

Application No: 14/2973N

Location: Land North of Smeaton Wood Farm, Pinsley Green Road, Wrenbury, CW5 8HE

Proposal: Erection of 4 No broiler rearing units with associated feed bins, boiler rooms, feed blending rooms, water tank, hardstandings, and upgraded highway access.

Applicant: David Charlesworth

Expiry Date: 04-Oct-2014

SUMMARY:

The advice contained in the National Planning Policy Framework is that Council's should favorably consider planning applications that can demonstrate that they meet the definition of sustainable development.

From an environmental perspective, the erection of agricultural development within the Open Countryside is considered to be acceptable in principle.

Subject to conditions to mitigate the impact of the development upon protected species, there should be no significant ecology issues created.

The buildings would be of an appropriate design and siting.

The additional traffic generation will not be 'severe' in terms of its impacts on the local highways network and some improvements will be achieved to Pinsley Green Road through the provision of a number of strategically positioned passing places.

As such, it is considered that the proposal would be environmentally sustainable.

From an economic perspective, the development would support the creation of a new rural enterprise to the benefit of the local economy.

From a social perspective, subject to conditions, there should be no neighbouring amenity issues and the proposal would not have a detrimental impact upon the existing Public Right of Way.

As such, it is considered that the proposal would represent sustainable development.

RECOMMENDATION:

APPROVE subject to conditions

PROPOSAL:

This application seeks full planning permission for erection of 4 No broiler rearing units with associated feed bins, boiler rooms, feed blending rooms, water tank, hardstandings, and upgraded highway access at land north of Smeaton Wood Farm, Pinsley Green Road, Wrenbury. Each of the proposed buildings will house 44,000 broiler chickens, with 176,000 birds proposed on the site in total.

SITE DESCRIPTION:

The application relates to land associated with 'Smeaton Wood Farm', located on the east side of New Road, approximately 400 metres to the north of Pinsley Green Road and approximately 400 metres to the south of Wrenbury Village. The establishment benefits from 4 no. existing broiler units situated to the south of the application site on the opposite side of Pinsley Green Road. The site is situated in a slight undulation with field hedgerows to the north, east and southeast. There is a public footpath adjacent to the site. The site is located in Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011.

RELEVANT HISTORY:

None

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 17, 28 and 32.

Development Plan:

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site within Open Countryside under Policy NE.2.

The relevant Saved Policies are: - 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), BE.1 (Amenity), BE.2 (Design Standards), BE.3 (Access and Parking) and BE.4 (Drainage Utilities and Resources)

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 (Open Countryside), SD 1 (Sustainable Development in Cheshire East), SD 2 (Sustainable Development Principles), SE 1 (Design), SE 4 (The Landscape) and EG 1 (Economic Prosperity)

CONSULTATIONS:

Highways:

No objection subject to the provision of a number of passing places along Pinsley Green Road and subject to s278 highways agreement.

Environmental Protection:

No objection subject to conditions restricting hours of construction, details of lighting, submission of a waste management plan, compliance with noise mitigation scheme

Natural England:

No objection

Public Rights of Way Unit (PROW):

No objection - subject to the developer being reminded of their obligations in relation to surrounding public rights of way i.e. no obstruction during development unless a temporary diversion is first sought.

PARISH COUNCIL:

Wrenbury Parish Council: The Parish Council is concerned about the increase in smell and noise caused by the proposal, particularly as the village is predominantly downwind of the site. In addition, the lanes in the vicinity of the site are not suited to the vehicles that will be servicing the site and damage to verges and the highway already occur and will only be exacerbated by the proposal

REPRESENTATIONS:

Representations have been received from 7 addresses objecting to this proposal on the following grounds:

- The submitted reports do not take into account the existing poultry units positioned to the south
- Impact on amenity from noise and smells / odours including Wrenbury Village
- Survey and reports are biased and some based on theoretic
- Any changeover times of cleaning of birds must be conditioned to coincide with times of low wind
- Road is already dangerous
- Additional HGV movements will be significant
- Damage to highways from HGVs
- Lack of consultation

APPRAISAL:

The key issues are:

- Principle of the development
- Design, Siting and Scale
- Amenity
- Highways & Parking
- Ecology
- Public Rights of Way

Sustainability

The National Planning Policy Framework definition of sustainable development is:

“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”

Accessibility is a key factor of sustainability that can be measured. One methodology for the assessment of the locational sustainability of the site is the use of the North West Sustainability Checklist, which considers the walking distances to nearby public facilities.

The applicant has chosen not to undertake this assessment. However, it is a significant material consideration that a housing development for 180 units (ref: 13/2746C) just south of the application site, also within the Open Countryside, has recently been granted. The applicant for this submission completed the North West Sustainability Checklist.

The outcome of this survey concluded that the site did not comply with all of the standards of the checklist.

However, the Planning Officer concluded that as Congleton is a principal town within the Core Strategy where we can expect development to occur on the periphery and as there are insufficient development sites in the Town Centre, it must be accepted that development in slightly less sustainable locations in the outlying areas of the town must occur.

It was also detailed that the site lies close to a regular bus service with good links to Congleton which possesses all public facilities.

As such, although it was recognised that the site did not adhere with all of the criteria of the sustainability checklist, it was considered that because of the proximity of the site to regular bus services, the site was locationally sustainable to a degree.

The site lies within a row of ribbon development with a greater degree of built form now granted to the south with the granting of the above residential planning application. As such, it is not considered that the site is physically isolated.

Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

Environmental role

Open Countryside

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 for broiler rearing 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, provided 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.

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.

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 a small population of great crested newts has been identified at a pond located 40m from the proposed development. The application site offers limited terrestrial habitat for great crested newts, however, the submitted great crested newt assessment has identified the potential risk posed by the development to any great crested newts that may venture onto the site during the construction process. In the absence of mitigation the proposed development is likely to have a LOW level of impact upon this species.

In order to address the risk posed to great crested newts the applicant's ecological consultant has recommended a suite of 'reasonable avoidance measures'. The submitted report also includes proposals for habitat enhancement works for this species which would also serve to protect the Common Toad, which has also been recorded at ponds located in close proximity to the site. There is also evidence of a pair of breeding barn owls in the vicinity of the site. However, the submitted barn owl mitigation strategy is deemed to be acceptable subject to further information regarding the provision and location of Barn Owl boxes. This could be reasonably secured by condition.

The Council's Nature Conservation Officer has confirmed that provided that the proposed 'Reasonable Avoidance Measures' are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations in respect of great crested

newts. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

Nonetheless, 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 in any event.

The proposed mitigation measures will be adequate to maintain the favourable conservation status of great crested newts, common toad, barn owl, bats and birds provided the development is completed in accordance with the mitigation measures within the submitted survey report unless varied by a subsequent Natural England license. Conditions relating to breeding birds and habitat creation are recommended.

Design, Siting and Scale

The proposed buildings extend to 112 metres x 20 metres with an eaves height of 2.6 metres and a ridge height of 5.2 metres. The proposed buildings will each have a control room and store feed attached to the east elevation. The proposed development includes 6 No. feed bins, 2 No. feed blending rooms and 2 No. boiler units.

The proposed buildings are of portal framed construction and the general design and style would be of typical agricultural appearance, clad entirely in plastic coated profiled steel, finished in an olive green colour (juniper green).

The proposed buildings would be sited alongside each other on an east-to-west axis and would have a small area of hardstanding around the perimeter. The buildings would be tucked away in the far north-eastern corner of a field where there is a slight undulation with field hedgerows to the north, east and southeast. As such, the nearest part of the development would be sited some c400 metres way from Pinsley Green Road with an access track running alongside the existing eastern field boundary. These features and the fact the building would be low profile with a maximum eaves height of 5.2 metres would ensure that the buildings do not appear intrusive from Pinsley Green Road.

The proposed building will be seen within the area, with limited views available from the highway. Whilst there is a footpath running alongside the proposed site, and the proposed buildings would affect views from this right of way, these would not be as significant to warrant a refusal. This is because the buildings would be low profile, tucked away in the corner of a field and it would be in keeping as an agricultural function within the rural area and would therefore appear incongruous. An appropriate landscaping scheme that would act to

improve the existing hedgerow surrounding the site would reduce the visual impact of the proposal further and provide scope to soften visual impacts from the adjacent footpath. As such, the design and visual impacts of the proposed development is considered to be acceptable.

Highways & Parking

The proposed broiler units would be served by a new access directly off Pinsley Green Road. This would be positioned in place of an existing field gate access to provide a formalised junction arrangement.

It is indicated that the current site generates tractor traffic for farming purposes. The applicant has provided consideration of the likely numbers of HGVs that would be generated by the development proposal. The submissions indicate 128 HGV movements per flock cycle. It is indicated that HGV traffic will, on average, result in two to four HGV movements per day but peak traffic movements in a day are not specified. Assuming all bird removal would occur in a single day would indicate at least 46 HGV movements. It is understood that existing chicken broiler operations are accessed from Pinsley Green Road.

A HGV survey undertaken by one of the objectors to the proposal indicates 23 movements by chicken transport lorries on 7th January 2014 between 01:00 and 17:00. A total of 32 HGV movements were recorded by the objector on the Pinsley Green Road in this period.

With regard to the standard of Pinsley Green Road, it is noted that the highway is a single track road with highway verges. Submissions by objectors to the proposal include photographic evidence of cars and lorries trying to pass each other on the route. The evidence demonstrates that vehicles need to use a considerable portion of the verge in order to pass each other.

It is considered that there will be an impact from the movement of lorries associated with the site on the existing users of Pinsley Green Road. Originally, the applicant did not propose any mitigation works along Pinsley Green Road e.g. passing places, or indeed even consider the level and severity of this development impact. However, having communicated these concerns, the applicant has submitted a suite of amended drawings that indicate the site access proposals in more detail along with proposed additional and upgraded passing places along Pinsley Green Road. The proposed site access includes reinforcement to ensure that the construction is suitably robust to cater for the HGV traffic turning to and from the site. This detail could be secured by condition. The general dimensions and geometry are acceptable in highways terms and will safely support the vehicle movements generated by the proposed development.

Pinsley Green Road is currently a narrow country lane with few passing places. Objectors have commented that the road currently suffers issues with HGVs using the route and causing issues in terms of two-way traffic movement and also causing damage to verges. During discussion with the applicant, proposals have been secured to improve/reinstate an existing passing place and provide additional passing places on the HGV route to/from the proposal site along Pinsley Green Road. In total four passing places are proposed between the site access and Wrenbury Road.

The proposed locations of the passing places have been agreed as appropriate by the Head of Strategic Infrastructure and the opportunity for any further spaces is agreed as limited within the highway boundary. It is noted that the shape/layout of certain passing places will need to be altered from those proposed on plan, particularly passing place 2 which will need to follow the curve of the road more closely and effectively become local widening on the bend. These details can be finalised through the Section 278 process and secured by condition. In the absence of any objection from the Head of Strategic Infrastructure, the amended proposals are considered to be in compliance with Local Plan Policy BE.3 and para 32 of the NPPF which states that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. In this case, the impacts are not severe.

Economic Role

The development would support the creation of a new rural enterprise to the benefit of the local economy.

As such, it is considered that the development is economically sustainable.

Social Role

Amenity

The two closest dwellings are ‘Grey Roofs’ which is located on the opposite side of Pinsley Green Road and ‘The Orchard’ which is located to the south west of the application area. Neither of these dwellings are so close as to be adversely affected by the bulk and mass of the proposed buildings. However, residents express strong concerns about the smell and noise from the development.

In order to operate, any poultry unit with more than 40,000 birds is required by law to hold an IPPC permit which is administered by the Environment Agency. The permit must take into account the whole environmental performance of the plant, covering e.g. emissions to air, water and land, generation of waste, use of raw materials, energy efficiency, noise, prevention of accidents, and restoration of the site upon closure. Smeaton Wood Farm already holds such a permit for the current site with the Environment Agency. Therefore any complaints in relation to the proposed development, such as noise or odour, would be dealt with by the Environment Agency and not the Local Authority. The views of the Environmental Agency are awaited.

With respect to noise, the applicant has submitted an acoustic report with the application. The report recommends mitigation designed to ensure that occupants of nearby properties are not adversely affected by noise from the development. The mitigation recommended in this report would comprise of attenuators fitted to the atmosphere side of each extract fan to offset the insertion losses. The Council’s Environmental Protection Unit have confirmed that this mitigation is acceptable. However, the submission demonstrates that the noise from fans decreases away from the building. Further the site operates under an Environmental Permit which includes measures to control noise and odour.

Residents have concerns / objections in relation to the noise from the lorries. The applicant has not specified the hours for deliveries; however, this could be secured by condition as

recommended by the Environmental Protection Officer. Subject to comments from the EA and conditions, it is not considered that the proposal would unduly harm the residential amenity afforded to nearby properties of the village of Wrenbury.

Public Right Of Way (PROW)

The Council's Public Rights of Way Unit has commented that the proposed development would not obstruct the 'Public Footpath Wrenbury cum Frith No. 2'. The submitted plans show that the proposed development would not extend onto the public right of way and would at its nearest point be situated 12 metres distance away from it. Consequently, it is not considered that the proposal would obstruct the PROW and as such the Councils PROW Unit has removed their initial objection to the scheme.

Planning Balance & Conclusions

The advice contained in the National Planning Policy Framework is that Council's should favorably consider planning applications that can demonstrate that they meet the definition of sustainable development.

From an environmental perspective, the erection of agricultural development within the Open Countryside is considered to be acceptable in principle.

Subject to conditions to mitigate the impact of the development upon protected species, there should be no significant ecology issues created.

The buildings would be of an appropriate design and siting.

The additional traffic generation will not be 'severe' in terms of its impacts on the local highways network and some improvements will be achieved to Pinsley Green Road through the provision of a number of strategically positioned passing places.

As such, it is considered that the proposal would be environmentally sustainable.

From an economic perspective, the development would support the creation of a new rural enterprise to the benefit of the local economy.

From a social perspective, subject to conditions, there should be no neighbouring amenity issues and the proposal would not have a detrimental impact upon the existing Public Right of Way.

The development is therefore considered to be sustainable and comply with the relevant policies of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and national guidance and is therefore considered to comprise of sustainable development within the context of the NPPF.

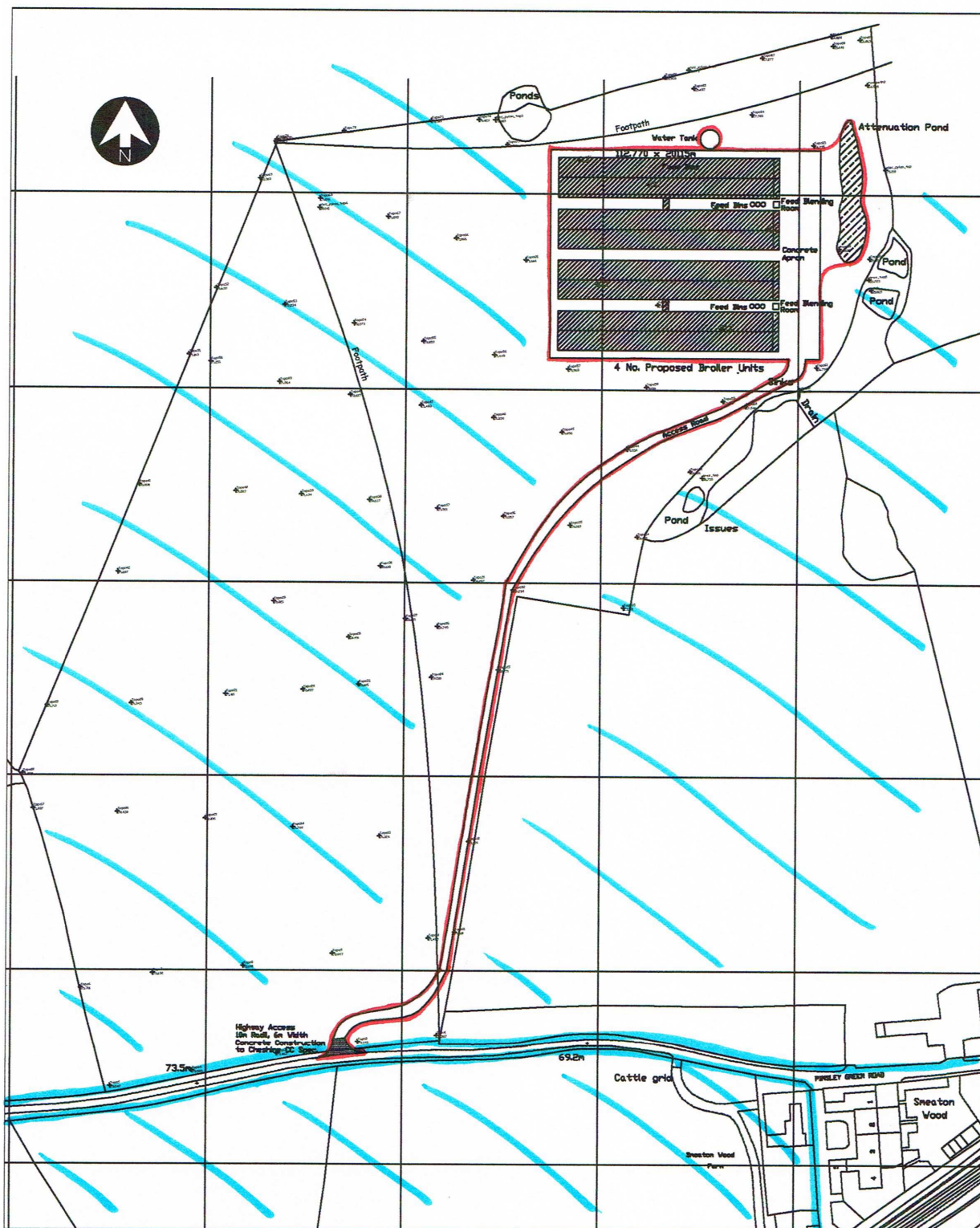
RECOMMENDATION


APPROVE subject to the following conditions:

- 1) Standard time limit**
- 2) Accordance with approved / amended 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 and recommendations
- 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 restricted (8.00am to 6.00pm Monday to Friday and not at all on weekends or Bank Holidays)
- 10) Noise mitigation implemented carried out in accordance with submitted noise survey prior to first use
- 11) Visibility splay as approved plan; brought into use prior to construction
- 12) No external lighting
- 13) Vehicular passing places provided prior to first use
- 14) Nesting bird survey if development carried out during breeding season
- 15) Details of habitat creation (barn owl boxes to be submitted)

In the event of any changes being needed to the wording of the Strategic Planning Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.



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