

AMBER REAL ESTATE INVESTMENTS

ERECTION OF TWO ADDITIONAL POULTRY HOUSES AND ASSOCIATED INFRASTRUCTURE INCLUDING FEED BINS AND HARDSTANDING AT CHURCHINFORD POULTRY FARM, CHURCH ROAD, CHURCHINFORD

Grid Reference: 320963.113231

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The principle of expanding an existing business use outside defined settlement limits is considered acceptable and the proposal is considered not to harm visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Core Strategy policies CP1 (Climate Change), CP6 (Transport & Access), CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside).

RECOMMENDED CONDITION(S) (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 200-06 drainage plan
(A1) DrNo 200-05 elevations
(A1) DrNo 200-04 floor plan
(A1) DrNo 200-03 layout plan
(A1) DrNo 200-02 survey plan
(A1) DrNo 200-01 location plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in

accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The development shall be subsequently implemented in accordance with the details of the approved scheme before the development is completed.

Reason: To prevent increased flooding and to ensure that the development does not contribute to an unacceptable risk of water pollution in accordance with the details of the NPPF paragraphs 102 and 109 and the Taunton Deane Core Strategy policy CP8.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Eco –Check Consultancy Ltd submitted report, dated April 2012 and include.
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect wildlife and their habitats from damage bearing in mind species are protected by law.

Notes for compliance

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

Badgers are protected under the Protection of Badgers Act 1992. Planning and licensing applications are separate legal functions.

2. Churchinford Poultry Farm currently holds an Environmental Permit for 175,000 broiler places. A Variation to the existing permit will be required to increase places to 262,000. The applicant must contact the Environment Agency's National Permitting Centre (03708 506506) to apply for a variation.

PROPOSAL

The proposal is to erect 2 new poultry houses 91.5m x 23.2m and 5.6m to the ridge. The roof vents project a further 1.775m above the ridge and the feed silos are 6.87m in height. The poultry houses are in addition to the existing 6 units on site and will allow for a stock increase of 87,000 birds from 175,000 to 262,000.

SITE DESCRIPTION AND HISTORY

The existing site, to the north of Church Road heading out of the village, consists of a broiler unit producing birds for the table on a typical 40 day cycle with a 20-25% thin at 33 to 35 days. Allowing for a 6 day clean out period around 7-8 batches are reared per year.

There are currently 6 poultry house on site and the last 3 had planning permission in February 1988, reference 10/87/017. Prior to this permission was granted in 1974 for an office, workshop toilet and rest-room building, reference 10/74/001.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

CHURCHSTANTON PARISH COUNCIL - The Parish Council objected to this application on the following grounds:

- The present surface water drainage problems have not been addressed by the consultant engineers for the extension. There are already surface water drainage problems in the immediate area which are being controlled by the residents of the cottages. No reference has been made to these in the application and I must assume that the drainage engineers who are proposing additional drainage improvements have not factored the existing problems into their calculations.
- The present noise problems, odours, dust and dirty water (effluent) issues have not been addressed. There will be additional noise generated by the intensification of use which will impact on the neighbours especially by the increase in deliveries of food and cleaning out of the houses. This noise occurs at any time of the day and night according to the neighbours
- There is already an issue of unpleasant smells which are not just restricted to the time when the houses are being cleaned out. This will also increase

- The present proposal to expand production by 50% on the site so close to residential property is inappropriate and will unreasonably intensify nuisance to residents and will increase the potential for flooding in the village by surface water run off along Church Road as occurred a few years ago.
- Bats are roosting in and around the Cricket Pavilion to the North-west of the site.

SCC - TRANSPORT DEVELOPMENT GROUP - The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the development is likely to be dependant on private vehicles for most of its staff, deliveries and customers daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National park Joint Structure Plan review (Adopted April 2000), and policy S7 of the Local Plan (P6 of the Core Strategy).

Notwithstanding the aforementioned comments, it is noted that the application is for an extension to an existing use, and it must be a matter for the Local Planning Authority to decide whether the benefits of this application or any other overriding planning need, outweighs the transport policies that seek to reduce reliance on the private car.

The application site is currently occupied by Churchinford poultry farm. The proposals seek to expand the existing use, by providing two additional poultry houses and associated infrastructure. Access to the site is gained via Church Road. This is a classified unnumbered highway which is rural in nature, and carries a low volume of traffic. The existing vehicular access is surfaced and has appears to have been designed in order to accommodate HGV's and the types of vehicles which will regularly use it. On site observations confirmed that visibility onto the highway is considered to be acceptable. No access improvements are proposed.

The application proposal would increase the stocking level from 175,000 birds to 262,000 birds. One additional full time employee is also likely to be required.

Due to the nature of the poultry use, traffic generation associated with the site can vary greatly each week. However, information provided by the Agent has confirmed that the busiest week comes at the end of the 'cycle' when the birds are fully grown and are transported from the site. Currently, the busiest week could result in up to 61 traffic movements per week. The proposals would result in an additional 38 movements per week, which equates to additional 4 - 6 movements per day. It is noted that this level of traffic generation would only occur once every six weeks, and the level of traffic generation would be much lower during the other weeks within the cycle period. It is considered that the access and highway network can adequately accommodate the additional level of traffic which would be generated by the development proposals. On this basis there is no wish to resist the granting of planning permission.

Additional comment

The proposals to attenuate the surface water discharge from the site to equate to the pre-development scenario is noted, as is the proposal to provide a new outfall from the attenuation pond into the ditch running along the northern side of Church Road fronting the development.

Whilst Somerset County Council as highway authority currently enjoy prescriptive rights to discharge surface water run-off from Church Road into this ditch (via grips cut through the verge), the ditch is not considered to form part of the public highway. The Council consider that the ditch is in the riparian ownership of the adjacent land owner and not is therefore empowered to approve or otherwise the proposal. Of course the proposals must not compromise our current prescriptive rights or increase the potential for flooding on the highway.

BLACKDOWN HILLS AONB SERVICE - The AONB Partnership recognises the business needs of agricultural enterprises operating in the Blackdown Hills, but there is a need to balance these requirements with the need to conserve and enhance the natural beauty of the Blackdown Hills. While I agree with Ian Clark in that there would be minimal additional landscape impact, with a broader perspective I do question the capacity of the Blackdown Hills in respect of the increasing number of large and expanded chicken/egg farms in the AONB, introducing large, modern, industrial scale buildings into otherwise undeveloped areas of the AONB. Although I note the highway authority comments, that the highway network can adequately accommodate the additional level of traffic, at times there will be a significant level of vehicle movements in the local area. The vehicles carrying poultry across the AONB are very large, and the AONB Partnership is concerned about the impact on highway infrastructure and the impact of additional HGV traffic on residents' and visitors' enjoyment of the AONB.

NATURAL ENGLAND - This application proposes an increase from 175,000 to 262,000 birds that may substantially increase ammonia levels and therefore adversely affect the integrity or interest features of the SSSIs listed below which are situated between 3-5 km from the poultry farm.

- Deadman SSSI (3km), Southey and Gotleigh Moors SSSI (3km),
- Prior's Park and Adcombe Wood SSSI (4km), Ringdown SSSI (4km),
- Quants SSSI (5km) and Ruttersleigh SSSI (5km).

The Quants Site of Special Scientific Interest (SSSI) is part of the Quants Special Area of Conservation.

We understand the site is already registered under Integrated Pollution Prevention and Control legislation with the Environment Agency and that an amendment to the licence will be required once planning permission is given. We note that the Environment Agency does not object to the proposal.

Natural England notes the information in the odour model report provided by the applicant states that at most receptors the predicted odour exposure levels are below the Environment Agency's benchmark of 3.0ouE/m³ which is acceptable to Natural England. This report can help your authority to undertake the Appropriate Assessment required under Regulation 61 of the Conservation Regulations 2010.

However on the basis of this information Natural England advises that your authority can conclude that the project is not likely to adversely affect the integrity of the designated sites, including the internationally protected site. Subject to the proposals being carried out in strict accordance with the details submitted (including any conditions or legal agreements), we advise you, as the Competent Authority, that it can be ascertained that this application will not adversely affect the integrity of the Quants SAC. You do not therefore need to undertake further stages in the appropriate assessment process.

Protected Species - Based on the information provided on your website , legally protected species are unlikely to be adversely affected by this proposal. The permission, should your council be minded to grant the application, should be subject to the recommendations made by your Nature Conservation Officer in her report dated 29 May 2012.

Landscape - The application falls within the Blackdown Hills AONB. Therefore given the location the LPA should seek the views of the AONB Partnership prior to determining the application.

Biodiversity - This proposal presents the opportunity to incorporate features into the design which are beneficial to wildlife such as the incorporation of roosting opportunities for bats, the installation of bird nest boxes or the use of native species in the landscape planting. We recommend that should the Council be minded to grant permission, measures to enhance the biodiversity of the site are secured from the applicant. This is in accordance with Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Biodiversity 2020: A Strategy for England's wildlife and ecosystem services and Making Space for Nature (2010) also provide strong drivers for inclusion of biodiversity enhancements through the planning process.

LANDSCAPE LEAD - Subject to retention of the boundary trees and hedgerows the proposals should have minimal landscape impact.

BIODIVERSITY - The application is for the erection of two additional poultry houses with associated infrastructure at Churchinford poultry farm Churchinford. The new buildings will be sited on an area of improved grassland and accommodate 87,000 birds increasing the capacity of the site to 262,000.

There are two designated nature conservation sites (Royston Park and Ford Farm) within 1 km of the site, but there are six designated nature conservation sites within 5km. As one of these sites (Quants SSSI) is also a SAC, I agree with Natural England that an AA may be required under the Habitat Regulations. I suggest that the Council approach Larry Burrows of the County Council to carry out a Test of Likely Significance. The predicted ammonia and nitrogen deposition will need to be assessed on all designated sites.

The site comprises of improved grassland, buildings and hard standing. It is

bounded by hedgerows, scattered trees, woodland, earth banks and patches of ruderal vegetation. The site boundary is considered to be of greater ecological value than the main site and provides a corridor for wildlife movement.

Eco –Check Consultancy Ltd carried out a Phase 1 Habitat and Protected Species Survey for Acorus Rural Property services in April 2012.

Findings of the survey are as follows

Badgers - No setts were found on site but a badger path across the grassland to the east of the site was noted. The site is considered to have moderate potential for foraging badgers.

Bats - No signs of bats were found on site, but the surveyor considered the boundary trees could provide roosting potential as well as foraging and commuting habitat.

Dormice - The site is bordered by hazel trees and there is a hazel coppice in the SE corner of the site but a preliminary nut search did not reveal any obvious signs of dormouse feeding. As dormice are known to be in the area and the hedgerows/woodland has good connectivity to the surrounding landscape, I agree that should hedgerows be disturbed then detailed survey should be carried out.

Birds - The hedgerows and trees bordering the site offer nesting and foraging opportunities for birds.
I agree that any ground clearance should take place outside of the bird nesting season.

Reptiles - No reptiles were noted during the survey. There is suitable habitat for slow worms around the site, primarily the earth banks and hedgerows. The rank grassland and ruderals have potential for common lizard. If these habitats are to be disturbed I agree that reptile surveys will be required.

To conclude there is potential for the site to be used by bats, badgers, birds, dormice and reptiles for foraging. I suggest the following condition, subject to any conclusions drawn from a Test of likely significance.

Recommend condition requiring a strategy to protect wildlife

DRAINAGE ENGINEER - I note that surface water from the proposal will be attenuated on site with a controlled discharge to the adjacent ditch. Before any construction works commence the applicant shall need to confirm that the owners of this ditch, presumably Somerset County Council, are happy with this arrangement. Details of the long term maintenance of the proposed pond and hydrobrake control also need to be agreed before any works commence and these issues should be made a condition of any approval given.

ENVIRONMENT AGENCY - We have no objection to the application as submitted subject to the following condition being imposed on any permission granted.

No development shall commence until a surface water drainage scheme for the site,

based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of how the scheme shall be maintained and managed after completion. The development shall be subsequently implemented in accordance with the details of the approved scheme before the development is completed.

Reason: To prevent increased flooding and to ensure that the development does not contribute to an unacceptable risk of water pollution in accordance with the details of the NPPF paragraphs 102 and 109 and the Taunton Deane Core Strategy policy CP8.

Informative /advice to LPA: Given the size of the site there is the potential for increased surface water flooding as a result of the proposals. Surface water will need to be attenuated on site up to and including for the 1 in 100 year storm event with an allowance for climate change. Drainage calculations will need to be provided to demonstrate that enough attenuation is provided for on site.

Clean roof water and potentially dirty/contaminated water will need to be dealt with via separate systems to ensure that maximum treatment is provided and to ensure that the conditions of the Environmental Permit are adhered to.

The following should be included as a note to the applicant.

Churchinford Poultry Farm currently holds an Environmental Permit for 175,000 broiler places. A Variation to the existing permit will be required to increase places to 262,000. The applicant must contact the Environment Agency's National Permitting Centre (03708 506506) to apply for a variation.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - I note that there are existing poultry houses at the site. The proposed houses are closer to nearby residential premises than the existing ones so there is the potential for noise and odour to affect residents.

Environmental Health have no record of complaints about noise or odours from the existing poultry houses. However, the premises has an Environmental Permit from the Environment Agency, which means that such complaints would be dealt with by the Agency under the Permit rather than by Environmental Health.

The Environmental Permit does have conditions relating to odour and noise and any new buildings should be included within a varied permit. If the operator does not comply with the conditions and the odours and noise do cause a nuisance, the Environment Agency would be able to take enforcement action under the Permit. If the Agency thought that the addition of the new buildings would mean that the operator could not meet the conditions on the permit then they may decide not to issue a permit for the use of the buildings.

Representations

2 letters of OBJECTION from 3 residents on grounds of

- Noise levels will be raised by lorry deliveries both day and night with engines left running
- Increase in odour which can be obnoxious
- Increase in surface water run-off which can cause flooding in the lane, the village and entrance to properties
- The site will increase by a third but the land available to absorb water will reduce by a quarter. The proposed pond for attenuation will increase flood risk and will be a breeding ground for bacteria.
- Conflict between septic tank drainage and surface water store.
- Land to the NW should be used for expansion.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues with the proposed new poultry units are the impact on the character of the area, the amenity of nearby properties, the surface water control and any impact on SSSI's and wildlife.

The site is one that is well established as a poultry producer having been in operation for over 30 years. The site lies off the northern side of Church Road and is well screened by existing boundary trees. The boundary trees will be unaffected by the development and in light of this two new poultry houses will also be adequately screened and the proposal is not considered to have any adverse impact on the landscape character and appearance of the AONB.

There have been objections on amenity grounds from three neighbours and the Parish Council. There are already 6 poultry houses on site and the site, due to its age, has no planning controls in respect of the hours of operation/deliveries. It would therefore be unreasonable to try and impose such conditions in respect of the new units as it would not be possible to enforce given the existing poultry houses on site. The current poultry houses are 78m away from the nearest residential property while the new poultry units would be 57m away at their nearest. There is a planting belt of trees 11m wide between the proposed site and the boundary screening the buildings. There have been no previous objections to the Council in respect of the site and its operation, although clearly the nearest residents raise issues in terms of noise and odour which may increase as a result of the proposal. The Environmental Health Officer raises no objection and emphasis is placed on the Environmental Permit covering the site. The Environment Agency advise that no complaints have been received. The applicant's submission indicate that odour exposure levels are

likely to rise due to the scheme but overall odours arising from normal operations at the proposed farm are unlikely to lead to nuisance, annoyance or complaint, given mitigation and the need to comply with the Environmental Permit. The new buildings will have improved ventilation fans and it is intended to fit new fans to the older buildings. Lorry feed deliveries will operate during working hours and therefore the new units should not have a negative impact on noise generation from the site. It would appear from the information submitted that the new proposal would not significantly increase noise and odour to warrant a refusal of the scheme. The new units are sited to the north of the dwellings and given the prevailing wind and screening the immediate impact on the residential properties is unlikely to be significantly worsened.

The proposal has brought to light concerns from local residents and the Parish Council of surface water drainage. Currently there is an outflow to the roadside ditch which the Highway Authority confirm is not their responsibility. The proposal will take up more of the existing grassland within the site, however the applicant has designed a surface water attenuation scheme to allow for the adequate storage of any surface water run-off. The Environment Agency raise no objection to the development and recommend a condition to address the implementation of a suitable drainage scheme. This is also reflected by the Drainage Officer's comments. A condition is therefore considered appropriate and necessary. The existing septic tank is proposed to be moved so there will be no conflict with the surface water store area.

A wildlife survey and ecological assessment has been submitted with the application as part of the EIA. The site lies within notifiable distance of a number of SSSI's and the comments of Natural England, therefore, on the impact of the scheme on these areas is crucial in the determination of the proposal. No objection has been raised in respect of the impact on the Quants Special Area of Conservation and other SSSI's and the condition suggested by the Nature Conservation Officer is recommended to address impact on protected species as well as biodiversity enhancement measures. This is therefore recommended as a condition of any approval here.

The site is adjacent to a public road that is considered adequate to serve the existing and proposed traffic servicing the site.

In summary the provision of two additional poultry houses are considered to comply with the policy requirements of Core Strategy policies DM1 and DM2 for general requirements and development in the countryside. The site is for an agricultural use near an existing road, it is compliant with the Habitats Regulations, it is a scale and design compatible with the rural area and it is not considered that the pollution in terms of noise, odour and dust would unacceptably harm public health, safety or the amenity of nearby dwellings given the environmental controls of the site.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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