

Application No: 13/2637N

Location: Land North East of OAK FARM, HEATLEY LANE, BROOMHALL, CHESHIRE, CW5 8AH

Proposal: Erection of 2 No. Poultry Buildings, Link Control Room, 4 No. Feed Bins and Associated Hardstanding and Access Road (resubmission of 13/0662N)

Applicant: Andrew Hollins

Expiry Date: 23-Sep-2013

#### **SUMMARY RECOMMENDATION**

Approve

#### **MAIN ISSUES**

- Principle of Development;
- Design of the Building and impact on Openness;
- Residential Amenity;
- Highways Access and Servicing.

#### **REASON FOR REFERRAL**

The application is to be determined by Southern Planning Committee due to the size of the site, in line with the scheme of delegation.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site is located in Sound, Nantwich and is identified as an area of Open Countryside within the Local Plan. The site itself is a parcel of land of approximately 112 acres formerly associated with Oak Farm, and has the benefit of an agriculturally tied bungalow.

The site is divided by hedgerows with mature belts of trees to the north and east, with only limited views available from public vantage points of Whitchurch Road, Mickley Hall Lane and French Lane.

The site would be access via a newly formed access off Mickley Hall Lane to the south of the application site.

## **DETAILS OF PROPOSAL**

The application seeks planning permission for the construction of two poultry buildings, control room, four feed bins, hard standing and access track. The buildings would house 32 000 free range laying hens.

The proposed buildings would be connected via the control room and would measure 76m by 44m with a height of 5.7m in total.

## **RELEVANT HISTORY**

13/0662N      Erection of 2 No. poultry buildings, link control room, 4 No. feed bins and associated hard standing and access road.

Withdrawn as protected species survey required.

7/15249      Agricultural workers dwelling  
Approved March 1988

## **POLICIES**

### **Local Plan Policy**

Crewe and Nantwich Replacement Local Plan 2011

BE.1    Amenity  
BE.2    Design  
BE.3    Access and Parking  
BE.4    Drainage Utilities and Resources  
NE.2    Open Countryside  
NE.5    Nature Conservation and Habitats  
NE.9    Protected Species.  
NE.14    Agricultural Buildings Requiring Planning Permission  
NE.17    Pollution Control

### **Other Material Considerations**

National Planning Policy Framework

Pre-application advice letter issued on the 29 November 2012.

## **CONSULTATIONS (External to Planning)**

**Environment Agency:**    No objections to the principle, however request that only clean water is allowed near the surface watercourse.

**Highways:**    No objections

## **Environmental Health:**

No objections subject to conditions requiring a waste management plan, and a restriction on the hours of operation between 8am and 6pm.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Sound Parish Council: Support the application & offer the following comments;

- Concerns over the traffic emerging onto Heatley Lane due to poor visibility
- Question whether the access road adjacent to Sound School could be used instead
- The PROW within the site should be maintained at all times

## **OTHER REPRESENTATIONS**

One letter of objection has been received to date. A summary of the objection has been provided below, however the full document can be viewed online

- Entrance is busy with poor visibility
- Impact upon high levels of traffic in the area
- Speed restriction in the area is not adhered to

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement was submitted as part of the application that can be viewed on file.

## **OFFICER APPRAISAL**

### **Principle of Development**

The site lies within an area of Open Countryside where there is a presumption against inappropriate development. The construction of new buildings within the Open Countryside is inappropriate unless it is for the following purpose;

*'Only development which is essential for the purposes of agriculture, forestry or outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted'.*

The proposed development falls within the definition of agriculture as defined within section 336 of the Town and Country Planning Act 1990 (as amended). Policy NE.2 states that that agricultural development is considered an appropriate use within a rural area. The National Planning Policy Framework supports this view. Policy NE.14 allows for new agricultural buildings subject to a number of requirements, including that the building is required for agriculture. In essence, the principle of the development is considered to be acceptable, subject to compliance with other relevant policies within the Local Plan.

## **Design of Building and Impact upon the countryside**

The building would be sited approximately 300m into the site, single storey measuring 5.8m in height. The footprint of the building would be just over 3300sqm, and whilst the building would be large, the scale of the unit is typical of a modern poultry unit.

The building would be of typical agricultural appearance, clad entirely in plastic coated profiled steel, finished in an olive green colour (juniper green). Four feed silos would be located on concrete adjacent to the building, with hard standing area for parking and turning. An existing access track within the site would be extended in order to provide access from Mickley Hall Lane. The extension to the track would be fabricated in crushed stone and concrete, typical to the rural character of the area.

The proposed poultry sheds would be situated within a natural hollow within the site, acting to reduce the visual impact of the development within the character of the area. The site itself is surrounded by mature hedging reducing the visual impact of the proposal further. The agent has agreed that any gaps in the existing hedging would be improved should the development be approved, which can be guaranteed via condition.

The proposed building will be seen within the area, with limited views available from public vantage points, however it would be in keeping as an agricultural function within the rural area. An appropriate landscaping scheme that would act to improve the existing hedgerow surrounding the site would reduce the visual impact of the proposal further. As such, The visual impact of the building is considered to be acceptable.

## **Residential Amenity**

The unit will be managed with the birds housed in 'deep litter' with ventilation system that does not attract flies or result in odour problems. Dust from the production will be controlled via the ventilation system within the building, in line with European Union guidance. Calculations submitted by the applicant suggest that dust would not fall beyond 100m of the building, therefore no impact would be felt to the nearest residential property 450m away. It is of merit to note that the Environmental Health department have viewed the proposal and raise no objections to the proposal. The applicant states that manure would be removed from the building twice weekly and would be used as fertiliser by a neighbouring farmer. A Waste Management Plan would be requested via condition in order to ensure the safe removal of waste.

With regard to visual impact, privacy and overshadowing, the building is sited in excess of 450m from the site. Located to the north is a farmstead, to the east and south open fields, and to the west lie residential properties as the topography of the land rises. The existing hedgerow surrounding the site, twinned with the siting of the building well into the site would provide benefits in the form of screening.

The egg unit is designed in order to prevent adverse environmental consequences, and would not result in harm to the privacy of neighbouring dwellings. As such the proposal would comply with BE.1 (Amenity) within the Local Plan.

## **Highways**

The site will be accessed from Mickley Hall Lane about 180m east of its junction with Healey Lane. Mickley Hall Lane is a narrow but straight road that is subject to the national speed limit.

The proposal would produce relatively light traffic movements of approximately 10 HGV movements per week, plus a small amount of traffic from lighter vehicles. The Strategic Highways Manager has viewed the proposal and does not consider this to be a significant increase in vehicles movements.

The proposed access would provide sufficient visibility splays which have been deemed acceptable by the Strategic Highways Manager.

The proposal is considered to have an acceptable impact upon the existing highway.

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 (Protected Species) states that development would not be permitted which would have an adverse impact upon protected species, or where it would affect a species are of shelter or breeding.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the survey submitted with the application indicates that the proposed development is unlikely to have adverse impacts upon the newts present in ponds adjacent to the application site. The likely phase of the development that is likely to impact upon the species would be if it were to cross the site during the construction phase of the development. To mitigate this risk the applicant's ecologist has recommended the implementation of a suite of Reasonable Avoidance Measures including the timing and supervision of the works and the erection of temporary amphibian fencing. These measures may require a Natural England licence to enable them to be undertaken legitimately.

**It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:**

- **the development is of overriding public interest,**
- **there are no suitable alternatives and**
- **the favourable conservation status of the species will be maintained.**

**As the development is an agricultural business for UK production and the protected species on site would not be adversely affected by the development, it is considered that the tests would be met.**

The proposed mitigation measures will be adequate to maintain the favourable conservation status of great crested newts, provided the development is completed in accordance with the mitigation measures within the Great Crested Newt Survey report (2013) prepared by CES Ecology unless varied by a subsequent Natural England license. This would also address any potential impact upon the Common Toad also found in close proximity of the site.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed poultry house will provide an agricultural building of appropriate size and design for the proposed use. The development by virtue of its location set back from the highway and from residential properties in the locality will not adversely impact on the character and appearance of the area or residential amenities. The proposal will generate negligible amounts of additional traffic and would not adversely impact upon highway safety. The Great Crested Newts within ponds on/adjacent to the site would be protected by the mitigation measures within the survey submitted. The development is considered to comply with policies NE.2 (Open countryside), NE.9 (Protected Species), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

**Approve subject to the following conditions:-**

- 1) Standard time limit**
- 2) Approved plans**
- 3) Facing and roofing materials to be submitted**
- 4) Landscaping scheme including hedgerow protection**
- 5) Implementation of landscaping scheme**
- 6) In accordance with protected species survey**
- 7) Foul and surface drainage water details to be submitted**
- 8) Submission of a waste management plan**
- 9) Deliveries and collections from site including delivery and removal of livestock and waste only Monday- Friday 8am – 6pm**
- 10) Visibility splay as approved plan; brought into use prior to construction**
- 11) No external lighting**

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