

Application Details	
Application Reference Number:	<u>35/21/0001</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	29 January 2021
Expiry Date	<u>05 April 2021</u>
Extension of time	30 September 2022
Decision Level	Committee
Description:	Erection of a free range poultry building at Appley Orchard Farm, Bishops Hill, Stawley
Site Address:	<u>APPLEY ORCHARD FARM, BISHOPS HILL, STAWLEY, WELLINGTON, TA21 0HH</u>
Parish:	35
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	<i>N/a</i>
Case Officer:	<u>Richard Boyt</u>
Agent:	Acorus
Applicant:	MR & MRS S OWEN
Committee Date:	15th September 2022
Reason for reporting application to Committee	Recommendation is contrary to representations of Parish Council and over 4 individuals

1. Recommendation

1.1 That Officers be given delegated authority to grant conditional approval of the application subject to no objections or new issues being raised by Natural England during the Appropriate Assessment process.

2. Executive Summary of key reasons for recommendation

2.1 The proposals are for the expansion of a poultry farm at Appley Orchard Farm, Stawley by the erection of a 4th chicken shed housing in region of 12,000 birds at any one time. Expanding and improving rural farms accords with planning policy subject to normal planning constraints, however significant objections have been raised regarding amenity and the applicant has been challenged to find a solution to ensure the development is nutrient neutral with regards phosphates.

2.2 A suitable operating model for the disposal of phosphate rich waste has been developed so that there will not be a likely significant effect on protected wildlife sites as a result of development. Environmental Health Officers and the Environment Agency are satisfied that local living conditions will not be adversely affected and the expansion of poultry operations will result in the farm coming under the EA Permit regime which will mean that any neighbour concerns (which do not amount to planning refusal in this instance) can be more effectively resolved.

2.3 As such the proposals are considered to be sustainable development which

accord with the policies of the Development Plan and any impacts arising from the development can be controlled by planning condition.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in Appendix 1)

1. Standard time limit of three years
2. Development to be in accordance with the approved plans
3. Landscaping scheme to be submitted and approved prior to implementation
4. Schedule of materials to be submitted and approved prior to construction
5. External lighting details
6. Phosphates control
7. Surface water drainage details

3.2 Informatives

Standard proactive statement
EA Permit requirement

4. Proposed development, site and surroundings

Details of proposal

- 4.1 The proposal is for the erection of a free-range poultry building 94m x 13.1m in footprint with a control room, feed bins and associated access and hardstanding. The net productive internal area (NPIA) of the building amounts to approximately 1,200sq m and will accommodate around 12,000 bird places. The scheme also provides for 2 fully enclosed galvanised steel bulk feed bins, each with capacity of 15.2 tonnes, measuring 3.15m in diameter and 5.79m high.

Sites and surroundings

- 4.2 The farm is situated on fields lying to the east of the hamlet of Appley. The entrance track is located on the east side of Bishop Hill and leads to the farmyard which consists of a yard area where the applicant's mobile home is located and the beginnings of their permanent farm dwelling. Close to the farmhouse is a building separately permitted for wood chipping operations for bedding for the poultry sheds. The track then continues east towards three existing poultry unit buildings of similar dimensions, built in recent years.
- 4.3 There are further timber operations allowed and operating on the farm which do not relate to the poultry operations.

- 4.4 The site is not within an AONB, but the landscape is relatively remote rolling countryside, primarily laid to pasture with wooded valleys and relatively small field sizes with thick treed hedgerows. Cothay Manor is around a mile to the east, Appley about 250 metres to the west (slightly uphill), the River Tone half a mile to the south and Stawley Primary School 500 metres to the south west. The total land holding of Appley Orchard Farm extends to more than 20 acres. The application field is former grazing land that has been slightly reworked using soil waste from the construction of another of the poultry sheds.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
35/09/0008AGN	Storage building and formation of track	Approved	09/02/2010
35/09/0009	Farm access	Approved	
35/14/0015	COU for timber storage	Approved	30/01/2015
35/14/0021	Extension to Agricultural Building	Approved	28/01/2015
35/14/0022	Siting of mobile home and storage utility room	Approved	28/01/2015
35/14/0023	Unit 1 Poultry Building	Approved	30/01/2015
35/14/0024	Unit 2 Poultry Building	Approved	30/01/2015
35/14/0025	Unit 3 Poultry Building and access	Approved	30/01/2015
35/16/0009	Agricultural building with B2	Approved	17/08/2016
35/16/0014	VAR of Condition 5 of 35/14/0022	Approved	16/09/2016
35/18/0003	Agricultural worker's dwelling	Approved	4/07/2018
35/19/0010	Extension to ag building for biomass	Approved	12/08/2019
35/21/0016	VAR Condition 2 of 35/16/0009 to allow sawmilling	Withdrawn - sawmilling moved elsewhere	

6. Environmental Impact Assessment

The proposals, by nature of their scale, nature and location, including their cumulative impacts are not considered to require EIA.

7. Habitats Regulations Assessment

The proposals involve an intensification of livestock that could result in greater levels

of phosphate which result in further phosphate reaching the ground and the watercourse that could affect the integrity of the Somerset Levels and Moors Ramsar Site. The applicant has proposed a sealed system approach to the poultry shed as part of their Nutrient Neutrality Assessment and agreed to a planning condition to ensure phosphates does not reach the ground in this locality or catchment.

This approach will be subject to an Appropriate Assessment under the Habitat Regulations by SWT as competent authority and should the likely significant affects be acceptable, the proposals will be considered suitable for planning approval without breaching the Habitat Regulations.

8. Consultation and Representations

8.1 Date of consultation: 4 January 2021

8.2 Date of revised consultation (if applicable): n/a

8.3 Press Date: 18 August 2022

8.4 Site Notice Date: 6 January 2021

8.5 **Statutory Consultees** Statutory consultees (the submitted comments are available in full on the Council's website). The following were consulted:

Consultee	Comment	Officer Comment
STAWLEY PARISH COUNCIL	<p>Stawley Parish Council objects to this application.</p> <p>The existing business has caused problems by contravening Policy DM1 of the Adopted Core Strategy, specifically DM1.b, 1.d and 1.e.</p> <p>Adding a further chicken house to the business will expand production by 33% and exacerbate the existing issues proportionally, especially as it would be nearer to local residences than the existing houses.</p> <p>Specifically:</p> <p>DM 1.b</p> <p>Lorry traffic delivering wood for heating, involving very large timber lorries</p>	See main report considerations

with trailers, will be increased significantly, with resultant –

- increase in damage to road surface, especially at Greenham Bridge and the entrance to the farm

- increase in difficulties with other traffic on the narrow road from the A 38

DM 1.d

Landscaping around existing houses is inadequate, so that they are visible to an unacceptable extent, with resulting impact on the residential amenity (see also 1.e below). The proposed new house would be even closer* to residential properties (conveniently not shown on Location Plan in the proposal) with resultant further harming of the landscape and adjacent residential dwellings.

DM 1.e

- Light pollution at night will be significantly increased. Ref to contravention of condition restricting depopulation of existing houses to 07.00-19.00 (need evidence)?

- Noise pollution from wood chipping (to supply heating) will be significantly increased, particularly if any conditions placed are ignored (as has happened to date), resulting in

	<p>chipping continuing outside permitted hours.**</p> <ul style="list-style-type: none"> - Aerial pollution from continuous bonfires will be increased - Nuisance. Increase in nuisance flies which have already become a problem. <p>In addition, the proposed chicken house will damage the viability of the recently-started holiday let at Morses Farm, Appley.</p> <p>Conclusion</p> <p>A comprehensive case was made by our local community for refusing the original applications (2014) to start up the chicken rearing business. Unfortunately, our collective concerns were ignored, though they have subsequently proved to be valid, because the existing development does not meet the criteria stipulated in Policy DM1 of the Adopted Core Strategy and has had a profound impact on the quality of life for the nearest local residents.</p>	
SCC - ECOLOGY	No objections providing the phosphate issue can be resolved.	
SCC - TRANSPORT DEVELOPMENT GROUP	Standing Advice applies	
LEAD LOCAL FLOOD AUTHORITY	The site is located wholly within fluvial Flood Zone 1 in accordance with the Environment Agency's	

	<p>Flood Map for Planning. The risk of surface water flooding at the site is low – very low.</p> <p>It is noted that the applicant has provided a Flood Risk Assessment (FRA) proportional to the risk of flood and an indicative drainage strategy plan, however further information regarding the drainage strategy is required.</p> <p>For a full planning application of this nature, details of the proposed surface water drainage strategy should include; detailed plans, detailed calculations regarding the sizing of drainage features and an operation and maintenance plan. The surface water drainage strategy should encompass all addition impervious areas including roofs, hardstanding and proposed access roads. It should also be demonstrated that in an exceedance event, surface water flows are appropriately managed, and the development remains safe for all occupants and neighbouring property.</p> <p>conducted to confirm the suitability of the site for soakaway drainage and subsequently inform the size of the details of the infiltration features. Source Protection Zones and groundwater vulnerability</p>	
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at the site should also be assessed when considering the suitability of soakaway drainage.

Details should be included regarding how the applicant plans to keep the surface water and foul water systems separate. This should include details of mitigation measures to be put in place in the case of accidental mixing of the systems. This is to ensure that untreated pollutants are not discharged through the surface water drainage system.

Somerset County Council as the LLFA advises the Local Planning Authority (LPA) that the application documents as submitted are insufficient for the LLFA to provide a substantive response at this stage. In order to provide a substantive response, the following information is required:

It is noted that the FRA states the applicant plans to utilise soakaway drainage via french drains to discharge surface water collected on the site; should this be the case, infiltration testing in accordance with BRE 365 Digest Soakaway Design should be • Details for the proposed drainage strategy, including:

- o Existing and proposed catchment plan
- o Detailed drainage

	<p>plans showing location of all foul and surface water drainage features.</p> <ul style="list-style-type: none"> o Detailed calculations on the sizing of drainage features o An operation and maintenance plan o If utilising soakaway drainage, infiltration testing in accordance with BRE 365 Digest Soakaway Design <ul style="list-style-type: none"> • Demonstrate that in an exceedance event surface water flows are appropriately managed, and the development remains safe for all occupants and neighbouring property. • Details on how the applicant plans to keep the surface water and foul water systems separate, including mitigation measures in the event of mixing of the systems. 	
ENVIRONMENT AGENCY	<p>The Environment Agency has no objection in principle to the proposed development, subject to the inclusion of conditions which meet the following requirements. CONDITION: No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be</p>	

	<p>completed in accordance with the approved plans before the development is brought into use. REASON: To prevent pollution of the water environment. The following informatives and recommendations should be included in the Decision Notice.</p> <p>As the total number of poultry is 50000, the installation will require an Environment Permit from the Agency under the Pollution Prevention and Control Regulations (PPC). Any unpermitted unit would be operating illegally and would be liable to prosecution.</p>	
LANDSCAPE	No comments received	
WESSEX WATER	No comments received	Their network is unaffected

8.6 Internal Consultees the following were consulted:

Consultee	Comment	Officer comment
Phosphates Team	Condition can prevent pollution to the ground	Condition provided
ENVIRONMENTAL HEALTH	The Planning Statement with the application does refer to a number of issues that could affect residential amenity in the area, including odours, dust, noise and flies. It states that "subject to good management, odours from the development should not present any identifiable nuisance" and refers to guidance produced by Defra. The Statement also outlines procedures to manage vermin, flies and mortalities. Regarding noise, one source identified is from feed being blown into the bulk	

	<p>bins “which might occasionally be heard” and it is stated that there are no mechanical fans on the buildings as they are naturally ventilated. There is no specific odour or noise assessment with the application. However, there are three similar size poultry sheds at the farm, and the Environmental Health team at the Council have not received any complaints about odours, dust or noise from these units.</p> <p>I note that both the Planning Statement and the comments from the Environment Agency state that the new shed would increase in the number of birds to the above the threshold that will require a Permit from the Environment Agency under the Pollution Prevention and Control Regulations. These permits require the whole premises (including the existing units) to have procedures in place to manage the business, including odour, dust, waste and noise.</p> <p>With the new unit the premises will be subject to inspections and regulation by the Environment Agency, which will impose a more stringent oversight of the business than has been in place up until now, where the only means of control re odour or noise would be for the Council to investigate complaints as a potential statutory nuisance.</p> <p>Therefore, there is no evidence that would lead Environmental Health to be</p>	
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	able to object to this application.	
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8.7 Local representations

Neighbour notification letters were sent in accordance with the Council's Adopted Statement of Community Involvement.

7 letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer Comment
Proximity to school	500 metres away and EHO does not object
Proximity to residential buildings	EHO does not object
Detrimental to children	EHO does not object
Strong odour	EHO does not object
Frequent smoke	Burning is not allowed and would be monitored by EA if approved
Noise pollution	EHO does not object
High levels of ammonia	EHO does not object - would be monitored by EA
Increase in commercial vehicles	Very small number of commercial movements for feed, delivery and dispatch
Narrow road not fit for more vehicles	No objection from SCC
Avian flu	Farm must comply with EA permit in any event
Harm to environment	No objections from EHO or EA
Light pollution	Can be controlled by condition
Waste	Controlled by EA permit and planning condition
Issues with alleged wood chipping business	Separate planning issue

9. Relevant planning policies and guidance

- 9.1 Section 70(2) of the Town and Country Planning Act 1990, as amended (the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).
- 9.3 Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then, the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day
- 9.3 Relevant policies of the Development Plan in the assessment of this application are listed below:
- CP8 - Environment,
 - SD1 - Presumption in favour of sustainable development,
 - CP1 - Climate change,
 - DM1 - General requirements,
 - DM2 - Development in the countryside,
 - DM4 - Design,
 - SP1 - Sustainable development locations,
 - ENV1 - Protection of trees, woodland, orchards and hedgerows,
 - ENV2 - Tree planting within new developments,
- 9.4 Supplementary Planning Documents
- District Wide Design Guide adopted in December 2021
- 9.5 Other relevant policy documents:
- Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).
- 9.6 Neighbourhood plans:
- There is no made Neighbourhood Plan in this area.

10. Material Planning Considerations

10.1 The main planning issues relevant in the assessment of this application are as follows:

- The principle of development
- The impact on residential amenity
- Design and Landscape Impact
- The impact on highways
- Noise
- The impact on the Somerset Levels and Moors Ramsar site

These are considered in the sections below

11. The principle of development

- 11.1 The application site is located in open countryside as defined by Site Allocations and Development Management Policy SB1. As such relevant local policies which shall be applied are DM2, DM1, CP8 and CP1. These policies support new non-residential buildings in the countryside which are commensurate with the role and function of the agricultural unit, as long as the natural environment is not harmed and usual development management requirements are met. The rural farming economy is an important part of the local area and the need to update and improve farming facilities is supported by national and local planning policy.
- 11.2 It is considered that the expansion of an existing poultry business within an existing agricultural holding is appropriate in a rural setting. As such, in principle the erection of a poultry building is acceptable by virtue of according with Policy DM2 and SD1 of the Development Plan. Whether the proposal is acceptable in terms of environmental, residential amenity, landscape and access factors is considered below.

12. Residential amenity

- 12.1 In terms of residential amenity, the proposed building would be approximately 250 metres from the nearest residential property in the village of Appley and these homes generally back onto paddocks and farmland that descend a gentle gradient to the application site. The proposed buildings are relatively low in the landscape from this direction and there are hedgerows in between. The relationship between the proposals and the nearest neighbours is relatively distant and there is a low visual amenity impact.
- 12.2 The SWT Environmental Health Officer has assessed the application and concludes that odour, ammonia, light, dust and noise impact will be acceptable. No complaints have been recorded to them for the current operation, notwithstanding the local objections to this application. During the case officer site visits, the existing buildings were emitting very low levels of

odour whilst working at full capacity. It is likely to be the clear out period at the end of the bird cycle when any odours may be noticeable and these will not amount to a level and frequency of nuisance which would sustain an objection on planning policy grounds.

- 12.3 An important material factor when considering this proposal is that the extra poultry capacity will result in the farm falling under the EA Permit scheme. This will result in greater and speedier expert resolutions to any environmental amenity issues with the EA officers able to strongly enforce any breaches, for example at changeover times.
- 12.4 Many of the objections from neighbouring properties relate to wood chipping noise and bonfires. The applicant states that the farm does not routinely burn manure or other farm waste and has historically chipped wood on occasion for bedding. These operations occur in a separate building with longstanding permission of its own and many of the objections refer to this, but this is not part of the current application. The same goes for sawmilling and timber operations which are to be dealt with in a separate application. The applicant has stressed that they have continuously tried to improve timber operations on the land to respect the amenity of those living in Appley.

13. Design and Landscape Impact

- 13.1 The proposed poultry shed exactly mimics its 3 existing neighbours which are all in a relatively discreet part of the wider landscape. The barn is low and very long at nearly 100 metres. Being low, the landscape impact is minimised and the topography assists in this regard, as does the setting of the existing farm. There are limited local public viewpoints of the farm, with glimpses on rural roads the other side of Greenham and from a permissive bridleway to the north, but the views are distant, through trees and hedges and in the context of the 3 existing buildings, the landscape and visual impact is considered low to negligible.
- 13.2 It is noted that the 3 existing buildings have light grey roofs that are quite visible in the landscape. Further details will be required by planning condition for the roofing materials of this proposal, that will give the opportunity to agree a darker, less prominent tone. A landscaping condition for planting around the building is also required to soften the building's appearance over time.
- 13.3 As a whole, the landscape and visual impact of the proposal building is considered to accord with planning policies DM1 and DM2 of the Development Plan.

14. Highways

- 14.1 Access to the site is occasional by HGVs on roads that are considered acceptable to the Highway Authority, with relatively good access to the A38. The farm access is large and clear with good lateral visibility and plenty of room for vehicles to wait beyond the carriageway before entering through the access gate. No further changes are required to the highway access.

- 14.2 The proposal is in accordance with Policy CP1, as it is expanding an existing poultry farm, as opposed to starting a new poultry business elsewhere that would require new traffic movements and new associated poultry farming paraphernalia. The poultry farm only requires occasional lorry movements to deliver and take away birds, deliver feed and remove waste. These movements amount to only around one vehicle movement a day and often less than this. Whilst there is a school and pre school nearby, local roads are rural and occasional lorry and tractor movements are commonplace in farming areas and will not unduly impact local living conditions to such a point that they would amount to a reason for refusal.
- 14.3 The Highway Authority do not object to the proposals providing Standing Advice requirements can be applied. The access arrangements meet the Standing Advice.

15. Noise

- 15.1 The noise increase from the new chicken shed would be negligible as the buildings effectively run silently unless accessed by vehicles or at clear out times. Occasional feed deliveries are potentially noticeable, but do not create adverse noise levels. The proposed shed is a considerable distance from the nearest property and the school, therefore it is considered that the farm operations would cause minimal disturbance. Environmental Health raise no objections on grounds of noise.

16. Impact on the Somerset Levels and Moors Ramsar Site

- 16.1 The site lies within the catchment for the Somerset Levels and Moors Ramsar site. Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must as competent authorities undertake a Habitat Regulations Assessment and undertake a project level appropriate assessment where a likely significant effect cannot be ruled out. Natural England have identified certain forms of development affected including the intensification of agricultural use.
- 16.2 The application site is very close to the upper reaches of the River Tone and within its catchment. Therefore, the advice from Natural England applies i.e. any new development that would not achieve nutrient neutrality and would result in further phosphate reaching the ground and the watercourse is likely to be unacceptable because it would affect the integrity of the Somerset Levels and Moors Ramsar Site. Any proposal for new development that could impact on this ecology site must be subject to a project level Appropriate Assessment to establish if there would be a likely significant effect in combination with other plans and projects if the proposed development were to proceed.
- 16.3 Poultry farming produces large volumes of manure waste which is rich in phosphate, indeed this already occurs in three poultry sheds on the farm. This waste would normally be used as organic fertilizer on surrounding arable farms. Whilst this may already occur in the current farming set up, to permit

the operator to do the same with the proposed shed would result in an additional impact on the Ramsar Site and so would not comply with the requirements of the Habitat Regulations for any development to be nutrient neutral.

16.4 The proposed shed has a sealed floor and it does not drain liquid from inside the building to the ground. Waste is collected at the end of the bird-rearing cycle and can be moved to a sealed waste vehicle without going to the ground. This waste can then be taken for disposal, normally as organic fertilizer outside the nutrient sensitive river catchments. Such processing would ensure that there would not be an impact on the Somerset Levels and Moors.

16.5 To ensure this process happens a planning condition that meets the normal tests for planning conditions is proposed as follows:

The clear out process for the poultry shed hereby approved shall ensure that no manure or other bird waste emanating from the use of the said building goes to ground when the waste is transferred and transported from the application site. No such manure or waste shall be stored outside the poultry shed or elsewhere on the farm (as outlined in blue on the approved Site Location Plan) or spread on the surrounding land at any time. The manure/waste shall be transported and disposed of outside of any water catchment that is in unfavourable status due to excess nutrients and is subject to nutrient neutrality advice from Natural England. A log book record of all such manure/waste movements shall be kept by the operator of the poultry shed for a minimum of 5 years after every clear out. These log book records shall be made available for inspection by the Local Planning Authority at any time they are requested.

Reason - To ensure nutrients do not further pollute the River Tone and harm the Somerset Moors and Levels Ramsar Site.

This condition has been authorised by SWT legal advisors, agreed with the applicant and is subject to an Appropriate Assessment under the Habitat Regulations.

17. Other Matters

17.1 The application site is an area of mowed grassland close to the existing sheds with no significant vegetation. As such there are no tree, hedge or ecology issues to consider in detail.

17.2 The proposed building at 1200 square metres has a particularly large roof area. The Lead Local Flood Authority have been consulted and they are happy for development to proceed providing an adequate surface water drainage scheme is developed. This is likely to involve very large soakaway arrangements which ensure that foul waste does not come into contact with rainwater soaking into the ground. With a sealed internal waste system in place this will be easily achieved, but a condition is required so that the drainage design can be authorised to LLFA requirements.

17.3 With regards neighbour objections, detailed consideration has been given to the points raised and the site has been visited with those objections in mind. It is agreed that plans not showing local village houses was not helpful, but ultimately those living close to Appley Orchard Farm already understand how close they are. The planning case officer has visited the nearest residential neighbours to experience the relationship. Parts of the farm are visible from Appley, but the neighbours are located 250 to 500 metres from the application site. Like any farm or field activity, there will inevitably be times when animals are audible or there are odours in the air, but this will not automatically equate to unacceptable nuisance to local residents. The SWT Environmental Health advice is clear that approval of this poultry shed will not amount to a harm to local residential amenity and the expansion of the poultry operations will put the farm inside the EA Permit scheme which will improve the applicants' response to any amenity issues they might cause.

17.4 For clarity, there is some overlap in the objections with regards to timber and wood chipping operations at the farm. Both those other operations are covered by separate consents and the applicants are aware of concerns about timber operation noise objections, which has led them to look at putting such works further from the village. Planning consideration for the timber operations will be covered by a separate planning application.

18. Local Finance Considerations

18.1 Community Infrastructure Levy is not applicable to this development

19. Planning balance and conclusion

19.1 The proposals for a further 12,000 bird poultry unit at Appley Orchard Farm are an expansion of current operations at the farm. The principle of farm expansion is supported by planning policy and the landscape, highway, amenity and are considered acceptable in planning policy terms. Subject to any comments from Natural England on the project level appropriate assessment and mitigation measures which show that nutrient neutrality can be achieved the Council as competent authority accepts that there will be no adverse impact on the Somerset Levels and Moors Ramsar site and that this can be achieved in perpetuity by way of a condition. When applying the planning balance, the concerns of neighbours are taken into consideration in the light of the advice of the Environmental Health Officer and the Environment Agency who both do not object to the proposals. The same is true of the highway impact where both SWT officers and SCC are content that the access arrangements meet standing advice and the additional traffic impact is acceptable.

19.2 The proposed development accords with National and adopted Development Plan policy and should be approved unless material planning considerations indicate otherwise. The proposal will provide clear agricultural economic benefits and there are no overriding considerations which would lead to a conclusion that planning permission should not be granted. Any impacts arising from the development can be controlled by planning condition.

19.3 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions and the completion of a successful Appropriate Assessment under the Habitat Regulations.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives

Conditions

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_02 Proposed Site Location and Block Plan
(A1) DrNo 200_03 OS Data Including Topographical Survey
(A1) DrNo 200_05 Drainage Plan
(A2) DrNo 200_04 Rev B Proposed Plan and Elevations

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

3. A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to development being implemented.

(i) The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to the Local Planning Authority.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow or are uprooted shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Development Plan.

4. Prior to the construction of the building/extension samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building/area in

accordance with Policy DM1 of the Development Plan.

5. Prior to occupation, an external lighting scheme design shall be submitted to and approved by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the night time landscape and in the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment

6. The clear out process for the poultry shed hereby approved shall ensure that no manure or other bird waste emanating from the use of the said building goes to ground when the waste is transferred and transported from the application site. No such manure or waste shall be stored outside the poultry shed or elsewhere on the farm (as outlined in blue on the approved Site Location Plan) or spread on the surrounding land at any time. The manure/waste shall be transported and disposed of outside of any water catchment that is in unfavourable status due to excess nutrients and is subject to nutrient neutrality advice from Natural England. A log book record of all such manure/waste movements shall be kept by the operator of the poultry shed for a minimum of 5 years after every clear out. These log book records shall be made available for inspection by the Local Planning Authority at any time they are requested.

Reason - To ensure nutrients do not further pollute the River Tone and harm the Somerset Moors and Levels Ramsar Site.

7. No development approved by this permission shall be commenced until a scheme for the disposal of surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans before the development is brought into use.

REASON: To prevent pollution of the water environment and to provide adequate rainwater drainage.