

Application No: 12/0170C

Location: Land at Upper Medhurst Green Farm, SANDBACH ROAD, CONGLETON, CHESHIRE

Proposal: Extension to Time on Approval 08/1838/FUL New Agricultural Building for Free Range Egg Production

Applicant: S.J. Pace and Co

Expiry Date: 04-Apr-2012

<b>Planning Reference No:</b>	12/0170C
<b>Application Address:</b>	Land at Upper Medhurst Green Farm, Sandbach Road, Congleton, Cheshire
<b>Proposal:</b>	Extension of Time on Approval 08/1838/FUL New Agricultural Building for Free Range Egg Production
<b>Applicant:</b>	S.J.Pace and Co
<b>Application Type:</b>	Extension to Time Limit
<b>Grid Reference</b>	381346 363000
<b>Ward</b>	Brereton Rural
<b>Consultation Expiry Date:</b>	15 <sup>th</sup> February 2012
<b>Date for determination:</b>	4 <sup>th</sup> April 2012

**MAIN ISSUES** The main issue is whether or not there have been any significant material changes in policy/circumstances since the application was previously approved.

**SUMMARY RECOMMENDATION:**

**Approve with conditions**

**REFERRAL**

The application is to be determined by Committee as it involves major development which is over 1000sqm in floorspace.

**1. SITE DESCRIPTION**

The application site is located within the Open Countryside as defined by the Local Plan Proposals Map. The site is located on the northern side of the A534 and there is an existing field access. The site is an agricultural field which is located 560m to the west of Lower Medhurst Green Farm. There is a footpath 300m to the north of the site. The

roadside, southern, boundary is defined by a hedgerow. There is a pond and copse sited on the western boundary of the field.

## **2. DETAILS OF PROPOSAL**

This is a planning application for the extension of time planning to Planning Application 08/1838/FUL. That application was for creation of 24,000 bird free range egg production unit. The scheme included the construction of a poultry building measuring 85m in length, 30m in width, 3.35m to eaves and 7.43m to ridge. Two grain silos, each of 2.75m diameter and 6.5m in height. The building would be clad in coated polyester steel sheets to roof. An area of hardstanding was also proposed, along with an access track.

## **3. RELEVANT PLANNING HISTORY**

**08/1838/FUL** – Planning permission was approved for new agricultural building for free range egg production on 14<sup>th</sup> April 2009.

**06/1181/FUL** – Planning permission was approved for agricultural building for free range egg production in January 2007.

**36699/3** – Planning permission was approved for a new agricultural building for free range egg production on 20<sup>th</sup> January 2004.

## **3. PLANNING POLICIES**

The relevant development plan policies are:

### **Policies in the LP**

- PS8 – Open Countryside
- BH13 – New Agricultural Buildings
- GR1, GR2 – General Criteria for New Development
- GR6, GR7 – Amenity and Health
- GR9 – Accessibility
- NR2 – Protected Species Habitat
- NR3 - Habitats

Other relevant planning guidance includes:

- PPS1 - Delivering Sustainable Development
- PPS7 – Sustainable Development in Rural Areas
- PPS9 - Biodiversity and Geological Conservation
- Draft National Planning Policy Framework

## **4. OBSERVATIONS OF CONSULTEES**

**Environmental Health** – No objection

**Strategic Highways Manager – No objection**

**Natural England – No objection**

## **5. VIEW OF PARISH COUNCIL**

7 out of 8 Councillors support the application. One Councillor objects to the application due to concerns over the disposal of waste from the site from the increase in flock.

## **6. OTHER REPRESENTATIONS**

11 letters of objection/comments received from neighbours, the salient points being:

- Concerns over 2007 and 2011 fly nuisance attributed to chicken manure, could not open windows, affecting well being
- Should be no increase in stock until waste management is fully considered
- Existing site does not have a robust waste management plan
- Needs to be demonstrated that waste can be disposed without causing nuisance
- Unless current problems are resolved new building will cause more of a nuisance
- Existing breaches of good practice
- Building inappropriate in a rural area
- More heavy unsuitable traffic on country lanes
- Odour problem from manure

## **7. APPLICANT'S SUPPORTING INFORMATION:**

None

## **8. OFFICER APPRAISAL**

### **SCOPE OF THIS APPLICATION**

Extensions to the time limits for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

## **MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION**

The application remains unchanged from the previous approval and there have been no significant changes to the site itself or the immediate surrounding area. Therefore the impact of the development on the area is considered to be acceptable, subject to conditions, as previously concluded.

With regard to Policy, there have been no changes to Local Plan Policy since that previous approval. It is therefore it is considered that the proposed development would still be in accordance with the development plan and is acceptable in principle. There have been no significant changes to National Planning Policy which would preclude the proposed development. The National Planning Policy Framework is expected to be published imminently. Members will be updated on any policy changes which may affect this proposal, however based on the draft document it is not anticipated that the document will place a more restrictive control over development such as this proposal than under existing policy

The proposed development involves the construction of a building within close proximity to a pond. The previous application was supported by a Protected Species Survey to determine the presence/absence of Great Crested Newts. That survey identified that there would be no impact on Protected Species. Notwithstanding this, since the application there is the possibility that the situation may have changed and as such could affect the acceptability of the proposals. No Protected Species Survey has been submitted to support this application. However, an update to the original survey carried out in 2007 has been provided to support this application. The Council's Nature Conservation Officer has confirmed that they are satisfied that the proposed development is not reasonably likely to cause an adverse impact on Great Crested Newts or any other protected species.

## **CONDITIONS**

The previous approval was subject to a number of conditions. It is considered that these conditions are still relevant to this application.

## **9. CONCLUSIONS**

It is considered that there have not been any significant changes in Policy or other material considerations since application 08/1838/FUL was permitted. Therefore, it is recommended that the application to extend the period of permission should be approved, subject to those conditions previously attached.

## **10. RECOMMENDATIONS**

**APPROVE subject to conditions**

- 1. Standard 3 years**
- 2. Development to be carried out in accordance with approved plans**
- 3. Details of any external illumination and lighting columns to be submitted and approved prior to commencement of development**
- 4. Details of materials and colour finish to be submitted prior to the commencement of development**

**5. Details of a Landscaping scheme and replacement hedgerow (native species), behind visibility splays to be submitted and approved prior to the commencement of development**

**6. Implementation of Landscaping Scheme**

**7. All materials used in connection with the egg laying unit to be stored inside the building**

**8. Drainage scheme for foul and surface water to be submitted and approved prior to commencement of development**

**9. No development to commence until a scheme of acoustic enclosures of fans, compressors and equipment with the potential to cause noise are submitted and approved**

**10. Details of construction details of roads within the site to be submitted and approved prior to the commencement of development**

**11. Prior to the commencement of development a Management of Waste Produce Plan to be submitted and approved.**

