

Area West Committee – 17th October 2012

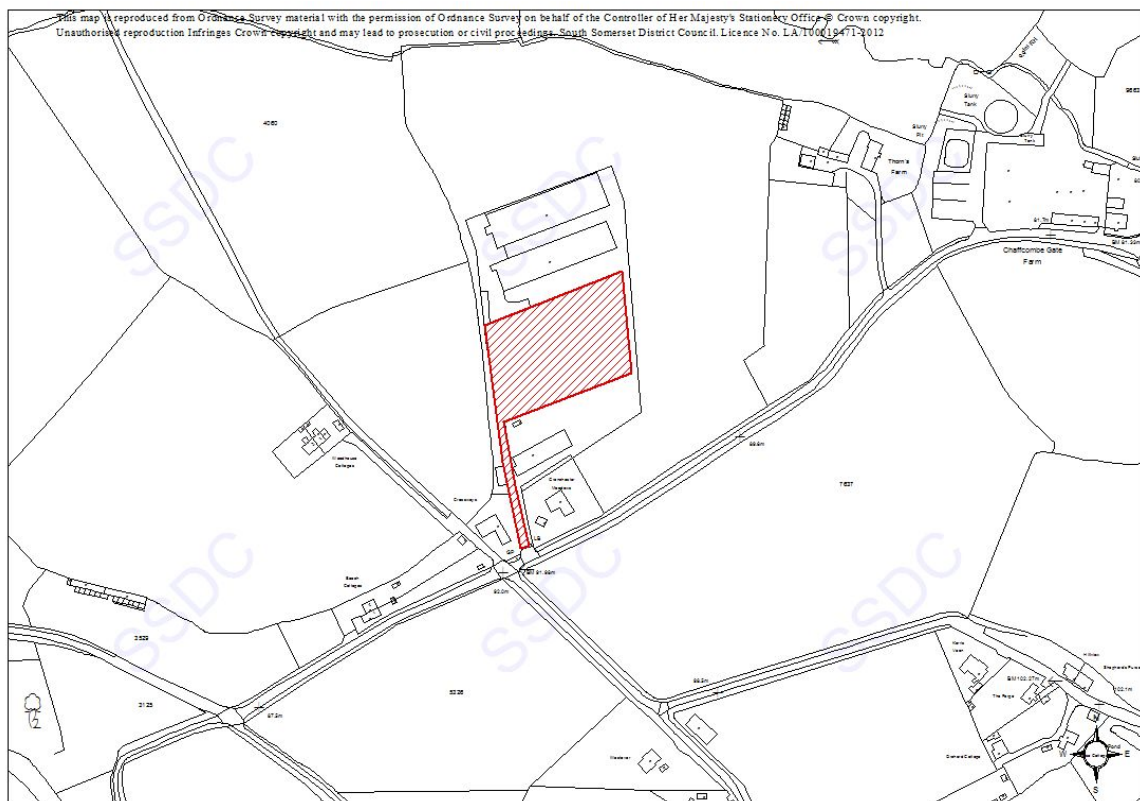
Officer Report On Planning Application: 12/00011/FUL

Proposal:	The erection of 2 No. poultry buildings with associated infrastructure and the removal of existing earth bunds and construction of a new earth bund. (GR 334602/110502)
Site Address:	Land OS 5954 Part Chaffcombe Chard
Parish:	Chaffcombe
WINDWHISTLE Ward (SSDC Member)	Ms S Osborne (Cllr)
Recommending Case Officer:	John Millar, Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date:	11th May 2012
Applicant:	Mr R Lanning
Agent: (no agent if blank)	Mr James Whilding Acorus Addlepool Business Centre, Woodbury Road, Clyst St George, Exeter, Devon, EX3 0NR
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON(S) FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the Area Chair. It is felt that the application should be given further consideration by members, due to the high level of public interest and to consider the potential impact on local amenity.

SITE DESCRIPTION AND PROPOSAL



This application relates to an existing poultry farm to the north side of Cricket Lane, Chaffcombe. The site is in open countryside and is located in close proximity to several residential properties, neighbouring farms and Chard Reservoir Nature Reserve, which starts approximately 300m to the south west. There are two existing large buildings on site, housing approximately 72,000 birds for broiler rearing, as well as a dilapidated timber shed to the far south of the site and the footings of previous redundant and demolished poultry buildings.

The application is made for the erection of two new poultry buildings to the south of the existing ones and of a similar size, measuring approximately 76m by 20m and with a height of just over 5.2m. These will hold around 64,000 additional birds, increasing the overall output to 136,000 bird places. The buildings are to be of steel framed construction and clad with box profile polyester coated steel sheeting (Vanduke Brown) to the sides and timber cladding to the gable ends. The roof is also proposed to be a box profile polyester coated steel, finished in a 'Goosewing Grey' colour. It is also proposed to replace an existing earth bund with a new one.

HISTORY

09/02648/EIASS: EIA Screening and Scoping Request - EIA Required.

94/00323/FUL: The erection of a poultry house - Refused.

93/00339/FUL: The erection of two poultry houses and a Dutch barn - Refused.

810454: The erection of a broiler house for fattening chickens on land at Granchester Meadows, Chaffcombe Chard - Conditionally approved.

781140 - Renewal continued use of land as site for caravan at "Crossways", Chaffcombe - Conditionally approved.

761795 - Use of land as site for caravan at "Crossways", Chaffcombe - Conditionally approved.

62980/A - Erection of a poultry house - Approved.

92980 - Erection of 4 poultry houses - Approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan:

STR1 - Sustainable Development

Policy 5 - Landscape Character

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan 2006:

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EC5 - Locally Important Sites

EC8 - Protected Species

EP2 - Pollution and Noise

EP7 - Potential Odour Generating Developments

EP9 – Control of Other Potentially Polluting Uses

Policy-related Material Considerations

National Planning Policy Framework:

Core Planning Principles - Paragraph 17

Chapter 1 - Building a Strong Competitive Economy

Chapter 3 - Ensuring a Prosperous Rural Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 7 - Requiring Good Design

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy (2008-2026):

Goal 5 - High Performance Local Economy: A competitive, high performing economy that is diverse, adaptable and resource efficient.

Goal 8 - Quality Development: Sustainably sited and constructed high quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way.

Goal 11 - Environment: Protection and enhancement of our material environment and biodiversity.

Environment Agency Guidance:

Guidelines for Developments Requiring Planning Permission and Environmental Permits
- Working Draft (May 2012)

CONSULTATIONS

Parish Council: With reference to the above planning application Chaffcombe Parish Councillors have considered the plans and have no objections to the proposal. However they would like the concerns which have been raised by several residents of Chaffcombe to be taken into consideration including:

- Concerns about drainage;
- Concerns about the water supply to the village being affected;
- Concerns about the increase in traffic;
- Concerns about the smell and possibly noise;
- Four sheds is enough for this site.

SSDC Technical Services: No comment.

County Highway Authority: The proposal relates to the extension of the existing poultry farm, which consists of the erection of two new poultry buildings.

The proposed development will utilise the existing access to the farm and surrounding highway network. The applicant has indicated that A358 is 1.2km from the site, however it is noted that the roads linking the site with the A358 are below the standard carriageway width with no passing places. Therefore the Highway Authority would have concerns over any proposal which would result in a significant increase in vehicle movements.

As part of the Environmental Statement the applicant has provided details on the existing and proposed levels of vehicle movements that would be associated with this proposal. From the details provided the applicant has indicated that the proposed extension would result in an additional 4 vehicles (8 movements) per week. Having discussed the submitted details with Somerset County Council's Traffic Analyst I am satisfied that the submitted details can be considered acceptable.

Therefore it is unlikely that the proposed extension will result in a significant increase in vehicle movements over and above existing levels, therefore it would be considered unreasonable to raise an objection on this element of the proposal.

In regards to the internal site arrangements the proposal will utilise the existing turning area which is considered to be acceptable. In addition, a new concrete apron has been provided at the front of the new buildings. This should be able to provide parking and also act as a passing place for vehicles which are associated with this proposal.

Therefore to conclude although the point of access and approach roads are considered to be constrained it is unlikely that the proposal would result in a significant increase in vehicle movements whilst the internal site arrangements are considered to be acceptable. Therefore I raise no objection to this proposal.

Wessex Water: The site lies within a non sewered area of Wessex Water. New water supply connection will be required from Wessex Water to serve this proposed development.

Environment Agency: 9th March 2012: The Environment Agency has no objections to the proposed development but wishes to make the following comments.

If roof water is lightly contaminated with dust it must go to a soakaway or swale not directly to the watercourse to prevent pollution.

Before stocking birds at the proposed, increased number, the applicant will need to vary their current Environmental Permit (issued by the Environment Agency) to ensure that the increased activity on site is compliance with current legislation. This process can take up to 4 months from when the application to vary the Permit is duly made. To apply for a variation the applicant must contact our National Permitting Team on 03708 506 506.

If it is intended to import inert waste for the creation of the new earth bund then the proposed development may require a Waste Management Licence or an exemption. This must be obtained from the Environment Agency prior to any development commencing.

If off-site waste disposal is utilised it must be in accordance with the Duty of Care and the Waste Management Licensing Regulations 1994.

14th August 2012: Additional letter received from Environment Agency clarifying the Agency's role in controlling odours and other nuisance in the case of permitted sites. It is confirmed that in the event of unreasonable residual odours, it will be necessary for the operator takes further measures to reduce the odour pollution, even where appropriate measures or 'best available technique' is otherwise in place. Failure to do so may lead to the operator having to reduce or even cease operations. Ultimately, as part of the EA permit, the operator is required provide an 'Odour Management Plan' (OMP) and failure to comply with this may result in enforcement action being taken, with prosecution and permit revocation in serious cases.

SSDC Economic Development: I have had the opportunity now to read this application and submit my comments which are from an economic perspective. Chaffcombe Poultry Farm is a significant business providing fresh poultry meat under contract. The economies of scale are such that to best utilise the site, management and existing infrastructure, an expansion programme is planned, hence the need for this application. As an economic officer I fully understand the need to ensure that the economies of scale are utilised to the best effect. This application will initially provide expenditure in the local

economy whilst it is being built, increase employment opportunities and help to ensure that the applicants business remains viable. Economically, I am supportive of this application.

SSDC Ecologist: 28th February 2012: I'm concerned about the possible detrimental impact of ammonia emissions and nitrogen deposition on the wildflower meadows at Chard Reservoir Local Nature Reserve and don't believe there's sufficient information to assess this.

Chard Reservoir is an SSDC owned and managed site and its northern boundary is about 300m to the south west of the application site. The site is designated both as a 'Local Nature Reserve' and as a 'Local Wildlife Site'.

Local Plan policy EC6 states:

Development proposals which may have a detrimental effect on local nature conservation and geological interests, including those sites designated as local nature reserves (INRS), county wildlife sites (CWSS) or county geological sites (CGSS), will only be permitted where other material considerations outweigh the harm that would be caused to the substantive nature conservation or geological value of the site.

The southern part of the reserve (about 1km from the application site) includes 3 fields that have been managed for some time (over 15 years) as wildflower meadows. The botanical diversity of these fields is good and would be sufficient to qualify them as a Local Wildlife Site independently of the reservoir and surrounding woodland. The site manager considers their quality to have improved in recent years (as a result of the annual hay cut and removal of arisings) and has observed an increase in the number of orchids.

Nitrogen deposition is known to reduce botanical diversity in hay meadows and any significant increases could have a detrimental effect, contrary to policy EC6 and to PPS9.

The Environmental Statement includes a modelling assessment of ammonia concentrations and nitrogen deposition. However, the receptors used in this model are located only along the northern edge of the Chard Reservoir site and don't extend to the habitats that I consider to be more sensitive to impact.

I recommend further information is requested on predicted increases in ammonia concentration and nitrogen deposition over the meadows. In addition to the meadows in the southern part of the site, there is also a grassland Local Wildlife Site adjoining the east of Chard Reservoir site (and closer to the application site) that could be similarly affected.

I also have other criticisms of the modelling assessment. The screening assessment set the critical level at 1 microgram of ammonia and commented that the background level of 3.2 micrograms already exceeds the critical level. I would argue that the critical level of 1 microgram is probably set too low. It is based on 'raised bog and blanket bog' which is indeed a sensitive habitat but is not present at Chard Reservoir. It is likely that other habitats that do exist at Chard Reservoir have a higher critical level that may not yet have been exceeded by background levels.

Within the application site, provided there's no removal of hedges, I don't have any particular concerns and would be content for the applicant to directly adhere to the recommendations of the consultant ecologist, and to not impose any conditions in this respect.

2nd April 2012: Following my previous response, I have further considered the accompanying information (particularly the Ammonia Dispersion Modelling Assessment by Scott Wilson, October 2010) and have also used web based information sources (APIS and SCAL) to further assess the potential for harm to the wildflower meadows at nearby Chard Reservoir Local Nature Reserve.

I found the level of information in the Environmental Statement and modelling assessment to be misleading or based on inappropriate data, and insufficient to assess the impact upon the local wildlife site:

1. The modelling assessment referred to more sensitive habitats (blanket bog) that aren't present at Chard Reservoir and came to the conclusion that background levels of atmospheric ammonia and nitrogen deposition already exceeded critical loads for this habitat.
2. Receptors for the modelling assessment were placed only along the northern edge of Chard Reservoir and there didn't appear to be any information relating to nitrogen deposition levels that would occur to the wildflower meadows at the southern end of the reservoir.

The critical levels of nitrogen deposition for neutral unimproved grassland are 20-30 kg/ha/yr. Background estimates seem to range from 21kg to 28kg. It appears the proposed development would add around another 0.1kg to this level. On this basis, I think it would be difficult to argue that this rather small increase represents a significant detrimental impact. I therefore have no objection.

SSDC Landscape Architect: I have reviewed the above application seeking to construct two further poultry buildings alongside the existing poultry buildings on land to the north of Cricket Lane.

The site is currently characterised by two existing poultry sheds at the northern end of the plot, and a poultry house that appears to be derelict, at the southern end, in close proximity of an established residence. The site gently rises southeast from a shallow valley, and is relatively unobtrusive in the wider landscape, shielded in part by an established hedgerow to the west, and the general topographical surround. Whilst there are seasonal views toward the site from east - the higher elevation of Cricket Lane - and from the road and right of way to the west during the winter, it is primarily from Cricket Lane and Main Street that the site has a year-round visual profile.

The proposal indicates the two buildings infilling the space between the existing structures on-site. Recognising the sheds will have a greater visual profile, a bund is indicated to the south of the proposal, along with retention of the existing planting. Whilst the proposal has some merit, it is not sufficiently substantive, for the southernmost (derelict) poultry house is indicated for retention, thus aggregating proposed built form, and limiting the potential for both adequate bunding and planting. I also note that the existing trees to the southeast corner are primarily birch, which have little screening value. Consequently, I would advise that if the proposal is to be viewed as acceptable from a landscape standpoint, the following revisions are necessary;

- (1) removal of the derelict poultry house;
- (2) an extension of the bund across the southern end of the site, and;
- (3) additional planting over the bund, of local native species, at thicket densities.

To that end, I would advise the following conditions, if you are minded to approve –

- (a) a detailed, extended ground modelling plan for the bund, and;

(b) a detailed planting plan.

Noting also that the boundary hedge is not in the ownership of the applicant, and that there are mature oaks in that hedge which are potentially vulnerable to a change in the ground conditions, you may wish to speak with Phil about the need for a tree protection plan, which may also determine the permissible extent of new hardstanding/track to the west of the new poultry housing.

SSDC Environmental Protection Unit: 29th February 2012: I find that I have to recommend refusal of this application, due to the potential for odours to cause a loss of amenity to residential properties neighbouring this site.

Although the existing site is regulated by the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2010, the controls in place with regard to odour and noise are not concerned with loss of amenity to neighbouring residential properties.

The condition contained within the above permit relating to odour will allow the operator of the poultry farm to cause odours so long as he can show that he has used appropriate measures, including, but not limited, to those specified in any approved odour management plan, to prevent or where that is not practicable minimise the odour.

This condition does not prevent odours.

On the 28th February I visited the site in question, on that day there was a north westerly light breeze, of three properties I visited, two were subjected to odours.

The level of odour present was not such that a nuisance was being caused with regard to the Environmental Protection Act 1990, so no formal action would be available to the District Council Environmental Protection Team, but personally the level of odour was such that I feel it would detract from the enjoyment of the properties concerned i.e., loss of amenity which through the planning process we are concerned with.

This application is looking to increase the number of birds kept on the application site, with the introduction of two additional units being erected closer still to existing residential properties, thereby increasing the potential for odours to cause a greater degree of loss of amenity.

The applicant has submitted an Odour Dispersion Modelling Report, in support of his application.

This report assumes that the existing level of odour is acceptable and uses it as a baseline for its findings should permission be granted, as I have previously stated the existing level of odour already impacts on the amenity of local properties, to increase this impact I believe could lead to complaints.

2nd April 2012: The site currently operates under a permit issued by the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010.

This permit places a number of requirements on the operator of the site to deal with odours and noise, but like the Environmental Protection Act 1990, the level of control that is placed, will not protect from loss of amenity.

The planning process is concerned with the loss of amenity.

My original comments still remain valid, with regard to recommending refusal.

8th May 2012: I acknowledge the odour dispersion modelling report submitted with this application, but need to point out that in this case the report is based on odour emission factors i.e., a numerical values based upon assessments by olfactometry of samples from vents etc, from a number of different livestock installations.

The figures are based on limited data and are therefore very imprecise, they are, however useful in providing an approximation of odour emissions.

In addition to the above, my own assessment of odours from the existing units differs greatly from the reported levels in the above document.

The modelling report states:

Existing poultry operations at the farm lead to predicted odour concentrations that are not high enough for the odour to be identified by the nearest local receptors.

I have visited the area on a number of occasions since the submission of this planning application, and the majority of times I have witnessed odours affecting residential properties in the area.

The report goes on to say:

Predicted odour concentrations would remain well below the benchmark criteria at the majority of selected receptors with the proposed new sheds in place.

As previously stated a number of receptors i.e. residential properties are already affected.

In the case of odour, pollution is considered in terms of causing offence to the sense of smell, i.e. causing annoyance to people who live in the area or are there for some other reason, through exposure to odour.

The point, at which pollution in the form of offence to the sense of smell is occurring, is taken to be the point at which there is reasonable cause for annoyance.

I already believe there is reasonable cause for annoyance.

The Environment Agency EPR sector guidance note for intensive farming makes reference to a separation distance of 400m as the generally accepted separation distance of sitting agricultural buildings from residential in terms of odour control.

It is regarded that physical separation will provide sufficient distance for odours to be adequately dispersed to such a degree that there will be no impact on amenity of nearby residential properties.

I continue to believe that this application should be refused.

REPRESENTATIONS

The application has been advertised by press and site notice for the requisite period. The following responses have been received:

- 15 letters of objection have been received from local residents objecting to the proposal mainly on the basis of increased impact on residential amenity as a result of increased odours and noise, potential for dust and pathogens to be emitted from the proposed extraction units to surrounding land and property, highway safety issues relating to large vehicles using a substandard, narrow lane, poor quality on-site access and the potential for damage to a bridge on the approach to the site and the village of Chaffcombe, impact on local landscape character, local protected species and locally important habitats and tourist sites, such as Chard Reservoir and the potential impact on local water supply and drainage. It is particularly noted that existing smells and late night noises are considered to be unacceptable by several local residents and that the increase in capacity will make these existing problems much worse.

- 3 letters have been received in support of the application on the basis that the existing smells will not be made worse due to the up-to-date modern technology being proposed in terms of ventilation/extraction, the proposed development is in character with the area and impacts consistent with country life, the proposal will benefit the local economy and also that there are other local farms that produce much more offensive odours. It is also indicated that the existing site is well run with high standards of animal welfare.
- A further letter has been received which broadly supports the proposal but has raised some of the concerns raised earlier but also made suggestions to amend the scheme and improve the proposal such as resisting the buildings slightly to the north to increase the distance from the nearest properties, ensuring that regular checks and maintenance are carried out in relation to the ventilation systems, having deliveries and other similar vehicle movements take place during the day rather than at night, arrange for harvesting of roof water for cleaning to minimise main water usage and also install a digester to minimise generation of organic waste.

CONSIDERATIONS

Principle of Development

The proposed development relates to the expansion of an existing poultry farm by erecting two new poultry sheds with a capacity of approximately 64,000 birds to bring the overall poultry numbers to about 136,000. The site is in open countryside and outside of any defined development areas but being the expansion of an existing rural enterprise, both local and national planning policies support this type of development in principle. The increase in the capacity is considered to be beneficial for the local economy, in terms of improving the viability of the existing business, providing employment and initially providing expenditure into the local economy during construction.

Having therefore accepted the principle for the proposed development, particular consideration needs to be given to the impact of the proposed development in particular on the amenities of the locality, local landscape character and highway safety.

Local Amenity

The site is located in relatively close proximity to several residential properties in the immediate vicinity, as well as other agricultural units. At present, the existing buildings are approximately 125m from the nearest property, Granchester Meadows, with the new buildings coming within 50m of this property. The proposed buildings will also be closer to other nearby residential properties.

A large number of objections have been raised in regard to the potential increase in odours and noise as a result of the new buildings and activities being carried out on the site. In particular, it has been highlighted that the existing operations generate unacceptable smells at certain times, meaning that nearby residents have to shut their windows and are unable to enjoy being outside. It is also noted on occasions that the noise of existing ventilation systems, deliveries and other onsite operations are a problem, with disturbance occurring at unsociable hours i.e. at night. Concerns also exist over the potential for contaminated dust and other emissions from the ventilation system.

In regard to noise and smells in particular, the objectors' comments are acknowledged and the concerns raised are generally shared by the Local Planning Authority, particularly as a result of the proximity of the new buildings to existing residential

properties. The Council's Environmental Protection Officer is concerned enough to register an objection to the proposal. Despite these concerns, the applicant has provided a detailed odour analysis that indicates that existing poultry operations at the unit lead to predicted odour concentrations that are not high enough to be identifiable by the nearest receptors and that the baseline predictions are likely to be within a range that rural communities are likely to consider to be acceptable. It is mentioned that the nearest receptor, Granchester Meadows and Thorn's Farm may experience occasional perceptible impact during extreme meteorological conditions but these would not occur on a regular enough basis to cause unacceptable problems. There is some concern that local residents and even the Council's Environmental Protection Officer have experienced odours, even though it is indicated that this should not happen.

However, whether there are existing odours or not, the application proposes significant investment in buildings and equipment of the highest standard, which have been designed by using 'Best Available Techniques' (BAT) to avoid or reduce emissions of both odour and noise. Previous applications for new poultry buildings were refused in the 1990s, on the basis of unacceptable smells and noise, although it is also accepted that improvements have been made in terms of design and effectiveness of ventilation equipment, etc. It is argued by the applicant that despite the concerns raised by the Council's Environmental Protection Unit, the operation is of a scale that means it falls within The Environment Agency's (EA) environmental permitting regime and as a result issues of pollution control are the remit of the EA, not the Local Planning Authority. In this case, a revised permit has already been granted by the EA and this includes conditions requiring emissions from activities on the site to be free of odours and noise or where not practicable, to minimise them. Concerns have been raised about the effectiveness of these conditions but the EA have provided additional information, clearly indicating that they have the power to control and where appropriate, enforce against unacceptable levels of odour or noise. The permit conditions require the agreement of an odour and noise management plan, which will prevent unacceptable smells.

The Local Planning Authority do have some concern still that there are existing odours that could be seen to be impacting of residential amenity in that they are causing a level of annoyance that is preventing local residents from fully enjoying their properties, however on balance, it is felt that it would be unreasonable to refuse permission on the basis that the EA have indicated that their legislation should be effective in controlling unacceptable odours and noise. The EA have issued a working draft document for dealing with application of planning permission where a permit is also required and this shares guidance included within paragraph 122 of the National Planning Policy Framework and case law in this area that the relevant controlling regime is the best judge of the acceptable level of impact and that the Local Planning Authority should assume that these regimes will operate effectively. While, it may be argued that the Local Planning Authority are the determining body for this planning application, the presence of the permit and the EA controls must be ascribed significant weight. Effectively, the Local Planning Authority have no power to control or enforce against pollution emanating from the existing or proposed development, therefore if the proposal is granted planning permission, it would not be appropriate to impose any conditions relating to these issues and that any future complaints should be directed to the EA, who have confirmed that they can deal with these issues appropriately. In this case, it is not considered appropriate to come to any conclusion other than to support the proposal.

Other modelling has been carried out in regard to ammonia dispersal and nitrogen deposition, and it is predicted that increased levels will be insignificant. As for dust levels, the high specification ventilation and extraction system should prevent unacceptable levels of dust being dispersed, with above average annual concentrations of poultry dust not expected beyond 100m from the source. Overall, it is not considered that there

should be any adverse affect on residential amenity from the limited emissions from the poultry buildings.

In terms of drainage, it is indicated that dirty water will only be generated during the times when the sheds are cleaned out but it is proposed that a dirty water tank will be provided, as is currently used in conjunction with the existing buildings. Clean water will be collected and discharged to the local watercourse, as per the existing arrangements. The existing and proposed measures are considered to be acceptable.

It has been stated that there is a problem with water pressure locally during times of high demand on the farm, which may be further exacerbated by the proposal. The applicant has advised that he is not aware of the any issues but there are measures that could be taken to deal with this if it is a problem. It is advised that the unit has a 24 hour water supply to adhere to their strict audits and these tanks could be filled up at night when there is low demand, if necessary and used when demand is at its peak. This is however not considered to be an issue of major concern in relation to this application and no conditions are considered to be appropriate. It is also noted that Wessex Water have advised that the area is non-sewered and that a new water supply connection will be required. An informative shall be imposed to this effect.

Landscape Character and Ecology

The proposal will lead to the provision of two new large buildings, including associated structures such as feed silos and hardstanding. However, the development will be sited in an existing area closely related to the existing building and well related to other surrounding development. There is relatively good planting cover, with mature tree and hedges to the west boundary, although it is understood that these are not under the applicant's ownership. To reduce roadside views from the south, a bund is proposed. The Council's Landscape Architect has not raised any objection in principle but has requested that an existing dilapidated chicken shed in the south west corner of the site is removed to both reduce built form on site and also increase the potential for improved bunding and planting. The applicant has agreed to the request to remove the shed and increase the size of bunding and associated planting. The final details may be conditioned in the event of approval. Overall, it is not considered that the proposal will have any significant landscape impact, subject to appropriate landscaping measures. No comments have been received from the Council's Tree Officer in relation to the impact of proposed development on the trees in the west boundary hedge, however there is a good distance between the trees and the new buildings and hardstanding, with an existing track already in place along the side of the hedge. A tree protection plan will however be requested to ensue that construction vehicles, materials and equipment don't harm these trees.

In ecological terms, it is noted that a badger sett had been identified in the west boundary hedge and also that this hedge could be utilised by bats, birds and other protected species, however the proposal should not impact on the hedge and as a result any species should not be disturbed. The Council's Ecologist has raised no objections in regard to impact on protected species. It is advised that an informative could be imposed to ensure that the consultant ecologist's recommendations should be adhered to. It is considered prudent to impose a condition to this affect.

The site is close to Chard Reservoir, which is a 'Local Nature Reserve' and 'Local Wildlife Site'. This area includes several wildflower meadows, which are sensitive and may be detrimentally impacted by increased nitrogen loading and ammonia concentrations. As observed earlier however, it is shown that there should only be a minimal increase in ammonia concentration and nitrogen deposition over these

meadows. The Council's Ecologist considers that it would be difficult to argue that the small increase would represent a significant detrimental impact. As such, there are no objections on ecological grounds.

Highway Safety

The site is accessed from the A358 via a relatively road network that is recognised by the County Highway Authority as being below standard carriageway width and with no passing places, as such there would be concerns about increased traffic movements in relation to the development. Several of the objections have raised this concern too, as well as referring to the narrow width of the site entrance and also to two existing bridges on the approach road, which it is felt may be at risk of damage from increased large vehicle movements.

Despite these concerns, it is not predicted that there will be a significant increase in traffic movements, with only approximately 8 more vehicle movements expected per week. Therefore, despite concerns about the standard of the approach road and site entrance, the Highway Authority have raised no objections to the proposal. The Highway Authority also note that improved parking and turning facilities are proposed within the site. In regard to the bridges on the approach road, it is not considered that this should have any impact on the determination of this application. While increased vehicle movements are likely to be minimal, this is a rural location with several agricultural and other business enterprises nearby. As such, there are several large vehicle movements already present from other sources and these could potentially increase without any need for planning permission.

Conclusion

Overall, there is considered to be adequate justification for the proposed building and it is deemed that with an appropriate landscaping scheme, the proposal will not be detrimental to local landscape character. It is also considered that there will be no adverse impact on highway safety. The potential impact on the residential amenity of local residents does raise some degree of concern but it is accepted that the Environment Agency are the relevant legislative body for considering the issues of pollution such as odour and noise and that there are appropriate powers within the relevant legislative regimes to ensure that any unacceptable harm is appropriately dealt with. As such, it is considered appropriate to recommend approval of the proposed scheme.

RECOMMENDATION

Approval with conditions

01. The proposed development is considered to be appropriately justified and by reason of siting, size, scale and materials, is also considered to have no adverse impact on local landscape character, locally important sites or on protected species. Furthermore, it is not considered that there will be any unacceptable harm to residential amenity or highway safety, in accordance with the aims and objectives of policies 5, 49 and STR1 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6, EC3, EC5, EC8, EP2, EP7 and EP9 of the South Somerset Local Plan 2006 and the core planning principles and provisions of chapters 1, 3, 4, 7 and 11 of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 'CH001(1) Rev E', 'CH001(3) Rev E', 'CH001(5) Rev E', 'CH001(6) Rev E', 'CH001(7) Rev E' and 'CH001(8) Rev E', received 10th January 2012.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. The particulars of materials to be used for the external surfaces of the development hereby permitted shall match those listed within the application form, received on 4th January 2012 and design and approved plans 'CH001(6) Rev E' and 'CH001(7) Rev E', received 10th January 2012.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

04. The finished floor levels and ridge heights of the buildings hereby permitted shall be carried out in accordance with the details submitted on approved plan 'CH001(8) Rev E', received 10th January 2012. Such approved details, shall not subsequently be altered.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

05. Provision shall be made within the site for the disposal of foul and surface water, in accordance with details as indicated in the Environmental Statement dated November 2011 and received 4th January 2012 and on approved plan 'CH001(3) Rev E', received 10th January 2012, unless otherwise agreed in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the area, in accordance with saved policies ST5, ST6, EP7 and EP9 of the South Somerset Local Plan 2006 and the core planning principles of the National Planning Policy Framework.

06. No work shall be carried in relation to the development hereby approved unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing

trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping scheme shall include details of an extension to the proposed bund across the southern end of the site (including an extended ground modelling plan for the bund) and details of additional planting, as referred to in the Council Landscape Architect's comments dated 12th March 2012 and as agreed in correspondence dated 30th March 2012.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

07. The building to the south west corner of the application site, referred to as 'Existing Poultry House' on approved plans 'CH001(3) Rev E' and 'CH001(5) Rev E', received 10th January 2012, shall be demolished or removed from the site before the development hereby permitted is first brought into use, as referred to in the Council Landscape Architect's comments dated 12th March 2012 and as agreed in correspondence dated 30th March 2012.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

08. Prior to implementation of this planning permission, site vegetative clearance, demolition of existing structures, ground works, heavy machinery entering site or the on-site storage of materials, a Tree Protection Plan and an Arboricultural Method Statement relating to all retained trees on or adjoining the site, particularly those on the west boundary of the site, that may be affected by the development hereby approved, shall be drafted so as to conform to British Standard 5837: 2005. The Tree Protection Plan and the Arboricultural Method Statement details shall be submitted to and agreed in writing by the Local Planning Authority and it shall specify the following details:

- Root protection areas, construction exclusion zones, and the installation of protective fencing. Upon implementation of this planning permission, the measures as specified within the agreed Tree Protection Plan and the Arboricultural Method Statement shall be implemented in their entirety.

Reason: To ensure the preservation of existing trees, in the interests of visual amenity and safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

09. The development hereby permitted shall be carried out in accordance with the recommendations of the consultant ecologist, in accordance with details as indicated in the 'Extended Phase 1 Habitat Survey', within Appendix 4 of the Environmental Statement dated November 2011 and received 4th January 2012.

Reason: For the conservation and protection of legally protected species of recognised nature conservation importance in accordance with Policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

10. No means of external illumination shall be operated on any part of the subject land unless otherwise agreed in writing by the Local Planning Authority. Any details that may be agreed shall not be altered unless the Local Planning Authority gives its written consent to any such variation.

Reason: In the interests of residential amenity, visual amenity and safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6, EC3 and EP9 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

11. There shall be no burning of any produce or material whatsoever on the site.

Reason: In the interests of residential amenity, visual amenity and safeguard the character and appearance of the area, in accordance with policy 5 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST5, ST6, EC3 and EP9 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

Informatives:

01. The applicant is requested to consider the comments made by Wessex Water, details of which can be found on the planning file on the Council's website.
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APPENDIX A
TO COMMITTEE REPORT

VARIED ENVIRONMENTAL PERMIT FOR CHARD POULTRY FARM

Variation notice with introductory note

Environmental Permitting (England & Wales) Regulations 2010

Chard Farm Poultry Unit

Devonshire Poultry Limited
Chard Poultry Farm
Grandchester Meadows
Chaffcombe
Chard
Somerset
TA20 4AU

Variation notice number
EPR/HP3034GU/V002

Permit number
EPR/HP3034GU

Chard Poultry Farm

Permit number EPR/HP3034GU

Introductory note

This introductory note does not form a part of the permit

The following notice, which is issued pursuant to regulation 20 and Part 1 of Schedule 5 of the Environmental Permitting (England and Wales) Regulations 2010 S.I.2010 No. 675 (the Regulations), gives notice of the variation of an environmental permit to operate a regulated facility.

This variation increases the number of poultry places from 72,000 to 136,000, with the addition of 2 poultry houses to the site. The new houses will operate in a similar way to the existing buildings. The ventilation system in the new houses will consist of roof mounted high velocity extraction fans which are recognised as BAT.

Schedule 1 of this notice lists any deleted conditions, Schedule 2 lists any amended conditions, Schedule 3 lists any conditions that have been added and Schedule 4 shows any changes to the plan.

The status log of a permit sets out the permitting history, including any changes to the permit reference number.

Status Log of the permit		
Detail	Date	Response Date
Application EPR/JP3937MZ/A001	Duly made 23/01/07	
Permit determined EPR/JP3937MZ	27/07/07	
Transfer application EPR/HP3034GU/T001	Duly made 02/01/09	
Transfer to Devonshire Poultry Limited	16/02/09	
Application EPR/HP3034GU/V002	Duly made 25/01/11	
Additional Information Received		17/05/11
Variation issued	08/08/11	

End of Introductory Note

Notice of variation
Environmental Permitting
(England and Wales) Regulations 2010

Permit number
EPR/HP3034GU

The Environment Agency in exercise of its powers under Regulation 20 of the Environmental Permitting (England and Wales) Regulations 2010 (SI 2010 No 675) varies the permit as set out below.

Devonshire Poultry Limited ("the operator"),
whose registered office is

Little Westcott
Drift Lane
Sheldon
Honiton
Devon
EX14 4QS

company registration number 04281354

holds a permit to operate a regulated facility at

Chard Poultry Farm
Grandchester Meadows
Chaffcombe
Chard
Somerset
TA20 4AU

and that permit is varied to the extent set out in Schedules 1 to 4 of this notice.

The notice shall take effect from 08/06/2011

Name	Date
JEREMY CHEETHAM	08/06/2011

Authorised on behalf of the Environment Agency

Schedule 1 – conditions to be deleted

The following conditions and tables are deleted as part of the variation application submitted by the Operator:

2.2 The Site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in red on the site plan at schedule 2 to this permit.

3.4 Odour

3.4.1 Emissions from the activities shall be free from odour at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including those specified in schedule 1 table S1.4, to prevent or where that is not practicable to minimise the odour.

3.5 Noise and vibration

3.5.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause annoyance outside the site, as perceived by an authorised officer of the Agency, unless the operator has used appropriate measures, including those specified in schedule 1 table S1.5, to prevent or where that is not practicable to minimise the noise and vibration.

Table S1.4

Table S1.4 Appropriate measures for odour	
Measure	Dates
The operator shall maintain and implement the odour management plan submitted with the application in accordance with TGN SRG 6.02(Farming), Odour Management at Intensive Livestock Installations	27/07/07
The operator shall review the plan and record at least every 4 years or as soon as practicable after a complaint, (whichever is the earlier) whether changes to the plan should be made and make any appropriate changes to the plan identified by a review.	

Table S1.5

Table S1.5 Appropriate measures for noise	
Measure	Dates
The operator shall maintain and implement the noise management plan submitted with the application in accordance with TGN SRG 6.02(Farming), Noise Management at Intensive Livestock Installations.	27/07/07
The operator shall review and record at least every 4 years or as soon as practicable after a complaint, (whichever is the earlier) whether changes to the plan should be made and make any appropriate changes to the plan identified by a review.	

Schedule 2 – conditions to be amended

The following tables are amended as a result of the application made by the operator

Amend Table S1.1 activities to read:

Table S1.1 activities		
Activity listed in Schedule 1 of the PPC Regulations	Description of specified activity	Limits of specified activity
Section 6.9 A(1)(a)(i) Rearing of poultry or pigs Intensively in an installation with more than: 40,000 places of poultry	The rearing of poultry in a facility with a capacity for 136,000 places for broilers.	From receipt of birds, raw materials and fuels onto the site to removal of birds and associated wastes from the site.
Directly Associated Activity		

Amend Table S1.2 Operating techniques to read:

Table S1.2 Operating techniques		
Description	Parts	Date Received
Application	The responses to sections B2.3.1, B2.3.2, B2.3.3, B2.6.1, B2.6.2, B2.6.3, B2.7.1 and B2.7.2 in the Application	23/01/07
Variation application	Responses in variation application form C2:3a, 3b, 3c; and Document 5.	25/01/11
Variation application	Odour Management Plan within Appendix 1 – Document 7	25/01/11
Variation application	Noise Management Plan within Appendix 1 – Document 7	25/01/11

Schedule 3 – conditions to be added

The following conditions are added to the permit as part of the variation application submitted by the Operator:

The Site

2.2.1 The activities shall not extend beyond the site, being the land shown edged in green on the site plan at schedule 2 to this permit.

3.4 Odour

3.4.1 Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved odour management plan, to prevent or where that is not practicable to minimise the odour.

3.5 Noise and vibration

3.5.1 Emissions from the activities shall be free from noise and vibration at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency, unless the operator has used appropriate measures, including, but not limited to, those specified in any approved noise and vibration management plan to prevent or where that is not practicable to minimise the noise and vibration.

Schedule 4 – amended plan

