

Application No: 13/3951C

Location: ORCHARD FARM, BROOKHOUSE GREEN, SMALLWOOD, CW11 2XE

Proposal: Variation of condition 2 attached to planning application 05/0611/FULL

Applicant: AVIAGEN TURKEYS LTD

Expiry Date: 14-Nov-2013

### **SUMMARY RECOMMENDATION**

**APPROVE subject to conditions**

#### **MAIN ISSUES:**

- Principle of the development
- The impact of the design
- The impact upon neighbouring amenity
- Highway safety / parking

### **REASON FOR REFERRAL**

This application has been referred to Southern Planning Committee because it relates to a commercial building of over 1000 square metres in size.

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

The application site relates to an existing free-range egg farm at Pitcher Lane, Smallwood. The site is 26,000 bird unit owned by the applicant and farmed in conjunction with Orchard Farm, Pitcher Lane, Smallwood. The birds are housed within 2 sheds and the entire site lies within the Open Countryside.

1 of the 2 sheds is subject to this application (the other shed is covered under a separate application)

### **DETAILS OF PROPOSAL**

The application seeks to vary Condition 2 from approved planning application 05/0611/FUL. This application was for the '*Free range poultry laying house*'.

Condition 2 states

*'The building to which this permission relates shall be used only in connection with the production of free range eggs, unless a further planning permission has been granted for any variation on application to the Local Planning Authority.'*

The applicant wishes the condition to be varied to turkey production. No external changes to the building are sought.

## **RELEVANT HISTORY**

**13/3950C** - Variation of condition 2 attached to planning application 07/0217/Full – Under consideration

**11/3535C** - Erection of an Agricultural Workers Dwelling For Free Range Egg Production (Resubmission Of 11/0247C) – Approved 27<sup>th</sup> March 2012

**11/0247C** - Erection of an agricultural workers dwelling for free range egg production unit – Refused 21<sup>st</sup> March 2011

**10/2638C** - Erection of an agricultural workers dwelling for free range egg production unit – Refused 4<sup>th</sup> October 2010

**07/0217/FUL** - Erection of one free range poultry building - this is a re application with revised building position – Approved 1<sup>st</sup> May 2007

**06/1181/FUL** - Erection of one free range poultry building – Refused 16<sup>th</sup> January 2007

**05/0611/FUL** - Free range poultry laying house – Approved 27<sup>th</sup> 2005

**04/0142/FUL** - Free range poultry house to produce free range eggs – Withdrawn 13<sup>th</sup> January 2005

**37650/3** - Free range poultry house to produce free range eggs – Withdrawn 11<sup>th</sup> August 2004

## **POLICIES**

### **National Policy**

National Planning Policy Framework (NPPF)

### **Local Plan Policy**

PS8 - Open Countryside

GR1 - New Development

GR2 - Design

GR4 - Landscape

GR6 - Amenity and Health

GR9 - Accessibility, Servicing and Parking Provision

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

**Environmental Protection** – No objections

**Strategic Highways Manager** – No comments received at time of report

## **VIEWS OF THE PARISH COUNCIL:**

**Smallwood Parish Council** – No comments received at time of report

## **OTHER REPRESENTATIONS:**

No comments received at time of report

## **SUPPORTING INFORMATION:**

The applicant has submitted information with regards to the proposed new operation on site.

- All Turkeys will be kept in the building for their entire period
- The 2 buildings on site combined, will accommodate 30,000 Turkeys, but it is unlikely that this figure will be reached and for large periods would be significantly less.
- At times of maximum capacity, there would be 2 vehicles per week delivering food and shavings
- There will be no meat processing on site. Any dead birds will be kept in a freezer and taken off site at intervals for incineration
- 1 full-time member of staff will be based on site with supplementary staffing for other purposes as required.

## **OFFICER REPORT**

### **Principle of development**

The application site is situated within the Open Countryside and as such is subject to Policy PS8 of the Local Plan. Policy PS8 advises that development will not be permitted unless it is for one or more of a number of purposes.

One of these purposes is agricultural use.

The application unit was granted permission as it was considered that egg production was an agricultural use. It is also considered that turkey production is an agricultural use. As such, the principle of the development is accepted.

The development would re-use an existing rural building for a rural use without making any external alterations. It would also continue to be used for employment purposes in accordance with Policy E5 of the Local Plan. As such, it is considered that the impact upon the Open Countryside would be minimal.

### **Design**

No changes are sought to the external appearance of the building; it is not considered any design issues would be created. As such, the proposed development would adhere with Policy GR2 of the Local Plan.

### **Amenity**

The decision notice (ref: 05/0611/FUL) advises that this condition was imposed to protect the amenities of the nearby residents. As such, this is a key consideration in the determination of this application.

Policy GR6 advises that development will not be permitted so long as it would not have a detrimental impact upon neighbouring amenity in terms of; loss of privacy, loss of light, visual intrusion or environmental disturbance. As no physical alterations are proposed to the building, issues relating to privacy, light and visual intrusion are not of concern in this instance.

Due to the nature of turkey production, the impact upon environmental disturbance in relation to noise and odour would be the main consideration. However, the Council's Environmental Protection Team have raised no objections to the development in this regard.

As such, it is considered that the proposal would be acceptable in terms of its impact upon neighbouring amenity and would adhere with Policy GR6 of the Local Plan.

## **Highways**

The applicant has advised that the new business on the site would result in, at a maximum, 2 deliveries per week.

As this is a lower traffic movement than that of the current/previous egg production operation, it is not considered that the proposed development would create any additional highway safety concerns than the existing business and would adhere with Policy GR9 of the Local Plan.

## **CONCLUSION**

The proposed change in business would not alter the type of operation on the site, Environmental Health have advised that they have no objections and no changes are proposed to the external elevations of the approved building. It is therefore considered that this condition be varied from;

*'The building to which this permission relates shall be used only in connection with the production of free range eggs, unless a further planning permission has been granted for any variation on application to the Local Planning Authority.'*

to;

*'The building to which this permission relates shall be used only in connection with the production of free range eggs **or turkeys**, unless a further planning permission has been granted for any variation on application to the Local Planning Authority.'*

This change would ensure that the development would adhere with the following policies within the Congleton Borough Local Plan First Review 2005; PS8 (Open Countryside), GR1 (New Development), GR2 (Design), GR4 (Landscape), GR6 (Amenity and Health), GR9 (Accessibility, Servicing and Parking Provision). The proposal would also adhere with the NPPF.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions;

- 1. Building relates to the production of free range eggs or turkeys**

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