

Planning Reference No:	09/2082C
Application Address:	Land off Lamberts Lane, Congleton
Proposal:	Erection of 6000 Free Range Chicken Unit
Applicant:	Mr J A Eckert
Application Type:	Full
Grid Reference:	3859 3620
Ward:	Congleton Town East
Earliest Determination Date:	4 th September 2009
Expiry Dated:	20 th September 2009
Date of Officer's Site Visit:	17 th September 2009
Date Report Prepared:	17 th September 2009
Constraints:	Green Belt – Wildlife Corridor

SUMMARY RECOMMENDATION:

Approve subject to conditions

MAIN ISSUES:

Principle of the development

Impact on character and appearance of the locality

Impact of traffic on the listed canal bridge and the Macclesfield Canal Conservation Area

Impact of the development on ecology

Impact on residential amenity

Impact on highways

1. REASON FOR REFERRAL

This application is to be determined by the Southern Committee. The application is one which because of its floor area could be determined under delegated powers however because of the controversial nature of the application has been set for determination by the Committee.

2. DESCRIPTION OF SITE AND CONTEXT

The site is located in the Green Belt on land to the west of Congleton. The site is a grass field which includes a timber stable block and a barn constructed in brick and cladding at the eastern end of the field. The field is surrounded on all sides by mature hedgerows and trees. Lamberts Lane to the north of the field and the track to the east are both public rights of way. The Howty Brook forms the western site boundary.

The application area is located at the eastern end of the field but immediately west of the two existing buildings. The existing field access from Lamberts Lane will serve the proposed development. Parking and turning will be provided on the hardstanding between the existing buildings and the proposed development.

3. DETAILS OF PROPOSAL

Planning permission is sought for one poultry house measuring 42.7m x 18.3m and standing 2.6m to the eaves and 5.5m to the ridge of the roof. An egg store, control room, shower and WC will be present within the building which will be constructed in juniper

green cladding to the walls and roof. A feed hopper standing up to 7.2m will be positioned at the south eastern corner of the building. The construction of the development includes levelling the site by excavating material from the east end and depositing it at the western end. Poultry will range over the full extent of the field which will be fenced by wire stock fencing.

4. RELEVANT HISTORY

16169/3 - Stables and Loose Boxes. Approved with conditions 11th September 1984.
06//0223/FUL - Free Range Lay House. Withdrawn 1st June 2006
07/0572/FUL - Free Range Poultry Unit Refused 14th December 2007
08/0462/ FUL - Organic Free Range Egg Unit. Withdrawn 14th July 2008

5. POLICIES

The development plan for this area includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Congleton Borough Local Plan First Review.

Regional Spatial Strategy

DP7 Promote Environmental Quality
DP8 Mainstreaming Rural Issues
RDF2 Rural Areas
RDF4 Green Belts
EM1 Natural Environment
EM3 Green Infrastructure

Local Plan Policy – Congleton Borough Local Plan First Review

PS7 Green Belt
GR1 New development
GR2 Design
GR5 Landscape
GR6-8 Amenity and Health
GR9 Accessibility
GR16 Footpath, Bridleway and Cycleway needs
NR2 Statutory Sites
NR4 Non-Statutory Sites (of nature conservation)
BH4 Effects of proposals on listed buildings
BH9 Effects of proposal on conservation areas.
BH13 New Agricultural Buildings
RC2 Protected Areas of Open Space

Other Material Considerations

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPG15: Planning and the Historic Environment
PPS23: Planning and Pollution Control

6. CONSULTATIONS

Highways: No objections subject a condition for a detailed design plan for the reconstruction of the vehicular crossing off Wolstanholme Close to be submitted and approved and an informative in relation to upgrading of the existing vehicular access from Wolstanholme Close to protect the public highway from unnecessary damage. The proposed traffic generation is so low that it will have a negligible or no impact on the immediate existing highway infrastructure. Recent experience shows that with similar operations cleanliness of the public highway is less affected by the types and frequency of traffic generated by free range poultry unit.

Environmental Health: Ask for a condition for a scheme for odour control and waste management to be submitted for approval which shall incorporate the following matters, frequency of cleaning, details of ventilation of the building, method for containment of poultry waste, proposed method of disposal of poultry waste products, details of control of flying insects, pest control and odour control.

British Waterways: Offer the following significant comments:-

- Require further information to update the 2007 Condition survey of Snaily Bridge and seek the use of a Safe Working Load agreement with the applicant which would allow for the operational needs of the business and meet British Waterways requirements;
- No objections to the poultry unit itself but warning signs should be considered on the bridleway approaching the canal if this is considered to be a risk to safety.

Environment Agency: No objection provided there is adequate containment for the storage of manure and the applicant submits a comprehensive manure management plan which demonstrate that the manure loading will comply with Nitrate Vulnerable Zone Regulations as the land in the applicants control does not provide enough land to accommodate the quantity of waste likely to be generated by the proposal. Offer the following comments:

- All oils, fuels chemical should be stored in appropriate bunded stores;
- Poultry manure is high in nitrogen contents and should not be applied to grassland during the months of 1st September – 31st December on sandy or shallow soils and 15th Oct- 15th January on other soils. On tillage land this should be 1st August – 31st December for sandy or shallow soils and 1st October – 15th January for other soils. (On tillage land with sandy or shallow soils application is permitted between 1st August and 15th September provided a crop is shown on or before 15th September). Waste disposal should take place in the appropriate season;
- The Nitrate Vulnerable Zone Regulations are currently under revision but will be in force from 2010.

Public Rights of Way Unit: Have the following concerns:-

- The increased use of the bridleway has the potential to cause deterioration of the surface of the right of way. Do the owners intend to maintain the surface?
- There should be no change to the right of way without the appropriate approvals being obtained. In particular, the developer must ensure that:
 - there is no diminution in the width of the right of way available for use by members of the public
 - no building materials are stored on the right of way
 - no damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way

- vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way
- no additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature
- no wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way
- the safety of members of the public using the right of way is ensured at all times.

Macclesfield Canal Society: Object

- The use of the canal bridge (number 77) over the Macclesfield Canal should not be allowed as this is a listed structure built 180 years ago intended only for light traffic.
- The mixing of heavy vehicles with pedestrians in the confined area of the bridge would be potentially dangerous and could also result in damage to the bridge parapets.

Ramblers Association: Object

- This is a Saxon road which later became part of the Earlsway between Chester and Leek and it has high historic value;
- It is also a key path in the current footpath network and use by heavy lorries would therefore be undesirable;
- The traffic from the development would be a danger and inconvenience to the walking public;
- Do not believe it would create little smell.

7. VIEWS OF CONGLETON TOWN COUNCIL

Recommend refusal, on the grounds that the proposal is totally incompatible with the surrounding residential area, that the environmental and ecological impact is unacceptable and that the highway infrastructure is unsuitable for such development.

8. OTHER REPRESENTATIONS

195 letters of representation of which one relates to comments rather than objections. The grounds of objection can be summarised as follows:-

- A previous application was refused;
- Inappropriate in a residential area and not acceptable to bring traffic through such a location;
- The previous proposal was for 3,000 birds this is for 6,000 free range birds which will increase both noise and odour making it more unacceptable;
- PPG2: states that large scale buildings in the Green Belt should contribute to the objectives of the use of land in Green Belts and that visual amenities of the Green Belt should not be injured.
- Noise from vehicles;
- Detrimental to the countryside location and enjoyment of the countryside;
- Noise and smell from the unit would be detrimental to residential amenities;
- The development would ruin the area which is used by residents and tourists;
- Danger to children playing especially in Wolstanholme Close;
- Impact on the cemetery;
- The poultry unit would be visually intrusive especially from rights of way and the golf course;
- Noise and smell would impact on the adjacent golf course in particularly the 7th tee/hole;

- The bridleway is not wide enough for the traffic let alone for two vehicles to pass in opposite directions;
- Lamberts Lane is narrow in places not suitable for the volume or size of vehicles using the site;
- Inadequate access in the event of fire;
- Lorries will damage the surface of Lamberts Lane and overhanging trees along it;
- Lamberts Lane has historic value and should not be used to serve the development;
- Recreational use of Lamberts Lane for riding, walking etc is not compatible with the type of vehicle used;
- Schools use the area;
- Impact on newly designated cycleway;
- Lamberts Lane is liable to flood and therefore is not suitable for heavy vehicles;
- Disruption during the provision of services to the site;
- Endanger uses of the bridleway to the site and also the adjacent footpath;
- The bridleway is presently not used by refuse vehicles because it is considered unsuitable for such a use;
- United Utilities previously objected to the application because of a water main under Lamberts Lane;
- The canal bridge could not accommodate the weight and volume of traffic;
- Impact on the canal conservation area;
- Any weight restriction on the access track would be unenforceable;
- What would English Heritage's view of the application be?
- The fact that existing vehicles can use the track should not be a reason to allow this development which will add to the number of large vehicles using the track. The development will intensify the use of the access track;
- Children cycle along Lamberts Lane and the traffic would adversely affect safety for uses of the lane;
- Roads leading to the site are not suitable;
- Adverse impact on children's nursery at Astbury Lane Ends;
- Smell/ odour
- Lead to rats/ vermin in the area
- Potential source of dust and air pollution
- Could lead to an increased risk of disease and health problems;
- Increases the risk of Avian Flu;
- Poultry farms give rise to high levels of ammonia which could be detrimental to health;
- European Free Range Standard recommend that land is rested one a one year period every 1-2 years to ensure parasite and disease control. The site is not large enough to provide this;
- Run off from the land could pollute the Howty Brook
- Devaluation of property;
- No on-site supervision for the poultry;
- Could lead to future application for a dwelling;
- Impact on trees and wildlife
- The Great Crested Newt Survey submitted is over 2 years old and the dates for the mitigation works are out of time;
- Insufficient poultry to make a viable business
- No business projections submitted with the application;
- This application is for more chickens than the previous application but the number of staff is reduced from 2 to 1.
- The price of eggs and feed are unpredictable. The operation could fail and there are no contingency plans for disposal of waste bird and buildings if this happens.
- No details of vehicle movements related to disposal of waste from the site or feed;

- RSPCA Freedom Foods does not support his type of operation.
- The fact that battery cages are to be banned is not a reason to allow the development, poultry could be kept in "enriched" cages which allow the birds more space;
- The application overestimates the amount of land available. Due to changes in animal welfare requirements and the hectareage needed for poultry, this size of poultry unit would require more land than is available and more than is stated in the supporting information;
- This is not agricultural diversification but a new enterprise;
- The development poses environmental threats;
- The proposal is for a density of birds in excess of a recommended stocking rate of 1,600 birds per hectare in an article in the Farmers Weekly;
- How would the applicant ensure that chickens were outside only 17.5% of their time to comply with Nitrogen Vulnerable Zone (NVZ) requirements;
- Not enough land to meet NVZ requirements;
- No comprehensive Manure Management Plan for the site;
- More chicken farms are not needed.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Prepared by Ian Pick dated June 2009)

The main points can be summarised as follows:-

- The proposal is for a building to house 6000 free range egg laying birds
- Current battery cage systems will be outlawed from 2012 and presently 60% of the UK egg supply comes from battery cage systems
- In January 2007 animal welfare regulations were amended to reduce stocking densities from 12 birds per square metre to 9 bird birds per sq. m. for poultry units.
- Demand is presently outstripping supply for free range eggs which results in good prices for free range eggs;
- The proposal will enable the applicant to respond to new and changing markets as required by PPS7
- The bird housing area includes a scratch area and plastic slatted dunging area;
- Nest boxes are located centrally within the building adjacent to an egg conveyor belt. When the eggs are laid they roll onto the conveyor which carries them to the egg packing area;
- The feed system delivers feed every 2hours between 06.00 hrs and 21;00 hours;
- Water is supplied through nipple drinkers;
- Daylight is controlled within the building to provide 14 hours day light per day;
- Ventilation is thermostatically controlled to keep the heat at the required temperature. No heating is required;
- Pop holes in one side of the building allow birds to range within 350m of the building. The ranging land will be located to the north of the building, an area of 1 ha per 2,000 birds is required;
- The plastic slatted floor allows water to pass through to the floor below and because this is kept dry it does not create on an odour issue;
- The building will be controlled so that ammonia levels do not rise above the RSPCA specifications
- Birds only occupy areas of pasture for a short time ensuring no build up of detritus outside the building;
- The stock will be removed every 60 weeks and the building cleaned and emptied. At this time waste will be removed. The clean out will last 1-2 days and all internal equipment in the building will be dismantled and manure removed.
- The applicant has an agreement with a neighbouring farmer to dispose of the manure

- The unit does not create dust which would be unhealthy for the birds;
- Any flies would normally enter the building from outside and be controlled by fly tape. However a protocol is in place to ensure regular inspection of the litter and any build up of fly larvae would be handled by a specialist beetle or proprietary control agent;
- Any dead birds will be collected daily and stored for removal by a licensed fell monger;
- Bird delivery will take place every 14 months (60 weeks) – 2 x 18 tonne (6 wheeled rigid) lorries
- Egg collection will be in one transit van which will visit twice a week;
- Feed will be delivered in a 29 tonne (8 wheeled rigid) lorry once a fortnight
- Bird collection will take place every 14 months (60 weeks) – two 18 tonne (6 wheeled rigid) lorries;
- Commercial vehicle movements will be 2.4 visits per week (4.8 movements) which is no more than normally achieved with agricultural activities on the land;
- The applicant has a right of way over the bridleway on Lamberts Lane
- The Egg collection vehicle has been reduced in size from the previous applications to reduce impact on the listed canal bridge, since the collection of eggs is more frequent than other service vehicle journeys.

Protected Species Survey: (*Pennine Ecological dated May 2007*)

The main points can be summarised as follows:-

- a heavily shaded and fenced pond is present on the site measuring about 20m x 10m; semi-improved pasture around the pond is grazed by horses;
- A Great Crested Newt (GCN) population size survey was conducted at the site in April 2007 in accordance with Natural England's survey guidelines. Great Crested Newts were found on four of the site visits and numbers counted indicated that a "small" population was present;
- No licence will be required for the development but precautionary mitigation works are advised to avoid potential impacts. These are explained in the report together with a timetable for their provision;
- Another pond on the southern site boundary was found to be dry and another pond in a private garden about 200m from the site is used by wildfowl and not therefore considered suitable for Great Crested Newts;
- The site for the proposed poultry unit is grazed land and will not result in the loss of a valuable habitat;
- There are no structures for bats on the site although the habitat edge to the field is suitable for foraging bats but a gap of 5-8m between the boundaries and the building will ensure that no bat flight lines are affected;
- Other studies show badger setts in the general locality but there was no evidence of foraging badgers on the site;
- There are no other potential ecological impacts associated with the proposed development and no perceived negative impacts on the wildlife corridor;

A further report dated 12th August 2009 confirms:-

- In accordance with the Natural England guidelines (2008) the survey data collected in 2007 is still valid and would be valid for 3 years from the date of original survey;
- In essence and in terms of ecological issues the proposal is exactly the same with very little or immaterial difference in the development footprint /area of disturbance;
- Therefore the same recommendation as made in 2007 applies to the current application;
- Provided the recommendations of section 4 of the report dated May 2007 are adhered to and supervised by Pennine Ecological there are no ecological issues arising out of the current planning application.

Inspection Report for Bridge 77, Lamberts Lane – Prepared by P. Ball for McSharry Consulting Engineers, date of inspection 18th August 2007

- The report concludes that the bridge can be considered as full strength with a load carrying capacity of 40 tonnes gross vehicle weight;
- There is bulging in the south east retaining wall which is several metres from the carriageway and the effects of surcharging with vehicles can be considered as negligible.

Viability Report

A letter dated 21st July prepared by Ian Pick states

- On 1st January 2009 stocking densities required by the LION Code increased from 1,000 birds per hectare to 2,000 birds per hectare. This has allowed the applicant to increase the size of the proposed poultry unit;
- Figures submitted in the Viability Assessment are taken from the John Nix Farm Management Pocket book 39th Edition 2009;
- This shows a gross margin of £6.97 per bird whereas current figures for free range birds are in reality £8.50 per bird;
- The proposed unit will have a profit in the region of £16,020 per annum after depreciation and interests. This will cover the labour of one full time worker, with the current agricultural wage being about £12,000 per annum;
- The unit is planned on a sound financial basis and will develop into a viable agricultural enterprise.

Other supporting information

- Two Statutory Declarations have been received one from Mr Pedley confirming he owned Lamberts Lane Farm for approximately 19 years up to 1993 and used the access to the site (Lamberts Lane) to gain unrestricted access to and from the property on a daily basis including the use of cattle wagons and for the stables on site;
- The second Statutory Declaration is from Mr Eckert and confirms he purchased Lamberts Lane Farm in 1993 and has used the access to gain unrestricted access on foot and with vehicles to the property.
- In terms of the removal of eggs from the site it is confirmed that a transit van can accommodate two pallets of eggs per trip.

10. OFFICER APPRAISAL

Previous applications

The applications submitted in 2007 and 2008 were essentially for the same building although the 2008 proposal was for an organic free range egg unit. The 2008 proposal was for a building measuring approximately 40m x 15m and 5m to the ridge to house 3,000 birds. Since the proposal was for organic use some 660 trees were also to be planted on the adjacent land. There is no proposal for any tree planting or landscaping submitted with the current application. Thus the current proposal is for building which is slightly longer, wider and slightly higher but it will house twice as many birds. The 2008 proposal was for a timber clad building whereas the current proposal is for cladding in juniper green.

The 2007 application was refused for three reasons in summary:-

- Detrimental visual effect on the surrounding area contrary to policy GR1.
- Vehicles using the bridge over the canal would have a detrimental effect on the preservation of the listed structure and a weight limits would be impractical to enforce, contrary to policy BH4.

- Heavy vehicles using the site would be out of character with the leafy bridleway and local conservation area adversely affecting the setting of the listed bridge, contrary to policy BH4.

Principle of Development

The poultry unit is to be located in the Green Belt and policy PS7 allows for agricultural buildings in the Green Belt. Thus there are no objections in principle to the proposed development. It is not considered that the provision of the poultry unit will conflict with the purposes of Green Belt land as specified in PPG2. The PPG also states that the use of land in the Green Belt has a positive role to play in fulfilling a number of objectives including the retention of land in agricultural use. For reasons explained below, in relation to the size and height of the building and the presence of trees in the locality and mature hedgerows around the site, it is not considered that the development would be injurious to visual amenities of the Green Belt location.

Policy BH13 of the Local Plan states that agricultural buildings will only be permitted if the proposal is required for and is ancillary to the use of the land for agricultural purposes; the building is essential either to the agricultural operation or to comply with current environment and welfare legislation and maintains the viability of the holding; having regard to the functional requirements of the agricultural operation, the proposed development is satisfactorily sited in relation to the existing buildings to minimise its intrusiveness in the landscape and is of sympathetic design and materials and appropriately landscaped to ensure harmony with its environment; adequate provision is made for the disposal of foul, surface and ground water and animal wastes without risk to watercourses; adequate provision is made for access and movement of machinery and livestock to avert the intensification or creation of a traffic hazard. These aspects are discussed in more detail below.

The application site is adjacent to but not within an area of open space protected under policy RC2. There will be no loss of protected open space as a result of this proposal.

Need for an Environmental Impact Assessment

A poultry unit for 6000 birds with a floor area of 787 sq m floor space falls within Schedule 2 of the Environmental Impact Assessment (EIA) Regulations. The Authority therefore has a duty to consider whether the development is for development for which an Environmental Statement is required. Although the site is located within land which is designated and protect as a wildlife corridor under policy NR4 of the Local Plan the site is not in a sensitive area as defined in the EIA Regulations. The proposed poultry unit measuring 18.3m x 42.7m and standing 5.5m to the ridge is not a particularly large or high building and is typing of agricultural buildings found in Cheshire. Consultation responses indicate that the development will not have substantial adverse effects on the environment. The poultry shed will not generate significant quantities of pollution or cause substantial problems related to odour noise and impacts from traffic. The poultry shed will be emptied once every fourteen months and at that time the waste will be removed and spread on adjoining farm land or may be sold off-site for use as fertiliser. Whilst the Environmental Health Officer and Environment Agency both seek a condition for the submission and approval of a waste management plan this is not considered to be an issue which will have unusually complex or potentially hazardous environmental effects which would justify the requirement to complete an Environmental Impact Assessment.

In conclusion it is not considered that the development will have significant effects on the environment and the development is not considered require an Environmental Impact Assessment.

Impact on the character and appearance of the area

Policy BH13 requires that the building must be satisfactorily sited in relation to the existing buildings to minimise its intrusiveness in the landscape. Also it must be of sympathetic design and materials and appropriately landscaped to ensure harmony with its environment.

The building is sited in the south eastern corner of the field with mature trees and hedgerows around the field. Land will be levelled and there will be no material removed from the site. The building will stand 5.5m to the ridge of the roof and the feed hopper will stand 7.2m to the top. It is grouped with the existing buildings on the site.

Whilst glimpses of the building will be seen through the hedgerow boundaries, particularly in winter, and from the gate it is not considered that the development will be sufficiently prominent to justify refusal of the application. The existing boundary hedges are mature and well established and the proposed building will be seen in relation to the existing stables and barn already present on the site. There is established woodland planting to the south and east of the site and the existing barn and stables will screen the proposed building in part from the footpath which runs to the east of the applicant's field.

The design is that of a typical poultry shed with a relatively low ridge height to the roof. It fulfils the functional need. The building is to be constructed in juniper green cladding to the walls and roof. The hopper will be galvanised steel. These materials are typical of agricultural buildings in Cheshire and there are no objections to the use of these materials. The barn which is present on the site is constructed in green cladding and brickwork.

It is therefore considered that the development complies with the policy requirements in relation to its siting design and materials. Whilst there are no proposals to provide additional landscaping in relation to the development, the boundary hedges mean that any proposed landscaping would have limited impact.

The previous application was refused because it was considered that the development would have a detrimental visual effect and the development did not conserve or enhance the surrounding area. However it is considered that the proposed poultry shed and hopper have been sited and designed in accordance with policy requirements for new agricultural buildings and that the existing landscaping in the area does provide good screening to the site.

Impact on Lamberts Lane

Policy GR16 states that planning permission will be refused where development fails to take account of the existing footpath and bridleway network. Access to the site is along Lamberts Lane which is a public bridleway. The lane is lined with trees on both sides for much of its length leading to the site. However farm vehicles and vehicles carrying horses already have a right of access along Lamberts Lane. The agent has confirmed that the vehicles bringing construction materials to the site will measure 3.4m to the top of the cab and the feed lorry will measure 4m to the top of the cab. These sizes of vehicles are no larger than vehicles which could use the lane for agricultural purposes. The proposed

development will generate a limited amount of vehicle traffic along Lamberts Lane and it would be difficult to sustain a reason for refusal on such grounds.

The width of the track along Lamberts Lane varies with the carriageway being 3.7m wide across Snaily Bridge and narrower elsewhere in places. For much of the length of Lamberts Lane there are grass verges to the side of the vehicle access track. Once the building is constructed there will be one full time worker at the site. This will generate vehicle movements to and from the site. In addition to this there will be an average of two transit vehicle movements per week. (More accurately this will be nine transit vehicle movements taking eggs to the packing station every four weeks.) A 29 tonne 8-wheeled feed lorry will deliver to the site once a fortnight. Every fourteen months there will be two vehicle movements related to the emptying of the poultry house and the same number of vehicles movements for restocking once it has been cleaned out.

Overall the number of vehicle movements generated by the proposed development is low and the applicant intends to remove eggs using a transit van. This will help to reduce the number of large vehicles serving the development. Persons using Lamberts Lane whether as horse riders, walkers, joggers or cyclist or for any other reason would be able to see and hear vehicles approaching and take steps to ensure that they were safe, in the event that a vehicle related to the poultry unit approached them. In any event persons using such rights of way would be expected to take appropriate steps to ensure their own safety in relation to existing vehicles movements already on the lane.

Amenity

Policy GR6 states that planning permission near to residential property or sensitive uses will only be permitted where the proposal would not have a detrimental effect on inter alia visual intrusion and pollution. Policy GR7 states that development will not be permitted which would contribute to significantly increased air land water or noise pollution or involve significantly greater risk to the lives and health of members of the public. The Environmental Health officer raises no objections to the scheme and asks for a condition to be attached to any permission for a scheme of odour control and waste management to be submitted for approval.

There are no close dwellings to be adversely affected by the presence of the building itself. Representations raise objections on the grounds of odour and noise.

The unit is designed with a slatted floor so that droppings will accumulate below the floor of the building and being dry waste will not result in odour. The potential for odour arises when the building is emptied once every fourteen months. This will take 1-2 days and waste from the unit will be spread on adjoining farm land. More recently the applicant has also expressed an interest in removing the waste from site for sale for fertiliser.

The unit will not generate dust since this would be detrimental to the welfare of the birds within the unit. Any flies within the egg collecting area of the building will be controlled by the use of fly tape. Flies within the area occupied by the birds will be subject to a protocol and a specialist beetle or proprietary control agent will be used. The unit will be subject to regular inspections for rodent control. Birds will be secured within the unit a night to prevent problems from foxes feral cats etc. Dead birds will be removed.

The closest dwelling is Lamberts Lane Farm which is 170m to the east of the application site. The dwelling is separated from the application site by a thick belt of trees and

hedgerows. At that distance it is not considered that the poultry unit itself would adversely impact on residential amenities at the dwelling. Other dwellings in Congleton are located on estates 350m to the north of the site, 400m the east and south east and 400m to the north east. At these distances it is considered the impact on residential amenity would be minimal.

In terms of impact from vehicle movements to and from the site, the applicant proposes to remove the eggs from the site himself using a transit van twice a week. In addition a 29 tonne 8 wheeled rigid vehicle will bring feed into the site once a fortnight. Whilst the applicant receives higher payment for Class A eggs, substandard eggs are also removed and taken to the packer at the same time.

Also two 18 tonne 6 wheeled vehicles will remove birds from the site once every fourteen months and two more vehicles of the same size deliver birds to the site once every fourteen months. Overall the level of vehicles movements related to the poultry use is very low and would not be sufficient to justify refusal on the grounds of impact on residential amenities on roads leading to the site. The arrangement whereby the applicant proposes to remove the eggs using a smaller vehicle is a direct response to the reason for refusal of the earlier application which sited traffic movement to and from the site as a reason for refusal. Statutory declarations submitted by the applicant and previous land owner confirm that they have a right of way along Lamberts Lane and could use this route for agricultural reasons such as the movement of livestock on a regularly basis.

Concerns about an increased risk of disease and impacts on health are noted. However biosecurity measures to ensure a high standard of hygiene within the unit will minimise risks of infection for employees. The DEFRA website explains that risks to members of the public from avian flu are low. Policy GR7 seeks to protect against development which would involve significantly greater risk to members of the public and this would not be so in this case.

Ecology

Policy NR2 states that proposals which would result in the loss of or damage to any site or habitat supporting species that are protected by law will not be permitted. Policy NR4 states that development which would result in the loss of or damage to wildlife corridors will only be allowed if there are overriding reasons for the development and no suitable alternatives.

The main ecological report was prepared in 2007 and a further supporting letter has been submitted to confirm that there is no change in circumstance to justify a change in recommendation. The report notes that according to the Natural England Guidelines the report is valid for three years. The submitted ecological report and letter assess the impact of the development on both the Great Crested Newt population in the area and also the impact of the development on the site's ecology and the designation of the wildlife corridor in the area.

During the 2007 ecological survey, submitted with this application, great crested newts were recorded breeding at a pond in reasonable proximity to the proposed development.

The proposed development will however not result in an impact on the breeding pond or any optimal terrestrial habitat. The applicant's ecologist has indicated that the potential

impacts of the proposed development are too low to warrant an application for a license from Natural England and their assessment is that an offence is unlikely to occur.

The field is currently grazed by horses and will be used by the poultry for ranging. The Council's Ecologist is not aware of any specific conflicts between free range chickens and great crested newts and so does not anticipate that the presence of chickens will have a significant impact upon newts or their habitat.

Considering the small size of the newt population present, the distance between the application site and the pond, the poor quality of the habitat to be lost and the relatively small scale of the development, the findings of the survey report are sound. Therefore there is no 'reasonable likelihood' of the great crested newts being affected by the proposals and this is not considered to be a material consideration under PPS9 in this instance. Likewise as the risk of an offence occurring as a result of this development appears to be very low there is no requirement for the Council to consider the three tests prescribed by the Habitat Regulations when determining this application.

The submitted survey report has highlighted potential for enhancement work to be undertaken to the breeding pond and has suggested precautionary measures to ensure that the risk to great crested newts is kept to an absolute minimum.

In order to ensure that the maximum ecological benefit is secured from the proposed development it is recommended that a condition is attached to ensure that the method statement of section 4 of the great crested newt survey is implemented. These works include amphibian fencing and the selective thinning of trees around the pond to enhance its value to wildlife. Timber felled should be retained on site for use as hibernacula. Tree should be felled outside the bird nesting season. The timetable for the specified works in section 4 will need to be revised because those dates are now passed and any condition for the implementation should include a requirement for a revised timetable to be submitted for approval before the start of any works on site in relation to the development.

In relation to the impact of the development on the wildlife corridor, the land on which the building is to be sited is currently grazed by horses and therefore whilst the trees and hedgerows around the field contribute to the ecology of the area the field itself has very limited value to wildlife. It is not therefore considered that the loss of this grazing land and replacement with a poultry building will have an adverse impact on the wildlife corridor which is protected under policy NR4.

Impact on the listed canal bridge and Macclesfield Canal Conservation Area

Policy BH4 states that development which affects the setting of a listed building (or structure) will only be permitted where the proposal would not adversely affect the setting of the listed building/structure. There is no requirement to consult English Heritage on this planning application. Indeed English Heritage made that view known when they were consulted unnecessarily when the 2008 application was submitted. Snailly Bridge, (bridge number 77) the bridge over the canal, is a Grade II listed structure. The bridge is constructed in stone and could be used by farm vehicles serving this land and other land off Lamberts Lane. The structural report submitted in 2007 concluded that the bridge could be used safely by vehicles of up to 40 tonnes. The vehicles which will serve this development will be 18 tonne, 29 tonne and a transit van. An update to the 2007 report is awaited to confirm that the bridge can accommodate the weight of the vehicles proposed in this development.

If the waste from the poultry unit is spread on land to the north of the application site there will be no vehicle movements across the canal bridge when the unit is emptied. If the waste is sold off-site for use as fertiliser then there will be four trips to remove this waste in a lorry the same size as the feed lorry. These movements will take place at a time when there are no feed deliveries to the site because the building is being cleaned.

The 2007 application was refused for reasons relating to the listed structure. The 2007 proposal included one vehicle movement in relation to the emptying of the unit and one for restocking and the current proposal is for two vehicle movements for each activity. However these movements only occur once every fourteen months. Whilst this proposal includes more vehicle movements than the 2007 proposal it is considered that the number of vehicle movements is so low that it will not adversely affect the setting of the listed building. Further both proposals included two trips per week for egg collection and these more frequent vehicle movements in relation to egg collection will be achieved with a smaller vehicle under the present proposal, which will assist in protecting the setting. The number of vehicle movements resulting from the development is low. Bearing in mind that the application site is in use for horses and the applicant visits the site to check the horses twice a day and that the site could also be used by grazing livestock, the number of vehicle movements generated by this development could not be considered to adversely affect the setting of the listed structure.

British Waterways seek a Safe Working Load agreement with the applicant and that is a private matter to be agreed between those two parties.

Policy BH9 protects the setting of conservation areas. The Macclesfield Canal Conservation Area is protected under this policy. The conservation area follows the line of the canal. The canal is some 380m to the east of the application site and separated from it by trees and the golf course. Therefore the development itself would not adversely impact on the setting or the character and appearance of the conservation area. Further for the reasons given above the traffic related to the development would not adversely affect the character and appearance of the conservation area or its setting.

Highway matters

Policy BH13 requires that agricultural development should not intensify or create a traffic hazard. As detailed above the number of vehicle movements resulting from the proposed development is very limited. The Highway Engineer raises no objections to the development and notes that the type of vehicle movements associated with poultry units do not generate dirty road conditions. A condition is recommended for the construction of an access crossing at Wolstanholme Close. Under the circumstances the development could not be refused on the grounds of adverse impact on the Lamberts Lane or the highway network leading to Lamberts Lane as a result of the size and number of vehicles serving the development. The fact that the lane is liable to flood at certain times of the year would not be a reason to refuse the application, particularly since the Environment Agency have not objected to the application on the grounds of flooding.

The proposal includes space between the existing buildings and the proposed development to park two cars and an HGV sized vehicle with turning. The development therefore meets the requirements of policy GR9 in terms of providing off road parking service areas and turning.

Drainage

Policy BH13 states that adequate provision must be made for the disposal of foul, surface and ground water drainage and animal wastes without risk to watercourses. There will be very limited foul drainage. The development includes one shower and one WC and this waste will be drained to a septic tank. Surface water drainage will be disposed of by means of a soakaway. Water from washing out the building will be collected in a sealed tank.

Waste Disposal

The poultry unit will be emptied every fourteen months and waste spread on adjoining farm land. Representations raise concerns about the level of nitrates which will be placed on the land as a result of this and the potential pollution. Manure spreading needs to comply with the limits of 170 kg nitrogen per hectare per annum. The applicant does not intend to spread the poultry waste on his own land but has the agreement of an adjacent farmer for spreading the waste. This will therefore ensure that there are no vehicle movements along Lamberts Lane in relation to the removal of waste. The Environment Agency raises no objections to the development.

However the applicant is also discussing the option of removing the waste from the land for sale as an agricultural fertiliser. There would be a period of one month when the building had been emptied and all stock removed. During this time there would be no feed vehicles and no movement of eggs from the site. The removal of the waste from the site would require 4 HGV sized lorries, (the same size as the feed lorry).

The Environment Agency and Environmental Health Officer both seek a condition in relation to the disposal of waste from the site and this flexibility allowing either spreading on adjoining land or disposal for use as a fertiliser could be subject to further detail submitted under condition.

Viability

Policy BH13 states that an agricultural building must be required for and ancillary to the use of the land for agricultural purposes. It goes on to state that the building must be essential for either the agricultural operation or to comply with current environmental and welfare legislation and maintain the viability of the holding. The proposal includes the use of the field for ranging land for the poultry. Agriculture is specifically excluded from the definition of development in the Town and Country Planning Act. The keeping of livestock falls within the definition of agriculture and therefore planning permission is not required for the use of the field by the poultry. The poultry unit and hopper do however require planning permission. They are buildings/structures which are required for agricultural purposes in relation to the keeping of the poultry. The building is essential for the collection of the eggs and to provide overnight housing for the poultry and is therefore considered essential for the agricultural operation.

A Viability Assessment has been submitted on behalf of the applicant. This shows that the unit would provide an income of £16,020 per annum. The figures used to complete the assessment are taken from the John Nix Pocket Handbook 39th edition and are based on prices at September 2008. However additional information notes that feed prices have fallen since that time and the price for eggs has increased which means that the unit could actually produce a more substantial income. It is concluded that the unit would maintain the economic viability of the holding.

Policy BH13 requires that the building is essential for the agricultural operation or to comply with environmental and welfare legislation. The requirement is for either of these conditions to be met not for both aspects to be satisfied. Representations raise concerns about stocking rates. The stocking rate equates to 1,800 birds per hectare which is above the figure suggested in an article in the Farmers Weekly of 1,600 birds per hectare which would be required to limit the nitrogen levels on the land. However the waste is not to be spread on the applicant's land and the stocking rate is within the Lion Code of 2,000 birds per hectare and also within the European Standard of 2,500 birds per hectare.

11. CONCLUSIONS

The proposed poultry unit and hopper are sited in relation to existing buildings on the site and will be screen by the mature hedgerows around the field and trees to the south and east of the development. The number of vehicle movements generated by the proposed development will be low and will not adversely impact on the character and appearance of the Snaily Bridge, the listed building over the Macclesfield Canal or the Macclesfield Canal Conservation Area. Further the traffic movements associated with the development are not considered to adversely affect highway safety or Lamberts Lane or roads leading to the site.

The development will not adversely impact on the pond which is located in the field but outside of the application area and the development itself will be sited on improved pasture and not therefore adversely affect any habitat of ecological value or the wildlife corridor itself.

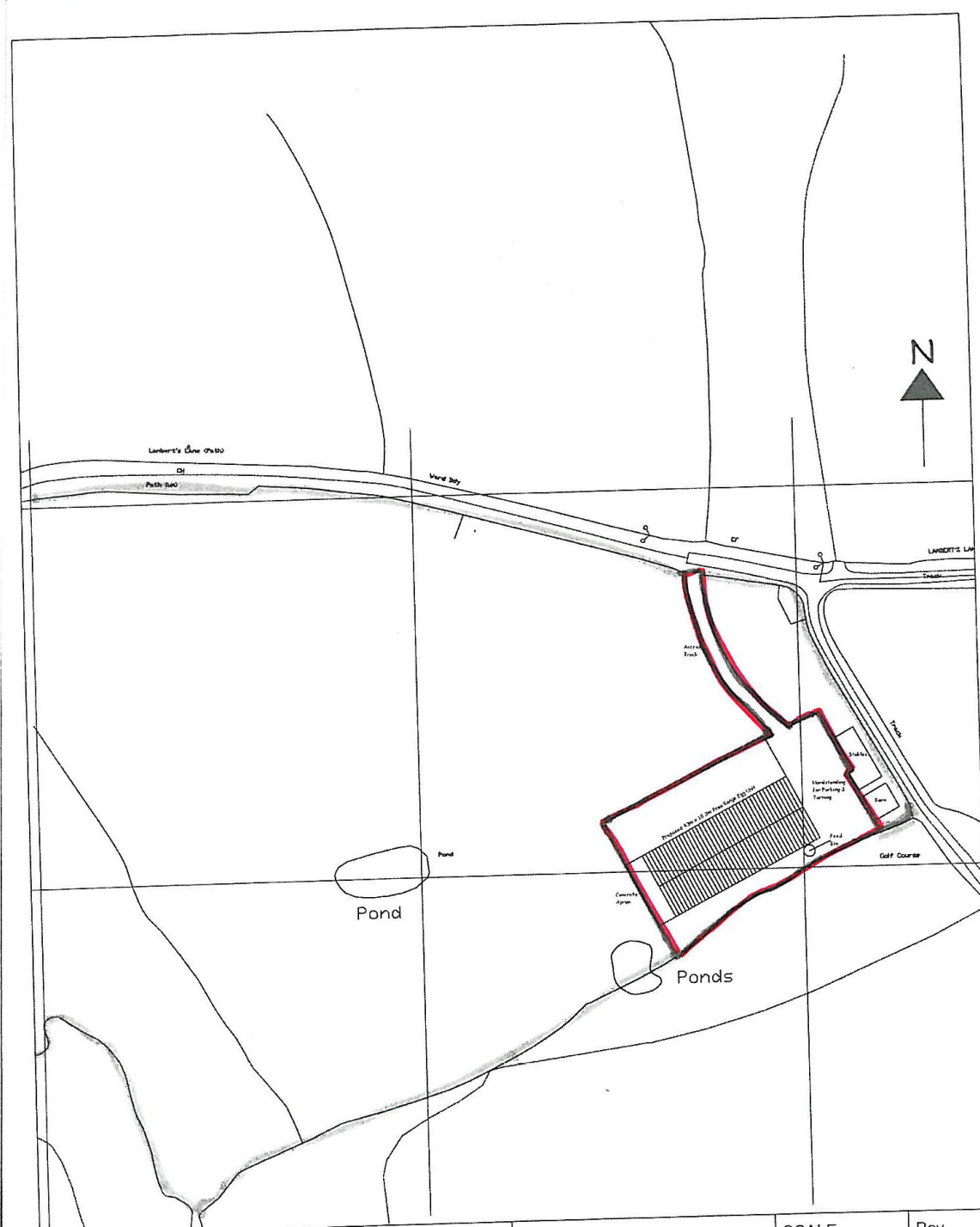
The submission includes a viability assessment which demonstrates that the poultry unit will form a viable business. Measures are proposed in the application to control environmental effects from the development and a condition is recommended for further details to be submitted in relation to odour control, the disposal of waste, pest/ fly control, ventilation, and cleaning of the building.


12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard**
- 2. Plans**
- 3. Materials as submitted application**
- 4. Submission and approval of a revised time table for works in section 4 of the Great Crested Newt Survey and implementation.**
- 5. No development to commence until details of access improvements to crossing at Wolstanholme Close have been submitted, approved and implemented.**
- 6. Scheme for odour control and waste management to be submitted for approval and incorporate the following matters, frequently of cleaning, details of ventilation of the building, method for containment of poultry waste, proposed method of disposal of poultry waste products details of control of flying insects, pest control, odour control. Implementation of the scheme.**

LOCATION PLAN:



<p>Ian Pick BSc (Hons) MRICS</p> <p>Ian Pick Associates</p> <p>Unit 9 Brook Street Drifffield East Yorkshire YO25 9RN Tel/Fax (01377) 255333 Mobile 07702814950</p> 	<p>CLIENT</p> <p>Mr J A Eckert 26 Kirkwall Grove Milton Stoke on Trent ST2 7PH</p>	<p>JOB TITLE</p> <p>Proposed Free Range Egg Unit</p>	<p>SCALE</p> <p>1=1250</p>	<p>Rev</p> <p>-</p>
		<p>DWG. TITLE</p> <p>Location Plan</p>	<p>DWG. NUMBER</p> <p>IP/AE/01</p>	<p>DATE</p> <p>June09</p>