

## Development Management Report

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### Summary of Application

<b><u>Application Number:</u></b> 16/02667/FUL	<b><u>Parish:</u></b>	Great Ness
<b><u>Proposal:</u></b> Erection of an extension to an agricultural building for renewable energy biomass boiler room and open storage for agricultural purposes and all associated works		
<b><u>Site Address:</u></b> Poultry Broiler Units Great Ness Montford Bridge Shrewsbury Shropshire		
<b><u>Applicant:</u></b> Great Ness Poultry Ltd		
<b><u>Case Officer:</u></b> Kelvin Hall		<b><u>email:</u></b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>

**Grid Ref:** 340263 - 318560



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1.**

## REPORT

### 1.0 THE PROPOSAL

1.1 The planning application seeks permission for an extension to an existing agricultural storage building at the poultry rearing site at Great Ness. The width, height and roof slope of the extension would match that of the existing building. It would measure 59 metres wide x 8 metres x 4.72 metres to eaves and 8.26 metres to ridge. The southern half of the extension would provide an enclosed area for a biomass boiler; the northern part would have open sides, providing a storage area for plant and farm equipment.

### 2.0 SITE LOCATION/DESCRIPTION

2.1 The poultry rearing development at Great Ness is located approximately 450 metres to the south-east of the village. The site includes seven large poultry sheds, a number of feed silos, storage buildings, a weighbridge and office, and LGP tanks. The proposed development would form a north-easterly extension of an existing storage building which is situated at the south-western side of the site, onto an area of hardstanding. Land surrounding the poultry site is in agricultural use.

2.2 Access to the site is gained from the old A5 public highway via a dedicated access track. The nearest residential property is the site manager's dwelling, approximately 100 metres to the north-west. The nearest non-linked dwelling is Rodefens Farm, approximately 110 metres to the south.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The views of the Parish Council are contrary to the Officer recommendation. The Planning Manager, in consultation with the Chairman and Vice-Chairman of the Planning Committee agree that the Parish Council has raised material planning issues and that it is appropriate for the application to be determined by Planning Committee.

### 4.0 COMMUNITY REPRESENTATIONS

#### 4.1 Consultee Comments

##### 4.1.1 Great Ness and Little Ness Parish Council Objects.

1. This application will further industrialize this area of the parish. The visual impact will be considerable, in particular from the vantage point of Nesscliffe Hill and Great Ness, areas visited and enjoyed by so many people, who wish to enjoy the beauty of the countryside. Already attempts to shield the chicken farm from public view have proved inadequate, the addition of this biomass boiler room will only add to a highly visible industrialized complex, so out of keeping with rural nature of the parish.

2. The introduction of this biomass boiler will inevitably increase the smell and flies, already prevalent in this area. As Shropshire Council are aware there have been several complaints in respect to the noxious smells, since the chicken farm was built. The suggestion that by extending the height of the chimneys will mitigate the local fallout from pollutants, will only extend the range of such fallout.

3. The suggestion, by the applicant, that this is some how a 'sustainable development' is questionable. The economic benefits of employment for 3 people is not a significant contribution to the local area and the social and environmental role have already been

identified and are clearly all negative.

4.1.2 **SC Drainage** Advice provided (see informatives in Appendix 1).

4.1.3 **SC Public Protection** Having considered the location I have no objections assuming that the flue serving the biomass boiler terminates above ridge height of the building preferably by 1m as a minimum to ensure suitable dispersion of efflux gases. Should this not be the case an odour assessment may be required to ensure no impact on the local area particularly properties closest to the proposed installation.

Should the applicant wish to store a fuel type that is potentially malodorous, for example poultry litter, an odour assessment will be required taking into account the cumulative impact of the development in this proposal and any other activities in the locality which may produce odour e.g. poultry units. In order to ensure no odour assessment is required details of how the malodorous material will be stored so as not to release odour must be submitted. This element could be conditioned by requiring details to be submitted for approved prior to any malodorous fuel product being stored at the site (see Appendix 1).

4.1.4 **Shropshire Fire Service** Advice provided (see informatives).

#### 4.2 **Public comments**

4.2.1 The application has been advertised by site notice. One objection has been received, on the following grounds:

- the supporting Environmental Report is from an earlier application relating to 2013
- while the use of renewable energy biomass is good, concerns regarding odour particularly relating to open storage and what will be stored
- concern raised by consultant on ventilation should be enforced if approved

### 5.0 **THE MAIN ISSUES**

- Planning policy context; principle of development
- Siting, scale and design
- Local amenity and pollution considerations
- Other considerations

### 6.0 **OFFICER APPRAISAL**

#### 6.1 **Planning policy context; principle of development**

6.1.1 At present the broiler units are heated using a biomass boiler fuelled by straw and miscanthus grass, and LPG. The proposed extension to the existing agricultural building would house plant to enable a greater quantity of biomass to be utilised for the heating and electricity needs of the units. The applicant has advised that the capacity of the plant has been sized to ensure that sufficient heat and electricity can be produced to avoid the need for LPG to be used. It is understood that the plant would enable some electricity to be exported to the National Grid when demand at the site is low, for example at times when the broilers have been removed from the buildings and heating of the units is not required. However the applicant has advised that, on an annual basis, the site would remain a net importer of electricity. The proposal would therefore allow the site to become more sustainable in terms of fuel for heating, by reducing its dependency on non-renewable energy supplies.

6.1.2 One of the core planning principles of the NPPF is to encourage the use of renewable

resources. Similarly, one of the objectives of the Core Strategy is to promote the generation of energy from renewable sources. The proposal is therefore in line with both national and local planning policies in principle.

- 6.1.3 The proposed development is located within an area defined as countryside for planning policy purposes. Core Strategy policy CS5 allows for development on appropriate sites which maintain and enhance countryside vitality and character, where they improve the sustainability of rural communities by bringing local economic and community benefits. It states that this particularly relates to proposals such as agricultural related development. The impact of the proposal on countryside character is discussed below, however it is considered that policy CS5 does allow for development of the type proposed in principle.

## **6.2 Siting, scale and design**

- 6.2.1 Core Strategy policy CS6 seeks to ensure that development is appropriate in scale and design taking into account local context and character, having regard to landscape character assessments and ecological strategies where appropriate. Policy CS17 also seeks to protect and enhance the diversity, high quality and local character of Shropshire's natural environment and to ensure no adverse impacts upon visual amenity, heritage and ecological assets. SAMDev Plan policy MD7b states that applications for agricultural development should be of a size/scale which is consistent with its required agricultural purpose, and where possible are sited so that it is functionally and physically closely related to existing farm buildings. In this respect the proposal is in line with policy MD7b.

- 6.2.2 The concerns of the Parish Council that the visual impact would be considerable, particularly from Nesscliffe Hill and Great Ness are noted. Nesscliffe Hill is approximately 1.6km away and Great Ness approximately 450 metres away. In assessing the impact on the visual character of the area Officers note that the proposed extension would be relatively small, extending the 38 metres long building by 8 metres. The proposal would not increase the overall footprint of the poultry development, and the design, materials and colour of the extension would match the existing building. Given the scale and context of the poultry development it is not considered that the building extension would have a significant impact on the appearance of the development, or on the visual qualities of the area.

## **6.3 Local amenity and pollution considerations**

- 6.3.1 Core Strategy policy CS6 requires that developments safeguard residential and local amenity. SAMDev Plan policy MD7b states that planning applications for agricultural development will be permitted where it can be demonstrated that there would be no unacceptable impacts on existing residential amenity.

- 6.3.2 Odour and flies: The concerns of the Parish Council that the proposal would increase smell and flies are noted. The boiler plant to be housed within the building extension would utilise biomass fuel such as straw, miscanthus grass and wood pellets. It is not proposed to store poultry manure or other odorous materials within the building. It is therefore not anticipated that the proposal would generate adverse levels of odour or attract flies. However a condition can be imposed on the planning permission to require that the building is not used for the storage of malodorous material such as poultry manure unless prior approval has been granted to an odour assessment. This would be in line with the recommendation of the Public Protection Officer. One resident has noted that supporting information submitted relates to an earlier application. The application is

accompanied by a previous odour management plan and impact assessment. However given the type of material to be stored these documents have not been considered as part of the current application.

6.3.3 Atmospheric pollution: Following advice received from the Council's Public Protection Officer the design of the building extension has been revised to increase the height of the flue to one metre, in order to ensure satisfactory dispersion of emissions from the boiler. The flue design is now considered to be acceptable.

#### 6.4 **Other considerations**

6.4.1 The building extension would be constructed on an area of hardstanding and therefore would not result in habitat loss or other impact on protected species.

6.4.2 The site lies within Flood Zone 1 denoting a low risk of flooding. Surface water drainage would be to soakaway and this is considered to be an acceptable means in line with advice from the Council's Drainage Officer.

6.4.3 The application states that fuel deliveries to the site would be every 3 to 4 months, and as such it is not considered that the proposal would result in significant additional traffic on the local highway network.

### 7.0 **CONCLUSION**

7.1 The proposed extension to an existing storage building would house biomass boiler and other plant to enable a greater proportion of heating and electricity for the adjacent poultry houses to be produced using biomass. It would therefore reduce the reliance on LPG, a non-renewable form of energy. The extension would also allow the covered storage of farm equipment which is currently situated in the open.

7.2 The proposed extension comprises a relatively small extension to the building, and would not increase the footprint of the poultry development. The extension would match in design, materials and colour the existing storage buildings at the site, and would not have a significant impact on the visual character of the area. The proposed development has been satisfactorily designed to avoid adverse impact on the local area due to emissions from the boiler, and does not raise other significant land-use issues. As such it is considered that the proposal is an acceptable development at the existing poultry rearing site, in line with Development Plan and national planning policy, and that the granting of planning permission subject to the conditions set out in Appendix 1 can be recommended.

### 8.0 Risk Assessment and Opportunities Appraisal

#### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 give the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1970.

## 9.0 Financial Implications

There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far as they are material to the application. The weight given to this issue is a matter for the decision maker.

# 10. Background

## Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework

Core Strategy and Saved Policies:  
CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles  
 CS17 - Environmental Networks  
 CS18 - Sustainable Water Management  
 MD7B - General Management of Development in the Countryside

RELEVANT PLANNING HISTORY:

- 09/01583/FUL Erection of four poultry broiler units and ancillary works including off-site highway improvements REFUSE 27th May 2010
- 10/03789/EIA Erection of four poultry units, ten feed bins and ancillary buildings; formation of new access road; landscaping scheme (amended description) GRANT 16th May 2011
- 11/04783/FUL Installation of solar PV modules on poultry shed roof. APPRET 24th November 2011
- 11/05381/AMP Application for non-material amendment to PP 10/03789/EIA to allow for the relocation of swale and a re-design in tree planted area WDN 17th January 2012
- 12/02011/FUL Erection of an additional feed bin GRANT 2nd July 2012
- 13/01383/AGR Erection of an agricultural storage building to store farm implements and machinery PNR 6th May 2013
- 13/04305/EIA Erection of three poultry rearing buildings, eight feed bins and associated works PDE
- 15/03985/CPL Application for a Lawful Development Certificate for the proposed installation of Solar Photovoltaic panels LA 2nd November 2015
- 16/02667/FUL Erection of an extension to an agricultural building for renewable energy biomass boiler room and open storage for agricultural purposes and all associated works PDE
- 16/03120/FUL Erection of a steel portal framed general purpose farm building and grain store and all associated works APPRET

11. Additional Information

View details online:

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member  Cllr David Roberts
Appendices APPENDIX 1 - Conditions

## **APPENDIX 1 - Conditions**

### **STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

3. The external materials shall match in colour, form and texture those of the existing building.

Reason: To ensure that the works harmonise with the existing development.

4. Prior to any malodorous fuel product being stored at the site for use as biomass fuel the applicant shall submit details for approval which state how odour will be controlled. It shall consider cumulative impacts of odour where other malodorous activities are taking place in close proximity.

Reason: to protect the amenity of the area.

### **Informatives**

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as required in the National Planning Policy Framework paragraph 187.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's Surface Water Management: Interim Guidance for Developers document. It is available on the council's website at: [www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/](http://www.shropshire.gov.uk/drainage-and-flooding/local-flood-risk-management-strategy/).

The provisions of the Planning Practice Guidance, in particular Section 21 Reducing the causes and impacts of flooding, should be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.



3. As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" which can be found using the following link:  
<http://www.shropshirefire.gov.uk/planning-applications>

Specific consideration should be given to the following:

Enclosed Agricultural Buildings over 280m<sup>2</sup>

Access for Emergency Fire Service Vehicles

It will be necessary to provide adequate access for emergency fire vehicles. There should be sufficient access for fire service vehicles to within 45 metres of every point on the projected plan area or a percentage of the perimeter, whichever is less onerous. The percentage will be determined by the total floor area of the building. This issue will be dealt with at the Building Regulations stage of the development. However, the Fire Authority advise that early consideration is given to this matter.

'THE BUILDING REGULATIONS, 2000 (2006 EDITION) FIRE SAFETY APPROVED DOCUMENT B5.' provides details of typical fire service appliance specifications.

Water Supplies for Fire fighting - Building Size

It is important to note that the current Building Regulations require an adequate water supply for firefighting. If the building has a compartment of 280m<sup>2</sup> or more in area and there is no existing fire hydrant within 100 metres, a reasonable water supply must be available. Failure to comply with this requirement may prevent the applicant from obtaining a final certificate.

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