Item: **14**

Reference: **11/00211/FUL**

Applicant: **Mr Stephen Hay**

Location: **Charnwood Poultry Ltd Merrylees Road Thornton**

Proposal: **ERECTION OF AGRICULTURAL BUILDING**

Target Date: **17 May 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development.

Application Proposal

This application seeks full planning permission for the erection of an agricultural building for the storage of machinery, grain and bedding material. The dimensions of the proposed agricultural building are 36m x 18.7m with a ridge height of 8.4m. The height to the eaves is 6.3m. This provides an internal floor area of 648m². This agricultural building will be sited 40m to the west of the existing poultry sheds that are established at the site. It is also proposed to provide a concrete apron measuring 162m² immediately to the south of the agricultural building.

The Site and Surrounding Area

The application site is arable land located to the west of the poultry houses and to the east of the railway line. There are 5 large poultry sheds of varying sizes established at the site which are constructed from grey block work and timber boarding.

With the exception of the on-site agricultural workers dwelling the nearest residential property is Merry Lees Farm located 75m to the south east of the proposed agricultural building. The land slopes sharply by 2.5m from west to east towards Merrylees Road. The site is well screened by mature trees along the Merrylees Road frontage and by approximately 5m high hedges along the eastern boundary with the poultry sheds. There is a mature hedge line along the western boundary with the railway line. The land to the west of the proposed agricultural building, beyond the railway line is the site of the Merrylees Industrial Estate. There are two existing vehicular accesses to the site, both of which are sited off Merrylees Road, these accesses serve the on-site dwelling and the poultry sheds.

The site is located within the Nation Forest.

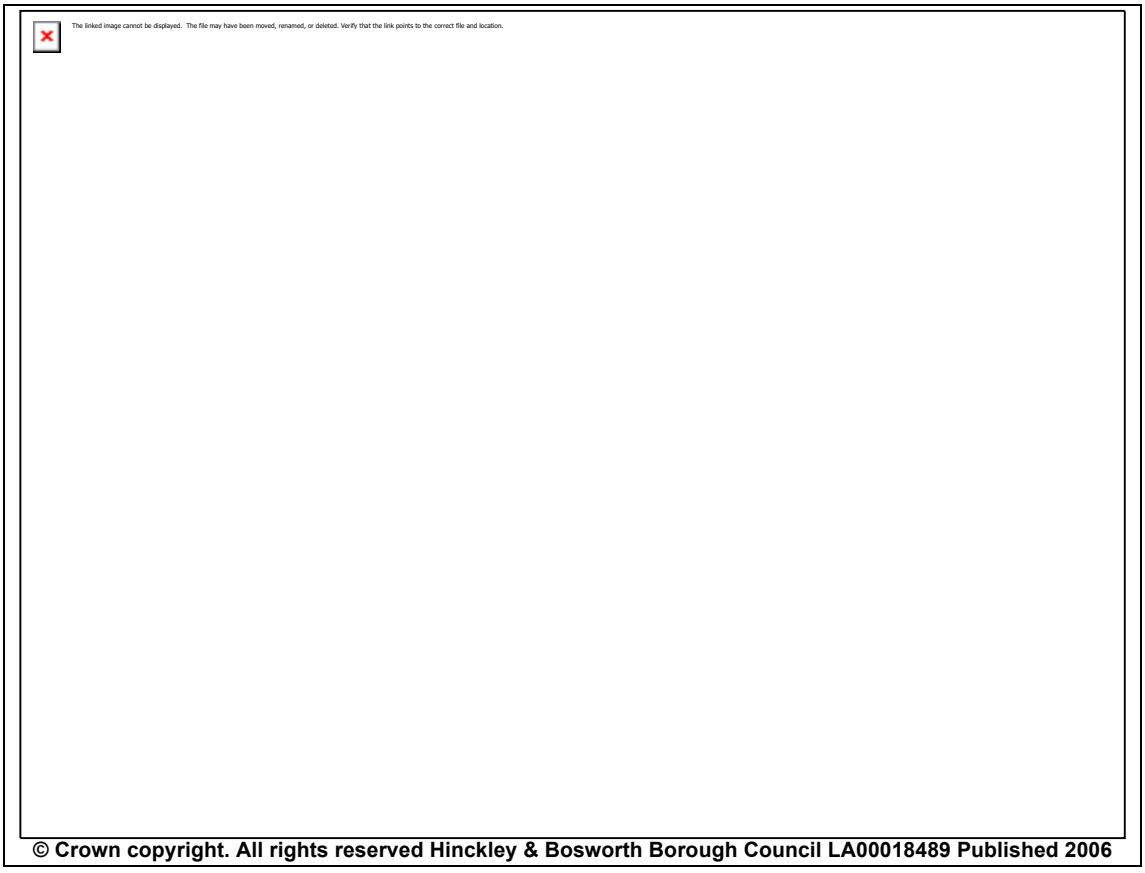
Technical Documents submitted with application

The submitted design and access statement explains that the proposed building will be used for bedding, feed, machinery and general storage. It states that these items are currently located at several locations around the farm, and due to weather conditions an agricultural storage building is required. The proposed building will be built into the ground, thereby resulting in it being 0.5m below existing ground level.

It also states that the existing poultry farm uses in excess of 35 tonnes of saw dust for bedding on a weekly basis. Therefore half the floor area of the proposed agricultural building will be used for the storage of bedding, thereby allowing for bedding to be purchased and stored in bulk. The materials of construction have been selected to reflect an agricultural appearance, to blend the building into its surroundings and to guard against rodent infestation. Finally the statement confirms that there will be no increase in commercial vehicle movements to and from the site.

History:-

96/00671/FUL	Erection of agricultural workers bungalow and relocation of existing office and building	Approved	30.9.96
95/00724/OUT	Erection of house and garage for poultry unit manager	Approved	13.12.95
89/00734/4	Continued site use for one caravan	Approved	24.10.89
79/00046/4	Siting of mobile home for site for site managers use	Approved	30.05.79



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Consultations:-

No objection has been received from:-

Head of Community Services (Pollution)
Environment Agency.

No objection subject to conditions have been received from Director of Environment and Transport (Highways).

No objection subject to notes to applicant Head of Community Services (Land Drainage).

Site notice was displayed and neighbours notified.

Two letters of objection have been received from the same objector raising the following concerns:-

a) the proposed development poses a health hazard
b) visual pollution- impact on the landscape
c) noise pollution from HGV's and mechanical feed process
d) overbearing impact upon objector's property
e) pollution from vehicles
f) infringement on human rights
g) the agricultural building will be used an incinerator
h) proposed building is too close to residential properties
i) light pollution
j) increase in vermin
k) not an agricultural building in terms of its appearance and use
l) no Environmental Impact Assessment has been undertaken
m) no rationale given for the storage of feed at the site.

At the time of writing the report comments have not been received from:-

Bagworth and Thornton Parish Council
Severn Trent Water
Ramblers Association.

The consultation period remains open at the time of writing and closes on 22 April 2011. Any further consultation response received before the closing date will be reported and appraised as a late item.

Policy:-

Central Government Guidance

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas identifies the Governments objectives for rural areas and seeks to raise the quality of life and environment in such areas and promotes more sustainable patterns of development. All development within rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside.

The PPS confirms that the Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes. The Government's objectives for rural areas are to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly

to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

East Midlands Regional Plan 2009

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010.

Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies.

The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS`s letter of 27 May 2010 and that it should still be regarded as a material consideration.

Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS`s intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration.

In relation to the weight to be given to that intention as a material consideration the Court held that `the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

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Appraisal:-

The main considerations with regards to this application are the principle of development, impact on the countryside, impact on neighbours and highway implications.

Principle of Development

Whilst both central government guidance in Planning Policy Statement 7 and policy NE5 of the adopted Local Plan seek to protect the character and appearance of the countryside for its own sake and from unnecessary development, it is recognised that certain forms of development, including those in connection with agricultural land based activities which require a countryside location, are generally acceptable in principle. Therefore the principle of siting the proposed agricultural building within the open countryside is considered acceptable. The existing poultry farm is well established and the proposed agricultural building will support existing operations at the site.

Impact upon the countryside

The site is located within the National Forest. Policy N21 of the adopted Local Plan states that development should be of a high quality and materials of construction and layout should reflect the setting of the proposal in the forest. Policy 21 of the adopted Core Strategy requires landscaping proposals to accompany new developments. Due to the density, height and siting of existing landscaping at the site it is considered that the proposed agricultural building will be effectively screened within the National Forest and that no further landscaping proposals are required as part of the proposed development.

The proposed agricultural building has been sited within 34m of the existing poultry sheds to the east and will be used in connection with existing operations at the site. The built footprint of the proposed agricultural building will be significantly less than the existing 5 poultry sheds and it will be served from the existing internal access road. The proposed materials of construction consist of part concrete block work, part metal sheeted walls with metal sheeted profile roofing. The metal sheeted exterior will be finished in a green colour. These materials are similar to most agricultural buildings found in the open countryside throughout the Borough and to agricultural

sites located within the National Forest. Accordingly, in terms of its scale, function and external appearance the proposed agricultural building is not considered to be detrimental to the character and appearance of the open countryside or to its setting within the National Forest.

Due to the siting of the existing building's within the holding there is a limited amount of space for further development in the area immediately surrounding the poultry sheds (i.e. to the south) and the proposed agricultural building has been sited in the next available piece of agricultural land to the west. It is considered that the proposed agricultural building is sited within suitable distance of the existing poultry sheds for it to be viewed as part of the same agricultural complex.

The main issue to consider is the ridge height of the proposed agricultural building. The difference in ground levels at the site means that the ridge height of the proposed building will be between 3 and 4m higher than the ridge height of the 2 poultry sheds that are sited to the east. Notwithstanding this point, there is existing screening along the eastern boundary between the proposed building and the poultry sheds to a height of 5m, this consists of a line of mature trees.

Whilst it is a matter of fact that the upper parts of the proposed building will be visible from within the site, it is considered that the existing boundary vegetation will help to screen the visual impact of the proposed development and significantly reduce its impact upon the open countryside and upon its setting within the National Forest. Therefore the proposed development is considered to comply with the SPG for farm buildings as it has been sited close to the existing complex of farm buildings and to take advantage of the existing screening along the boundaries of the site.

Impact on neighbour amenity

The first matter to consider is the proposed function of the building, which will be for agricultural storage. Therefore the potential for noise disruption is considered to be minimal. The proposed building has been sited along the western edge of the site, away from the nearest residential property sited 75m to the south east. Therefore, taking into account the proposed function of the agricultural building and the separation distance to the nearest residential property the potential for loss of residential amenity is considered to be negligible.
Merry Lees Farm Cottage is located 85m to the south east of the proposed agricultural storage building. To the rear of this property is a line of mature trees more than 3m in height. Therefore taking into account the proposed function of the agricultural building and the separation distance to the nearest residential property the potential for loss of residential amenity is considered to be negligible.

No supporting information has been provided with the planning application that shows the installation of external lighting columns. The design and access statement states that there won't be an increase in vehicle movements to and from the site. Vehicle movements will be required for the delivery of feed and bedding to serve the existing poultry sheds. There is no proposed increase in poultry stock or the number of sheds at the site. Therefore there will be no marked increase in the number of HGV and delivery vehicles to deliver feed and bedding. The proposed agricultural building will serve the function of a feed and bedding store for the existing business and HGV movements will be directed to this building. With regards to noise generated from vehicle movements this will remain unchanged. Therefore there is no perceived loss of amenity to neighbouring properties through either light or noise pollution as a result of the proposed development.

The proposed agricultural building will not be sited adjacent to existing residential properties. The storage of machinery, feed and bedding will take place within the proposed building and not externally. Therefore there is no perceived loss of amenity through the proposed development posing a hazard to health.

Highway issues

It should be noted that no alterations are proposed to the existing vehicular accesses to the site and both are to be retained. Accordingly no objections have been received from the Director of Environment and Transport (Highways) and thus there are no adverse impacts upon highway or pedestrian safety.

Other matters

Vermin

The proposed development (poultry bedding and feed) will need to be built and operated in accordance with current DEFRA and HSE guidance. This will also take into account the potential for vermin infestation and the measures required in order to prevent the feed and bedding becoming contaminated by vermin. The possibility of vermin infestation is not a material planning consideration and is subject to control under separate legislation.

Incinerator

It has been locally speculated, including the objector that the proposed agricultural building will be used as an incinerator. It should be noted that the proposed agricultural building will be used for the storage of machinery, feed and bedding in connection with an existing poultry business established at the site. No information has been provided with the planning application to demonstrate an alternative use of this building. A separate planning application would be required for the erection of an incinerator at the site and such an application would be considered on its individual merits.

Absence of an EIA (Environmental Impact Assessment)

It should be noted that the proposed development doesn't fall within the specific criteria to make it EIA development. Therefore an EIA is not a requirement in the determination of this planning application.

Conclusion

In conclusion and by virtue of its siting, materials of construction and taking into account existing screening and the poultry sheds at the site the proposed development is not considered to be harmful to the character and appearance of the open countryside, it is for agricultural purposes and will not be harmful to residential amenity or highway safety. Accordingly the proposed development is considered to be in accordance with policies NE2, NE21 and BE5 of the adopted local plan and with the SPG on Farm Buildings.

RECOMMENDATION :- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Resultant of the design, scale, siting and materials proposed, there are considered to be no material impacts on visual or residential amenity, on the character of the countryside or on highway safety. Accordingly the scheme is considered acceptable.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, NE5 and NE21.

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

2 The development hereby permitted shall be carried out in complete accordance with the submitted application details, as follows: Drg Nos 01219-00-B (Location and Block Plan), 01219-00-B (Site Plan), 01219-01-C (Elevations) and 01219-01-C (Plans).

3 The development hereby permitted shall be carried out in complete accordance with the schedule of materials stated in the planning application form.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy 21 .of the Adopted Core Strategy 2009 and policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 The suitability of the ground for soakaways should be ascertained by using the test in B R E Digest No. 365 before development is commenced. The porosity test and soakaway design requires the approval of the Building

Control Section. The soakaway must be constructed using concrete ring sections with a liftable cover or other approved materials to the satisfaction of the Local Authority.

Contact Officer:- Scott Jackson Ext 5929