

COMMITTEE REPORT

Date: 13 December 2017 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
Commercial Team

Reference: 17/02305/FULM
Application at: Broad Oak Farm Dauby Lane Elvington York YO41 5LJ
For: Erection of 4 No. poultry buildings and associated buildings and infrastructure including new access
By: Mr David Fox
Application Type: Major Full Application (13 weeks)
Target Date: 27 December 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The application is for the construction of 4 intensive poultry rearing sheds each measuring 122m by 25m with a maximum height of 6m. A boiler house, gatehouse, water and gas tanks and associated access roads, hardstanding and an attenuation pond. The site will have a maximum capacity of 240,000 birds and will employ 2 full staff with additional staff employed at changeover times.

1.2 The site is an arable field within the general extent of the Green Belt. It abuts Broad Oak Farm which is a mixed arable and beef farm.

1.3 The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. A scoping opinion (17/01140/EIASP) was undertaken in June 2017 to determine the matters to be covered within the Environmental Statement submitted with this application.

2.0 POLICY CONTEXT

2.1 Please see section 4 for the relevant Policy and legislative context.

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT (ECOLOGY)

3.1 No objections. CYC must make a judgement under Regulation 61 of the Conservation of Habitats and Species Regulations (2010) as to the 'likely significant effect', if any, of the scheme on the statutory nature conservation sites within 1.2km

of the site. The Environment Agency's Ammonia Screening Tool results demonstrate that the emissions from the proposed development are not predicted to cause process contributions above 20% of the critical level or load for ammonia emissions, nitrogen deposition and acid deposition. Natural England has not raised any objections to the proposed development, specifically considering impacts on the SPA and SAC. Therefore likely significant effects can be ruled out and an appropriate assessment is not required.

PLANNING AND ENVIRONMENTAL MANAGEMENT (HERITAGE PROJECT OFFICER)

3.2 No objections. A condition is recommended.

PUBLIC PROTECTION

3.3 Due to the size of the proposed development, an Environmental Permit is required from the Environment Agency to ensure that the development does not cause an adverse impact on the environment in terms of emissions to land, water and air, and in relation to environmental impacts such as energy efficiency, waste reduction, raw materials consumption, odour, noise, vibration and heat. All of these aspects will be controlled by condition through such a permit which is subject to a sister application with the Environment Agency. Conditions are therefore only recommended in relation to the construction phase and aspects of the development operation not controlled by the permit. No objection. Conditions are recommended.

FLOOD RISK MANAGEMENT

3.4 No objections. Conditions are recommended.

PLANNING AND ENVIRONMENTAL MANAGEMENT (LANDSCAPE)

3.5 The visual impact of the proposals is considered not to be significant in the landscape. Changes have been requested to replace the hedgerow that is to be removed to provide visibility splays behind the splay line and to amend the proposed tree planting mix to include native evergreens. A response has been received from the applicant showing amendments in line with these requests.

HIGHWAY NETWORK MANAGEMENT

3.6 Revised visibility splays were requested from the applicant. These have been provided and conditions have been suggested.

EXTERNAL

NATURAL ENGLAND

3.7 No objection. Based on the plans provided Natural England considers that the proposal will not have significant adverse impacts on the designated sites in proximity to the application site.

ENVIRONMENT AGENCY

3.8 No objections. The applicant should be aware that an Environmental Permit is required for the development.

YORKSHIRE WATER

3.9 No comments.

OUSE AND DERWENT IDB

3.10 No objection in principle. Conditions are recommended.

NEIGHBOUR NOTIFICATION AND PUBLICITY

3.11 No representations received.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- General Extent of York Green Belt – agricultural building exception ;
- Content of the application;
- Consideration of alternative sites;
- Issues of Odour, Noise and Light Pollution;
- Impact of Additional Traffic upon the Local Highway Network;
- Impact upon the Local Pattern of Surface Water Drainage.

PLANNING POLICY CONTEXT:-

4.2 GREEN BELT:- Saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Central Government Planning Polices in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. In this case the buildings fall within the exception in NPPF paragraph 89 being agricultural. The Judgment in R (Lee Valley Park) v Epping Forest DC (2016) held that where development falls within a

paragraph 89 exception in the NPPF it means it is “appropriate” to the Green Belt and is therefore not restricted by the NPPF Green Belt policies that would otherwise require assessment of openness, green belt purposes and very special circumstances to be demonstrated. Where there are no other NPPF policies which indicate that the development should be restricted, the presumption in favour of sustainable development at paragraph 14 will therefore continue to apply, notwithstanding the Green Belt location.

4.3 AMENITY ISSUES:- Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Principles" urges Local Planning Authorities to give significant weight to the need to provide and safeguard a good standard of amenity for all new and existing occupiers of land and buildings.

4.4 RURAL ECONOMY:- Central Government Planning Policy as outlined in paragraph 28 of the National Planning Policy Framework urges Local Planning Authorities to support the development and diversification of agricultural and other land based rural businesses as well as supporting sustainable rural leisure developments which benefit rural communities and respect the character of the countryside.

4.5 HABITAT AND BIODIVERSITY:- Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to conserve and enhance biodiversity by ensuring that planning permission is not granted for development that would result in the loss of irreplaceable unless clear public benefits can be demonstrated that outweigh the harm caused by the loss.

4.6 SURFACE WATER DRAINAGE AND FLOOD RISK:-Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework indicates that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere.

4.7 ENVIRONMENTAL IMPACT ASSESSMENT:- The 2011 Town and Country Planning (Environmental Impact Assessment) Regulations through Schedules 1 and 2 identify clear categories of development including waste management facilities which are likely to have significant non-local environmental effects. Schedule 3 and the accompanying Circular gives clear guidance as to how those effects can be assessed and mitigated against. The current proposal falls within Schedule 1 by virtue of the physical size of the building complex and the number of chickens to be processed when the operation is at full capacity.

CONTENT OF THE APPLICATION

4.8 As the application is accompanied by an Environmental Statement, consideration has been given to the content of the application and whether specific and fully detailed information has been presented to enable the full environmental implications of the proposal to be understood. An assumption in this regard is that the proposals for the full planning permission are detailed, precise and clear.

4.9 The scoping exercise undertaken established that any significant environmental effects were considered most likely to arise from the impact of the development post construction and in relation to biodiversity, visual impact, noise, odour and air quality, drainage and transport impacts.

4.10 Overall, an acceptable level of detail has been submitted within the Environmental Statement. The ES has been reviewed by internal and external consultees and no significant additional information has been requested to determine the application. Changes have been requested to visibility splays which were overly generous and removed significant lengths of hedgerow and to increase the level of native evergreens in the planting mix. The Ecology Officer has also noted that the ecology assessment has not been undertaken in line with Chartered Institute of Ecology and Environmental Management Guidelines for EIA as would be expected. The ecology evidence base has been collated in line with best practice guidance however a full impact assessment has not been undertaken. Ultimately, it has been concluded that the planning application with ES is comprehensive and robust following the receipt of the minor changes to the visibility splays and landscaping proposal.

4.11 It has further been noted within the ES that there are no further intensive livestock units within 5km of the site. As a result of this a cumulative impact has been scoped out.

CONSIDERATION OF ALTERNATIVE LOCATIONS:-

4.12 The requirements of the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations state that the ES should include details of the reasonable alternative sites studied by the developer. The Environmental Statement references this and states that the proposed site is adjacent to existing farm buildings and as such was appropriate for the development. Pre-application enquiry with the Environment Agency indicated that the proposal was acceptable in terms of ammonia and nitrogen deposition impacts to sites of nature conservation importance. The EIA process then confirmed that the proposals at Broad Oak Farm were unlikely to have significant environmental effects and a planning application was submitted.

ISSUES OF ODOUR, NOISE AND LIGHT POLLUTION

4.13 The development will be operating under a permit issued by the Environment Agency which will control impact on the environment from emissions and also

energy efficiency, waste reduction, raw materials consumption, odour, noise, vibration and heat.

4.14 Other impacts during the construction phase and ongoing impacts not controlled by the EA permit can be adequately controlled via planning condition. The nearest residential dwelling is Broad Oak Farm which is in the applicant's ownership. As details of the lighting proposed for the development could not be found within the documentation, a condition has been suggested for submission of a lighting scheme. Given the distances involved it is considered unlikely that the lighting would have any impact on residential amenity.

VISUAL AND LANDSCAPE IMPACT

4.15 The application site is located in the far eastern reaches of the Local Authority's boundary, just north of Elvington village. Even though, under paragraph 89 of the NPPF agricultural buildings are appropriate in the Green Belt, the proposal does not escape other policies in the NPPF, including policies directed to the visual effects of development and the protection of countryside or the character of the landscape. It lies within landscape character type 4 - 'Wooded arable lowland', according to the York Landscape Appraisal. There are few detractors in this attractive local landscape that is made up of arable fields, hedgerows and trees, supplemented by woods, and kept simple by the flat topography. The resulting tranquil, rural landscape quality is high.

4.16 The immediate landscape to the site in a westerly direction is typically flat, across which, long distance views are restricted by layers of hedgerows and hedgerow trees including standard Oak trees. Small woodlands, copses and shelterbelts also feature. There are no views to higher ground or distant landscapes across the site. There are views of the Wolds further north along Dauby Lane; the application site does not affect views in that direction. Views of the site are limited from the southern approach, due to a combination of existing vegetation and farm buildings, including the complex of Broad Oak Farm which provides an anchor for the scheme.

4.17 Due to the angle of approach along Dauby Lane from the north, the length and fronts of the poultry units would be visible. The four proposed poultry buildings and ancillary structures would occupy approximately two thirds of the large arable field adjacent to Dauby Lane. The boundary between the application site and Dauby Lane consists of a managed native hedge and some mature hedgerow trees, namely Oak, which is typical for the local landscape character.

4.18 The scale of the poultry buildings, by way of their length, is much larger than any other buildings in the area, however their architectural simplicity, relatively low height and building materials, give them a character suited to their agricultural use and context. The biomass boiler building is the tallest, at a height of 8.5m over a length of 36m, making it quite a substantial building, though comparable with the

existing larger shed within the farm complex. Officers have requested that the boiler building be moved closer to the poultry sheds but the applicant has stated that this is not possible because of operational reasons related to a need for access to the sheds for loading.

4.19 The poultry units are pushed to the rear western boundary of the field, thereby leaving a useful distance and area of open space/remaining field between the main body of the development and Dauby Lane. There would be a change in landscape features of the site, and views across the landscape due to the introduction of a narrow belt of woodland planting alongside Dauby Lane. This would not be out of character for the area, as there are a number of small woodlands in the wider vicinity and across this landscape character type. Current views across the field from Dauby lane would be restricted. During the winter months the presence of the long units, and the taller biomass boiler building, would be apparent. The extent of proposed planting, and the set back, would soften the impact and assist in distracting the eye away from the development.

4.20 No bunds are proposed to interfere with the flat and open nature of the landscape. The applicant has confirmed that any excavated top soil from construction will be spread across the farm and will not form new mounds.

4.21 The landscape proposals consist of a slim woodland belt running parallel with the boundary with Dauby Lane, plus some planting to the south of the proposed attenuation pond. The mix of native trees is appropriate and has been amended to include native evergreens to provide year round cover and this would, once established, substantially reduce the visibility of the development.

4.22 North of the existing entrance is a good, dense hedgerow which is a valuable landscape feature, which in addition has good screening properties. Amended plans are to be provided to show the hedgerow, which will be removed to provide visibility splays, replaced at the back of the sight lines at a distance that would accommodate seasonal growth.

4.23 A Landscape and Visual Impact Assessment has been submitted with the application. The study has been executed in line with nationally recognised legislation and guidance. The visual impact was found to be 'not significant'. Officers agree with this assessment but note that the perception of views during the winter months, and the short term views before the mitigation landscape becomes established will be more distinct than indicated.

BIODIVERSITY

4.24 The main impact identified on the statutory and non-statutory nature conservation sites within close proximity of the development site is through emissions. The pre-application screening undertaken for the Environment Agency

indicates that emission thresholds for sensitive sites will not be breached. No evidence of protected species was found during the Phase 1 Habitats Survey.

4.25 City of York Council as the competent authority must make a judgement under Regulation 61 of the Conservation of Habitats and Species Regulations (2010) as to the 'likely significant effect', if any, of the development on the Lower Derwent Valley Special Protection Area (SPA) and Special Area of Conservation (SAC), which is within 1.2km of the site. From the EA's Ammonia Screening Tool it has been identified that the proposal would not have significant impacts on the Lower Derwent Valley SPA and SAC either on its own or cumulatively with other development.

HIGHWAYS IMPACTS

4.26 Highways officers have requested that the visibility splays are reduced in length as they are shown at greater than the required distance given the data provided in the transport statement. Confirmation of recommended conditions from officers is still awaited.

DRAINAGE CONSIDERATIONS

4.27 No objections were raised to the proposed details and conditions were recommended to protect the local aquatic environment and public sewer network.

SUSTAINABILITY

4.28 The poultry unit requires an IPPC permit from the Environment Agency. This requires that the unit is operating with best available techniques. A biomass boiler will provide heating to the sheds.

4.29 The application notes that there are 3 dimensions to sustainable development as highlighted in the NPPF - social, economic and environmental factors all contribute to sustainability. In terms of its social impact, the development will provide environmentally efficient food for which there is a proven demand, as well as employment for local people which has a knock on effect on the rural community. The economic effect of the development is identified in the considerable investment that the applicant is putting in to the unit, as well as the 2 people who will be employed permanently on site and other associated jobs involved in supporting the unit during construction and operation. In terms of its environmental role, the use of a renewable form of heating has been identified as well as the proximity of meat processors who would be well within the 50 mile limit for transport of live birds.

4.30 The buildings are of steel framed construction with profile sheeting above in an olive green finish.

5.0 CONCLUSION

5.1 The site comprises an area of presently arable land lying within the general extent of the Green Belt to the South East of Dunnington and North of Elvington. Planning permission is sought for the development of an intensive poultry farm on the site to handle an operational stocking capacity of 240,000 chickens employing 2 staff. The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. The application site is presently undeveloped and the proposal would result in the construction of a substantial built complex comprising of 4 chicken sheds, feed bins, boiler and gate houses.

5.2 The proposal falls within the unqualified exception to Green Belt policies at paragraph 89 of the NPPF. The case R (Lee Valley Park) v Epping Forest DC (2016) confirms that in these circumstances such development is considered appropriate development in the Green Belt, and therefore the more restrictive Green Belt policies do not apply. The presumption in favour of sustainable development set out in paragraph 14 to the NPPF applies notwithstanding the Green Belt location.

5.3 The proposals have been identified to sit comfortably within the rural landscape. Appropriate mitigation in the form of a landscape strip between Dauby Lane and the site will, over time, mitigate for any impact on the character of the landscape. Appropriate conditions have been suggested to control matters not covered by the Environment Agency permit.

5.4 The proposal is considered not to result in any significant harm to visual or residential amenity and transport impacts would be acceptable. Officers therefore recommend that the application be approved subject to conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan

Site plan IP/PBF/02 A

Landscape plan IPA21380-11A

IP/PBF/03 Gate house

IP/PBF/03 Elevations and floor plans buildings 1 and 2 (3 and 4 identical)

IP/PBF/05 Gas tanks

IP/PBF/06 Water tank

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required. For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any). For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any). For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved.

Reason: To protect the amenity of the locality

4 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be

confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality

5 LC4 Land contamination - unexpected contam

6 Full details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of visual and residential amenity.

7 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief/strip and record on all ground works by an approved archaeological unit) in accordance with a specification approved by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an area of archaeological interest and the development may affect important archaeological deposits which must be recorded

8 No development shall take place until details of the proposed means of foul, surface and contaminated (washout from chicken pens) water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Details to be agreed.

a) The use of SuDS methods of surface water disposal i.e. soakaways should be explored and discounted if discharge to watercourse allowed.

b) In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the Ouse and Derwent Internal Drainage Board, peak surface water run-off from Greenfield developments must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and

winter profiles, to find the worst-case volume required.

c) Details of foul water disposal shall be provided.

d) Details of contaminated (washout from chicken pens) water disposal shall be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

9 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage and contaminated (washout from chicken pens) water disposal works.

Reason: So that the Local Planning Authority may be satisfied that no foul, surface and contaminated (washout from chicken pens) water drainage discharges take place until proper provision has been made for their disposal.

10 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within the lifetime of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

11 Within 6 months of first occupation of the development hereby approved, a tree management plan to include details of the long term management of the new planted trees and hedgerows shall be submitted and approved in writing by the Local Planning Authority. The approved management plan shall be fully implemented for the lifetime of the development.

Reason: In the interests of visual amenity.

12 Prior to the development coming into use the sight lines shown on the approved plan IP/PBF/02 A shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

13 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with the plan IP/PBF/02 A. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

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