



Development and Planning

Delegation Report

AUTHORITY UNDER LOCAL GOVERNMENT ACT 2000
DELEGATED POWERS

Application No:	19/00651/FUL
Case Officer:	Alicia Murray
Recommendation:	Planning Permission REFUSED
Date of Recommendation:	5th September 2019

Delegation Compliance:

1. This application is in accordance with adopted scheme of delegation.

Yes

Senior / Principal Officer Declaration

I certify that, in my opinion, the determination of the application meets the Agreed Scheme of Delegation and that the Recommendation is acceptable.

Delegation and Recommendation Authorised By:

G.Hildersley

Date:

06.09.2019

This application is in accordance with adopted scheme of delegation:

Yes

INTRODUCTION

The applicant is seeking consent to vary the conditions placed on 16/00708/FUL, which granted consent for the erection of a general purpose agricultural building, with landscaped bund and access track, at Land at Burghwallis Park, The Abbess Walk, Burghwallis.

The conditions this application relates to are as follows:

Condition 6 –

The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans and specifications:

Planning statement (2/3/16)

Proposed plans amended 27.04.16 (6798-P 12-1-16)

Location and site plan amended 08.06.16 (6798-1S 12-1-16)

Landscaping details and plans amended 13.06.16 (0100-0101 rev.b)

REASON

To ensure that the development is carried out in accordance with the application as approved.

Specifically (6798-P), to alter the height of the building by 0.2m, provide more openings and add fans to the ridge; and

Condition 7 –

The building hereby approved shall not be used for the keeping of Livestock unless otherwise approved in writing with the Local Planning Authority

REASON

To ensure there is no harm to amenity.

To allow up to 1000 pigs to reside in the barn.

This application proposes to house 1000 pigs, however it should be noted that this does not constitute as intensive pig farming (2000 pigs) and therefore does not fall within the requirements of Schedule 2 of the EIA regulations. Consequently, no further screening or scoping is required.

RELEVANT, LOCAL, NATIONAL POLICIES

The site is within a Green Belt policy protection area and area of special landscape value. These policies aim to protect the countryside from a harmful level of development.

Doncaster Unitary Development Plan (UDP)

ENV17: Area of Special Landscape Value
ENV3: Green Belt
ENV6: Agricultural buildings

Doncaster Core Strategy

CS14: Design
CS3: Countryside
CS16: Valuing our natural environment

Doncaster Local Plan: Draft

The emerging Doncaster Local Plan will replace the UDP and Core Strategy once adopted. The Local Plan has been approved at Full Council on the 25th July and Regulation 19 Publication is commencing on Monday 12th August for 7 weeks. The Council is aiming to adopt the Local Plan by summer 2020. Given the relatively early stage of preparation of the emerging Local Plan, the document carries limited weight at this stage. The Local Plan outlines that applications in the Green Belt should be determined under the NPPF. Although it is recognised that the Local Plan currently carries limited weight the following policies would be applicable:

Policy 31: Valuing Biodiversity and Geodiversity (Strategic Policy)
Policy 32: Local Wildlife and Geological Sites
Policy 33: Woodland, Trees and Hedgerows
Policy 42: Character and Local Distinctiveness (Strategic Policy)
Policy 47: Design of Non-Residential, Commercial, and Employment Developments (Strategic Policy)
Policy 55: Pollution

National Planning Policy Framework (NPPF)

Section 2 - Achieving Sustainable Development
Section 6 - Building a Strong, Competitive Economy
Section 13 - Protecting Green Belt
Section 15 - Conserving and Enhancing the Natural Environment

Burghwallis Neighbourhood Plan

This neighbourhood plan has been adopted by Full Council and is therefore given full weight in the determination of planning application, specifically policies:

Policy GE2: Development Mitigation
Policy GE3: Survival of Important Habitats and Species

Policy D1: Requiring High Quality Design in Burghwallis

Doncaster Development guidance and requirements SPD

CONSULTATIONS

DMBC Environmental Health - Originally objected to the application, as the information submitted was insufficient to enable the officer to assess the impact on the nearest sensitive receptor and village. Officer requested in relation to ventilation measures, waste management, noise, and odour assessments. Some of this information has been submitted, the officer has reviewed the information and consider the proposal to have significantly detrimental impact on the neighbouring campsite and scout facility; the officer has recommended that this application be refused.

DMBC Drainage - No comments have been received.

Yorkshire Water - No objections to the application.

DMBC Ecology - The original ecology report did not assess the potential impact of keeping livestock in the building. The officer requested further information relating to air quality impacts and an assessment on the potential impacts on the adjacent Local Wildlife Site. Following the receipt of additional information, the Ecology Officer still objected to the application based on the air quality report; specifically the mitigation section. Further assessment has been carried out by the officer and the officer does not object to this proposal, subject to mitigation planting at 1.5 acre being secured.

Environment Agency - No objections to the proposed variation of condition, any agricultural facility must comply with the Control of Pollution Regulations 2015 and as amended 2018 and all farms should be constructed and operated in accordance with DEFRA's 'Protecting our Water, Soil, and Air' document. An Environmental Permit will be required for a facility which operates 750 sows or 2000 pigs over 30kg or 40,000 poultry; an informative should be added to the decision outlining this. This application is not an intensive animal farming development, for amenity issues such as odour or noise, the responsibility for smaller scale farms without permit lies with the Environmental Health department at the local authority, who will assess the issues as a statutory nuisance.

Yorkshire Wildlife Trust - The trust supports the comments made by Natural England and DMBC Ecology and requests an air quality assessment be provided.

DMBC Pollution Control - This application does not fall within the remit of the pollution control department, the Environment Agency are the regulator of the proposed operations and have outlined the good practise and regulations; which if breached the Environment Agency should take action accordingly.

DMBC Trees and Woodland - From an arboriculture perspective a variation to conditions 6 (external appearance) and 7 (to keep livestock) from what was granted 16/00708/FUL planning application don't appear to impact on the existing woodland trees near to the site or the new planting that was agreed previously. However if the building being used for animals leads to an impact on air quality it may be worth considering expanding the new planting areas (Particularly the area next to the building) to help offset the potential negatives, as trees and vegetation can help improve air quality. Therefore the application should still be subject to condition 2 placed on 16/00708/FUL. Further consideration has been given and the tree officer has outlined that some of the trees on the woodland edge may require crown lifting for the new vehicles, the officer requested a further condition in relation to tree works to be agreed and shelterbelt and woodland planting scheme.

DMBC Highways - Requested further information relating to associated vehicle movements and requested a topographical plan of the access point. Information relating to vehicle movements have been received but the topographical plan has not; therefore it is considered that insufficient information has been submitted in order to fully assess the impact of the variation of these conditions could have on the highway safety of the area and the highways officers' objection still stands.

DMBC Transportation - No objections, the number of vehicles movements does not meet the threshold for a Transport Assessment to be provided.

Parish Council - Objects to the application due to the following:

- An increase in HGV access on Abbes Walk when transporting in and out on a 3 month cycle,
- width and road surface condition of Abbes Walk is not conducive to HGV movements, entrance to field in question is not currently suitable for HGV access,
- change of use of building in question would constitute a move from an agricultural amenity to an industrial site which is not in spirit of the Neighbourhood Plan,
- facility would negatively impact on Squirrel Wood Scouts Camp which is a Local Wildlife Site,
- noise impact,
- unpleasant or noxious emissions from the plant,
- increase in number of rats, flies etc.,
- how would the underground manure tank be disposed of - would it result in more vehicle movements or would it be spread over arable field, neither would be a welcome prospect.

Further comments have been received from the Parish Council having consulted the Soil Association which outlined the outcomes of a study completed by GGD Netherlands the outcome of this study was that no 'intensive' livestock farm should be built within a radius of 250m of sensitive locations. Further comments also raised several other cases which concluded that the state should have taken action to lessen the health and/or environmental impact of the site. In the current circumstances, in which the issue is being considered at

the planning stage, the balance should tilt all the more in favour of the rights of affected third parties.

The Parish Council have also raised concerns that a pig farm within the Wakefield District has ongoing complaints regarding odour from neighbouring residents, which are over a mile away; which is a greater distance than Burghwallis village.

DMBC Conservation - Subject to the previously approved landscaping being implemented and previous suggested conditions being retained no objections from a heritage perspective.

DMBC Area Manager - Objects to the application as it would require considerable highway works, concerns regarding to the noise, smell, waster, and contamination, and air quality. Size and volume of traffic environmental and socially to this area is of concerns and due consideration should be made around operational times. The location is in a conservation area and next to a natural wooded area, the emissions report shows levels of offensive odours in both these public area open spaces, which is a concerns in consideration of our public health directive around accessibility and access to encourage public active use of these areas. The report does not include potential and mobile emissions for the associated by products of this type of activity, for example slurry and its transportation.

Natural England - Originally objected to the application based on insufficient information to enable Natural England to provide a substantive response; they requested further information provided in relation to air quality impacts. Following the submission of the additional information, Natural England did request in-combination effects to be taken into account within the assessments; however, further considerations have taken place and it is now considered that these in-combination impacts do not need to be considered. After carrying out a preliminary search of the environmental permits in the area, there appears to only be one permit that could act in-combination with the proposal. With predicted ammonia concentrations of 0.9% for Owston Hay Meadows SSSI and 1.1% for Shirley Pool SSSI of the respective critical levels, it appears unlikely the proposal will cause a significant impact in-combination with other proposals. The Ammonia Report and Manure Management Plan demonstrate that the proposal will not have a significant effect upon the SSSIs.

Woodland Trust - Objects to the application because of the lack of information to enable us to assess the potential damage to a number of ancient woodlands as a result of ammonia air pollution emissions and nitrogen deposition. The applicant needs to demonstrate through atmospheric modelling of dispersal and deposition that any resulting increase to the levels of ammonia and nitrogen deposition will be insignificant, less than 1% if the critical level or load at all ancient woodland sites. Following the submission of the additional information, the Woodland Trust does not consider their concerns overcome.

DMBC Public Health - No comments received.

National Grid - No comments received.

PUBLICITY AND SUMMARY OF REPRESENTATIONS RECEIVED

This application has been publicised via neighbour notification letters, then given the significant public interest was publicised via site notice and press advert. 913 representations have been received; 2 petitions, 5 letters of representations, and 906 letters of objections.

Petitions

- One petition of 11 signatures outlines risk of pollution, noise pollution, air pollution, odour, light pollution, and highway safety impact from Lorries.
- One petition of 26 signatures outlines concerns of accuracy of odour report and vehicle movements, as well as vehicle types and the impact this has on the highway network.

Representations

- Outlining concerns over the limited publicity
- Questioning the accuracy of the data included in the ammonia report
- Doncaster Scouts outlined wanting reassurance that the planning committee would take the appropriate measures and show due diligence when considering this application and would not approve anything which could pose or cause a hazard to children and adults.
- One local resident has provided further correspondence outlining they wished their previous objection removed, as they did not realise that this application was for a pig farming unit and does not object to this proposal.

Local Councillors

Cllr White, has raised the following objections:

- The impact the proposal for a pig rearing unit on the village of Burghwallis and the surrounding villages
- The unsuitability of the existing highways for use by vehicles associated with the proposal
- The impact on the adjacent Scout Camp, known as Squirrel Wood
- The effect of the waste products on the surrounding land
- The contamination of the artesian aquifer below the site and the surface water courses which run close by and feed into the SSSI site know as Sutton Common
- The Council should be recognising the Localism Act 2011, as the Act places significantly more influence of the hands of local people over issues that make a big difference to their lives. The Council should be listening to the local residents who will be affected by this development, recognising their legitimate concerns and therefore, refusing the application to keep livestock in this building.

Cllr Hodson, has raised the following objections:

- Concerns regarding fumes from livestock which could have an impact on neighbouring areas to Burghwallis.
- Increased traffic to the site and the impact it would have on surrounding area.

Cllr Gilliver, has raised the following objections:

- Impacts associated vehicle types and movements would have on highway safety of the area
- Impact on the tree line of carriageways, with the type of vehicles utilising the site
- Road safety as there are no pathways for pedestrians and no adequate passing places for vehicles
- Impact on landscaping of Park Land
- Odour this facility would create is believed to be intense
- The effect of waste products on the Park Land and surrounding landscape not to mention the water courses which run close by and feed into SSSI.

Objections

As outlined above there has been a significant amount of objection letters/email received, which are available to view on the Council's website (with the exception of those which have not supplied addresses). The main points raised in these objections are;

- impacts on the environment as a result of this type of pig farming,
- the risk of pollution to watercourses and impact to the adjacent SSSI and local wildlife sites,
- odour generated from the use, potential increase in flies, rats and vermin, prevailing wind could result in odour reaching the whole village,
- noise from use,
- increase in HGV movements on Abbes Walk and impact to the Highway Safety of the area as a result,
- impact on conservation area and surrounding listed buildings including loss of investment for Burghwallis Hall (Grade II*),
- change of use would move from agricultural to industrial which is contrary to Burghwallis Neighbourhood Plan,
- removal of carcasses from the site potential for damage to trees as a result of ammonia discharge and high sided vehicles using Abbes Walk,
- impact on the character and openness of the Green Belt,
- impact on neighbour amenity in terms of hours of operation,
- impact on the health of the community and neighbouring primary school and scout facility/campsite and will impact on tourism.

Many of the objections received outline concerns regarding animal welfare, this is not a material planning consideration and cannot be taken into account when determining this application; additionally concerns raised regarding house prices falling is also not a material planning consideration and cannot be taken into account. Furthermore, comments raised regarding this use changing from agricultural to industrial is not accurate; this proposal would not change the use of the site to industrial, livestock farming on any level is still considered to be agricultural. Furthermore, objections outlining that this development is intensive farming is also not the case; intensive pig farming is 2000 pigs/750 sows.

Many of the objections also outline concerns regarding the inaccuracy of the reports submitted and have raised concerns regarding protected species not being outlined in reports. The objectors have also questioned the consultations received, however the reports have been fully assessed by both internal and external consultees who have highlighted areas of concerns and requested further information when required or have not objected to the information supplied. Moreover, objectors have also outlined concerns that this is not the right type of application to deal with this proposal and that the 2016 consent has not commenced within the three year time limit; this has been assessed by the LPA and it is considered that this application is appropriate for the variation of these conditions and the 2016 application is considered to be extant.

PLANNING ASSESSMENT

The main points of assessment in this report are as follows:

- Principle of Development
- Impact to character of the area
- Impact on neighbouring land uses
- Storage of Slurry
- Highways
- Ecology and Trees

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

This site is located within the Green Belt and is currently used as an arable agricultural unit. This proposal would allow for livestock to be held within the previously granted agricultural building; specifically for the keeping of 1000 pigs. The proposal would remain under the same agricultural use and this is an acceptable use within the Green Belt. Furthermore, the proposal to vary condition 7 would enable the diversification of this agricultural holding in accordance with Section 6 of the NPPF. Therefore, the variation of condition 6 and 7 would be principally acceptable; subject to the building not harming the openness of the Green Belt, together with consideration of all other material planning considerations, which will be discussed in detail below. This is given modest weight in the determination of this application.

The proposed building has been previously granted under 16/00708/FUL and the alterations to the height, additional openings and the addition of chimney to the roof pitch are not considered to significantly increase the harm to the openness of the Green Belt. Therefore the proposal would be in accordance with the National Planning Policy Framework, Core Strategy Policy CS3, and the Unitary Development Plan Policy ENV3 and Policy ENV6 parts a, b, and c. This is given moderate weight in the determination of this application.

UDP Policy ENV6 part d, outlines that buildings for livestock and storage and slurry, the development would not give rise to an unacceptable loss of amenity for occupiers of protected buildings. The policy text outlines that it is important that the amenities of people residing in or occupying protected buildings are safeguarded; this part will be assessed under the below paragraphs.

Impact on Character of the Area

The site is located within an area of special landscape and Burghwallis Conservation Area is close to the boundaries of this agricultural field, along with several listed buildings.

The proposed building has been approved under 16/00708/FUL and this application would result in minor alterations to the approved plans, including additional openings, increase in roof height and addition of ventilation points in the ridge. These alterations have been reviewed by the Conservation Officer and subject to the addition of the same landscaping condition placed on the 2016 application, they do not offer any objections to this variation of the condition.

The existing planting around the boundaries of the site, result in the development being well screened from the wider area and Abbes Walk. The proposed buildings would be visible from some of the residential properties which look out onto this site, but given the alterations to the building proposed are minor in relation to that approved in 2016; the harm is considered no greater.

Therefore it is considered that the proposed alterations to the approved plans would not harm the character of the area, or surrounding heritage assets; the variation of condition 6 would be in accordance with Policies CS3 and CS14 of the Core Strategy and Policies ENV6 and ENV17 of the UDP.

Impact on Neighbouring Land Uses

As outlined above the proposed building would be approximately 357m away from the nearest protected building, which is outlined within the General Permitted Development Order (GDPO) as any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is designed; but does not include—

- (a) A building within the agricultural unit; or
- (b) A dwelling or other building on.

This is considered to be a substantial distance away from the nearest protected building, but is over 40m less than the distance outlined within the GDPO of 400m.

The site neighbours the community facility of 'Squirrel Wood' which is not only a scout and education facility but a campsite operating all year round. This is considered to be a sensitive receptor given it operates at both day time and night time. The proposed building would be approximately 40m away from the boundary of this facility and therefore the impact the proposed addition of livestock within this agricultural building must be assessed, even though it would not necessarily be a 'protected building' as outlined within the GDPO and Policy ENV6 of the UDP.

Doncaster's Environmental Health Officer originally objected to the application based on limited information supplied. Following this the agent supplied an odour and ammonia report but only supplied statistical data regarding noise generation and does not supply a combined noise level of the 7 fan units proposed in operation or take into account combined ambient noise levels at day and night. However, even though this information has not been supplied it is considered by the Council's Environmental Health Officer that the number of fan units proposed does not always operate in a systematic way and therefore at times 'oscillating fan noise' is likely to be experienced over distances up to 1 mile. Mitigation could be implemented to address once such noise from the fans has been identified but the noise generation from the residing pigs in such close proximity to the nearest sensitive receptor (Squirrel Wood) during the period that they are at site (4 cycles a year) is not able to be controlled and as a result will create significant amenity loss, which cannot be overcome by mitigation or the submission of a noise survey. Therefore the proposal is considered to have a significantly detrimental impact on the amenities of the surrounding sensitive receptors in terms of noise generation from the addition of 1000 pigs in this building and is considered to be discordant with UDP Policy ENV6 (d) and is given substantial weight in the determination of this application.

The applicant/agent has submitted details relating to ammonia generation by the proposed pig farming facility, which outlines that the ammonia concentrations and nitrogen deposition rates exceed the upper thresholds levels recommended by the Environment Agency for the nearby sensitive receptors. Mitigation can be provided which includes the creation of an efficient sink of ammonia, however the information supplied does not fully assess how the design of woodland planting scheme would recapture and disperse the ammonia. Given the above assessment on noise, it was not felt necessary for the LPA to ask the applicant to complete more work on this subject.

The applicant/agent has also submitted an odour assessment which predict that the nearest sensitive receptor would have an odour emission exposure of 2.03 ouEm³ which as outlined under the DEFRA guidance on exposure to odours as between a point of detection and a faint odour. The Environmental Health Officer accepts the odour prediction data. Therefore the proposal would not cause detrimental harm to the sensitive receptors/protected buildings in terms of odour.

The proposed variation of condition 7 to allow for the provision of livestock within this agricultural unit is considered to cause a significantly detrimental harm to the nearest sensitive receptors in terms of noise generation from the pigs and oscillating fan noise. This is considered to be discordant with ENV6 of the UDP and Section 15, Paragraph 170 of the NPPF, and is given substantial weight in the determination of this application.

Storage and Disposal of Slurry and Surface Water Drainage

Concerns have been raised by local residents regarding the storage and distribution of slurry and the applicant has supplied details which outline that the collection of slurry will be conducted through an underground tank with a storage capacity of 6 months and would be spread onto the surrounding arable field as fertiliser but not spread during the closed period of 1st October to 31st January, given the site is within both high risk and do not spread areas.

The site is not within a flood zone and whilst the Environment Agency, Yorkshire Water and DMBC Pollution Control have been consulted on this application and re-consulted when the additional information was received. No concerns have been raised regarding the contamination or drainage of this site; furthermore it is outside of the Environment Agency permit zone. In any event the unit would need to comply with The Water Resources (Control of Pollution) Regulations which are separate to the planning considerations.

Highways

From the information provided the proposed use of the agricultural building for livestock production would generate 84 movements per year with the inclusion of vehicle movements associated with vermin and fallen stock removal and the existing arable farming use of the land of 140 movements per year.

There is some difference between this proposal and the previous consent and in that articulated vehicles are proposed with the transportation of livestock whereas the existing arable farming use is predominately a rigid HGV or rigid with trailer. The Highways Officer has requested additional information to help assess whether the existing access arrangement approved under 16/00708/FUL could accommodate the turning requirements of an articulated vehicle.

The Abbes Walk is a narrow lane with periodically spaced informal passing places to enable two vehicle pass, subject to a weight restriction of 7.5t except for vehicles requiring access. The road is not ideal for passage of HGVs however, the LPA have to take into account the existing arable use on this site and associated vehicles with this existing use.

The Council's Highways Officer requested a topographical plan be submitted in order to assess the appropriateness of this access point (approved under 16/00708/FUL) for articulated vehicles in relation to access and egress of this site; this plan has not been received during the application process and therefore the Highways Officer has been unable to fully assess this proposal. Therefore this application will be recommended for refusal on this basis.

Ecology and Trees

The site is located within close proximity to Squirrel Wood Local Wildlife Site, Owston Hay Meadows SSSI (Site of Special Scientific Interest) and Shirley Pool SSSI. Furthermore, there are protected trees within close proximity to this site.

Originally Natural England and DMBC Ecology objected to the application based on insufficient information and requested further information relating to air pollutants.

Ammonia can lead to excess reactive nitrogen levels in sensitive habitats, causing a decline in the biodiversity of lichens, mosses and other flora; a site visit was conducted at Squirrel Wood to assess any possible impact.

The reports submitted outlined that there are no significant impacts to the SSSIs close to the site produced by this proposal and the predicted ammonia concentrations of 0.9% for Owston Hay Meadows SSSI and 1.1% for Shirley Pool SSSI of the respective critical levels, which shows that the proposal will unlikely cause a significant impact in-combination with other proposals; as the guidelines for SSSIs is 4%.

With regards to the neighbouring Local Wildlife Site, the DMBC Ecology Officer has reviewed the submitted reports which suggests a significant negative impact on 0.267 hectares of Squirrel Wood. Using an offsetting metric approach we can calculate the number of units of biodiversity that this could be considered as losing 1.6 units of biodiversity as a result of the proposed development. In order to compensate for this loss the Ecology Officer has requested new woodland be planted in the region of 0.5 hectare to

offset the loss. The Ecology Officer has outlined that this woodland planting should be connected to the existing woodland, and species should be discussed with the Ecology Officer and Tree Officer; this can be secured through condition.

The pressure/need to prune the trees along The Abbes Walk periodically will remain for the existing vehicle needs and will continue regardless of the development. The tree tunnels are interesting arboriculture features, however are not considered valuable enough to gain significant weight within the proposal, however any widening of Abbes Walk would be of a concern to the Tree Officer but this is not included as part of this application. The tree officer has not objected to the application subject to conditions relating to tree protection and shelterbelt/woodland planting.

Therefore, the proposal is considered to be in accordance with Policy CS16 of the Core Strategy, Policies GE2 and GE3 of the Burghwallis Neighbourhood Plan and Section 15 of the NPPF; subject to conditions relating to planting, tree protection and shelterbelt planting, the above has been given significant weight in the determination of this application

PLANNING BALANCE AND SUMMARY

On balance, this application is considered to cause significantly detrimental harm to the surrounding environment in relation to noise generation by the addition of livestock within the approved agricultural building. This is considered to be detrimental to ENV6 (d) of the UDP and Paragraph 170 (e) of the NPPF and has been given substantial weight in the determination of this application. This harm cannot be outweighed by the diversification and support of this rural economy in this location, which has been given moderate weight; and is therefore recommended for refusal.

REASON

The proposed variation of condition 7 to allow the keeping of livestock within the agricultural barn originally approved under 16/00708/FUL would significantly and detrimental impact on the neighbouring site Squirrell Wood. The neighbouring uses operating within the 'Squirrell Wood' facility include both unrestricted day and night time uses less than 100m away from the proposed site. The proposal would adversely affect these uses by virtue of the oscillating fan noise and the noise generated from the pigs residing in such close proximity to the nearest sensitive receptor. The proposal is therefore considered to be discordant with Saved Policy ENV6 (d) of the Unitary Development Plan and Paragraph 170 (e) of the National Planning Policy Framework (2019 as amended).

REASON

The application fails to provide sufficient information in which to determine whether the access/egress point can sufficiently accommodate the articulated vehicles associated with the addition of livestock; in order to establish whether the application can be completed without having detrimental effect on highway safety and therefore in accordance with the requirements of Policy CS14 of the Core Strategy.

Conditions / Reasons

01. U0072566 The proposed variation of condition 7 to allow the keeping of livestock within the agricultural barn originally approved under 16/00708/FUL would significantly and detrimental impact on the neighbouring site Squirrell Wood. The neighbouring uses operating within the 'Squirrell Wood' facility include both unrestricted day and night time uses less than 100m away from the proposed site. The proposal would adversely affect these uses by virtue of the oscillating fan noise and the noise generated from the pigs residing in such close proximity to the nearest sensitive receptor. The proposal is therefore considered to be discordant with Saved Policy ENV6 (d) of the Unitary Development Plan and Paragraph 170 (e) of the National Planning Policy Framework (2019 as amended).
02. U0073129 The application fails to provide sufficient information in which to determine whether the access/egress point can sufficiently accommodate the articulated vehicles associated with the addition of livestock; in order to establish whether the application can be completed without having detrimental effect on highway safety and therefore in accordance with the requirements of Policy CS14 of the Core Strategy.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned below.

Informatives

Justification

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.