

9 DCCE2006/3200/O - ERECTION OF 2 NO 16000 BIRD, FREE RANGE EGG LAYING UNITS. THINGHILL COURT WITHINGTON, HEREFORD, HEREFORDSHIRE, HR1 3QG**For: J.S. & C.P. Hawkins, Ian Pick Associates Ltd, Unit 3 Brook Street, Driffield, East Yorkshire, YO25 6QP****Date Received: 5th October, 2006****Ward: Hagley****Grid Ref: 56978, 44903****Expiry Date: 4th January, 2007**

Local Member: Councillor R.M. Wilson

1. Site Description and Proposal

- 1.1 The site is located either side of public bridleway WT21, 150 metres east of Thinghill Court and approximately 1 kilometre north of Withington. Access is via the C1130, 800 metres south of the junction with the A465 Hereford to Bromyard Road. The bridleway which is to provide access to the site is surfaced with tarmac and of a single vehicle width with the boundaries enclosed by mature hedging. The site for the buildings is relatively flat and is presently agricultural pasture land. Immediately to the east is a small agricultural building and area of hardstanding used for general storage, the remainder of the immediate area around the site is undeveloped.
- 1.2 Outline planning permission is sought for the construction of two single storey agricultural buildings, each to house 16,000 free range egg laying hens. The proposed buildings are of identical size and design each measuring 104.5 metres in length by 20.1 metres in width by 7 metres in height to the ridge of the roof. The buildings are to be sited either side of the bridleway (north and south) and accessed off the bridleway. A concrete apron is proposed around the buildings along with the installation of four feed bins which would be of the same height as the buildings. The application is in outline form with details of the access, siting and design of the building being provided at this stage and the external appearance and landscaping reserved for future consideration.

2. Policies**2.1 Herefordshire Unitary Development Plan (Revised Deposit Draft):**

S2	-	Development requirements
S6	-	Transport
DR1	-	Design
DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR5	-	Planning obligations
DR9	-	Air quality
E13	-	Agricultural and forestry development
E16	-	Intensive livestock units
T9	-	Road freight

T13 - Traffic management schemes

3. Planning History

3.1 No history for the site or the immediate surrounding area.

4. Consultation Summary

Statutory Consultations

- 4.1 River Lugg Internal Drainage Board: The Drainage Board would raise no objection in principle but the planning authority must be satisfied that soakaways will operate satisfactorily in the ground conditions prevailing at the site throughout the year.
- 4.2 National Grid: Although the National Grid does have a high pressure gas pipe line in the vicinity, the proposed development is outside the criteria requiring Transco to carry out any improvements.
- 4.3 Health and Safety Executive: The HSE does not advise on safety grounds against the granting of planning permission in this case.

Internal Council Advice

- 4.4 Traffic Manager: I have concerns for any further intensification of operations at the above site due to damage to the local road network and passage of large vehicles through Withington village past the school where there are no footways. A routing agreement is recommended to use the southern access and require all traffic to enter and exit the site from a northerly direction via the A465. Passing bays between the site access and the junction with the A465 are also required.
- 4.5 Public Rights of Way Manager: The proposed development will have some impact on public bridleway WT21 which provides vehicular access to the site. The following points should be noted.
- The surface to the bridleway from public road C1130 is currently good quality tarmac with virtually no potholes. Any damage caused to the surface during construction activities, or supply and collection vehicle movements to and from the unit, must be made good at the applicants expense.
 - It is noted that the units will be partially hidden behind hedges either side of the bridleway. These appear to be 2 to 3 metres high at present and a similarly good height should be maintained to reduce the impact on the public's enjoyment of the bridleway.
 - I am concerned however with the visibility of bridleway users to vehicle drivers exiting on to the bridleway. I recommend that a sign is erected within the site of each unit in a position clearly visible to drivers that cautions them about the potential presence of horse riders, cyclists and pedestrians on the access road.
- 4.6 Environmental Health and Trading Standards Manager: I have visited the site and am satisfied that the separation distance from the nearest protected properties is sufficient to ensure that there should be no adverse affect from odours, noise, etc. I can also advise that my experience of this type of operation is that there is less likelihood of a nuisance to neighbours than from conventional intensive poultry houses.

5. Representations

- 5.1 Withington Parish Council: The Parish Council has no objection in principle but wish to see further details as to the visual impact of the proposal on the public footpath which passes between the two buildings and how this is affected during operational periods by vehicle movements during egg collection, cleaning out, etc.

Since the introduction of lawn turf production based at the farm the number of lorries and in particular the double trailer type being used to transport turf has considerably increased beyond which may be regarded as 'normal' farm traffic. Many of these lorries use Withington for access having to negotiate the tight bends by the school and the village war memorial and the narrow lanes, with no pavements, on the approaches from the A4103. As this is a conservation area and with the potential hazard to school children and parents the Parish Council would request controls being introduced such that the vehicles entering and leaving the farm do so via the A465 from and to the north or west. Neither of these routes have any significant number of dwellings and both are relatively straightforward.

- 5.3 Ocle Pychard Parish Council: Comments awaited.

6. Officers Appraisal

- 6.1 The proposal is for the construction of two buildings to be used for the housing of free range laying hens together with the associated egg collection and packing facilities and feed bins for the accommodation of a total of 32,000 birds. Free range egg production is a welfare friendly form of egg production. Feeding and lighting systems are all automatically operated with water supplied by nipple drinkers and the building is naturally ventilated. Pod holes are situated on the one side of the buildings which provide the birds with direct access to the range area which must equate to 1 hectare per 1000 birds and cannot be more than 350 metres from the building. The pod holes are open between 6am and 9pm daily. The birds also have free movement internally.
- 6.2 Although the buildings are large in footprint they are relatively low in height and are proposed to be sited within a low lying area largely screened by the existing mature hedges which form the boundaries of the bridleway. Whilst it is preferable for new agricultural buildings to be sited within or adjoining the main farmstead and existing groups of buildings, it is difficult in this instance due to the range requirements associated with free range egg production. Furthermore the existing farmstead is on higher land and therefore the buildings are likely to be more elevated and consequently more prominent than the proposed site. The design of the buildings are relatively standard for this type of proposal and the materials along with landscaping are reserved for future consideration. The likely impact within the landscape is therefore considered acceptable.
- 6.3 There are concerns with the proximity of the buildings to the bridleway and whether satisfactory vehicle manoeuvring area exists so as not to create a conflict or danger with the general management and operation of the units and the use and enjoyment of the bridleway. This matter is currently being investigated by the agents and may require minor re-siting of the buildings. The concerns of the Public Rights of Way Manager can be addressed through appropriate conditions and/or notes on the application if permission is approved. The applicants have confirmed that no on-site accommodation is required to manage the unit as much of the operation is controlled by automatic

systems and any other operational and management requirements can be satisfactorily met by persons living in the locality.

- 6.4 The nearest residential properties to the proposed site for the buildings are 250 metres away but these are within the applicants ownership and the nearest residential properties outside of the applicants ownership are in excess of 400 metres away which is considered the minimum distance required to safeguard amenity. This is confirmed by the Environmental Health Manager who raises no objection to the environmental impact of the development on the surrounding area or the amenity of properties in the locality. Notwithstanding this the applicants have provided detailed environmental information to demonstrate that the proposal will have negligible environmental consequences arising from smells, dust and flies as well as details of the proposed waste management. A screening opinion has also been undertaken as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 which has concluded that the development does not require an Environmental Statement.
- 6.5 The parish council and Traffic Manager raise concerns about the potential impact of traffic generated by the development on the local highway network. In order to address these concerns a traffic management agreement is therefore recommended requiring all vehicles associated with the development utilise the southern access and only enter or exit the site via the A465 rather than through Withington. This will be controlled through the legal agreement under Section 106 of the Town and Country Planning Act 1990 and the applicants have agreed to this in principle. In addition, due to the sub-standard nature of the C1130 between the access to the site and the A465, further works within the highway are also required including the provision of two passing bays, piping of a section of open ditch and minor works to some of the highway hedges. These matters again can also be required either by condition or legal agreement. Subject to these provisions, the Traffic Manager does not object to the development the development is considered acceptable.

RECOMMENDATION

Subject to there being no objection from Ocle Pychard Parish Council by the end of the consultation period and

Subject to Head of Legal and Democratic Services being authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 by the 3rd January, 2007 in accordance with the Heads of Terms attached to this report and any additional matters and terms he considers appropriate,

Upon completion of the aforementioned planning obligation officers named in the Scheme of Delegation to Officers be authorised to issue planning permission subject to the following conditions and any further conditions considered necessary by officers.

- 1. A02 (Time limit for submission of reserved matters (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

- 2. A03 (Time limit for commencement (outline permission)).**

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. A04 (Approval of reserved matters).

Reason: To enable the local planning authority to exercise proper control over these aspects of the development.

4. A05 (Plans and particulars of reserved matters).

Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

5. F18 (Scheme of foul and surface drainage disposal)

Reason: In order to ensure that satisfactory drainage arrangements are provided.

6. H13 (Access, turning area and parking).

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

7. F32 (Details of floodlighting/external lighting).

Reason: To safeguard local amenities.

8. G08 (Retention of trees/hedgerows (outline applications)).

Reason: To safeguard the amenity of the area.

9. Prior to the commencement of development, details including scaled plans of the proposed signage and its location to be erected both during the construction phase and thereafter shall be submitted for the approval in writing of the local planning authority. The approved signs shall be erected in accordance with the agreed details prior to the commencement of the development.

Reason: In order to safeguard the safety of users of bridleway WT21.

10. H17 (Junction improvement/off site works).

11. G26 (Landscaping management plan).

Informative:

- 1. HN21 – Extraordinary maintenance.**
- 2. N02 – Section 106 Obligation.**
- 3. N15 - Reason(s) for the Grant of PP/LBC/CAC.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

DRAFT HEADS OF TERMS
Proposed Planning Obligation Agreement
Section 106 Town and Country Planning Act 1990

Planning Application – DCCE2006/3200/O

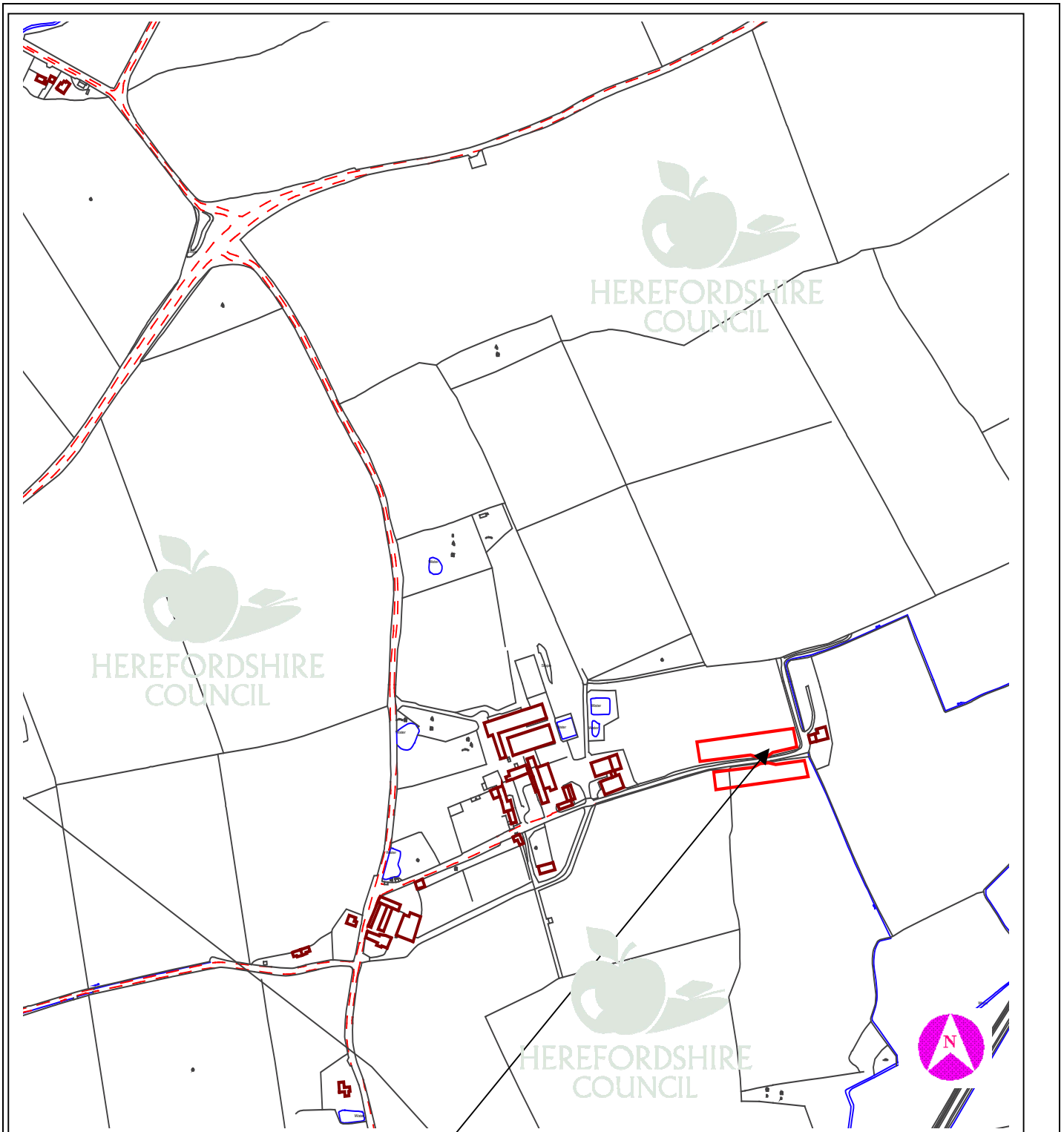
- Erection of 2 No 1600 bird free range egg laying units

Thinghill Court, Withington, Herefordshire, HR1 2QG

1. The developer covenants with Herefordshire Council to enter into an agreement to ensure that all traffic associated with the development shall travel to and from the site via the A465 only and shall access the development via the southern access. The agreement shall include details of the method(s) by which the agreement shall be complied with. The traffic routing and means of access shall be clearly identifying on a scaled plan and attached to the agreement.
2. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.
3. The developer shall complete the Agreement by 3rd January 2007 otherwise the application will be registered as deemed refused.

Russell Pryce - Principal Planning Officer
Peter Yates - Development Control manager

29th November 2006



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APPLICATION NO: DCCE2006/3200/O

SCALE : 1 : 7000

SITE ADDRESS : Thinghill Court, Withington, Hereford, Herefordshire, HR1 3QG

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