

**5 DCSW2004/1766/F - ERECTION OF 4 NEW POULTRY BUILDINGS ON EXISTING SITE, COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT****For: F.M. Green per ADAS Kinnersley House Barn, Kinnersley, Worcester, WR8 9JR****Date Received: 13th May 2004      Ward: Pontrilas      Grid Ref: 50317, 29891****Expiry Date: 2nd September 2004**

Local Member:    Councillor G.W. Davis

Consideration of this application was deferred by the Sub-Committee on 16<sup>th</sup> February, 2005 in order that a site visit could be held. This took place on 28<sup>th</sup> February, 2005.

The previous report is attached as an Appendix.

Further to the original report, the applicant's agent has sent a further communication in which the following main points are made:

- entrance is onto a lower class of road
- entrance may have to be moved and hedges removed to increase visibility
- internal roadway unsuitable, considerable cost to improve it
- security, site manager lives near existing access. House will be needed for southern entrance
- increased lorry movements through Wormelow
- southern entrance may not be acceptable to Highways Agency/Council's Highways Division whereas northern entrance (onto A49) is
- southern road for tractors and machinery purely voluntary
- should be noted we are only talking about one extra lorry movement a day.

**RECOMMENDATION**

**That planning permission be granted, subject to conditions (as detailed in the previous report)**

## APPENDIX

## **5 DCSW2004/1766/F - ERECTION OF 4 NEW POULTRY BUILDINGS ON EXISTING SITE, COURT FARM, MUCH BIRCH, HEREFORDSHIRE, HR2 8HT**

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### **1. Site Description and Proposal**

- 1.1 The proposal is on the southern side of the A49(T) road and entails travelling south along an adopted road (u/c 71606) initially between St. Mary's Church and the recently extended doctor's surgery and the Community Hall on the western side. A track starts close to Court Farm and then leads south past a fruit packing plant and southward down a track that is also along the line of a public footpath.
- 1.2 The proposal is four broiler units, each building is 91 metres long and 18 metres wide accommodating 31,000 day old chicks. A total capacity of 124,000 birds. There are eight existing rearing houses on the farm accommodating a total of 181,000 birds. Each cycle is 65 days, females are removed after 38 days. There is a period of 1-2 weeks for cleaning out the buildings, resulting in an 8-9 week cycle.
- 1.3 The buildings are aligned roughly north-north-east south-south-west in close proximity to existing sheds immediately to the east and north-east.
- 1.4 This planning application was accompanied by an Environmental Impact Assessment. A scoping study concluded that noise and odour were major issues, whilst other issues such as traffic, waste and dust should be covered to a lesser extent.

### **2. Policies**

#### **2.1 Planning Policy Guidance and Statements**

PPG.1	-	General Policy & Principles
PPS.7	-	Sustainable Development in Rural Areas

#### **2.2 Hereford and Worcester County Structure Plan**

Policy CTC.2	-	Areas of Great Landscape Value
Policy CTC.9	-	Development Requirements
Policy A.3	-	Agricultural Buildings
Policy A.5	-	Intensive Food Production Units

#### **2.3 South Herefordshire District Local Plan**

Policy GD.1	-	General Development Criteria
Policy C.1	-	Development within Open Countryside

Policy C.8	-	Development within Area of Great Landscape Value
Policy C.46	-	Water Abstraction
Policy C.47	-	Pollution
Policy ED.9	-	New Agricultural Buildings
Policy ED.10	-	Siting and Design of Intensive Livestock Units and Associated Structures/Facilities
Policy ED.11	-	The Siting of Intensive Livestock Units from Protected Buildings
Policy T.3	-	Highway Safety Requirements

#### 2.4 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S.2	-	Development Requirements
Policy D.1	-	Design
Policy DR.4	-	Environment
Policy DR.6	-	Water Resources
Policy DR.9	-	Air Quality
Policy DR.13	-	Noise
Policy LA.6	-	Landscaping Schemes
Policy E.13	-	Agricultural & Forestry Development

### 3. Planning History

3.1 No relevant history.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 The Environment Agency has no objections but makes comments on surface water and waste matters.
- 4.2 The Highways Agency requested further information relating to an analysis of detailed wheel movements onto and off the A49(T) road. This information was provided and the Highways Agency are content that the proposals are unlikely to result in a detrimental impact to the A49 trunk road.
- 4.3 English Nature does not wish to comment except to note that the proposals are not likely to affect any Site of Special Scientific Interest (SSSI)/candidate Special Area of Conservation (cSAC).

#### Internal Council Advice

- 4.4 The Traffic Manager considers that the proposal is acceptable for the following reasons:
- small (in traffic terms) intensification of existing use
  - only short section of County road between farm access and A49, with many opportunities to pass (albeit informal - access bellmouths).
  - would not appear to affect public footpath MB.24.
- 4.5 The Conservation Manager raises no objections as the new buildings will be viewed in the context of existing farm buildings. Development is screened from both local and long range views. The best means of landscaping would be to reinforce existing field boundaries and not adjacent to the poultry houses.

- 4.6 Environmental Health and Trading Standards Officer advises that after reviewing the data provided and looking at the site in the context of surrounding dwellings, i.e. the national 400 metres rule, the Environmental Health and Trading Standards Officer does not raise objections.

## 5. Representations

- 5.1 In the appraisal that accompanied the application the applicant's agent makes the following main points:

### odour

- Environmental Health Department confirm they have received no complaints about site during its life, i.e. approximately 35 years
- odour levels at surrounding houses were the same and marginally less than the odours when the existing site was stocked at previous levels.

### noise

- calculated noise levels - as per BS4142 more than 10 dB below noise limits suggested by BS8233 and World Health Organisation
- average total number of vehicles visiting site will be 17, noise impact negligible. Most affected dwellings already affected by noise from A49

### traffic

- will be an increase in traffic, but existing road system and access able to cope. Transportation Unit confirm in principle, it has no objection.

### manure (litter) & waste

- manure use will be by land spreading, sufficient land available
- poultry enterprise established for approximately 35 years, capacity to rear 181,000 broilers at any one time. Currently 8 buildings of various sizes used
- additional 124,000 birds proposed, i.e. total of 305,000 birds
- throughput of 5.7 batches per year as currently
- 52 day cycle, females removed after 38 days proposed, as currently operated
- heavy vehicle movements average 10 per week, proposed 7 per week, a total of 17 per week
- cleaning over 1-2 weeks, resulting in a 8-9 week cycle
- contracting for cleaning sheds at end of crop will continue to come onto site and inspections from company will continue. Approximately 22 vehicles will visit the site per year, as currently, i.e. no increase
- roof water taken to existing soakaway system
- washing down water stored in below ground tanks and spread on land at Court Farm or taken away by an approved contractor
- distances to closest dwellings are Ashfield 500m, Long Orchard Farm 420m
- additional impact of odour units, particularly from more prevailing westerly winds small
- odours from floor litter minimised through use of sheeted lorries taken off site immediately
- client farms 1012ha of land, 610ha is required for spreading. Can be selective, helps to reduce impact due to odour during and immediately after spreading
- new efficient incinerator will be installed at a position furthest away from houses (use of existing one will cease, as it is in a position nearer to houses - thus impact will be significantly reduced)

landscape

- additional tree planting and bunding, buildings coloured as required

dust

- The Agricultural Meteorological Office Department comments if odour concentrations in the neighbouring area are at acceptable levels, dust concentrations highly unlikely to be the source of a further nuisance, particularly as nearest dwellings are 400 metres or more from development
- additional employment for one person on site, estimated for every one person on site, up to 7 are employed in ancillary industries
- birds destined for Sun Valley Foods, a significant local employer
- also expansion strengthens farm business at St. Owens Cross, again major employers in Herefordshire
- cumulative impact: Poolspringe 600 metres due south growing turkeys from 1-6 weeks old before they are taken elsewhere for growing on. Odour slightly less than if turkeys grown to full term or broilers grown
- next nearest site approximately 2 miles away to south, at Llanwarne Court. There are turkeys grown to maturity (and maximum odour) at 48 weeks, potential for cumulative odour less likely to occur frequently.

5.2 The applicant's agent in response to the representations received makes the following points:

- at a loss about disinfectant smell experienced over long period as this should only occur 5.7 times a year, i.e. during cleaning out
- re: siting at Ditton Farm and not here, already a significant broiler site approximately 400m from Ditton Farm
- new incinerator will be introduced and sited to west of houses, will replace one of outmoded design and near to houses
- feed lorries will only be during the day
- majority of farm vehicles go onto B4348 road, however not suitable for lorries
- no more litter spreading at Court Farm
- vast majority of residents in Much Birch have not objected
- no record of complaints re: odours, according to Environmental Health Department
- at cleaning out time, material will be pushed out immediately. Litter will be wetted to reduce dust, a major carrier of odour. Also a portable deodorising unit will be purchased and placed down wind, it will operate during the loading time
- extra vehicle per day on average not exacerbating, given majority of vehicles leaving and entering A49 are visiting the packhouse. Hopefully with relocation to Harewood End traffic will reduce.

5.3 Much Birch Parish Council make the following observations:

"The Parish Council objects to the application, which was the subject of an Extraordinary Parish Council meeting, attended by 45 concerned parishioners, most of whom live in the area currently affected by odours when the existing poultry houses are cleaned out:

1. Whilst the applicant has indicated his willingness to adopt working practices to keep smells to a minimum, there will inevitably be an increased period of severe smells affecting local householders, when broiler houses are being cleaned out.

cleaning out currently takes one and a quarter days about six times a year, and would be likely to increase to two days about six times a year.

2. Road safety problems will be exacerbated due to an increase in lorries using the lane past the Doctors' surgery - by probably one or more lorries per day. This would greatly raise the risk of accidents both on the lane and at its junction with the A49.
  3. There would be increased lorry noise and accompanying smell from the lorries, particularly as many lorry movements are during the night.
  4. The applicant has indicated that he would improve the lane down to the B4348, to make it suitable for lorry traffic, subject to the agreement of Herefordshire Council. If the application were to receive permission, this would ease the traffic problem."
- 5.4 13 letters of objection have been received, one letter of which represents 4 different residences, in which the following main issues are raised:
- astonished by responses from Transport Unit
  - huge increase in traffic (70%, 10-17 HGVs per week)
  - Church Lane 4.88m to 3.96m wide, too narrow for lorries
  - congestion, vehicles visiting, dropping off children for play-group at Hall & Surgery. Road gets blocked, backs up onto A49(T) on black-spot
  - even more congestion when vehicles collect strawberries
  - left with crumbling tarmac, pot-holes and damage to properties
  - access serves Hall, Surgery, Church, packing shed plus 13 residences
  - vehicles taking litter/manure use B4348, permission should be dependant upon all lorries going south, i.e. onto B4348, as sparsely populated
  - noise of all the fans proposed
  - lorry blowers discharging loads into hoppers at night a frequent occurrence, then sound of empty vehicles rattling along the track
  - Hollybush properties in line of SW prevailing winds, 6/7 times a year lasts for several hours, impossible to work outside
  - Surgery and Hall have to shut windows, particularly in summer months
  - additional pollution over 18/21 days with this proposal, logic dictates an increase
  - complaints not alleged to have been made due to high tolerance level
  - blight on sale of properties
  - 15 fans per unit, makes 60 fans blasting more dust and smell into air. Suffer from asthma
  - smell from incinerator, smoke and fumes and burnt feathers unacceptable now, either a larger or second one will be required
  - smell of disinfectant inside and outside my property, at time of writing this letter
  - precedent for more poultry units
  - appraisal flawed, claims to be impartial but funded by applicant
  - water abstraction already cost villagers £70,000
  - more sound of traffic at night.
- 5.5 Two letters of conditional support have been received, which raises the following:
- tolerant to smells, dust, incinerator and noise. Closest to 6 existing units and proposed new houses
  - will not support future development of old buildings as would jeopardise rural idyll at Treberva

- assured that new buildings plus one existing house will be screened
- improved drainage system could be installed through our land
- intensive farming important to Herefordshire.

The full text of these letters can be inspected at Southern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## **6. Officers Appraisal**

- 6.1 The main issues are considered to be the impact of the proposed development on the amenity of residents which covers such factors as noise, odour and dust, the impact that the four poultry houses would have in the landscape and finally the means of access serving the site and the increase in traffic that it is stated would occur.
- 6.2 Intensive food production units such as poultry units have certain legislative requirements placed on them, one of which is the requirement for an Environmental Impact Assessment (EIA) when the proposed development crosses a certain threshold, in this instance the number of birds that could be housed in the four poultry houses. This EIA has been the subject of preliminary discussion with colleagues in the Environmental Health and Trading Standards and the applicant's agents as regards the scope of the EIA, in the form of a scoping study. The issues focused on the possible cumulative impact of the poultry houses, when taken together with other poultry units at Court Farm and to the south at Poolspringe Farm. The main issue related to the national 400 metres distance between any poultry house and an unprotected dwelling, usually defined as one not inhabited by an agricultural worker. This distance of 400 metres is referred to in Government advice in PPS.7, and more pertinently in Policy ED.11 contained in the South Herefordshire District Local Plan. This policy requires that new intensive livestock buildings are sited at least 400 metres from protected buildings (i.e. dwellings and other buildings used by non-agricultural workers) thus given the recognition that such livestock units give rise to pollutants such as noise, smell, dust and other possible nuisances. The proximity of other existing livestock units could also have a bearing.
- 6.3 The ADAS appraisal that accompanied the application demonstrates that, notwithstanding the objections received from residents all of whom are 400 metres away from the proposed poultry houses, there are no protected dwellings within 400 metres of any of the poultry houses proposed. This is a significant factor in the determination of such applications as there is a general acceptance that new livestock units within 400 metres, particularly to the north-east and east of the prevailing westerly and south-westerly units will result in a material reduction in amenity that residents and others in protected buildings would reasonably expect to enjoy.
- 6.4 The prevailing wind direction is westerly and then south-westerly which is in the direction of the A49(T) north-west of the Axe and Cleaver towards Treberva Fruit Farm. Dwellings along both sides of the A49(T) are more than 400 metres to the north-east of the poultry houses. An issue regarding pollution emanating from the existing poultry houses that have been at Court Farm just to the north-east of the currently proposed ones for nearly 35 years has been raised. It could well be as stated by a local resident that, as part of the representations received, the local residents have a high tolerance level and some have moved to Much Birch after the erection of the poultry houses.
- 6.5 It is considered that many of the concerns raised are extrapolating understandably of the situation faced by residents at certain times of the year, particularly when cleaning

out occurs and feed hoppers are filled sometimes at night. The applicant's agent has stated that in respect of the noise of feed lorries at night in particular, when the background noise is at its lowest, his client is willing to accept only day time visits of feed lorries. This is an improvement on the existing situation and responds directly to one of the policy objectives of Policy ED.11 contained in the South Herefordshire District Local Plan, which is to demonstrate a positive improvement.

- 6.6 Complaints have also been received about odour particularly at cleaning out times which will increase from one to two days. The applicant's agent has responded to this source of concern experienced by some residents although it cannot be categorically stated that the existing units are the sole source of nuisance, as there are other poultry houses, i.e. at Poolspringe Farm further to the south of the proposal site. The applicant's agent states that the material will be pushed out and loaded immediately, trailers will also be sheeted and building fans will be run during cleaning out to disperse the odour. The litter will also be wetted before emptying thereby reducing dust, a carrier of odour, and lastly a portable deodorising unit will be placed down wind of the loading point. It will operate for 100% of the loading time, and will act to mask any smells. It is also stated that some litter spreading occurring at Court Farm will cease. It should also be stated that the litter will be taken south as at present onto the B4348 road.
- 6.7 The issue of noise has already been touched upon above as regards feed deliveries at night. The issue of noise from fans has also been raised in one letter, it is however considered that given the distances involved between the nearest protected dwelling and the poultry houses and that it is very unlikely that all the fans would need to be going all at one time. A reason for refusal on grounds of noise could not reasonably be sustained.
- 6.8 The second issue relating to the impact that the poultry houses would have in this part of the designated Area of Great Landscape Value. The existing buildings and existing trees screen the development from both local and long range views. It is recommended that existing field boundaries are reinforced with additional tree planting. Therefore it is not considered that the four poultry units will have a detrimental impact in the landscape.
- 6.9 The issue of traffic movements and the means of access has been raised by both the Parish Council and a number of residents. There will be an increase in traffic movements of seven additional vehicles from 10 at present, however this averages out at one additional lorry movement a day which both the Highways Agency and the Traffic Manager consider to be acceptable. The delay in determination of the application was due to the Highways Agency needing to be satisfied that articulated vehicles could manoeuvre onto the A49(T) to the satisfaction of the Highways Agency. There are evidently problems with vehicles being parked haphazardly outside the Community Hall and Doctor's Surgery that has resulted in lorries being blocked in their passage. However, as has been stated already only one extra articulated lorry movement per day is anticipated and given that the Traffic Manager considers that for such a relatively short stretch of adopted road there are no adverse problems, grounds of refusal on highway grounds cannot be reasonably sustained. Some locals would prefer all traffic to go via the southerly route onto the B4348 road, i.e. articulated feed lorries and the existing litter trailers and vehicles. This is though not believed to be practicable given the access arrangements available for larger vehicles.
- 6.10 The proposal is one that will have an impact in many different ways. There is the impact of the buildings themselves which, although not an issue raised in objections, is



nevertheless an issue given the site is on land designated as being part of the Area of Great Landscape Value. These buildings are large, being 91 metres long and 18 metres wide, however the topography of the site and the existing tree cover and lack of prominent vistas through the site ameliorate the impact of the poultry houses. Therefore, the proposal satisfies the provisions of Policies GD.1, ED.9 and C.8 in the South Herefordshire District Local Plan, together with Policies A.3, A.5 and CTC.9 in the Hereford and Worcester County Structure Plan.

- 6.11 The pollutants of noise, odour and dust requirements of Policies CTC.9 and A.5 in the Hereford and Worcester County Structure Plan and C.47, GD.1, ED.10 and ED.11 in the South Herefordshire District Local Plan have been satisfactorily achieved given the distance of the nearest protected dwelling from the poultry houses proposed, that noise levels at night will be reduced by day-time feed deliveries in future, that litter will be managed in a more systematic manner with deodorising the odour and the covering of trailers carrying litter such that the extended clearance period of two days will not create intolerable conditions to residents, many of whom are over 600 metres away from the proposal site. Litter will also not be spread at Court Farm, but elsewhere on land in the applicant's ownership. There are clearly improvements being made that address some of the issues raised as required by Policy ED.11 in the South Herefordshire District Local Plan. The Environment Agency and the Environmental Health and Trading Standards Officer support the application. A new incinerator sited further away from residents to replace the existing one should also make a material improvement in the amenity of those residents who have been affected previously particularly with the smell of burnt feathers.
- 6.12 Traffic will increase, however the extra articulated lorry a day on average on top of the average of two movements per day is considered acceptable as the Highways Agency is satisfied that the junction of the unclassified road and A49(T) is satisfactory and that the Traffic Manager is satisfied that the capacity of the existing adopted road can take the extra traffic that will ensue in the event of planning permission being granted. Therefore, there are considered to be no grounds for withholding planning permission subject to conditions requiring additional tree planting, a condition controlling the colour of the buildings, details of the new incinerator, a condition stopping litter spreading at Court Farm and a condition controlling the times delivery vehicles leave and visit the site.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

- 1. A01 (Time limit for commencement (full permission))**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

- 2. A07 (Development in accordance with approved plans)**

**Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.**

- 3. B11 (Details of external finishes and cladding (industrial buildings))**

**Reason: To secure properly planned development.**

4. E02 (Restriction on hours of delivery)

Reason: To safeguard the amenities of the locality.

5. No litter from any of the proposed poultry houses shall be spread on any land at Court Farm. All litter shall be taken off the site properly sheeted and via the access onto the B4348.

Reason: To safeguard residential amenity.

6. F38 (Details of flues or extractors)

Reason: In the interests of the amenity of the area.

7. Details of any replacement incinerator including the proposed siting shall be the subject to the existing incinerator being permanently removed from Court Farm and shall be approved in writing by the local planning authority before the incinerator is first installed.

Reason: To safeguard residential amenity.

8. At times of cleaning out any of the poultry houses a deodorising unit, specifications of which shall be the subject of the prior written approval of the local planning authority shall be sited down wind of the poultry units in order to lessen the potential for odour.

Reason: To safeguard residential amenity.

9. G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

10. G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

Informative(s):

1. N15 – Reason(s) for the Grant of Planning Permission

Decision: .....

Notes: .....

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Background Papers

Internal departmental consultation replies.