

Planning Reference No:	09/1853N
Application Address:	Land North West of The Beeches, Audlem Road, Hatherton, Nantwich, CW5 7QT
Proposal:	Erection of an Agricultural Building to Increase the Capacity of the Approved Free Range Egg Unit from 3500 to 7000 Birds (Resubmission of P08/1113)
Applicant:	Mr D Donlan
Application Type:	Full Planning
Grid Reference:	367258 348587
Ward:	Doddington
Earliest Determination Date:	26 th August 2009
Expiry Dated:	6 th September 2009
Date of Officer's Site Visit:	13 th August 2009
Date Report Prepared:	13 th August 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION

Impact of the development on:-

The living conditions of neighbouring properties

Design and Impact upon the character and appearance of the area

Highway Safety

Protected Species

Impact upon the Hatherton Flash SSSI

SUMMARY RECOMMENDATION

Delegated Authority be given to the Head of Planning & Policy to approve the application with conditions subject to a further consideration of any late representations which may be received

1. REASON FOR REFERRAL

This application was to be dealt with under the Council's delegation scheme. However Cllr Walker has requested it to be referred to Committee due to concerns over access/egress and environmental concerns.

2. DESCRIPTION OF SITE AND CONTEXT

The site is a field located within the open countryside west of Audlem Road, Hatherton. To the north of the site is a wooded area known as Acton's Rough with the River Weaver being located approximately 130 metres to the west of the site. Hatherton Flash is a Site of Special Scientific Interest and is located approximately 200 metres to the south of the application site.

3. DETAILS OF PROPOSAL

A livestock building was approved as part of a GDO Determination under application reference P08/0860. This application is for a building which would be double the size of that approved under application P08/0860 and includes an access track which would link

the buildings to Audlem Road. The building would have a width of 18.2m, a length of 50m and a ridge height of 5.3 metres.

4. RELEVANT HISTORY

P08/1113 - Erection of an Agricultural Building to Increase the capacity of the Approved Free Range egg Unit from 3500 to 7000 Birds. Refused 19th November 2008

P08/0860 - Purpose Built Livestock Building (GDO Determination). Details of siting and design not required

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP). The relevant development plan policies are:

Regional Spatial Strategy

DP1 – Spatial Principles

DP7 – Promote Environmental Quality

RDF2 – Rural Areas

L5 – Affordable Housing

Local Plan policy

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 – Drainage, Utilities and Resources

BE.5 – Infrastructure

NE.2 – Open Countryside

NE.7 – Sites of National Importance for Nature Conservation

NE.9 – Protected Species

NE.14 – Agricultural Buildings Requiring Planning Permission

NE.17 – Pollution Control

Other Material Considerations

Planning Policy Statement 1 (Delivering Sustainable Development)

Planning Policy Statement 7 (Rural Areas)

Planning Policy Statement 9 (Biodiversity and Geological Conservation)

6. CONSULTATIONS (External to Planning)

Highways: The Design & Access Statement states that there will be no increase in the vehicular movements above that existing and the access will be altered, subject to no significant increase in vehicular movements to this site and any alteration to the access being constructed to Cheshire East specification under a 184 licence. No objections

Environmental Health: No objection

Ecology: The submitted report contains a number of mitigation proposals. These measures should be secured by means of an appropriate planning condition. The route of the proposed access track appears to pass over a pond. Ponds are a local and national

priority habitat and so the loss of a pond to this development is considered to be a significant adverse impact. It is recommended that the route of the access road be amended to avoid any loss of pond habitat.

Natural England: Do not object in principle to development in the vicinity of the Hatherton Flush SSSI but do have several concerns regarding nature conservation impacts to the site and other interests from this application. However, the applicant has addressed possible impacts on the site and through appropriate conditions attached to any permission these can resolve any concerns. The developer should be made aware that should a protected species be subsequently found on the site, all work should stop until further surveys for the species are carried out and a suitable mitigation package for the species is developed.

Mid Cheshire Footpaths: No comments received at the time of writing this report

Open Space Society: No comments received at the time of writing this report

Ramblers Association: No comments received at the time of writing this report

Public Rights of Way: No comments received at the time of writing this report

7. VIEWS OF THE PARISH COUNCIL

No comments received at the time of writing this report

8. OTHER REPRESENTATIONS

One letter of objection has been received from the occupiers of 10 Audlem Road raising the following points;

- The application is misleading and the application site is a quarter of a mile away from The Beeches;
- There is no egg unit on the site to expand;
- Inaccuracies in the Design & Access Statement and application forms;
- Noise;
- Smell;
- Flies;
- Increase in traffic;
- Droppings will wash off the land and pollute the nearby water courses including the River Weaver and Hatherton Flush;
- The applicant has cluttered the landscape through the provision of a caravan, industrial containers, hardcore etc;
- The proposal is contrary to Policy NE.11 (River and Canal Corridors) as it would adversely effect nature conservation (the SSSI and River Weaver);
- The proposal would result in the loss of the best and most versatile land which is contrary to Policy NE.12 (Agricultural Land Quality);
- Would detract from the visual character of the landscape;
- The proposal is contrary to Policy NE.14 for a number of reasons including that it will not be sited satisfactorily in relation to existing buildings;
- Increase in surface water, ground water and air pollution and contrary to Policy NE.17 (Pollution Control).

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement produced by Ian Pick Associates

- The applicant proposes to expand the free range egg unit approved under application P08/0860. This will increase the free range egg unit from 3500 birds to 7000 birds
- Free range egg production is an extensive and welfare friendly form of egg production and is a rapidly expanding market in the UK. Currently 60% of the UK egg market comes from battery cage production systems. Battery cage systems in their current form will be outlawed in the UK from 2012. Therefore, within the next 4 years, 60% of national egg production will be removed from the supply side
- The proposed development will enable the applicant to adapt to new and changing markets and to expand to become more competitive and sustainable. The proposal is in line with the aims of PPS7
- The free range egg unit is designed and proven in practice to produce negligible consequences in terms of smell
- The Unit cycle is 60 weeks and the unit will be cleaned out at the end of each cycle. It is anticipated that there would be some smell during clean out. However this will last no more than 1-2 days every 60 weeks, a frequency less than most agricultural practices
- At the end of the flock cycle the waste is removed from the site. Waste is not retained on the site because as a free range extensive system any external pollution would represent a disease threat to the incoming flock
- Access to the expanded free range egg unit will not create any additional traffic over that which is created by the approved unit
- The proposed free range egg unit will be a purpose built structure. Within the building is a sealed droppings pit beneath the slats. This pit collects all the poultry manure within the building. There is no potential for runoff from the manure pit. The inside of the building is drained to a sealed dirty water tank which collects any runoff water and washout water at the end of the flock cycle. The design and environmental quality of the building is such that it will not impact on water quality.

Protected Species Survey Produced by Apex Ecology

- No Great Crested Newts were found to be present in the ponds
- A number of recommendations have been made to mitigate the proposed development in terms of its impact upon other protected species

10. OFFICER APPRAISAL

Principle of Development

The site is located in open countryside where policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan allows for essential development for the purposes of agriculture. Policy NE.14 allows for new agricultural buildings subject to a number of requirements one of which is that required for and is ancillary to the use of the land for agriculture. Whilst the building is required for agriculture it is not ancillary to the existing agricultural use of the land.

PPS7 notes that planning policies should support development which allows agriculture to adapt to new and changing markets and diversify into new agricultural opportunities. Therefore there are no objections in principle to the proposed use at this site.

Background

A GPDO determination (P08/0860) was approved after details of siting, design and external appearance were not considered to be necessary. This building has not been constructed and is now the fall-back position. This is a full planning application for the erection of a building which would increase the size of the approved unit and would house 7000 birds. This will be considered as a full application for the whole of the unit as it is not possible to apply for an extension to a building which is yet to be constructed. However the fall-back position will need to be considered.

Amenity

The nearest residential properties are over 400 metres from the proposed agricultural building and the Councils Environmental Health Department have raised no objection to the proposal. As a result it is considered that the proposal would not have such a detrimental impact upon residential amenity through noise, smells, flies, vermin and disturbance that would warrant the refusal of this planning application.

Design

The proposed building would have a weatherboarding external finish with a profiled steel sheeting roof. The siting means that the building would not be visible from Audlem Road or any other vehicular highway due to the position of trees and hedgerows. It is accepted that the site will not be sited in relation to other existing buildings as required by Policy NE.14. However the site is well screened and already has permission for an agricultural building.

A public footpath runs approximately 250 metres to the south of the site. However due to the position of trees and hedgerows between the application site and the footpath, the visibility of the proposal would be limited. Furthermore the building is of an agricultural appearance and would be seen against a backdrop of trees, and given that the development is appropriate within the open countryside it is considered that the proposal would not have such a detrimental visual impact that would warrant the refusal of this planning application.

The proposal includes the provision of an access track to the proposed building. It is considered that it would be unreasonable to refuse permission for an access track given that there is an existing approval for a building on the site. Subject to an appropriate surfacing material and the provision of suitable landscaping it is not considered that the proposed access track would have such a detrimental impact upon the character and appearance of the open countryside as to warrant the refusal of this planning application.

Ecology

Hatherton Flush is a SSSI which is located 200 metres to the south of the application site. The consultation response from Natural England has given the following information about the site;

'Hatherton Flush is designated a SSSI. It is the largest flush of its type in Cheshire and contains an excellent assemblage of wetland plants. It is surrounded by unimproved acidic grassland. Many notable species of plant exist at the site including , marsh valerian Valeriana dioica, marsh arrowgrass Triglochin palustris tubular water-dropwort Oenanthe

fistulosa, great horsetail *Equisetum telmateia*, marsh pennywort *Hydrocotyle vulgaris* and bog pimpernel *Anagallis tenella*. Seven species of sedge *Carex* spp. are also present. Several species of orchid grow profusely on the site particularly common spotted-orchid *Dactylorhiza fuchsii*, southern marsh-orchid *D. praetermissa* and the hybrid between them. Of particular note are marsh helleborine *Epipactis palustris* and marsh lousewort *Pedicularis palustris*, both of which are rare in Cheshire. The unimproved acidic grassland is typically species poor and contains grasses such as crested dog's-tail *Cynosurus cristatus* and heath grass *Danthonia decumbens*. Other plants include sheep's sorrel *Rumex acetosella* bird's foot trefoil *Lotus corniculatus* devil's-bit scabious *Succisa pratensis* and, notably, spiny restharrow *Ononis spinosa* which is uncommon in Cheshire'

The previous application was refused due to a lack of information in relation to the potential impact upon the SSSI with reference to surface water run off, ground water flows and potential water quality issues. As part of this application the applicant has provided further information which states that any water runoff and washout water at the end of the flock cycle will be drained into a sealed dirty water tank which would be emptied every 14 months by environmental contractors. Provided that this element of the proposal is conditioned as part of any permission Natural England are satisfied that the SSSI will be protected and consequently do not object to this element of the proposal. Natural England have requested that a condition should be attached to ensure that manure is not spread on the land due to its potential impact upon Hatherton Flash and the applicant has confirmed that he will accept this as a condition.

The previous application was refused due to a lack of a protected species survey. This survey has now been carried out and shows that these are present in the area. The recommendations of this survey include a range of mitigation measures including repositioning the access. Revised plans have been submitted to this effect and subject to suitable conditions Natural England and the Ecologist have raised no objection to this proposal.

The Councils ecologist has raised concern that the proposed access would pass through a pond. However this is not considered to be the case following a comparison of the submitted plan and the Council's Ordinance Mapping Information.

Highways

Visibility at the site access is extremely poor especially in the critical direction. The Highway Authority has raised no objection subject to there being no increase in the number of vehicular movements from the site. A reason for refusal of the previous application was that the applicant had failed to provide sufficient evidence to confirm that this is the case. Vehicular movements such as waste removal vehicles, employees on site, veterinary visits, maintenance visits, fuel deliveries and vehicles to remove dead chickens from the site were not included in the applicants supporting information.

As part of this application the applicant has provided further information in relation vehicular movements on the site. This states that this extension will not create any additional traffic over and above that of the fall-back position apart from the removal of waste as required by Natural England. The removal of waste from the site so that it does not affect Hatherton Flash SSSI would result in an additional 2 vehicular movements every 14 months. This figure is considered to be insignificant and would not warrant the refusal of this application on highway safety grounds. However it should be noted that the access

does have poor visibility and the applicants agent has confirmed that he will accept a condition for improvements to the access arrangements at the site.

Other Issues

The letter of objection refers to the development being contrary to Policy NE.11 (River and Canal Corridors). This Policy does not contain a definition of what constitutes a River or Canal Corridor, but given that the River Weaver is not visible from the site of the proposed building due to the application site being set at a much higher level it is not considered that the application site falls within a visual river corridor and this policy does not apply.

The letter of objection refers to the loss of quality agricultural land which is contrary to Policy NE.12. The land would remain in agricultural use and this policy would not apply.

The letter of objection refers to other developments on the land such as a caravan, containers, hardcore and external storage. This is not an issue in determining this application which is for an agricultural building and access.

11. CONCLUSIONS

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. Parking and turning will be provided within the site the increase in vehicle movements will be minimal and the access will be improved. Therefore the development will not adversely impact on highway safety. The proposal would have minimal impact upon the Hatherton Flash SSSI subject to a suitable drainage condition. The ponds on the site are not considered to provide suitable habitats for Great Crested Newts and the proposal would have minimal impact upon other protected species subject to the imposition of a relevant condition. The development is considered to comply with policies NE.2 (Open countryside), NE.9 (Protected Species), NE.7 (Sites of National Importance for Nature Conservation), NE.14 (Agricultural Buildings Requiring Planning Permission), BE.1 (Amenity), BE.2 (Design) and BE.3 (Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATIONS

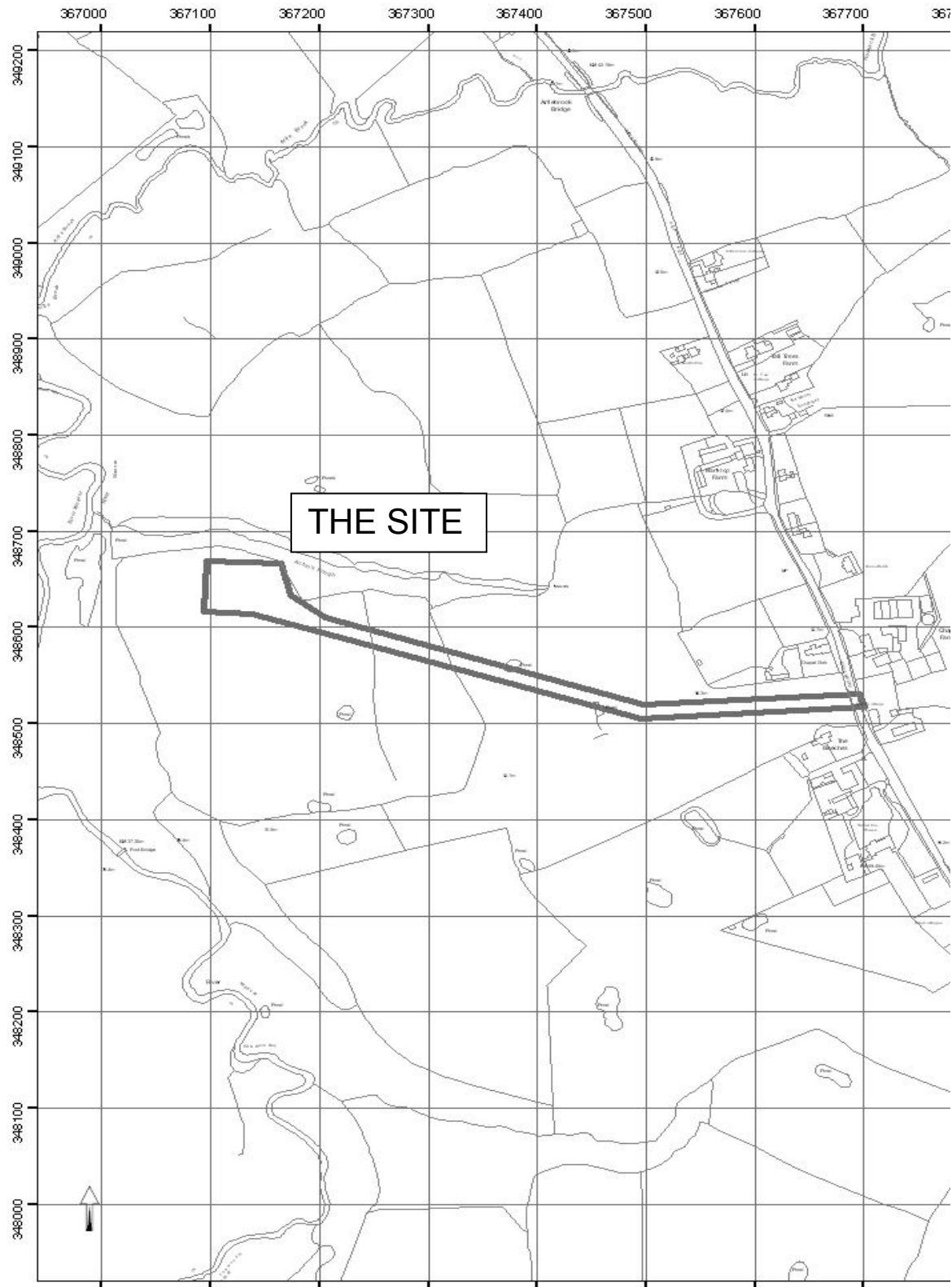
Delegated Authority be given to the Head of Planning & Policy to approve the application with conditions subject to a further consideration of any late representations which may be received

APPROVE

- 1. Standard time**
- 2. Materials to be submitted and approved**
- 3. Plans**
- 4. Drainage details to be submitted and approved**
- 5. Landscaping scheme**
- 6. Implementation and maintenance of landscaping**
- 7. A scheme of access and visibility improvements**
- 8. Development to comply with the recommendations contained within the protected species survey**

- 9. Works to stop if protected species found**
- 10. Manure to be removed from the site**
- 11. Details of lighting to be submitted for approval and no further lighting without the prior submission and approval of a planning application**
- 12. Provision of waste water tank**

Location Plan



09/1853N – Land off Nantwich Road Hatherton
N.G.R; - 367.123 348.645

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Not to Scale