

MEETING:	PLANNING COMMITTEE
DATE:	25 APRIL 2012
TITLE OF REPORT:	N113558/F - EXTENSION TO EXISTING POULTRY BUILDING WITH ENVIRONMENTAL AGENCY APPROVAL AT THE RHYSE FARM, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3LX For: Mr Davies per Mr Gareth Wall, 54 High Street, Kington, Herefordshire, HR5 3BJ
WEBSITE LINK:	http://www.herefordshire.gov.uk/housing/planning/58286.aspx?ID=113558&NoSearch=True

Date Received: 20 December 2011

**Ward: Pembridge and
Lyonshall with Titley**

Grid Ref: 335168,257247

Expiry Date: 22 March 2012

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The site is located to the eastern side of an active farmstead, adjacent to the eastern gable end of an existing intensive poultry shed that forms one of five at the location for the proposed development. Two of the original five sheds on site have recently been increased in size, in a similar scale and size to that of the proposal subject to this application.
- 1.2 The proposal is to increase the floor area by 542.50 square metres, in order to house 5,000 additional birds on site. The existing shed has floor space of 1350 square metres. The existing site has capacity for up to 135,000 birds but with an Environmental Permit of 157,500 birds.
- 1.3 A screening opinion carried out under the Town and Country Planning (Environmental Impact Assessment), Regulations 1999 dated March 5th 2012 concluded that the proposed development falls below the threshold of DETR Circular 02/99 (A4) and therefore an Environmental Statement is not required to accompany any formal application for the proposed development.

2. Policies

2.1 Herefordshire Unitary Development Plan:

S1	-	Sustainable Development
S2	-	Development Requirements
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
E13	-	Agricultural and Forestry Development

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

- E16 - Intensive Livestock Units
- LA2 - Landscape Character and Areas Least Resilient to Change
- NC1 - Biodiversity and Development
- NC8 - Habitat Creation, Restoration and Enhancement

2.2 National Planning Policy:

National Planning Policy Framework

3. Planning History

- 3.1 DMN/110788 – Extension to existing poultry unit. Approved subject to conditions 27 July 2011.
- 3.2 N/103356/F – Extension to existing poultry shed. Approved subject to conditions 21 February 2011.
- 3.3 96/0287/N – Proposed additional poultry house. Approved 21 May 1996.
- 3.4 91/0583 – Erection of poultry houses. Approved 19 November 1991.
- 3.5 81/0026/O – Erection of broiler house. Approved 19 February 1981.

4. Consultation Summary

Statutory Consultees

- 4.1 Natural England raise no objections.
- 4.2 The Environment Agency raises no objections indicating an Environmental Permit variation was issued in August 2010 to allow up to 157,500 birds to be retained on site. The original permit allowed 117,600 birds. Their response indicates that they have no record of complaints relating to amenity issues such as odour or dust from the site, and that the principal of an increase to the area of shed 3 that is subject to this application was agreed between the applicants and the Environment Agency in October 2011.

Internal Consultation Response

- 4.3 Landscape Manager: Raises no objections subject to conditions attached to any approval notice requiring additional tree and hedgerow planting.
- 4.4 Planning Ecologist: Raises no objections, indicating support to the Landscape Officer's comments in consideration of a landscape scheme. The response also recommends a condition to be attached to any approval notice with regards to a habitat protection and enhancement scheme for the adjacent stream corridor.
- 4.5 Environmental Health Manager: Raises no objections to the proposed development.
- 4.6 Transportation Manager: Raises no objections.

5. Representations

- 5.1 Lyonshall Parish Council object to the proposed development indicating there is insufficient information submitted in support of the application on which basis to recommend approval.

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

Concerns are raised about the plans submitted in support of the application with regards to amount of poultry units on site as a whole, confusion over amount of birds on site and amount of increase in birds as a result of this application, concerns are also raised about unofficial complaints about noise and smell generated on site and proximity of site to protected receptors. The response indicates that the fact that the site has a permit issued from the Environment Agency allowing an increase in bird numbers on site is of no relevance in relationship to planning considerations. Concerns are also raised about the amount of HGV's along the adjacent public highways as a result of development on site and visual intrusion of development on site in consideration of the surrounding countryside. The response also states that an odour impact assessment is required in support of the application at the very minimum along with an Environmental Statement. The response also states that the proposed development is not in accordance with the Parish Council's policy on poultry development.

- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-

www.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx

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

www.herefordshire.gov.uk/community_and_living/consumer_advice/41840.asp

6. Officer's Appraisal

- 6.1 The site consists of five separate poultry sheds to which the original Environment Permit issued by the Environment Agency allowed up to 117,600 birds to be retained on site.
- 6.2 In August 2010 the Environment Agency issued a permit variation, this allowed an increase in bird numbers to 157,500. The Environment Agency's response to this application dated 28th February 2012 states that the variation decision to increase 'broiler' numbers was based on evidence that a lower ammonia emissions factor is appropriate for broilers than was used in the original modelling of the impacts of this installation on nearby sensitive receptors, meaning that the number of birds can be increased with no greater impact than was originally predicted.
- 6.3 Of the original five sheds on site, two have recently had extensions added to them in a similar scale to the one subject to this application. Each one allowing 5,000 additional birds to be housed in each building.
- 6.4 This proposal is for an extension covering the same amount of floor area measuring 542.50 square metres, in order to house 5,000 additional 'broiler' chickens on site. The proposal would increase capacity on site to 140,000 birds. As noted earlier the Environmental Permit issued by the Environment Agency in August 2010 allows 157,500 birds to be retained on site. Clearly this would be subject to satisfactory bird accommodation being provided on site.
- 6.5 The proposed development is of a scale and size considered acceptable in relationship to the existing poultry unit and surrounding landscape with conditions attached to any approval notice issued requiring additional landscaping in the form of hedgerow and tree planting and habitat enhancement, (the poultry site itself being located within close proximity to its southern side by a natural stream corridor). It is noted that the Landscape Manager and Planning Ecologist raise no objections.
- 6.6 The Transportation Manager in his response to the application raises no objections indicating that he has re-assessed the increase in vehicular use, as a result of the proposed development and considers the access from the adjacent public highway into the site has adequate capacity, as does the surrounding local highway network.
- 6.7 It is further noted that neither the Environmental Health Manager or the Environment Agency raise any objections in consideration of amenity and odour issues.

- 6.8 As well as raising concerns about issues as considered above, the Lyonshall Parish Council in their response to the application indicated that they believe a full environmental impact assessment/odour assessment, is required to accompany the application in consideration of the scale of the overall plan and proximity to protected receptors.
- 6.9 The proposal has been subject to a screening opinion under Environmental Impact Assessment Regulations, as referred to in paragraph 1.3 of this report. The screening opinion dated 5 March 2012 concluded that an Environmental Statement was not required to accompany the application, as the proposal to house an additional 5,000 birds on site on an increased floor area of approx. 542 square metres is not considered to have any adverse cumulative impact on the surrounding environment when assessed against the existing business operated on site, falling below the recognised thresholds of both schedule 1 on bird numbers, and schedule 2 in consideration of the proposed floor area and bird numbers, in consideration to the surrounding environment, when assessed in relationship to Circular 02/099, of Environmental Impact Assessment Regulations.
- 6.10 The Environment Agency, Natural England and the Council's Environmental Health, Landscape and Ecology Managers were consulted with regards to consideration for an Environmental Statement as part of the screening process and none requested an Environmental Statement to accompany any formal application for the proposed development.
- 6.11 It is acknowledged that the Lyonshall Parish Council has adopted a broiler chicken policy dated 7 July 2011 for use when assessing planning applications of this nature. However this Parish policy presently can be give little weight, having not been formally adopted by the Council as 'supplementary planning policy'.

7.0 Conclusions

- 7.1 Whilst it is acknowledged that the Parish Council has concerns about the amount of applications for development at this specific site, and whilst multiple separate applications for development on the same site are not to be encouraged, each separate application has been given full planning consideration, and assessed on its own merits, equal to if one single application for an increase in bird numbers and development on site had been submitted for planning consideration.
- 7.2 It is considered that the application under consideration raises no issues of concern in relationship to cumulative impact or other planning issues of concern and therefore the recommendation is one of approval subject to conditions.
- 7.3 With the above taken into consideration including objections received, the proposed development, with no adverse responses from any of the statutory consultees, is considered to be in accordance with policies of the Herefordshire Unitary Development Plan, the key policies of which were Policies S1, DR1, DR2, DR3, DR4, E16, LA2 and NC1. The proposal also considered to be in accordance with the recently introduced National Planning Policy Framework.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. **A01 Time limit for commencement (full permission)**
2. **B01 Development in accordance with the approved plans**
3. **C02 Matching external materials (extension)**

4. **G02 Retention of trees and hedgerows**
5. **G10 Landscaping scheme**
6. **G11 Landscaping scheme - implementation**
7. **Prior to any development on site full details will be submitted and approved in writing by the local planning authority with regards to a habitat protection and enhancement scheme for the adjacent stream corridor. Detail will include a timetable for the approved works.**

Reason: In consideration of biodiversity and to comply with Policies NC1 and NC8 of the Herefordshire Unitary Development Plan.

Reasons for Granting Planning Permission:

1. **The proposed development refers to an increase in overall floor space to one of five intensive poultry sheds and a consequential increase in bird numbers that is considered acceptable in consideration of the cumulative impact of the proposed development in relationship to the existing intensive poultry business on site and the surrounding landscape and environment, with suitable worded conditions attached to any approval notice issued with regards to landscape and biodiversity enhancement. The proposed development is considered acceptable in relationship to public highway issues and residential amenity and privacy. A screening opinion under Environmental Impact Regulations dated March 5th 2012 established that an Environmental Statement was not required to accompany any formal application for the proposed development.**

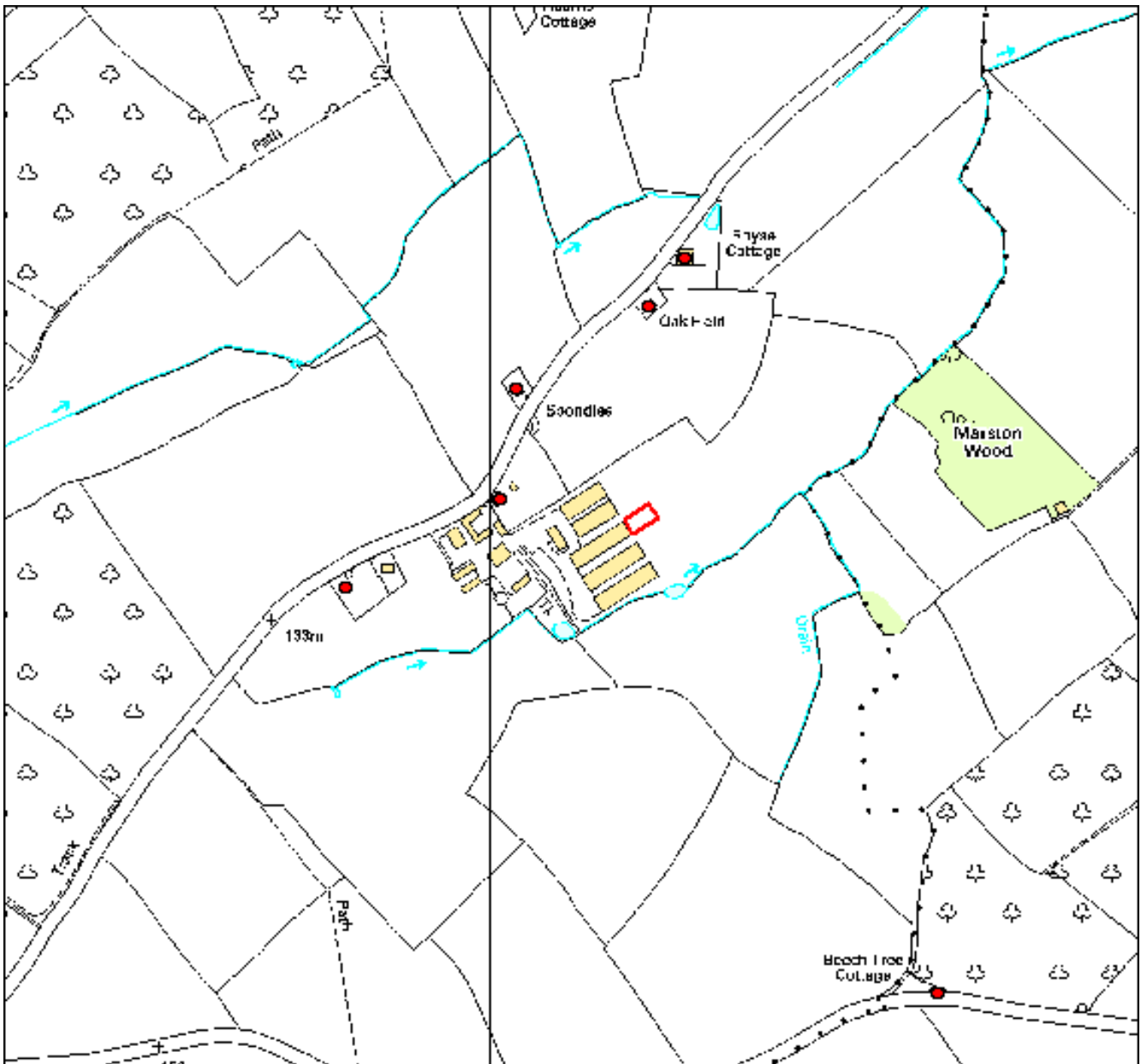
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Decision:

Notes:

Background Papers

Internal departmental consultation replies.



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APPLICATION NO: N/113558/F

SITE ADDRESS : THE RHYSE FARM, LYONSHALL, KINGTON, HEREFORDSHIRE, HR5 3LX

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