

Agenda Item:	6.1
Site:	Land East of Harley Lane, Abbots Bromley, Staffordshire
Proposal:	Erection of an agricultural building

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

[Hyperlink to Application Details](#)

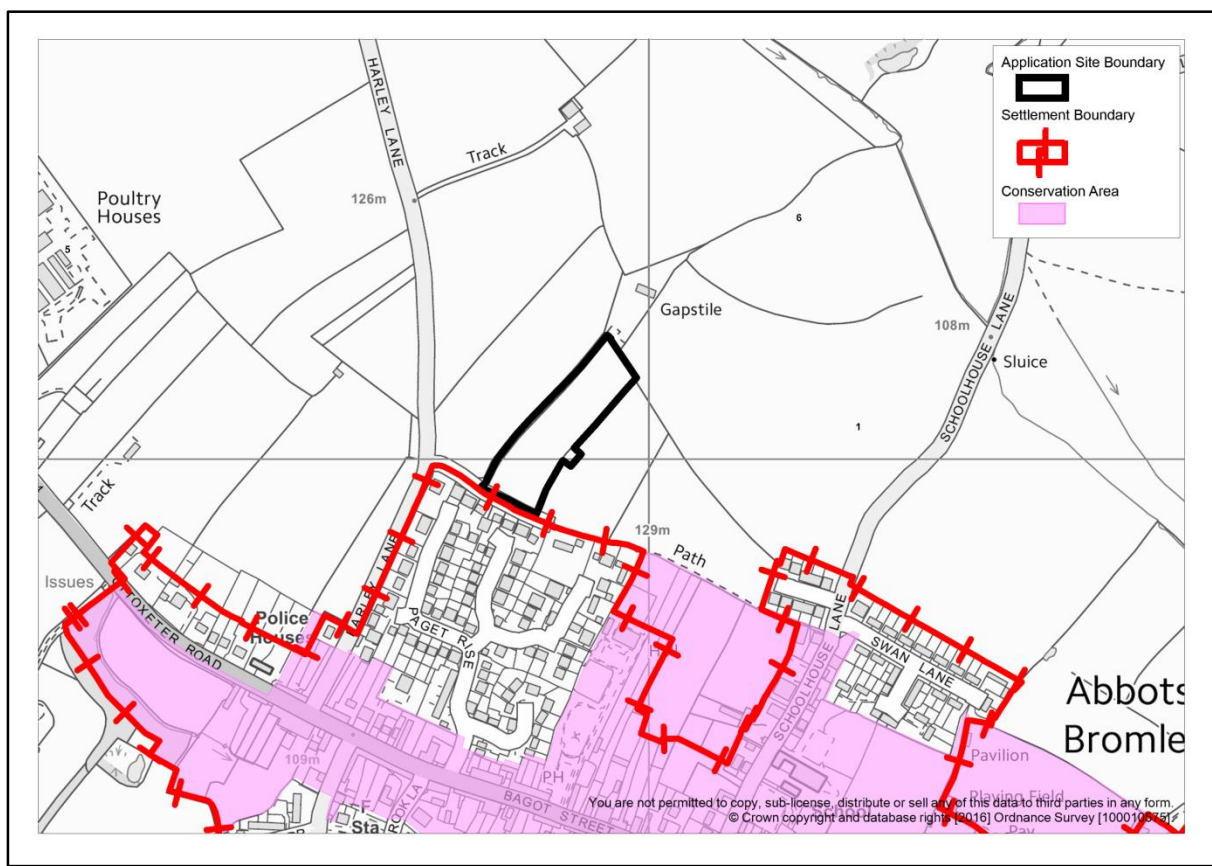
Application Number:	P/2016/00444	
Planning Officer:	Emily Christie	
Type of Application:	Full Planning Application	
Applicant:	Mr B Browning	
Ward:	Abbots Bromley	
Ward Member (s):	Cllr G Hall	
Date Registered:	19 th April 2016	
Date Expires:	8 th July 2016	

1. Executive Summary

- 1.1 The application site comprises approximately 2 hectares of agricultural land, located off Harley Lane in Abbots Bromley.
- 1.2 The application seeks consent for the erection of one agricultural building to facilitate poultry rearing (turkeys) on the land.
- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions. The Parish Council objects to the proposal on many grounds but mostly principle, odour, vermin, visual impacts, impact upon the amenities enjoyed by the occupants of nearby dwellings and highway safety. Objections have been received from the occupants of five nearby dwellings and one letter of support has been received.
- 1.4 It is considered that the development can be assimilated into the site without unacceptably affecting the character and appearance of this rural area, or the amenities enjoyed by the occupiers of nearby dwellings.

- 1.5 The proposal can be accommodated by the existing highway network and access arrangements.
- 1.6 It is not considered that the proposal would unacceptably affect protected species or their habitat and it is not considered that the proposal would unacceptably increase flood risk.
- 1.7 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site



2. The site description

- 2.1 The site is located on the edge of Abbots Bromley. The site comprises a parcel of agricultural land to the north of Paget Rise, Cecil Payton Close, Salters Grande and Longlands Place separated from the residential development by a track leading to the property known as The Gables.
- 2.2 The site is accessed via a track leading off from Harley Lane which is a single track lane accessed from the B5014 Uttoxeter Road.

3. Planning history

- 3.1 P/2015/00822 – Erection of an agricultural building – Approved under Delegated Powers 21/01/2016.

4. The proposal

- 4.1 The application seeks consent for the erection of an agricultural building to facilitate the keeping of up to 800 turkeys on the land.
- 4.2 The site is located to the north of the built form of Abbots Bromley and the proposed building is located in a parcel of agricultural land close to the boundary of two fields to allow the poultry to access both fields for land rotational purposes.
- 4.3 The proposed elevations show a modern agricultural building of modest proportions (4.9m in height, 18.3m in length and 9.2m in width) designed to be commensurate with modern agricultural practices. The materials proposed include concrete panels, timber boarding and cement fibre roof sheets finished in dark anthracite grey. The building has two full height sliding doors, one on either side of the building, to allow for the birds to be able to access both adjoining fields.
- 4.4 The applicants propose to expand and diversify existing operations on the small holding with the preparation of turkeys. The buildings will facilitate the keeping of up to 800 turkeys in total on the land on a free range system. A landscaping buffer has been planted using a band of willow saplings along the southern boundary of the land to aid screening. The applicant has chosen willow trees as they advise that *'they will grow quickly and create a low level buffer that was considered desirable between the track and the field. They will also help to dry out the area and improve the experience for people using the right of way. Once mature they will provide a degree of visible screening from the building and the livestock'*.
- 4.5 The use of the proposed building is to facilitate the rearing of turkeys from around 5 weeks old through to finished table weight. The turkeys are reared for approximately 6 months (approximately July to December), following which the building will be cleaned out and prepared for the next batch.
- 4.6 The applicant has indicated that the poults (young birds) will typically be kept inside the building for the first stage of production, gradually being introduced to pasture as they mature. The turkeys will then be allowed to roam on the land freely in the day and then return to the building in the evening. It should be noted that typically turkeys will stay in reasonably close proximity to the building as they will feel more secure from predators but will have the option to roam the land freely if desired in one of the two fields dependent upon the land rotation.
- 4.7 The two fields equate to an area of approximately 2 hectares.

List of supporting documentation

- 4.8 The following documents have been provided as part of the application:
- 1526-01D – 1:1250, 1:500 and 1:200 Location and Site Plans dated as received 19th April 2016.
 - 1526-02C – 1:100 Proposed Elevations, Floor Layout and Roof Plan dated as received 21st March 2016.

- Noise and Odour Management Plan dated as received 29th March 2016.
- Statement of Agricultural Need dated as received 29th March 2016.
- Traffic Information dated as received 3rd May 2016.
- Preliminary Ecological Appraisal (ref: PR4.T3-HARL.15 Revision 2) dated as received 6th April 2016.
- A Calendar of Operations dated as received 31st May 2016.

4.9 The relevant findings are dealt with in section 8 onwards below.

5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non statutory consultee		Response
5.2	Parish Council	Although the applicant has re-sited the proposed barn so that it is screened by the hedge the Parish Council still objects to this application for the following reasons- The appropriateness of such a development so close to residential properties- Unsuitable access via a farm track- Smell arising from the waste created by the turkeys and increased risk of vermin The proposed siting of the building will be close to many residential buildings and therefore many of these residents will be impacted by the noise and smell created by up to 800 turkeys. Turkeys are known to react to noise and with a footpath running along the track the birds will be disturbed regularly and therefore generate significant noise. With poultry and their waste comes an increase in vermin which again will impact on the quality of life of local residents. As the turkeys will be free range much of their waste will be on the field and therefore the smell will travel to local residents' houses.
5.3	SCC Highways	No objections

Internal Consultees		Response
5.4	Environmental Health	<p>Whilst there is formal guidance for the assessment of the environmental impacts of intensive agricultural uses, none exists for agricultural practices of this scale (up to 800 turkeys). Poultry units fall out of direct regulation under the Environmental Permitting Regulations 2010 (as amended) unless they are greater than 40,000 birds. It is generally accepted that it is intensive farming that creates the greatest odour, noise and air quality impacts. In this case the turkeys are free range with access to fields and will be kept very differently to that of intensive practices.</p> <p>There is no mechanical ventilation, which can be a source of noise (although less so with modern plant) and the site</p>

		<p>will be using a 'deep litter' system which minimises odour issues.</p> <p>Whilst the birds will be free to roam during the day in field(s) which have a boundary close to the nearest residential premises, it is very unlikely that all birds will be out in the field at any one time as many will stay in or close to the actual unit. It is also unlikely that all the birds will congregate at the boundary of the field nearest to the residences.</p> <p>There will be no odour impact from turkey excretion in the field as it will be in low concentrations and quickly dry out and it is envisaged that the majority of the manure will be in the unit.</p> <p>Although there may be some limited natural noise from the turkeys in the fields, they are confined to the unit at night and as highlighted above they will be dispersed over the entire field or in or around the unit during the day. Careful management will ensure the noise from the turkeys is controlled to reasonable levels.</p> <p>The proposal is in a rural area and the keeping of turkeys is not out of keeping with the location, also bearing in mind turkeys may be kept and turkey manure also spread on the land- without planning permission.</p> <p>Although good separation is recommended for intensive processes or practices with a high number of birds, this is not relevant in this case. Under planning legislation, when considering environmental affects we have to consider whether there will be any 'significant adverse impact' and on balance given the information available I feel that with good management, there will be no unreasonable impact subject to the following conditions:</p> <ul style="list-style-type: none"> - The total number of turkeys shall be limited to no more than 800 birds
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6. Neighbour responses

6.1 Letters have been received from the occupiers of five neighbouring dwellings.

Neighbour responses	
Principle	<p>Inappropriate development close to residential development. The building and process are industrial in nature and are not appropriate in this location.</p> <p>The building should be moved to the north end of the field</p> <p>A 'no turkey zone' should be created by way of fencing of the southern half of the land to avoid turkeys roaming close to the boundaries with neighbouring dwellings.</p>

Impacts on Amenity	A landscaping buffer should be planted to provide screening to neighbouring properties. The birds will be allowed to roam in close proximity to the boundaries of neighbouring dwellings to the detriment of the enjoyment of the properties. This application includes land that is closer to the neighbouring residents' properties and doubles the site area.
Highways Impacts	Additional traffic Highway safety issues Impact on the shared driveway (shared with the property known as The Gables) as a result of additional traffic and large vehicles using the lane to access the site. The owner of the property should form a private access to alleviate the use of the shared driveway.
Environmental Impacts	The waste from the operations needs to be managed to avoid impact upon neighbouring properties. Noise Odour/smell Vermin Flies The proximity to neighbouring dwelling contradicts prescribed separation distances Users of the nearby footpath will result in the disturbance of the birds causing additional noise
Other	Loss of value to neighbouring dwellings.
Support	One letter of support has been received

7. Policy Framework

National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- SP8 Development Outside Settlement Boundaries
- SP14 Rural Economy
- SP24 High Quality Design
- SP25 Historic Environment
- SP29 Biodiversity and Geodiversity
- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP2 Designing in Sustainable Construction
- DP3 Design of New Residential Development, Extensions and Curtilage Buildings
- DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology

8. Principle of Development

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

9. Local Plan

9.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

9.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes, workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
- retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
- re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
- integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;

- designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
- high quality design which incorporates energy efficient considerations and renewable energy technologies;
- developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
- does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
- creates well designed and located publicly accessible open space;
- would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
- would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
- uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
- safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
- would result in the removal of contamination and other environmental problems associated with the site.

9.3 Strategic Policy 8 provides guidance and criteria on how to deal with development in the countryside and is relevant in this case. This policy states that outside development boundaries planning permission will not be granted unless:

- essential to the support and viability of an existing lawful business or the relation of a new business appropriate in the countryside in terms of type of operation, size and impact and supported by relevant justification for a rural location; or
- providing facilities for the use of the general public or local community close to an existing settlement which is reasonably accessible on foot, by bicycles or by public transport; or
- in accordance with a 'made' Neighbourhood Plan; or
- development under the Rural Exception Sites policy
- Appropriate re-use of Rural Buildings following guidance set out in the Rural Buildings SPD; or
- Infrastructure development where an overriding need for the development to be located in the countryside can be demonstrated; or
- Development necessary to secure a significant improvement to the landscape or the conservation of a feature of acknowledged importance; or
- Provision for renewable energy generation, of a scale and design appropriate to its location
- Otherwise appropriate in the countryside

9.4 The site lies outside of any development boundary as set out in the East Staffordshire Local Plan 2012 - 2031, and as such Policy SP8 is of particular

relevance in this instance. In this respect it is considered that the proposed agricultural building to house free range turkeys is a farming practice regarded as a normal practice and therefore appropriate within the countryside. Its location in a more built environment would not be suitable so the countryside is the only practicable location for it. The proposal is also considered to be in accordance with the qualifying criteria in that it will not adversely affect the amenities of those located close by, does not introduce considerable urban form, the environmental impacts are compatible with the character of the surrounding area, the design is well related to the surrounding area, the landscaping takes into account immediate and distant views, there will not be an adverse impact on the highway network and the proposal maintains land of high agricultural value.

- 9.5 Strategic Policy SP14 of the Local Plan supports the rural economy including farm diversification where they make a long term contribution to sustaining the agricultural enterprise as a whole and where the proposal is consistent with its rural location in terms of use, setting and scale.
- 9.6 Section 3 of the NPPF states that economic growth in rural areas should be supported where a development proposes the growth and expansion of a rural enterprise both through the conversion of existing buildings and well designed new buildings.
- 9.7 In paragraph 17 of the NPPF protection of the countryside is a core planning principle which remains an important feature of the Framework as well as supporting thriving rural communities.
- 9.8 In respect of SP14 the proposal is a diversification of existing farming practices on this smallholding. The location is considered suitable in that it is far enough away from surrounding dwellings to not result in significant impacts and is of a scale and design commensurate with the agricultural use of the land that is considered acceptable for the site. Therefore, it is considered that the aims of this policy are met as well as Para 17 and Section 3 of the NPPF.
- 9.9 The building proposed is considered to constitute development essential to the efficient working of the rural economy and will expand the operations of an existing established rural enterprise; therefore the proposal is considered to satisfactorily accord with Policy SP8 and SP14 of the East Staffordshire Local Plan and the provisions of the NPPF.

10. Design and Impact on the character and appearance of the area

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.2 Strategic Policy 1 and 24 state that development proposals must contribute positively to the area in which they are proposed.
- 10.3 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area,

exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.

- 10.4 The proposed building is considered to be commensurate in scale and design with modern agricultural buildings. The dimensions of the building are reasonably modest – 4.9m in height, 18.3m in length and 9.2m in width. The proposed materials are also commensurate with a modern agricultural building and incorporate a dark grey roof colour to further reduce the visual impact of the building in the prevailing countryside.
- 10.5 In this respect it is considered that whilst the proposal does introduce a new building into the countryside, it is of an appropriate agricultural form and scale. The screening buffer planted on the site will provide further screening of the development and will thicken up the boundary between the field and the track adjacent.

11. Residential Amenity

- 11.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 11.2 With regard to the impact upon the occupiers of nearby dwellings, Paragraph 17 of the National Planning Policy Framework seeks to ensure new development will not have an adverse impact on the amenities of the occupiers of nearby residential properties. Policy SP8 states that a proposed development must not adversely affect the amenities enjoyed by existing land users, including, in the case of proposals for development close to an existing settlement, the occupiers of residential and other property within that settlement.
- 11.3 Paragraph 120 of the NPPF states that to prevent unacceptable risks from pollution, the effects of new development should be assessed to ensure that the proposal is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.
- 11.4 Policy SP24 and DP1 states that in considering the suitability of a development, the Authority should have regard to any adverse impacts on the immediate and general environment in terms of emissions and other impacts and the use of any techniques or mechanisms to reduce those impacts.
- 11.5 A noise and odour management plan has been submitted by the applicant to demonstrate that any impact by way of noise and disturbance and odour emission from the site can be controlled and mitigated against through the implementation of good working practices in order to protect the amenities enjoyed by the occupiers of nearby properties.
- 11.6 Whilst there is a public right of way along the access track running adjacent to the site boundary, the path is located on the other side of the thick hedge that bounds the site and as such the conflict and interaction between the users of the path and the poultry in the field will be minimal. This is further negated by the

additional planting and screening planted along the southern boundary of the site.

- 11.7 The information submitted was assessed by the Council's Environmental Health Team who confirmed that the plans were appropriate and as such impact should be minimal as a consequence of the development.
- 11.8 With regard to manure management at the site, as the birds will be free range the majority of the manure produced will be deposited on the land as the birds roam around the field. This will naturally breakdown into the soil and odour will be minimal. Any manure and bedding that is cleaned out of the shed will be taken to other farms in the area to spread on their land. Therefore the overall impact upon nearby residents will be low.
- 11.9 Fly issues associated with poultry enterprises are generally limited to laying units where the manure from the birds is kept underneath the building for long periods of time in excess of 1 year. Fly control protocols on laying sites need to be rigidly enforced.
- 11.10 The number of stock cycles in relation to the rearing of turkeys means that fly problems are not expected and therefore no planning conditions are required.
- 11.11 The likelihood of the site attracting an intolerable level of vermin is also considered to be low. Feed is to be stored in modest amounts inside the building and as such it is unlikely that vermin such as rats would be an issue at the site.
- 11.12 The applicant has indicated that the inside of the agricultural unit will be lit but that there will be no external lighting. The local concerns regarding lighting are acknowledged and given the rural setting, a condition will be recommended to require details of any lighting (internal and external) proposed. The lighting can be angled to reduce any impact on neighbouring dwellings and on local wildlife populations. The intensity of the lighting can also be controlled to limit impact.

12. Highway Matters

- 12.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of the open countryside. For those developments likely to have an impact on the wider highway infrastructure, proposals should be accompanied by a transport assessment clearly setting out how the likely impacts of the development will be addressed.

12.3 The development is accessed via the existing vehicular entrance to the small holding accessed off Harley Lane which is a narrow single track road. Concerns have been raised regarding the suitability of Harley Lane to provide access to the site. As part of the application documents the applicant has submitted information with regard to the proposed vehicular movements and types of vehicles accessing the site in relation to the turkey rearing operation. The Highway Authority has responded with no objections in relation to the proposal. Therefore it is considered that the proposal will not have any implications on highway safety in the vicinity.

12.4 For information the applicant has provided the following information with regard to the typical number of vehicular movements in relation to the turkey rearing operation:

Key: *1 – potential vehicles are Car/Car and trailer (C), Van (V) or Transit type vehicle (T)

<u>Traffic requirement</u>	<u>Vehicle *1</u>	<u>On/Off holding</u>	<u>Frequency</u>	<u>Detail</u>
Delivery – livestock	C/V/ T	On	Infrequent	The delivery of the poults (young poultry) will occur once for each crop when they are delivered in crates on a trailer/van/transit
Delivery – feed	C/T	On	Monthly	The system will operate on a manually fed basis – this means that the feed will be added to the feed hoppers by hand on a regular basis. The delivery of this feed will be in bagged form (circa 20kg bags) and delivered in small consignments.
Delivery – bedding	C	On	Infrequent	The system will be a deep litter straw based bedding one where the bedding is distributed with a 'little and often' approach thereby maximising its effectiveness and efficiency. The straw will be delivered in bale format that can be easily handled
Product distribution	C/V/ T	Off	Infrequent	The poultry crop will be distributed using a chiller trailer/van/transit.

12.5 The above table demonstrates compliance with Local Plan policy SP35.

13. Historic Environment and loss of Property Value

13.1 Paragraph 126 of the NPPF states that Local Planning Authorities should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

13.2 In determining planning applications, with respect to any building or other land in a conservation area, local planning authorities are under a statutory duty under Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to preserving or enhancing the setting of the conservation area. Case law has established that this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.

13.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Again, as for Section 66 referred to above, this means that considerable importance and weight has to be given to that statutory duty when balancing the proposal against other material considerations.

13.4 Strategic Policy 25 states that Development proposals should protect, conserve and enhance heritage assets and their settings, taking into account their significance, as well as the distinctive character of the Borough's townscapes and landscapes.

13.5 Detailed Policy 5 goes into more detail regarding Historic Assets, Listed Buildings, Conservation Areas and Archaeology. Detailed policy 6 aims to protect other heritage assets which are not necessarily covered by listed building or conservation area status, such as shopfronts and the setting of important historic landscapes.

13.6 The site is not in a conservation area but lies approximately 110m to the west of the Abbots Bromley Conservation Area and approximately 275m from the nearest listed building located on School House Lane and over 300m from the listed buildings located on Bagot Street and Uttoxeter Road. Located between the proposal site and the various heritage assets listed are a number of buildings and uses that means that there is limited inter visibility.

13.7 Given these separation distances and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of these conservation areas nor would any Listed Building or its setting be affected. The statutory duties under Sections 66 and 72 are therefore not engaged.

13.8 The loss of property value is not a material planning consideration and as such cannot be used to justify the refusal of a planning proposal.

14. Biodiversity

- 14.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 14.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 14.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 14.4 A Preliminary Ecological Assessment has been submitted which concludes that protected species are very unlikely to be at risk but recommends measures to enhance the surrounding area by way of gapping up hedgerow and creating new hedgerow in the vicinity to enhance habitat for wildlife.
- 14.5 These mitigation measures are considered to be acceptable and relevant conditions will be applied to ensure the measures are implemented.

15. Unilateral Undertaking

- 15.1 A Unilateral Undertaking is being prepared in order to agree that the previous planning consent Reference: P/2015/00822 will not be implemented if planning permission is to be granted for the erection of the agricultural building under this application.
- 15.2 This is considered to be necessary as the erection of two agricultural buildings on the land would not be commensurate with the scale of the holding at this time and as such would be contrary to Local Plan Policy SP8.
- 15.3 Any planning consent issued under this application would not be issued until such an agreement is formally signed.

16. Conclusions

- 16.1 The application proposal is acceptable in principle with the development appropriate in the countryside and supporting the rural economy. The design of the building is typical of agricultural buildings of this type and is laid out in a manner which minimises the landscape impact of the scheme.
- 16.2 The highway impact of the scheme has been assessed by SCC Highways and no objections have been raised in relation to the proposal. It is considered that the nature of development and the siting of the building is of a sufficient distance to alleviate any impact upon the occupiers of neighbouring properties by way of disturbance and visual impact, whilst issues in relation to noise and odour can be controlled through the implementation of the Noise and Odour Management

Plan. There are no issues raised in relation to flood risk, drainage or ecology as part of the scheme.

- 16.3 The nearest listed building is over 275m away and is not considered to be affected by the proposal.
- 16.4 Given the separation distances and the form of existing built development, it is not considered that the proposal would have an impact on views into, or those out of any conservation area nor is any Listed Building or its setting affected. The statutory duties under Sections 66 and 72 are therefore not engaged.
- 16.5 The scheme will provide economic benefits to the rural economy and supports the existing business on the site. These positive factors weigh heavily in support of the application and on balance the benefits of the scheme outweigh any specific concerns that are raised in relation to the proposal.
- 16.6 Overall, the scheme, when considered against the three pillars of sustainable development, as identified within the NPPF, will have a positive economic impact, mitigate any social impact and have minimal environmental impacts and therefore there is a presumption in favour of granting permission. The proposal also accords with the East Staffordshire Local Plan Policies SP1, SP8, SP14, SP24, SP25, SP29, SP35, DP1, DP2, DP3 and DP5.

RECOMMENDATION

16.7 For the reasons set out in the above report then:

PERMIT subject to the following conditions:-

1. Time limit condition (3 years)
2. Approved Plans Condition
3. Submission and Approval of a Lighting scheme if applicable
4. Implementation of the proposed landscaping buffer
5. Limit number of birds up to 800 produced on the site per calendar year
6. Compliance with noise and odour management plan
7. Compliance with Ecological Appraisal

Informatives

1. The applicant is advised that this consent does not absolve them from their responsibilities in relation to protected species.
2. Engagement informative

17. Background papers

17.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in section 7
- Papers on the Planning Application file reference P/2016/00444
- Papers on the Planning Application file reference P/2015/00822

18. Human Rights Act 1998

18.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

19. Crime and Disorder Implications

19.1 It is considered that the proposal does not raise any crime and disorder implications.

20. Equalities Act 2010

20.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Emily Christie
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