

MEETING:	PLANNING COMMITTEE
DATE:	19 NOVEMBER 2014
TITLE OF REPORT:	P141024/F - PROPOSED ERECTION OF 4 NOS. POULTRY BUILDINGS, ASSOCIATED FEED BINS, HARD-STANDINGS AND ACCESS ROAD AT LAND AT FLAG STATION, MANSELL LACY, HEREFORD HR4 7HN For: Mr Davenport per Mr Ian Pick, Llewellyn House, Middle Street, Kilham, Driffield, YO25 4RL
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141024&search=141024

Date Received: 7 April 2014

Ward: Wormsley Ridge

Grid Ref: 341135,245364

Expiry Date: 7 July 2014

Local Member: Councillor AJM Blackshaw

1. Site Description and Proposal

- 1.1 This application was deferred at the Planning Committee on 24 September 2014. The report has been updated since that meeting and following a further public consultation process required following submission of additional information regarding noise. It includes further objection to the proposal in terms of both impacts and on procedural grounds.
- 1.2 Located in open countryside, the application site forms part of an arable field, grade 3B land, bounded on three sides by a mature tree-lined hedge, acting as a natural visual screen to the site. Immediately adjacent to the north east of the site is a dwelling known as Flag Station, this grade II listed building is a former railway station situated alongside the site of a former railway line, (dismantled), which runs along the north eastern side of the site. Access to the site is via a farm track which leads directly onto the A480 also to the north-east.
- 1.3 The application proposes the construction of four broiler units, housing a total of up to 180,000 birds, each building measuring 94.48 metres x 24.38 metres, with a ridge height of 6.144m. In addition twelve feed bins, a hard standing area, improvements to the access track and a drainage attenuation pond are proposed.
- 1.4 The proposal operates on a 35 day growing cycle with 7 days thereafter for cleaning out and preparation for the arrival of day-old chicks. There would be 8 flocks per annum.
- 1.5 Traffic movements in total are stated to be 78 visits per flock, so a total of 156 movements, with 624 and 1248 respectively per annum.
- 1.6 A Screening Opinion carried out in accordance with Environmental Impact Assessment Regulations 2011 in relationship to the application, for the erection of four broiler buildings, twelve feed bins, hard standing, access improvements and drainage attenuation pond for

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

housing of up to 180,000 broilers dated 23 April 2014 established the development as EIA Schedule 1 development. Therefore an Environmental Statement (ES) in support of the application is mandatory.

- 1.7 The application is accompanied by an ES. The adequacy of the statement has been assessed with particular regard to the requirements of Schedule 4 of the Environmental Impact Assessment Regulations.2011. A revised Noise Impact Assessment was submitted on 29th September 2014. This has been subject of further publicity.
- 1.8 An e-mail from the applicant dated 1st July 2014 confirms that woodland screening outside of the application site, but on land in the applicant's control, is to remain.
- 1.9 Since preparation of the original report a copy of the Environmental Permit (EP) has been received. This refers to up to 257,000 bird places and a biomass boiler. For the avoidance of doubt, the proposal is for 180,000 birds and does not include a biomass boiler. Heating for the units would usually be by mobile gas space heaters inside the buildings. The permit also requires an above ground dirty water storage tank. This tank should hold up to 50,000 litres equating to 50 cubic metres, a circular tank of 5.65m diameter 2m high for example.
- 1.10 This application is presented to the Committee following the quashing of the previous decision to approve, by the High Court on 4th September 2014. The Order was made by consent in relation to procedural error. A copy of this can be viewed on the Council's planning website via the following link.

<https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=141024&search=141024>

2. Policies

2.1 National Planning Policy Framework (NPPF)

The following sections are of particular relevance:

Introduction - Achieving Sustainable Development
Section 3 - Supporting a Prosperous Rural Economy
Section 7 - Requiring Good Design
Section 11 - Conserving and Enhancing the Natural Environment
Section 12 - Conserving and Enhancing the Historic Environment

2.2 Herefordshire Unitary Development Plan (HUDP)

S1 - Sustainable Development
S2 - Development Requirements
S6- Transport
S7 - Natural and Historic Environment
S10 - Waste
DR1 - Design
DR2 - Land Use and Activity
DR3 - Movement
DR4 - Environment
DR7 - Flood Risk
DR9 - Air Quality
DR13 - Noise
DR14 - Lighting
E13 - Agricultural and Forestry Development
E16 - Intensive Livestock Units
T8 - Road Hierarchy
T11 - Parking Provision
NC1 - Biodiversity and Development

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- NC6 - Biodiversity Action Plan Priority Habitats and Species
- NC7 - Compensation for Loss of Biodiversity
- NC8 - Habitat Creation, Restoration and Enhancement
- NC9 - Management of Features of the Landscape Important for Fauna and Flora
- LA2 - Landscape Character and Areas Least Resilient to Change
- LA4 - Protection of historic parks and gardens
- LA5 - Protection of Trees Woodlands and Hedgerows
- LA6 - Landscaping Schemes
- CF2 - Foul Drainage
- HBA4 - Setting of listed buildings.

2.3 Herefordshire Local Plan Core Strategy

- SS1 - Presumption in Favour of Sustainable Development
- SS4 - Movement and Transportation
- SS5 - Employment Provision
- SS6 - Addressing Climate Change
- RA6 - Rural Economy
- MT1 - Traffic Management, Highway Safety and Promoting Active Travel
- E1 - Employment Provision
- LD1 - Local Distinctiveness
- LD3 - Biodiversity and Geo-diversity
- LD5 - Historic Environment and Heritage Assets
- SD1 - Sustainable Design and Energy Efficiency
- SD2 - Renewable and Low Carbon Energy
- SD3 - Sustainable Water Management and Water Resources
- SD4 - Wastewater Treatment and River Water Quality
- ID1 - Infrastructure Delivery

2.4 Other Material Considerations

Landscape Character Assessment

2.5 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/unitary-development-plan>

3. Planning History

3.1 None identified.

4. Consultation Summary

Statutory Consultees

- 4.1 Natural England raises no objections having referred to Habitat Regulations, Wildlife and Countryside Act SSSI, protected species and biodiversity enhancements.
- 4.2 The Environment Agency raises no objections, making reference to particular elements of the proposal and that the site will fall within Environmental Permitting (England and Wales) Regulations. The EP will control day-to-day general management and issues such as emissions and monitoring of water, air and land, as well as fugitive emissions, including odour, noise and operation. Comment on each element is summarised below.

- Ammonia - no modelling required.
- Odour –without prejudice, on the basis of the information provided, likely to be in position to grant EP.
- Noise – low probability of complaints.
- Dust - Provided 'Best Available Techniques' are employed then would not anticipate a nuisance to residents living nearby.
- Flood Risk - refer to lead local flood authority in this case Balfour Beatty as council's consultant.
- Water management - to be reviewed with EP application.
- Manure management – required to submit manure management plan.
- Pollution Prevention - measures to be incorporated in EP to protect ground and surface water.

4.3 In response to a question from officers to the Environment Agency the following was received;

'I can confirm that the permit was issued without prejudice or regard to the planning status of the site. We however consulted Herefordshire Council Planning Services and Environmental Health about this application prior to determination and no issues were received.

I can also confirm that the operator will have to comply with all the conditions in their Environmental Permit and other permissions it holds. Failure to comply could ultimately lead to a revocation of the permit.

In response to a query from objectors they advised:

'I can confirm that as the permit application was for 257,000 bird places we did not consider the odour or noise modelling reports in detail as these were for 180,000 bird places.

A permit applicant is required to produce an odour management plan and a noise management plan if there are sensitive receptors within 400 metres of the proposed site boundary. Sensitive receptors include residential properties, schools and businesses etc. but not properties owned or occupied by the farm itself. The applicant is not required to submit odour or noise modelling information but may do so.

I believe that the Planning Authority should itself consider the Environmental Impact Assessment and in particular the noise and odour assessments when deciding whether the proposed development is suitable for the locality. This is stated in the third paragraph of the letter which the Agency has sent to the Planning Authority.'

Internal Council Advice

4.4 Environmental Health Manager (Amenity and Pollution) - raises no objections, advising that the site will be subject to an EP and that given the distances involved he does not expect any nuisance from light, dust, noise or odour (providing best practice is observed as per EP). A condition on manure transportation is recommended.

In response to the revised Noise Impact Assessment and matters raised by Marches Planning and Property Consultancy advised-

I can confirm that I have had opportunity to consider the updated Noise Impact Assessment dated 29th sept 2014, also the Marches Planning and Property Consultancy criticism of the assessment and the noise consultants response.

I am satisfied that the updated Noise Assessment now satisfactorily addresses the issue of traffic noise at night and demonstrates that noise is unlikely to be an issue with this development. I broadly agree with the noise consultant's response to the objectors concerns.

I would also add that although the objectors are critical of the use of BS4142 methodology to assess the likely impact of the noise there are no other appropriate standards. The Environment Agency's Guidance SRG6.02 suggests that the use of this standard might be appropriate. Advice is available from the World Health Organisation in its Guidance on Community Noise and BS8233:2014 Guidance on sound insulation and noise reduction for buildings on what are considered to be acceptable noise levels in dwellings and outside amenity areas, however these would not provide as high a level of protection to neighbours as the use of BS4142.

4.5 Environmental Health Manager (Land Contamination) - raised no objections.

4.6 Following a representation after preparation of the original report the additional advice, as set out below, was provided:

Having had opportunity to consider the letter of objection dated September 2014 from the Marches Planning & Property Consultancy I would make the following observations:-

Noise

- The background levels reported in the noise assessment are typical of the levels experienced in a rural locality and as such are consistent with what would be expected at receptor/neighbouring properties. I have no reason to suspect that they are not an accurate indication of the existing background levels.
- The reference to additional noise, not replacement of, existing levels is puzzling in that BS4142, the standard used to assess the acceptability of the noise produced by the development considers the specific noise (noise produced by the development) against existing background levels. It takes into account the difference and advises as to the likelihood of complaint. It does not consider the acceptability of combined noise levels. Advice is provided on noise levels affecting living areas by the World Health Organisation and reflected by BS 8233:2014; however the introduction of the noise from these poultry houses would be insignificant in raising the combined noise to an unacceptable level.
- The noise assessment addresses noise from transport movements only between 0700 and 1900. The use of BS 4142 is restricted where noise levels are very low as might be found in this situation. The Environmental Permit issued by the Environment Agency considers the acceptability of noise levels and the control methods. Should problems occur the Agency can vary this permit to require that improved controls are in place however these would not necessarily include traffic movements outside the permitted site. If this is considered to be an issue consideration could be given to imposing a condition with any planning permission prohibiting deliveries between 1900 and 0700.
- Noise from the blowing of feed into hoppers is a relatively short operation and due to the distance from neighbours I would not expect it to be a problem however if this should not be so the Environment Agency could put controls in place e.g. restricting night time deliveries etc.

Odour

- The odour assessment does appear to consider smell caused when the units are cleaned of litter. I would refer you to last 2 paragraphs of section 5, page 16 of the report and to the last paragraph on page 2 of Environment Agency's letter dated 9/5/14. Also due the relatively short duration of the cleaning process it would be unlikely to be the cause statutory nuisance.
- I am unable to comment on the anticipated odour rates per bird.
- I would expect that the discrepancy between the numbers of empty days is insignificant.
- The extract from the Environment Agency's letter 'if odour was significantly above this indicative threshold we may have serious concerns regarding short term more intense odour events typically associated with the late staged of the crop cycle and clean out' taken from the above mentioned paragraph on page2/3 appears to have been taken out of

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context. The paragraph read in its entirety it advises that a higher indicative threshold is used for these short term events and that they do not perceive odour to be a problematic issue.

Conclusion

The Environment Agency permits this type of operation and has to be satisfied that it can operate without causing undue environmental harm and I understand that such a permit can be issued without a planning permission having been granted. The Agency requires that applicants for such permits provide suitable supporting information on which they can base their decision. It would appear that they are satisfied that a larger poultry rearing operation than the one subject to this planning application can comply with their requirements.

Experience of other similar poultry rearing operations suggests that due to the separation distance from sensitive receptors that nuisance is unlikely.

4.7 Transportation Manager - raises no objections.

4.8 Conservation Manager (Building Conservation) - raises no objections, advising:

'Pre-application discussions were held with the agent on the site in December 2013 and various suggestions for mitigation were made.

The site lies to the south of Flag Station, a former railway station on the disused Midland Railway branch line to Hereford, Hay and Brecon. The Station and the adjacent platform are grade II listed, dating from 1863, and are located some distance off the A480. Flag Station is used as a dwelling in the ownership of the applicant and there are modern farm buildings forming an agricultural yard to the east of the listed building.

The proposal for 4 nos. poultry units is situated in the field to the south of Flag Station on the other side of the line of the disused railway. Given the proximity of the proposal to the grade II listed Flag Station and its platform it is necessary to ensure that there is compliance with Policy HBA4, Setting of Listed Buildings.

It is proposed to keep the poultry units to the southern end of the application field in order to reduce their impact on the setting of the listed buildings. This is in line with our site discussions. There are already modern farm buildings to the east of the listed structures which affect the setting of the listed buildings. It is not considered that the current proposal would significantly affect the setting of Flag Station, not least due to the level of mature trees and general landscaping between the listed building and the proposal site.

In addition to the location of the proposal within the field the colours proposed for the metal cladding are considered appropriate for the rural surroundings. The dark green will tend to allow the buildings to recede visually rather than being prominent to view.

To the north of the proposed units a new hedge is proposed. This is to act as a further visual barrier between the listed building and poultry units, though a further improvement would be to have a tree belt in addition to the hedge. Given the existing tree cover around the field it would seem appropriate to reinforce that character.

Overall the proposal should have no detrimental impact on the setting of the listed building, Flag Station, given the mitigation measures proposed.'

In respect of other historic assets the advice is as follows:

Keepers Lodge is situated further up the former railway line from the application site and there are a number of mature trees which almost completely block any intervisibility between the proposed buildings and the listed building. It is not considered that the impact on the listed building is either significant or detrimental.

The registered parkland at Foxley is situated a considerable distance from the application site and at a much higher ground level. The parkland as perceived from the main road is dense woodland with a strong boundary onto a series of cultivated fields. The proposed landscaping works on the application site would augment the existing mature trees on the boundary of the site. When this is combined with the distance and existing landscape between the site and Foxley it is considered that there would be no adverse impact on the setting of the registered garden.

Westmoor walled garden is a considerable distance from the application site and at a higher ground level. Between the walled garden and the application site are four properties in a cluster called Westmoor. The landscaping associated with these properties would effectively block any intervisibility between the listed structure and the application site and the setting is not considered to be affected by the proposal.

Due to their distance from the site and the lack of intervisibility between the site and the heritage assets, it was not originally considered necessary to make specific comment on the effect or otherwise on the setting, despite having been given consideration.

As noted in my previous response, the landscaping belt to the north of the proposed units is of great importance in mitigating the impact of the site on Flag Station. Certainly if the existing landscape had not already included mature and tall trees the setting of the heritage asset would have been severely compromised and a scheme would not have been supported. The scheme is now only supported provided that the landscaping belt is enacted and is of sufficient density to mask the buildings behind.

4.9 Conservation Manager (Landscape) main points are summarised below:

- The site functions as a small but important element in the natural and historic landscape.
- The landscape is of good quality and high sensitivity.
- The site is likely to be of limited ecological value with the exception of boundary and watercourse.
- The visual envelope of the site is limited due to surrounding hills and mature vegetation.
- The landscape has capacity to accept appropriately sited and designed agricultural built development
- Adverse effects on heritage are possible and without screening could be significant however, mature and good quality screening is noted.
- The proposal introduces both benefits and adverse effects in term of natural landscape and biodiversity.
- The site has a limited visual envelope and a few publicly accessible viewpoints. Visual effects are unlikely to be significant, subject to screening.

It concludes:

I do not object to the proposals in principle but effective and appropriate mitigation is required in order to avoid adverse effects in the longer term, and to safeguard the amenity of residents at Flag Station and Shetton Barns to the south west. Without it, the development could be contrary to planning policy including UDP Policy LA2 Landscape character, If permission is granted for this development, the following conditions should be attached:

G02 – Retention of trees and hedgerows

G04 – Protection of trees/hedgerows that are to be retained

G10 – Landscaping scheme
G11 – Landscaping scheme – implementation
G14 – Landscape management plan.

- 4.10 Conservation Manager (Ecology) raises no objections subject to conditions in order to ensure development is carried out in accordance with recommendations as set out in the ecological reports submitted in support of the application.
- 4.11 Conservation Manager (Archaeology) raises no objections.
- 4.12 The Land Drainage Manager recommends conditions to be attached to any approval notice issued with regard to surface water outfall to the receiving water course and on-site attenuation structure.

5. Representations

5.1 Foxley Group Parish Council raises no objections.

5.2 Bishopstone Parish Council has responded to the application indicating:

‘At their meeting yesterday Bishopstone Group Parish Council voted to oppose the above application and made the following comments regarding its impact on residents at Shetton.

1. The site is not appropriate for this type or size of development,
2. The application is not accurate as it lists only three dwellings that will be affected and ignores at least 9 other dwellings at Shetton, situated within 300-400 metres of the proposed site,
3. There is a high risk of flooding and of pollution caused either by flooding or when cleaning out,
4. There will be high levels of pollution by dust, noise, odour and emissions but assessments of these have only been carried out towards the A480 and not towards the dwellings at Shetton,
5. The screening mentioned in the application consists of mature trees. If the application is granted it should be subject to a condition for sectional felling and replanting of this woodland in such a way as to maintain an adequate permanent screen, and
6. A full Environmental Impact Assessment should be carried out before the application is considered.’

5.3 The National Farmers Union, (West Midlands Branch), has responded in support of the application indicating that the Council should support a strong farming industry within the County in order to feed the global population and that the proposed development represents an acceptable sustainable form of development in the local community that will benefit rural businesses.

5.4 Herefordshire Campaign To Protect Rural England objects to the application indicating that there is a failure:

- to regard material considerations,
- to consider impacts on the residential amenity of 11 dwellings,
- to consider impact on tourism and
- to consider adequately the effects on the quality of local watercourses.

5.5 One or more letters of objection have been received from:

- David and Sophie Palmer, The Stables Mansel Lacy,

- Lawrence and Suzanne Jevson-Hughston, Cork and Bottle Cottage, Shetton, Mansel Lacy,
- Caroline Worle, The Brewery, 3, Shetton Barns, Mansel Lacy,
- Roger and Patricia Stokes, Shetton Cottage, Mansel Lacy,
- Pamela Powell, Shetton Farm, Mansel Lacy,
- D.I & P.E. Powell, Shetton Farm, Mansel Lacy,
- Daniel. Powell, Shetton Farm, (via email), Mansel Lacy
- Josh Powell, Shetton Farm, (via email), Mansel Lacy
- Chloe Powell, Shetton Farm, (via email), Mansel Lacy
- Lyn Burwood, Beaumont, Bishopstone,
- Mr. & Mrs. M. Davey, Greentrees, Bishon Lane, Bishopstone,
- Mr. & Mrs. J. Fisk, Stone Cottage, Bishon Lane, Bishopstone,
- Roger Stokes, Shetton Cottage, Mansel Lacy,
- Sue Hubbard, 2, Glebe Cottages, Byford,
- Jacqueline and Michael Jones, Westlands, Mansel Lacy,
- Mr. M. Hillary and Family, Cork and Bottle Barn, Mansel Lacy,
- Mr. D. Bedford, c/o Crop spraying services, Spond, Hereford,
- M/s Nancy Malins, 1 Nelson Cottages, Bridge Sollers,
- Dorothy Lloyd, 2 Croft Road, Clehonger, Hereford.
- Marches Planning and Property Consultancy on behalf of Mr and Mrs Palmer.

Issues raised can be summarised as follows:

- Visual impact on the surrounding landscape, which includes reference to nearby development, historic assets and public rights of way and walks. Concerns about whether existing vegetation will be retained to screen the development.
- Noise, including HGV's at night and reference to the sustainable aims of the National Noise Policy Statement.
- Dust.
- Pests (flies) and
- Odour issues -all in relationship to residential amenity.
- Drainage/flooding issues and concerns about climate change, and in particular concerns in relationship to Yazor Brook and lack of detailed proposals with the application.
- Site selection in relationship to other sites in the control of the applicant.
- Comments about alleged inaccuracies in the Environmental Statement submitted in support of the application, such as distances to dwellings outside the applicant's control and not referred to in the Environmental Statement.
- Impact on surrounding businesses, and tourism interests. (Holiday and wedding venue and Yoga business).
- The methodology for assessing noise and the appropriateness of using BS4142.
- Concern that permit exists for 257,000 birds, more than the 180,000 applied for could result in increased stocking.
- 400m rule should be applied.
- Other alternative sites are available at Yazor Farm.
- Sustainability.

5.6 Following preparation of the original report further representations on behalf of Mrs Palmer, from Marches Planning and Property Consultancy were received. The new points relate to:

- Scope of development- the EP includes a biomass boiler which, in order to comply with Schedule 4 of the EIA regulations should have been included in the Environmental Statement. References to case law on this matter were submitted.

- That the biomass boiler could not subsequently be considered as permitted development.
- That the land is grade A, and the NPPF advises that:

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

- Further reference to tourists assets and residential amenity and regard to difference between the 257,000 birds in the permit and the 180,000 in the application, and that the department responsible for EP does not examine submissions with the planning application.
- It contained criticism of the ES answered in the response from the Environmental Health officer at 4.4

5.7 A letter of support from J Hilditch Whittern Farms Ltd Lyonshall as summarised below:

In addition to the importance of Cargill Meats to Herefordshire advises that there are 22 poultry sheds inside a 700 acre farm near Lyonshall in the middle of which she has a 5 Star gold holiday let and 4 other lets on the same holding .In total sleeping 54 people.' During the entire time we have been running the luxury holiday lets we have never had a single complaint about the chicken sites or smells, this is for over 10 years.'

5.8 A letter has been received from the applicant's agent in response to a letter of objection received to the application dated 8th May 2014 from D.I. & P.E Powell. It can be summarised as follows:

- The shelter belt on the southern side of the development provides an effective screen from Shetton Farm. The applicants have no objections to a condition requiring that this shelter belt has to remain in place with appropriate replanting to maintain the screen in its present form and height.
- In terms of the odour and noise assessments, which do not specifically reference Shetton Farm and the 7 barn conversions by name, it is confirmed that they have all been taken into account in the assessments. Within the noise assessment, they are referred to as receptor A, and within the Odour Assessment, receptor 3.
- Drainage from the proposed development has been designed in accordance with the SuDS requirements. The development includes capacity on site for volume storage of a 1 in 100 rainfall event with 20% for climate change added. The surface water from the development will only be released into the brook at a greenfield runoff rate. The way in which the drainage has been designed complies with the legislative requirements and will maintain the status quo with no additional loadings on the brook. The design has been accepted by the Council's drainage team.
- The siting of the development was chosen due to its planning merits. The site has a direct access to the A480 which complies with national standards in terms of visibility splays. The site is also located adjacent to an existing range of modern farm buildings, and has the benefit of an existing dwelling for occupation by a farm manager. In terms of landscape impact, the siting is exceptional, and the site is effectively hidden within the landscape. The site is also sufficiently separated from existing private dwellings to comply with the requirements of the Environmental Protection Regulations, as demonstrated by the odour and noise modelling, and the response of no objections from the Environment Agency who is the monitoring authority for this development.

- 5.9 In a later submission the following further response to objections was received advising that the poultry units are to be heated by mobile gas space heaters within the buildings and that the land is grade 3b.
- 5.10 Further, the applicants stated that they would accept a condition restricting vehicle movements , other than for bird collection, to 7am to 7pm.
- 5.11 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

- 6.1 The application proposes the construction of four separate broiler units each measuring 94.48 metres x 24.38 metres with a ridge height of 6.144 metres for the housing of up to 180,000 birds along with control rooms and storage space attached to each building, also proposed are twelve feed bins, hard standing area, access improvements and a drainage attenuation pond.
- 6.2 This application has been subject to an ES, which accompanied the application together with associated documents. The ES has been considered together with the accompanying planning application and supporting information and all other representations/consultation responses.
- 6.3 Regard must be had to the adopted development plan for the purposes of determination which must be made in accordance with the plan unless material considerations indicate otherwise (S38 (6) Planning and Compulsory Purchase Act 2004). Saved policies remain in force and carry weight, where they accord with the NPPF.
- 6.4 The NPPF is a key material consideration at this time. It is to be regarded in its entirety, and sets out a presumption in favour of sustainable development and details three strands of sustainability (economic, social and environmental).
- 6.5 The key issues relate to

Alternative sites
Economic, Business and Tourism
Landscape and heritage assets
Residential amenity
Transport/ Highway safety
Drainage/Flooding
Ecological issues

Alternative Sites

- 6.6 The development is a farming enterprise proposal between a landlord and a farming business tenant and family, and proposes to locate the development on a site close to a dwelling in the applicant's control, which can be used as a dwelling for a Site Manager. To the rear of this dwelling are farm buildings used in connection with the farming enterprise concerned.

- 6.7 Other sites adjacent to the main farmstead of the farming business operated by the tenant, at Yazor Court, have been assessed, and considered unacceptable owing to impacts on setting of a listed building, landscape impact, (sites are more visible, in particular from the A480), and proximity to dwellings in occupation outside the control of the farming enterprise concerned. The consideration of alternative sites is considered acceptable.

Economic, Business and Tourism Issues

- 6.8 Whilst intensive poultry development is often controversial, the economic benefits of such development have to be considered. In this instance the broiler production is in relation to the 'Cargill' chicken processing plant based in Hereford, where major expansion is necessary to remain competitive in the industry.
- 6.9 In terms of economic impact it is further noted that tourism in the area is an important factor for consideration. To the southwest of the application site is a group of converted barns known as Shetton Barns, from part of which a holiday business is operated, in itself contributing to the local economy. These dwellings, as well as other dwellings within their vicinity, (including Shetton Cottage, Cork and Bottle Barn and Cork and Bottle Cottage from where it appears a 'Yoga' business is located, and other isolated farmhouse and private dwellings, as well as farming businesses), have been taken into account when considering these issues. Having regard to the distances involved and the existing vegetation which acts as a screen to the site, (which also includes some evergreen), the control available via the EP and additional landscape mitigation, on balance, are considered to provide sufficient mitigation so as not to be so harmful to business that the refusal of planning permission would be warranted.
- 6.10 Consequently the proposed development is considered acceptable on this subject in respect to key policy E13 as well as other relevant HUDP policies and that of the NPPF, particularly Section 3 - Supporting a prosperous rural economy.

Landscape and Historic Heritage

- 6.11 This is a major development in open countryside, however, with appropriate mitigation through the imposition of conditions it is considered that concerns about impact on the character of the landscape can be addressed sufficiently to satisfy key policies LA2, LA5 and LA6 and the aims set out in Section 11 - conserving and enhancing the natural environment in the NPPF. This includes management of the adjoining woodland as well as additional planting on site. The external colour of the main buildings is considered acceptable, however, the external colour of the feed bins is not specified and therefore it is recommended that a condition is imposed to address this issue.
- 6.12 Flag Station, a grade II listed building, lies adjacent to the site. The setting of the building will be affected as a result of the proposed development. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty on local authorities to have special regard to the desirability of preserving the building or its setting, when determining applications.
- 6.13 In addition the impact upon the following assets has also been considered: Keepers Lodge – Grade II listed building, Foxley, Grade II* Registered Park and Garden and Westmoor Gardens – also Grade II.
- 6.14 The Conservation Manager (Historic Buildings) has considered the impact of the proposal upon these historic assets and concludes that with mitigation, including retention of the woodland, the proposal is considered to meet the requirements of key policies HBA4 and LA4 of the HUDP and Section 12 of the NPPF - conserving and enhancing the historic environment.

Environmental Health / Residential Amenity Issues

- 6.15 Information submitted in support of the application indicates that manure generated on site is to be used as a fertiliser on arable ground in the control of the applicant and a neighbouring farm. This is considered a sustainable use and it is recommended that a condition is imposed with regards to a manure management plan which would include movement in covered trailers.
- 6.16 The Environmental Health Officer raises no objections, referring to the requirement for the site to have an EP, issued by the Environment Agency. Contact has been made with the Environment Agency, by the applicants, who report that the Environment Agency raise no objections to the issuing of a permit for development as indicated. (They raised no objections to this application and neither do they request any conditions to be attached to any decision notice). The permit covers ecological and amenity issues such as noise, odour and dust etc. If these issues could not be addressed in a satisfactory manner in accordance with the thresholds for the issuing of a site permit then the EA would not issue a permit and the site would be unable to lawfully operate.
- 6.17 The commentary prior to policy E16 states, 'units should be sited at least 400m from non-agricultural dwellings or buildings; planning applications for units within 400m of a protected building will be carefully assessed'. This careful assessment includes consideration of the control exerted by an EP and in the light of para 122 of the NPPF.
- 6.18 The nearest dwellings are in the order of 320m from the proposed buildings. When taken together with mitigation through conditions the impact on the properties in the locality is not considered to be so harmful as to warrant refusal.
- 6.19 With consideration to the above-mentioned development, in terms of environmental health and residential amenity issues, the application is considered acceptable and in accordance with policies of the HUDP, in particular key policies S1, DR2, DR4, DR9, DR13, DR14, E13 and E16 as well as the NPPF.

Public Highway Access and Transportation Issues

- 6.20 The use of the A480 public highway in relation to this application and cumulative impact with other road users is considered acceptable. The Transportation Manager raises no objection.
- 6.21 The Environmental Statement makes reference to vehicle movements in relationship to the proposed development and this issue is considered to be addressed satisfactorily.
- 6.22 Therefore public highway issues are considered to have been addressed satisfactorily, (the site will have direct access from the applicant's land onto the A480 public highway). The Transportation Manager recommends a condition with regards to access, turning and parking.
- 6.23 Therefore on public highway and transportation matters the application is considered acceptable and in accordance with policies S1, S6, DR3 T8 and other relevant HUDP policies as well as the NPPF.

Drainage and Flooding Issues

- 6.24 Many of the letters of objection received raise issues in relation to flooding, with regards to the nearby Yazor Brook and capacity concerns, surface water run off and issues in relation to drainage and development on site.

- 6.25 The Environment Agency raise no objection on this matter and the Land Drainage Manager also raises no objection, recommending conditions with regards to surface water outfall and attenuation structure.
- 6.26 Whilst concerns as raised by the objectors on this matter are noted, the development has to be considered on the merits of the application and potential for flooding/drainage issues in relation to the development. The application proposes an attenuation pond in order to manage drainage on site and as such none of the statutory or internal consultees raise objection on this matter. The need for an above ground tank can be satisfactorily covered by the imposition of a condition. Therefore it is considered that this matter is addressed satisfactorily and it is recommended that conditions with regards to surface water outfall and on-site attenuation as recommended by the Land Drainage Manager are imposed.
- 6.27 Therefore on flooding and drainage matters the application is considered acceptable and in accordance with policies S1, DR4, DR7 and other relevant HUDP policies and the NPPF.

Ecology

- 6.28 Ecological issues are considered to be addressed satisfactorily and it is recommended that a condition is imposed in order to ensure that the recommendations as set out in the ecology report submitted in support of the application are adhered to.
- 6.29 Natural England has been consulted on the application raising no objection.
- 6.30 On ecological issues the application is considered satisfactory and in accordance with policies NC1, NC3, NC6, NC7 NC8 and other relevant HUDP policies and Section 11 of the NPPF.

Conclusions

- 6.31 There have been a number of competing elements to consider, not least of which have been the economic and amenity issues, landscape and historic heritage issues. The preceding sections of this report set out these and other issues and how they have been addressed through the application submission and/or the imposition of conditions.
- 6.32 The application is large in scale. However, it is considered that the development can be integrated into the environment in a satisfactory manner. The site is considered to be a suitable location for such farming practices. Sufficient mitigation measures are introduced to minimise any visual intrusion and adequately mitigate harm.
- 6.33 There are a number of definitions and measures of sustainability. It has been suggested that the proposal is not sustainable based on the aims of the National Noise Policy Statement, which states:
- avoid significant adverse impacts on health and quality of life;
 - mitigate and minimise adverse impacts on health and quality of life; and
 - where possible, contribute to the improvement of health and quality of life.
- 6.34 It is considered that the proposal and conditions set out both avoid and mitigate such impacts.
- 6.35 The NPPF sets out three dimensions which require the planning system to perform corresponding roles, namely economic, social and environmental. The policies set out in paragraphs 18 to 219 in the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. Compliance with the NPPF taken as a whole therefore meets the sustainability test.

- 6.36 The issue about the difference between the number of broilers quoted in the EP and in the application has been considered. The proposal before Committee is for 180,000 broilers, not 257,000.
- 6.37 It is also important to note that a number of issues which regularly arise in such applications are dealt with through the Environmental Permitting Regulations, administered by the Environment Agency. A balancing exercise is required to address such competing material considerations. Paragraph 122 of the NPPF provides that local planning authorities should focus on whether the development itself is an acceptable use of land and the impact of the use, rather than the control of processes or emissions themselves, where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.
- 6.38 Having taken into account all representations and the environmental information and assessing in relation to the Herefordshire Unitary Development Plan policies and the National Planning Policy Framework it is considered that the proposal complies with the relevant policies contained therein and consequently the balance lies in favour of granting planning permission subject to the conditions set out below.

RECOMMENDATION

That Officers named in the Scheme of Delegation to Officers are authorised to grant full planning permission, subject to the conditions below and any other further conditions considered necessary:

- 1. A01 Time limit for commencement (full permission)**
- 2. B02 Development in accordance with approved plans and materials and limited to 180,000 bird places.**
- 3. Notwithstanding the approved plans all the external colouring of the feed silos hereby approved shall be to colour code 'Juniper Green' BS12B29).**

Reason: With consideration to the impact on the surrounding landscape and to comply with Policies DR1 and LA2 of the Herefordshire Unitary Development Plan.

- 4. H13 Access, turning area and parking**
- 5. Prior to the commencement of the development hereby permitted, full details of all external lighting to be installed upon the site (including upon the external elevations of the buildings) shall be submitted to and be approved in writing by the local planning authority. No external lighting shall be installed upon the site (including upon the external elevations of the buildings) without the prior written consent of the local planning authority. The approved external lighting shall be installed in accordance with the approved details and thereafter maintained in accordance with those details.**

Reason: To safeguard the character and amenities of the area and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

- 6. I55 Site Waste Management**
- 7. L04 Comprehensive & Integrated draining of site**
- 8. All manure moved off site will be so in covered and sealed trailers.**

Reason: In consideration of the amenity of the surrounding area and to comply with Policy DR4 of the Herefordshire Unitary Development Plan (and the National Planning Policy Framework).

9. **G02 Retention of trees and hedgerows**
10. **G04 Protection of trees/hedgerows that are to be retained**
11. **G10 Landscaping scheme**
12. **G11 Landscaping scheme - implementation**
13. **G14 landscape management plan**
14. **On commencement of the development, the mitigation as proposed must be carried out in accordance with Recommendations 1 to 4 set out in the ecologist's badger report submitted in support of the application from Betts Ecology dated March 2014. An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Statement and the NERC Act 2006.

15. **The recommendations set out in section 7.4 the ecologist's report from Bretts Ecology dated September 2013 must be followed unless otherwise agreed in writing by the local planning authority. Prior to commencement of the development, a habitat protection and enhancement scheme must be submitted to and be approved in writing by the local planning authority, and the scheme shall be implemented as approved. An appropriately qualified and experienced ecological clerk of works must be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010 and Policies NC1, NC6, NC8 and NC9 of Herefordshire Unitary Development Plan, in relation to Nature Conservation and Biodiversity and to meet the requirements of the National Planning Policy Framework and the NERC Act 2006.

16. **No development will take place until the developer has provided detailed construction drawings of the proposed surface water outfall to the receiving watercourse to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure the integrity of the receiving watercourse and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

17. No development will take place until the developer has provided detailed construction drawings of the proposed attenuation structure to be submitted to and approved in writing by the Local Planning Authority. The details submitted must include information pertaining to the depth, levels and dimensions of the structure.

Reason: To ensure that the development has sufficient capacity to attenuate surface water runoff up to and including the 1% annual probability event (including climate change allowance) to ensure no increased flood risk to people of property elsewhere and to comply with Policies DR4 and DR7 of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

18. Prior to the commencement of development, details of the design and location of the waste water storage tanks are to be submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure the effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system so as to comply with Policy CF2 of Herefordshire Unitary Development Plan and the National Planning Policy Framework.

19. There shall be no HGV movements on site between the hours of 7pm to 7am, except for the collection of birds.

Reason: To safeguard the amenity of the area so as to comply with policy DR13 of the Herefordshire Unitary Development plan.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy Environmental Information and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- 2. HN05 Works within the highway
- 3. N11A Wildlife and Countryside Act 1981 (as amended) - Birds
- 4. This permission does not extend to the provision of a biomass boiler, a separate application for which would be required.

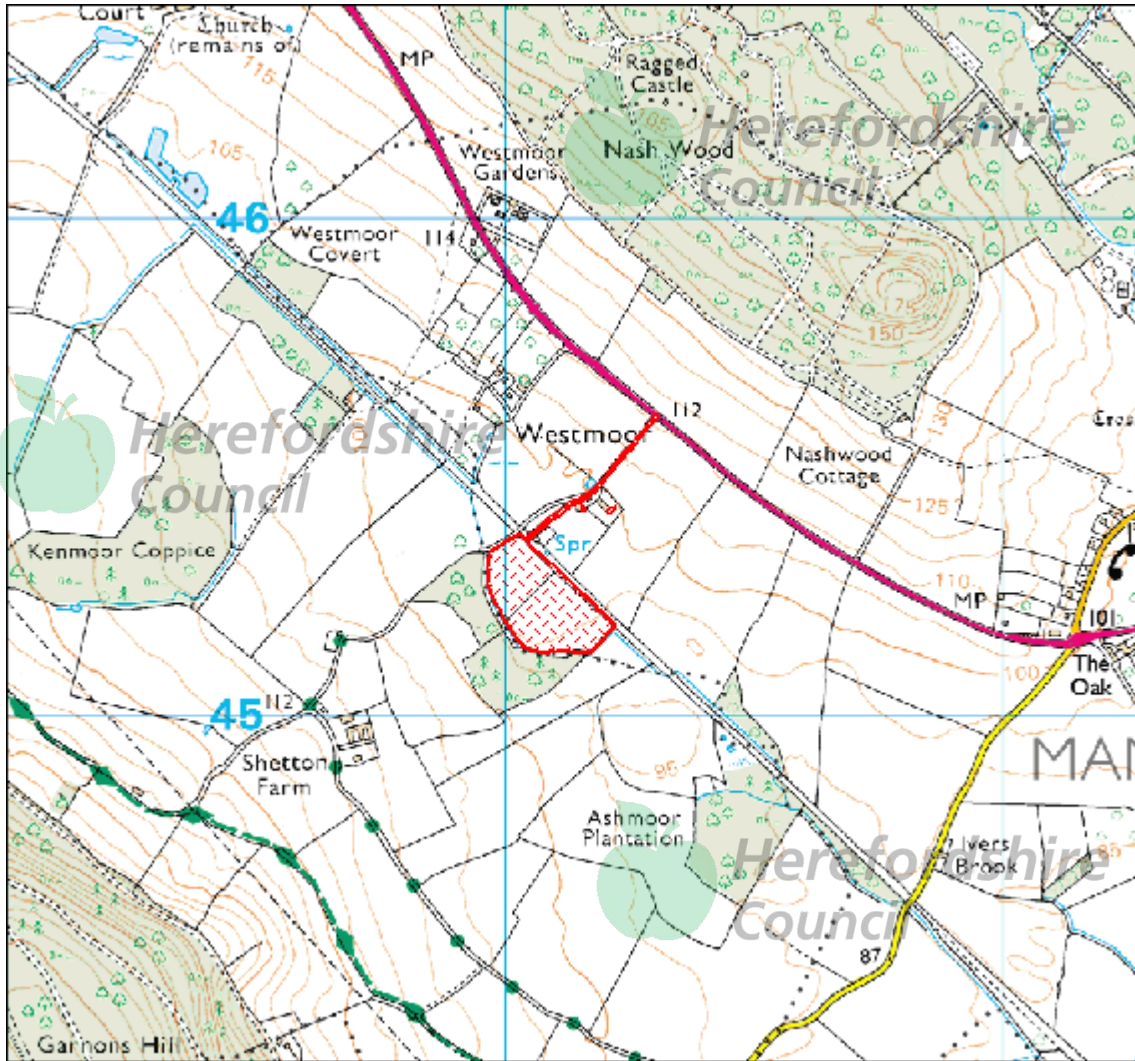
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 141024/F

SITE ADDRESS : LAND AT FLAG STATION, MANSELL LACY, HEREFORD, HR4 7HN

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Further information on the subject of this report is available from Mr M Tansley on 01432 261815