialists who agreed and who have confirmed boreholes are positioned so deep that they could not be contaminated from surface water runoff.

The Environment Specialists have also confirmed no objection with regard to the overall proposed development, subject to a condition in relation to Manure Management details being submitted. It is therefore considered that subject to this, this proposal will not have a harmful environmental impact upon the area.

The neighbours' concerns with regard to the unpleasant smell from pigs and presence of rats are noted. However the application site is a pig farm in the open countryside and vermin can be commonplace in this setting. Additionally, whilst some odours may be associated with this type of development, it is intended that the proposed condition will mitigate any inappropriate storage of manure.

It is therefore considered that subject to condition the proposal complies with Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

v. Access and Highway Safety

The Local Highway Authority has raised no objection to the proposal. The existing vehicular access will be not be affected.

vi. Other Matters including Consultation Responses.

No further letters of representation have been received in respect of this application.

In light of the above considerations, the proposal is considered to satisfy the relevant policy criteria outlined within Policies SP1, SP9, SP13, SP16, SP17, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

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

Site Location Plan
Proposed Site Plan (Drawing no. ML/JS/5607)
Proposed Elevations, Floor Plans and Roof Plan (Drawing no. ML/JS/5605)
Flood risk Assessment, ML Planning Consultancy, (No Date).
Proposed Surface Water Drainage Layout, (No Date).
Drainage Strategy, Reford Consulting Engineers, 1/10/18.
Drainage design Report, Causeway, 24/09/18

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

3 Unless otherwise agreed in writing with the Local Planning Authority, the proposed material for the development hereby approved will be box profile sheeting and cement fibre sheeting in Olive Green.

Reason: In the interests of good design and in compliance with Policy SP13, SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF

4 Prior to the commencement of the development, a manure management and cleaning plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenity of surrounding properties, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

5 The Development shall be built in accordance with the following submitted designs/reports;

- o Flood risk Assessment, ML Planning Consultancy, (No Date).
- o Proposed Surface Water Drainage Layout, (No Date).
- o Drainage Strategy, Reford Consulting Engineers, 1/10/18.
- o Drainage design Report, Causeway, 24/09/18

The flowrate and volume control from the site will reflect those defined and accepted by the IDB. The standalone drainage network will manage the 1 in 100 year storm event, plus climate change, without increasing flood risk, on or off site for the lifetime of the development. The scheme shall include a detailed maintenance and management regime for the drainage system. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

- 6 Prior to their installation, precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP13 of the Ryedale Plan - Local Plan Strategy.

INFORMATIVE(S)

- 1 The applicant's attention is drawn to the information provided within the Environment Agency's Consultation response dated 21st February 2018 in relation to Environmental Permitting/The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSFAO) Regulations 2010 and as amended 2013.