

<b>DECISION DATE</b> 4 October 2007	<b>APPLICATION NO.</b> 07/01000/FUL A14	<b>PLANNING COMMITTEE:</b> 8 October 2007
<b>DEVELOPMENT PROPOSED</b>  ERECTION OF AN EGG LAYING UNIT WITH NEW ACCESS		<b>SITE ADDRESS</b>  STATIC CARAVAN AND CHICKEN UNIT KIRKBY LONSDALE ROAD OVER KELLET LANCASHIRE
<b>APPLICANT:</b>  Mr R Walker 2 The Maltings Whittington Carnforth Lancashire LA6 2NJ		<b>AGENT:</b>  Ian Pick Associates Ltd

#### REASON FOR DELAY

Not applicable.

#### PARISH NOTIFICATION

**Over Kellet Parish Council** - Consider that the development will have an adverse impact on the character of the landscape. They also have concerns about the proposed access to the site, in view of the undulating nature of the road at this point. They ask how waste products from the site are to be disposed of, and whether this will affect watercourses in the area. They note that the caravan to the west of the site is unconnected with the present application and that enforcement action is being taken against it.

#### LAND USE ALLOCATION/DEPARTURE

Countryside area.

#### STATUTORY CONSULTATIONS

**County Council Property Services** - Question the suitability of the site for a chicken farm (see their letter which appears as an appendix to application 07/00991- which is also considered at this committee). They point out that it is in an elevated position which can be expected to have relatively high rainfall and poorly drained soil.

**County Council Highways** - Pre-application discussions have been held with the applicant. The access will require significant lengths of boundary wall realigning with the removal of some self seeded trees to achieve the required sight lines. It will also be important to ensure that adequate sight lines are maintained by cutting back the verge growth on a regular basis. No objection subject to appropriate conditions to ensure that the access is constructed to a suitable standard and the existing substandard one closed off.

**Environmental Health** - The egg packing and egg storage parts of the proposal would require approval by the local authority under EU regulations and the developer would need to discuss this. If permission is granted, they suggest a construction hours condition and also controls over extract ventilation equipment.

## **OTHER OBSERVATIONS RECEIVED**

A letter signed by the occupiers of seven addresses in Swarthdale recognises the benefits of free range poultry rearing, but considers that the reassurances offered in the applicant's supporting material are insufficient. It therefore objects to the application, on the following grounds:

- Possible smell problems
- Possible dust problems
- Noise from the poultry
- Vermin on the site
- Flies associated with chicken dung
- Loss of biodiversity
- Risk of disease
- Possible future expansion
- Loss of screening between the site and the road
- Piecemeal development in the countryside
- Damage to tourist related development.

The Ramblers Association also have concerns about the impact of the chicken shed on the area - see application 07/00991.

Any other representations received will be reported orally at Committee.

## **REPORT**

This site is on the north side of the road between Over Kellet and Arkholme. The applicant wishes to establish a new agricultural unit producing free range eggs, for which there is a growing demand.

The building proposed is a large one with a floorspace of 1400 sq metres. This is intended to provide accommodation for 11,500 birds. Its siting in the middle of the field, rather than on the edge of it, is a requirement of the free range egg production system for which it is designed. An existing field access is to be closed and a new one, the siting of which has been the subject of discussions with the County Council as highway authority, is proposed a short distance to the east.

A second application (no. 07/00991) has been submitted for a caravan to provide accommodation for the site owner; this is reported separately. To the west of the site, on the brow of the hill, a caravan has been sited without planning permission. It should be made clear that this has nothing to do with Mr Walker and is unconnected with the present planning application.

The following policies in the Lancaster District Local Plan are relevant to the application:

- E4, which requires that development in areas identified as countryside in the Plan should be in scale and in keeping with it, appropriate to its surroundings, not have an adverse effect on nature conservation of geological interests, and make satisfactory arrangements for access, servicing, cycle and car parking.
- E19, which states that new agricultural development required for the operational needs of a farm unit or to meet improved animal welfare, environmental or hygiene standards will be permitted where the proposal would not have a significant adverse effect on the landscape, nature conservation interests or the amenities of nearby residents, and is of a design and scale appropriate to its surroundings.

The location proposed for the building is in a hollow and because of this it will be reasonably unobtrusive. The applicant's agent has confirmed that an underground, rather than an overhead electricity supply line will be installed. He has also provided details of a percolation test to show that ground conditions are suitable for septic tank drainage.

The recommended access improvements will, in contrast, inevitably have some impact on the landscape in the short term. The section of road past the site is undulating and more intensive use of the access to the field in its present form would be hazardous, so the sight lines recommended by the County Council's highway engineers are undoubtedly needed. Because of their impact on the appearance of the site frontage, it is recommended that new tree planting should be required behind the new boundary wall.

The County Council's letter has been referred to the applicant's agent for his comments. He has produced an email from Nobles Foods for whom the eggs would be produced. They say that they have inspected the site and consider it suitable for egg production. They obtain their supplies from over 500 free range sites, from Aberdeenshire to Cornwall, and are confident that this one is suitable for the purpose.

The objections received will be noted but it should be pointed out that the site is 0.5 km from the village. The prevailing wind is from the south west so the development is unlikely to lead to smell and dust nuisance in Swarthdale. The bulk of the issues raised would apply with any chicken farm, irrespective of where it was located.

Taking these factors into account, it is recommended that permission should be granted.

## **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## **RECOMMENDATIONS**

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Standard three year condition.
2. Development to be carried out in accordance with the approved plans.
3. Details of materials to be agreed.
4. Access to be constructed to the satisfaction of the highway authority before the use is commenced.
5. Existing site access off Kirkby Lonsdale Road to be closed off.
6. Tree planting along southern boundary to be provided.
7. Underground electricity supply to be provided.
8. Details of deliveries to and from the site including size and frequency of vehicles to be agreed as part of a traffic management plan.
9. Details of odour control and ventilation measures to be arranged.
10. Site to be used as breeder operation only (no broiler activity)