



Committee and date
South Planning Committee
9th June 2011

Item / Paper
10
Public

Development Management Report

Application Number: 11/00666/FUL

Parish: Wheathill

Grid Ref: 359006 - 281357

Proposal: Erection of free range poultry house, including associated feed bins, manure conveyor, access road, and soil excavation to level site and form screening bund

Site Address: The Wood Farm Wheathill Shropshire WV16 6QU

Applicant: I & J Preece & Son

Case Officer: Peter Walker **email:** planningdmsw@shropshire.gov.uk

1.0 THE PROPOSAL

1.1 The application proposes the erection of one free range poultry unit, with feed bins and associated earthworks, at a farm to the south of Brown Clee Hill.

2.0 SITE LOCATION & DESCRIPTION

2.1 The Wood Farm is situated some 350 metres north-west of the B4364 Ludlow to Bridgnorth road, north-east of Cleedownton. The farm buildings are surrounded by pasture and arable fields bounded by hedges and trees, on a west-facing slope in the Shropshire Hills Area of Outstanding Natural Beauty. The farm buildings and land straddle the boundary between the parishes of Wheathill and Stoke St Milborough.

3.0 RECOMMENDATION

3.1 That full planning permission for the proposed development be granted, subject to appropriate conditions.

4.0 REASON FOR DELEGATED DECISION

4.1 In accordance with the Council's adopted 'Scheme of Delegation' this application is referred to the South Planning Committee for determination because the local Parish Council has submitted objections to the proposal.

5.0 RELEVANT PLANNING HISTORY

5.1 09/01321/FUL – Planning permission granted October 2009 for erection of a free range poultry building with feed silos.

6.0 CONSULTEE RESPONSES

6.1 **Wheathill Parish Council** - Objects to the proposed development and expresses concern that the Parish Council was not party to discussions about this proposal before the planning application was submitted. The Parish Council considered that it has a valuable contribution to make in commenting on the proposal. Having consulted locally the PC wishes to make the following points:

- Distance from neighbouring property - The plans state that the building is 210m from the nearest dwelling, although having measured this we find the distance to be just 150m. Free range hen access will actually come to within 6m of Starvecrow Cottage.
- Smells & existing nuisance - The occupants of Starvecrow already suffer from smells from existing development and fear that the closer proximity of the proposed new development will make matters unbearable.
- Flies & rats - Starvecrow has always suffered with an influx of flies in the summer months due to the existing development and the occupant has actually consulted with Pest Control in the past. The house has to use commercial fly zappers at present. We are concerned that this problem will worsen. Rats are potentially a problem.
- Noise is also already a problem from the existing poultry unit and a new unit being so close is a concern.
- Disease - Starvecrow occupants have their own established flock of rare breed free range poultry amounting to about 30 chickens. They are concerned about interaction with this commercial flock of chickens causing infections and diseases – it is stated in the supporting document that the unit cannot be next to existing units on Wood Farm because of disease potential.
- Property valuation - This is a very great concern. The occupants bought Starvecrow before The Wood Farm became a poultry unit and further expansion of units in the direction of Starvecrow changes its rural setting and reduces its probable future valuation.

6.2 **Stoke St Milborough Parish Council** - no comments received

Shropshire Council

6.3 Highways Development Control Officer - The farm is served by an existing access on to the B4364 which is considered to be satisfactory in highway safety terms for both the current usage and the extra traffic likely to be generated by the proposed development. Visibility in both directions from the access is adequate for the highway conditions and the junction layout is satisfactory. The gate is set some way back from the road and is far enough away from the carriageway edge to allow an HGV to park clear of the highway while the drive opens / closes it. I therefore raise no highway objections to permission being granted for this development.

6.4 Public Protection Officer - The proposed development is in close proximity to residential dwellings in a locality with low background noise levels. The noise assessment submitted assumes a full 10dB noise barrier reduction due to the effect of proposed earth bunding and excavated location of the unit to predict acceptable fan noise levels at nearby residential dwellings. It is not certain from the plans and information submitted that this level of reduction will in practice be achieved. As the night time noise assessment is based on a specific fan operating programme, I would

recommend as a precautionary measure that two conditions be attached to any permission granted (see recommendation).

6.5 Planning Ecologist - Based on the submitted application documents and the Ecological Assessment by Wilkinson Associates (2011), the following comments are made:

There is a single oak tree in the dingle which has some potential for bats although no evidence was present. This oak tree will not be directly impacted by the proposed development. Bats are likely to be foraging in the wider area and could be disturbed by any new lighting on the site.

Two ponds were assessed for potential for Great Crested Newts by Wilkinson Associates and were found to have HSI of 0.66 and 0.63 which are both average on the scale. These ponds are both on-line with the small, fast flowing stream and have very little emergent vegetation. Pond 2 is also over 250m away from the proposed development. Wilkinson Associates conclude the Great Crested Newts are very unlikely to be present in these ponds.

The clearance of vegetation on the site has the potential to impact upon nesting wild birds.

There is a 3-hole badger sett on the site and also a single hole outlier sett. Neither sett showed evidence of current use but Wilkinson Associates recommend an inspection on the sets prior to the commencement of development to ensure that badgers will not be disturbed by the proposed works.

The stream and pools on the site are sensitive to pollution and should be protected during the spreading of poultry manure on the land.

If permission is granted, appropriate conditions and informatives relating to the above matters should be included in the decision notice (see recommendation).

6.6 Countryside Access Team - no comments received

6.7 Drainage Officer - comments regarding the need for appropriate surface water drainage arrangements designed to also cater for extreme storm events.

6.8 **Shropshire Fire and Rescue Service** - comments regarding the provision of adequate access for emergency fire vehicles, and an adequate water supply for fire fighting (these matters will be dealt with under the Building Regulations).

6.9 **Shropshire Hills AONB Partnership** - no comments received

6.10 **Shropshire Ramblers** - no objections provided that no obstruction is caused to the adjacent public footpath

7.0 PUBLIC REPRESENTATIONS

7.1 The statutory public consultation period expired on 6 May. One letter of support for the proposal has been received from the occupier of a dwelling some 500m east of the proposed poultry unit, stating that he has experienced no nuisances from the existing poultry unit at The Wood Farm.

7.2 Two letters of objection to the proposal have been received from the occupiers of Starvecrow Cottage which is situated some 170m south-east of the proposed poultry building, adjacent to the B4364. The grounds of objection are as follows:

- The proposed poultry building would be nearer to their property than stated in the application
- The proposed building would resemble an industrial unit and would be inappropriate in this location and harmful to the AONB landscape
- The land on which the proposed building would be sited is within the flight paths of bats, and is used by wildlife such as newts and frogs
- The proposal would result in probable nuisance from smell, noise and dust, rats and flies (the writers believe they already suffer from these due to the existing poultry unit at the farm)
- The proposal would result in a risk of disease to their own small flock of free range poultry
- The proposal would adversely affect the resale value of their property

8.0 PLANNING POLICY

8.1 Central Government Guidance:

PPS1 - Delivering sustainable development

PPS4 - Planning for sustainable economic growth

PPS7 - Sustainable development in rural areas

PPS9 - Nature conservation

PPS23 - Planning and pollution control

8.2 West Midlands Regional Spatial Strategy Policies:

QE1 - Conserving and enhancing the environment

QE3 - Creating a high quality built environment for all

QE6 - Conservation, enhancement and restoration of the landscape

QE7 - Protecting, managing and enhancing biodiversity and nature conservation resources

8.3 Shropshire Core Strategy Policies:

CS5 - Countryside and Green Belt

CS6 - Sustainable design and development principles

CS13 - Economic development, enterprise and employment

CS17 - Environmental networks

9.0 THE MAIN PLANNING ISSUES

- ### **9.1**
- Design and appearance of new building
 - Principle of development
 - Impact of development on landscape
 - Impact of development on nearby dwellings
 - Wildlife, historic environment and other issues

10.0 OFFICER APPRAISAL

10.1 Design and appearance of new building

- #### **10.1.1**
- The proposed development would involve the construction of one free range poultry house in a gently sloping field some 140m south-east of the main group of agricultural buildings at the farm. The new building would be sited on a south-west / north-east alignment along the approx. 265m contour of the field. The poultry house would measure some 88 x 15 metres (giving a total floor area of 1320 sq m), with a shallow

pitched roof rising from eaves at 3.3m high to a ridge height of 5.5m. The roof and walls would be clad in slate grey profiled metal sheeting, and along the roof ridge would be 6 ventilation cowls. Attached to the northern corner of the building would be a small egg packing room, and close to this would be two 9m high cylindrical slate grey metal feed bins with a diameter of 2.7m, and an automated manure conveyor. The design, features, colours and materials of the new building would be virtually identical to those of the farm's recently erected free range poultry house to the north-west.

10.1.2 The building would be surrounded by a surfaced hardstanding, and a new access road some 130m long would be formed through the field to link the poultry house to the farm's existing private access road from the B4364. At the south-west end of the building an earth bund would be formed from excavated material, in order to screen the poultry unit from view from the properties and road to the south-west. New tree planting of native species is proposed east of the new building and on the bund, and new hedging of native species would be planted near to the new access road.

10.2 **Principle of development**

10.2.1 Demand to build large poultry houses, for either free range or intensive poultry and egg production, is increasingly common at present in the local agricultural economy. In principle such buildings required for agricultural purposes can be considered acceptable in the rural area, in which agriculture is the primary commercial activity, subject to their design, size and siting being suitable. There are already numerous very similar poultry houses throughout the Shropshire Hills AONB, and one was only recently constructed at this farm, in a field 250m north-west of the present proposal. The principle of such a development at this farm has thus already been recently considered and judged acceptable.

10.2.2 In this instance the current proposal, and also the recently built poultry house of the same size to the west, is the result of changing livestock welfare legislation effective from the start of 2012, which requires that the farm's existing battery houses cease to operate. This will have a significant impact on the farm's egg production capacity, hence the move to greater free range egg production.

10.2.3 The location of the application site within the AONB requires that careful attention should be given to mitigating any impact on the character and appearance of the landscape. However, the fact that the proposed building could be significantly screened from view from by the existing landform, by the new earth bund and by new tree and hedge planting indicates that the development could be relatively easily accommodated at this farm without undue landscape impact.

10.2.4 Under the terms of the Environmental Impact Assessment Regulations 1999 the proposed development would not constitute either a Schedule 1 or Schedule 2 development because it would not be intended for intensive poultry rearing. Accordingly an Environmental Impact Assessment was not required in this case.

10.3 **Impact of development on landscape**

10.3.1 The relatively large size of the proposed building is such that it would inevitably have some visual impact on this undulating agricultural landscape within the AONB, and would potentially be visible at a distance from higher land in the surrounding area. However, the hill tops and high slopes from which the site could be seen are at

distances of 1.5 to 2 miles and over this distance the new development would be reasonably well screened due to the abundance of existing trees and field boundary hedges at the farm and throughout its surrounding area.

- 10.3.2 From the main road passing the site the slope of the land would ensure that only the top of the roof ridge, with its ventilation cowls, would be visible. However, the building would be further obscured over time as the proposed tree and hedge planting matures, and the existing roadside hedges on the B4364 already tend to restrict views into the farm from passing vehicles. From the B4364 to the south-west, the majority of the end elevation of the building would be fully screened from view by the new bund to be formed, and the associated tree planting. Although it would be visible from the minor road to Blackford, which runs 0.8 mile north of the site, it is anticipated that the new building would be relatively inconspicuous within the features of the wider landscape.
- 10.3.3 Having regard to the rolling nature of the local landscape, the abundance of boundary trees, the position of the new building in the lower part of the field and the proposed new tree and hedge planting, it is considered that the development could be appropriately integrated into the local landscape without undue visual impact. Accordingly it is considered that the proposal would not have an unacceptable impact on the character and natural beauty of the AONB.
- 10.3.4 A public footpath passes immediately west of the site of the poultry unit, but the proposed bund would help to screen the building from view from this path, and the presence of trees and hedges nearby would ensure that views of the new unit from the path would be relatively transitory. A public bridleway runs along the farm's existing access road and from this route the new unit would be more open to view. Another more distant bridleway some 500m to the west would have limited views of the development due to the distance and the intervening vegetation and topography.
- 10.4 **Impact of development on nearby dwellings**
- 10.4.1 Apart from two houses within the farm holding, the nearest dwelling to the proposed poultry house is Starvecrow Cottage, which stands some 170m south-east of the new building, whilst to the south-west are two other dwellings at distances of some 410 and 640m from the application site. The topography of the site and adjoining land, and the proposed new bund and planting, are considered to satisfactorily address the concerns about the visibility of the proposed development in the outlook from these properties.
- 10.4.2 Information received from the applicant's pest control contractor states that the existing measures used at the farm to control rats and flies are effective and would be applied to the new poultry unit. Manure from the unit would be mixed with that from the farm's cattle and spread on the fields throughout the holding in accordance with established practice. The pest controller has also noted that a septic tank apparently serving Starvecrow Cottage is leaking into the field adjacent to the cottage, and that this is likely to be the source of the flies which have troubled the objectors.
- 10.4.3 The potential for noise nuisance to nearby dwellings from the ventilation of the new building has been considered by the Council's pollution officer, who does not object to the proposal and considers that noise issues can be satisfactorily addressed through planning conditions.

10.5 **Wildlife, historic environment and other issues**

10.5.1 Consultation with the Council's planning ecologist has led to suitable lighting arrangements being incorporated at the ends of the new building to minimise disturbance to bats. Certain conditions and informatives relating to protected species are also required. Consultation with the Council's historic environment officer before the application was submitted established that no archaeological work would be required. The highways officer has confirmed that the farm's existing access arrangements are acceptable to serve the proposed development.

11.0 **CONCLUSION**

11.1 The proposed new free range poultry house would be a large functional structure, but of a scale and design typical of modern agricultural buildings in this rural area and matching one already in existence very nearby. The site lies within the AONB but it is considered that the position of the proposed building, the associated bund and new planting, combined with the existing boundary hedges and trees, would all provide effective screening of the development, such that its impact on the landscape would be limited to an acceptable level. The impact of the proposal on the amenities of nearby residents is likewise considered to be limited. Permission is therefore recommended, subject to the imposition of appropriate conditions and informatives.

HUMAN RIGHTS ISSUES

Article 8 of the First Protocol of the European Convention of Human Rights gives the right to respect for private and family life, whilst 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. Article 1 also requires the desires of landowners to be balanced against the impact of development upon nationally important features and on residents. This legislation has been taken into account in arriving at the above recommendation.

Environment Appraisal n/a

Risk Management Appraisal n/a

Community / Consultations Appraisal See sections 6 & 7 of report

Portfolio Holder: Economic Growth and Prosperity

Mike Owen / Mal Price

Deputy: John Hurst-Knight

Local Member: Councillors G Butler, M Shineton; C Motley (adjacent)

Appendices n/a

Reason for Approval

The proposal conforms to the provisions of the development plan insofar as they are relevant to the application. No material considerations, including those raised in representations, were considered to outweigh the policies of the development plan. In determining the application the Local Planning Authority gave consideration to the following policies:

Central Government Guidance: PPS1 - Delivering sustainable development; PPS4 - Planning for sustainable economic growth; PPS7 - Sustainable development in rural areas; PPS9 - Nature conservation; PPS23 - Planning and pollution control

West Midlands Regional Spatial Strategy: Policies QE1 - Conserving and enhancing the environment; QE3 - Creating a high quality built environment for all; QE6 - Conservation, enhancement and restoration of the landscape; QE7 - Protecting, managing and enhancing biodiversity and nature conservation resources

Shropshire Core Strategy: Policies CS5 - Countryside and Green Belt; CS6 - Sustainable design and development principles; CS13 - Economic development, enterprise and employment; CS17 - Environmental networks

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be commenced 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).

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

2. The development works hereby permitted shall not be commenced until a repeat inspection of the known badger sets on the site has been carried out. The assessment visit must be carried out by an experienced badger surveyor and the findings must be reported to the Local Planning Authority. If either of the sets show evidence of being active during the pre-commencement inspection then a consideration of whether a badger disturbance licence from Natural England is necessary for the works should immediately be submitted to the Local Planning Authority.

Reason: To ensure the protection of badgers (and in accordance with Policy CS17 of the Shropshire Core Strategy).

3. The development works hereby permitted shall not be commenced until a manure management plan has been submitted to the Local Planning Authority for approval. This manure management plan should cover issues including (but not limited to) storage of manure, spreading of manure, incorporation of spread manure into the soil and identification and protection of sensitive ecological receptors on the site.

Reason: To ensure the protection of the ecologically sensitive receptors on the site (and in accordance with Policies CS6 and CS17 of the Shropshire Core Strategy).

CONDITION(S) THAT REQUIRE APPROVAL PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

4. The development hereby permitted shall not be brought into operation until a noise assessment report has been submitted to and approved by the Local Planning Authority. This report shall include details of actual measured fan noise levels and barrier reduction achieved, and if necessary details of any additional works or modifications required to achieve acceptable levels.

Reason: To ensure that ventilation noise generated by the development is limited to acceptable levels (and in accordance with Policy CS6 of the Shropshire Core Strategy).

5. Within the first planting season following the completion of the new building hereby permitted, a scheme of new tree planting and hedging of native species, together with protection measures for the new planting, shall be implemented adjacent to the building, in accordance with full details to be submitted to and approved by the Local Planning Authority.

Reason: To ensure that an appropriate scheme of new tree planting and hedging is implemented, in order to enhance the appearance of the site and mitigate the visual impact of the development on the adjacent rural landscape (and in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy).

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

6. The materials and colours to be used on the exterior of the new poultry building and feed silos hereby permitted shall be in accordance with the details stated in the submitted application, and no alternative materials or colours shall be used without the prior approval of the Local Planning Authority.

Reason: To ensure that the external appearance of the new building is appropriate in this rural setting (and in accordance with Policies CS5 and CS6 of the Shropshire Core Strategy).

7. The lighting installed at the development hereby permitted shall comply with the submitted lighting details, and shall thereafter be retained for the lifetime of the poultry building.

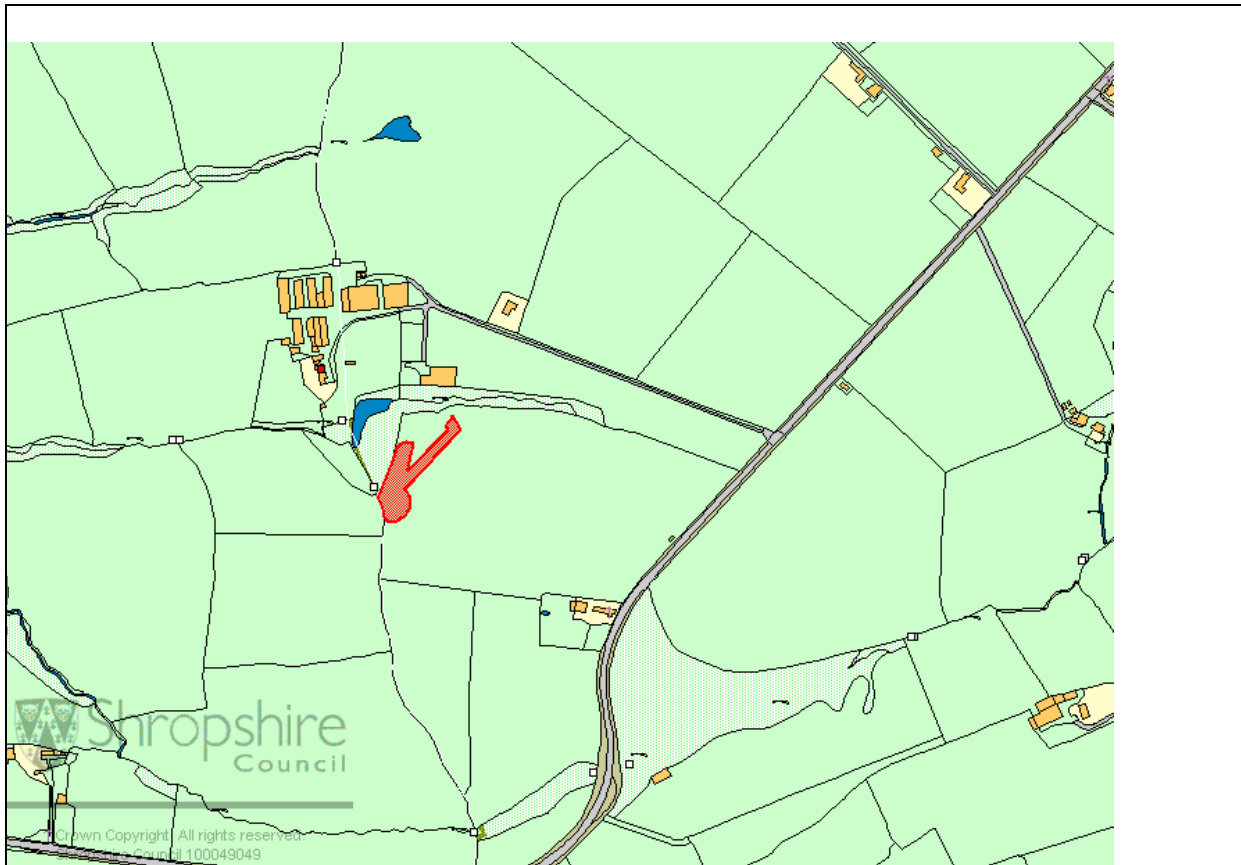
Reason: To minimise disturbance to bats, a European Protected Species (and in accordance with Policy CS17 of the Shropshire Core Strategy).

8. Between the hours of 23:00 and 07:00, fan operation at the development hereby permitted shall be restricted to the two Etavent axial minivent fans type ETA-FE0916EQ, as stated in the noise assessment report (dated 10 December 2010) submitted with the application.

Reason: To ensure that ventilation noise generated by the development is limited to acceptable levels (and in accordance with Policy CS6 of the Shropshire Core Strategy).

9. Any new trees and hedging planted as part of the planting scheme which, during a period of five years following implementation of the planting scheme, are removed without the prior written approval of the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced during the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure as far as possible that the approved planting scheme is fully effective (and in accordance with Policies CS5, CS6 and CS17 of the Shropshire Core Strategy).



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