

Date of Meeting	10 th June 2010
Application Number	E/10/0071/FUL
Site Address	Sharcott Pennings Farm, Wilcot Road, Pewsey, Wiltshire
Proposal	Demolition of existing beef cattle buildings and replacement with new dairy complex and agricultural tied dwelling.
Applicant	The Lady Rothschild (1997) Discretionary Settlement
Town/Parish Council	PEWSEY
Grid Ref	415145 160651
Type of application	Full Planning
Case Officer	Andrew Guest

Reason for the application being considered by Committee

This application is brought before the Committee by the Area Development Manager as it is a major scheme that has a range of issues that warrant consideration by the Committee.

Purpose of Report

To consider the recommendation that the application be approved subject to the applicant entering into a 'Section 106 agreement'.

Report Summary

The main issues in this case are as follows:

- The principle of a new agricultural enterprise, including the need for a new agricultural worker's dwelling;
- The impact of the specific proposal on visual amenity, including the Area of Outstanding Natural Beauty;
- The impact of traffic generated by the development on highway safety;
- The impact of the development on residential amenity, including from traffic;
- The impact on ecology.

Site Description

The application site forms part of the applicant's wider estate which extends to some 809 ha of "in hand" land in the locality and 324 ha of third party land (contract farmed). On the overall estate the applicant's farming operation comprises a dairy unit, a beef enterprise, a sheep unit and an arable enterprise.

The application site itself extends to 5.7 ha, and comprises the farmyard and part of two adjacent fields at Sharcott Pennings Farm. Sharcott Pennings Farm extends to 61 ha in total. The farmyard supports a number of mainly contemporary farm buildings (including a disused dairy) currently used to rear beef cattle, and a single house occupied by a farm worker. The adjacent fields are used for arable purposes.

Adjacent to the site on its north side is the Wilcot to Pewsey road with countryside beyond. To the immediate east side is a bridleway with the Angela Yates Memorial playing fields beyond this. To the south and west is open farmland. The wider area has scattered residential development (the closest being Pemberton House, approximately 110m to the east). The site and its surroundings lie within open countryside and an area of outstanding natural beauty.



Application Site

Planning History

No relevant planning history.

Proposal

The estate's dairy unit is currently based at East Stowell and comprises 150 milking cows. Output from this dairy unit is approximately 1.4 to 1.5 million litres per annum; there is an available quota of approximately 1.7 million litres.

The applicant proposes to re-locate dairy production from East Stowell to Sharcott Pennings Farm. The herd would be, at a minimum, doubled to 300 milking cows, with a possible expansion to 500 cows.

An entirely new dairy unit would be constructed for the enterprise (all existing buildings with the exception of the house to be demolished). Included within the new farmyard would be an anaerobic digester, used to produce heat and power for both farm use and commercial sale, and a new "unit manager's house" and flat.

The new farmyard would be large and relatively extensive. It would comprise four farm buildings (two cow barns (approx. 85m by 30m each), a rotary parlour (approx. 70m by 25m), and a smaller straights store/storage barn. In addition there would be open silage clamps (approx. 100m by 60m) and a dirty water lagoon. The fields surrounding the site are sown with grass and would be used to graze the cows, as well as early season silage production.

The digester would comprise three main structures – the digestate store, the digester and a process building. Maximum building heights would be 9m for the barns, parlour, digestate store

and digester. Hardstandings would be provided within and around the various buildings and structures.

The unit manager's house would be located to the north side of the new farmyard, approximately 15m from the Wilcot to Pewsey road. It would be a four bedroom house with a detached treble garage containing a first floor self-contained flat.

The existing vehicular access to the site from the Wilcot to Pewsey road would be closed and a new access formed further to the east. Substantial new landscaping would be provided around the edges of the site.

In support the applicant makes the following statements:

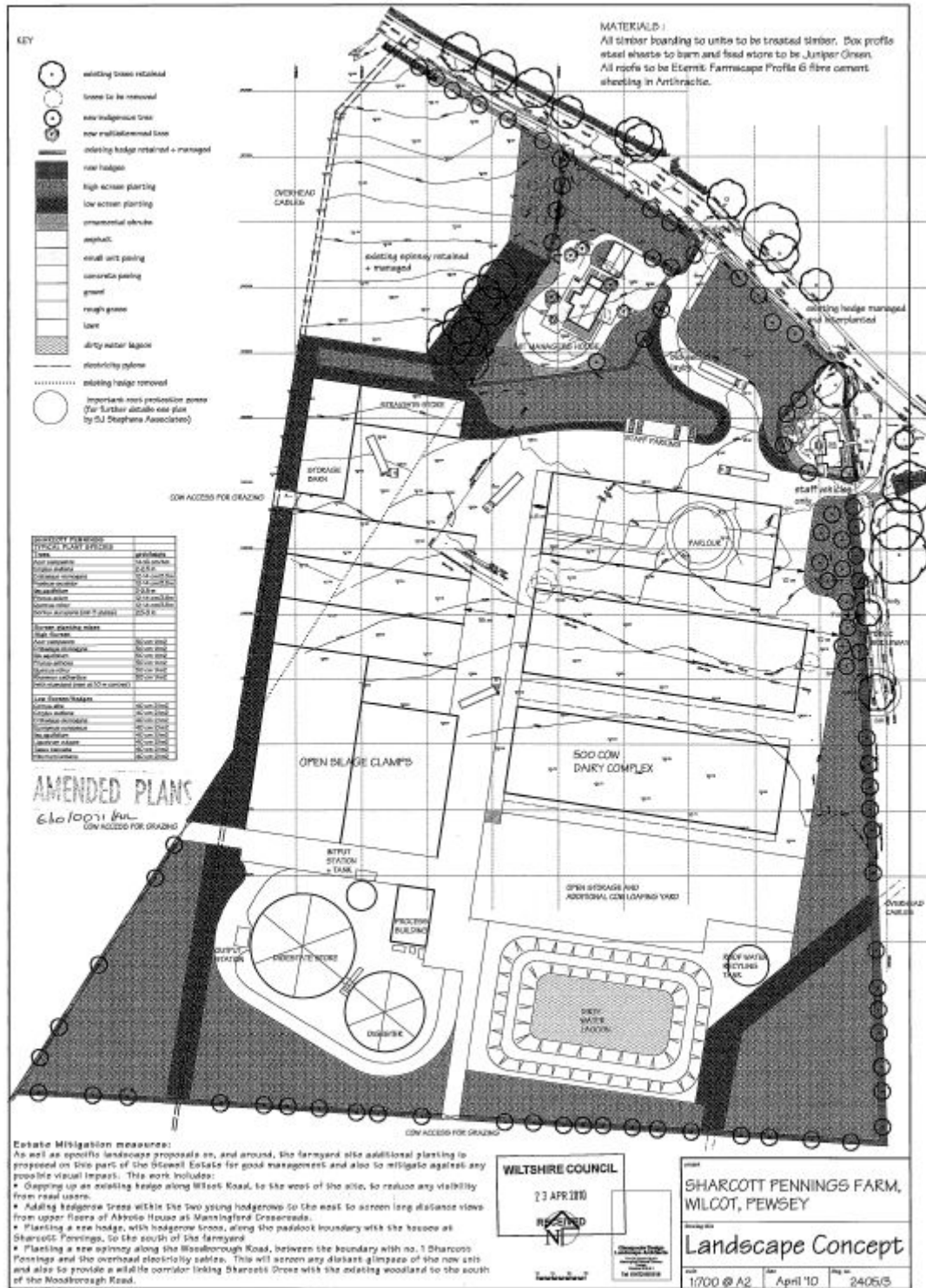
"The future of milk production at Stowell Farms has been reviewed over the last 18 months. Whilst the industry has had some difficult times, with poor milk values, and high input costs, milk values are currently profitable. With significant shrinkage in the industry, and the increasing consumption of dairy products worldwide, the industry is now more secure for those businesses producing good output with sensible economies of scale. These factors, plus a desire from the estate owners (third generation of the family) and staff to maintain a tradition of milk production on the estate, and the aim to continue to provide employment for the long term staff, led to the decision to continue producing milk.

The existing dairy unit at East Stowell has been un-improved for some time, and with upcoming changes in legislation relating to slurry storage, and the demands of the modern dairy cow, significant investment would be required. Whilst this was at first considered, the constraints of site topography, and the proximity of a significant watercourse, left the estate considering other options. A number of sites were considered, before deciding our preferred option was to relocate the dairy to Sharcott Pennings Farm.

..... [Sharcott Pennings Farm] is currently used to winter house beef cattle and dairy heifers, as well as storage of silage, straw, fertiliser and machinery. The site itself requires improvement, as many of the buildings are old and in need of repair/replacement. A number of the buildings on the farm are not suitable for modern agricultural use, and are redundant.

....

The buildings left redundant at East Stowell following the dairy herd's relocation could be utilised for housing beef cattle and dairy heifers that were previously kept at Sharcott Pennings Farm".



Layout Plan and Landscape Concept

Regarding the anaerobic digester (AD), the applicant states the following:

“AD Plants are designed to harvest biogas from organic materials. The plant consists of sealed digester tanks, into which cow slurry, waste feed, maize silage, grass silage and other farm produced manures are pumped. The material is then heated to assist bacterial activity. These bacteria produce the biogas (60% methane). The biogas is then used to fuel a CHP unit (combined heat and power). The CHP unit (an engine designed to run on methane) drives a generator, producing electricity. Some of the electricity is used on the farm; the remainder is sold to the grid. Heat is produced in the form of hot water which is used to cool the engine. Some of this hot water is used to heat the digester, some is used for heating

requirements on the farm and dwellings, the remainder can be sold to third parties. [A possible user of the surplus hot water is the nearby school in Pewsey].

..... The plant would consist of a single digester vessel, a storage vessel for the digestate, and a building housing the dosing equipment, the control room and the CHP unit. The CHP unit would be inside a sound-proofed container.

The used material from the digester (digestate) would be separated to liquid and solid fractions. The liquid would be stored on site for use as fertiliser for the grass and nearby arable crops, the solid fraction would be transported to field stores for application to areas used for maize production. A connection via a transformer would be required to distribute the electricity into the grid.”.

Planning Policy

Wiltshire and Swindon Structure Plan 2016 – Policies DP1, DP14, C1, C8, RE1, W2.

Kennet Local Plan 2011 – Policies PD1 & NR7.

Wiltshire & Swindon Waste Local Plan 2011 – Policies 1, 6, 9, 17 & 18.

PPS1 (and supplement), PPS4, PPS7 & PPS22.

Consultations

Pewsey Parish Council: support the application.

Wilcot & Huish (with Oare) Parish Council (adjoining parish): no objections.

Wiltshire Council Highways Officer: The proposed access to the main complex has been shown in a satisfactory location where appropriate sightlines can be achieved.

The revised information on vehicle routes, material quantities and vehicle capacities has been considered and analysed. These indicate that on an annual average basis there will be 24 vehicle trips per day where a trip is a one-way movement. Spread over 12 hours there will be an average of 2 trips per hour (or one trip every 30 minutes). Spread over a 14 hour day there would be an average of 1.7 trips per hour. I have also considered likely vehicle movements in September and October. This analysis gives an expected average during those months of 58 trips per day (5 trips per hour).

The access will be of the correct standard and Wilcot Road past the site is of two vehicle width. The areas of land indicated for crop growing would be used anyway to grow crops and would therefore generate similar traffic movements from those areas and along the lanes near to those areas - whether the application succeeds or not.

I would not wish to justify a refusal of the application on traffic generation grounds given these points.

The existing bridleway access has sub-standard visibility and I am concerned that access is still shown from the complex to the bridleway albeit marked on the plan as “staff vehicles only”. For vehicles to or from the Pewsey direction the bridleway route will seem more direct and therefore there will be a temptation to use it rather than the access to be provided direct to Wilcot Road. I consider that for safety reasons the route should be closed within the site, to motor vehicles, allowing only the existing house traffic to use this route.

The site access is indicated with 6m radii which are slightly too small for larger lorries which will sometimes need to access the site. 8m radii should be provided.

I have no highway objections subject to planning conditions.

Wiltshire Council Landscape Consultant: The amended plans have taken account of the concerns raised during initial discussions. The repositioning of the manager's house and the moving of the buildings from the eastern bridleway boundary are welcomed and will help to reduce the impacts of the development.

The landscape detail has been amended and further Landscape and Visual information provided. Although this is not entirely in the form normally required, I feel that, in conjunction with the amendments to the plans, we now have sufficient information to enable the impacts to be adequately assessed.

- As regards the site layout, this is now considered to be acceptable.
- Tree protection will need to be amended to take account of the site layout changes. This is particularly pertinent in the area of the spinney west of the manager's house.
- The above spinney needs some additional trees to replace those to be removed and to ensure continuity. These should be native species planted as standards.
- The tree planting in the high screen planting areas are too small and should be planted as 1.2m – 1.5m whips on a 3 metre grid with shrub species on a 1.5m grid in between.
- The size of the low screen planting should be increased to 60 – 90 transplants. Yew (*Taxus baccata*) should be omitted as it is poisonous to stock.
- Hedge planting needs to be separated from the low screen planting as it requires a different specification and closer planting centres.
- A fully detailed landscape scheme will be required prior to construction commencing and taking into account the above comments, and also including tree protection amendments.
- The management and protection of the landscape scheme should be conditioned, and I would therefore recommend a 5 year management plan of existing and newly planted vegetation. Protection of the new planting; vermin, stock and weed control; replacement of dead or damaged stock; hedge and tree management (existing and proposed), should be included in the plan. The plan should take the form of a seasonal breakdown of works covering the 5 years.

Wiltshire Council Agricultural Consultant: *Regarding the farm buildings ...* the unit is sized for 500 cows. Clearly, if the initial stock level is 300 cows then the unit will be some 60% oversized. If the overall commitment is to provide a five hundred cow unit, then it would be prudent to build a 500 cow unit in the first place; however, the unit will remain significantly oversized until the dairy herd is expanded to 500 head.

Regarding the unit manager's house ... the applicant owns the dwelling that adjoins the farm buildings at the application site. The estate has a number of other dwellings in its ownership; however, it is understood that all the dwellings are held in a separate way to the farm and thus any use of those dwellings for the farm would require payment of a market rent.

It is understood that some eight units of full time labour are retained to manage the overall farm business. It is proposed to recruit two additional full time units of labour for the expansion of the dairy unit.

The planning application seeks consent for the construction of a new permanent dwelling, including annex accommodation for a second worker in the new house. Paragraph 3(i) of PPS7 makes it clear that it is the "existing" functional need that is relevant to the functional test. At present the beef cattle at Sharcott Pennings Farm do not in my opinion generate a requirement for an essential presence at most times. In any event, there is an existing dwelling at the application site, which is occupied by a member of the applicant's staff.

The planning application is focused on the introduction of a very substantial expansion of an existing enterprise. The situation is catered for at paragraph 12 of Annex A to PPS7. At paragraph 12 of Annex A it is recognised that there are circumstances where new agricultural units are established and existing units are expanded. At the paragraph it is specifically stated:

“If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation”.

It is my opinion that the circumstances of the application fall squarely within paragraph 12 of Annex A and there is not an existing functional need for the proposed permanent dwelling.

[In terms of the financial test] ... under paragraph 3 of Annex A of PPS7:

“the unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so”.

The agricultural activity concerned is the proposed dairy between 300 and 500 dairy cows. By the nature of the application, the agricultural activity has yet to be established. There is thus no financial information regarding the profitability of the enterprise (as it is a proposal).

As indicated above, the proposal would sit within paragraph 12 of Annex A. Paragraph 12 requires that there is “clear evidence” that the proposed business has been planned on a sound financial basis.

I understand that the applicant is to fund the proposed development from retained funds. The cost of the development has been taken into account against the income that is likely to be generated and the applicant considers that an acceptable level of return on the capital has been demonstrated.

Wiltshire Council Environmental Health Officer: no objection on noise or smell grounds. It should be expected that there will be a change in noise and odour in the local area but this is unlikely to be any more significant than a similar agricultural development in a rural location and not at a level that would cause a statutory nuisance at neighbouring residential properties. In any event, any complaints of noise or odour nuisance would be investigated by the EHO's under the Environmental Protection Act 1990.

County Archaeologist: no requirements.

Wiltshire Council Drainage Engineer: no requirements.

Environment Agency: The flood risk assessment has looked at rainfall runoff rates and volumes as required by PPS25 and has also suggested a number of SUDs measures to be used in the detailed design. For example, it is proposed to install a soakaway to address surface water management for the new farmhouse area. This is considered acceptable in principle, subject to detailed design.

Further details required of attenuation pond and outflow rates, and management plan for the dirty water lagoon.

Wessex Water: The developer has indicated that the disposal of foul drainage will be to a 'packaged treatment plant'. The developer has proposed to dispose of surface water to 'soakaways'.

There is a water main in the vicinity of the proposal. It will be necessary for the developer to agree a point of connection on to the system for the satisfactory supply of water for the proposal. This can be agreed at the detail design stage.

British Waterways: BW was not consulted on this application by WC as the site falls outside of the 150m planning buffer. BW was however contacted by a neighbour concerned regarding the traffic implications for our various road bridges which cross the Kennet & Avon Canal in the

area. BW has discussed the proposal with the applicant and has been informed that the proposal should only result in a small number of additional vehicle movements. BW is also informed that the weight of a full milk tanker is still below the 40 tonne weight limit set on all of the bridges in the area. Therefore, unless the volume and type of traffic likely to be generated significantly changes, BW has no comments to make on the application.

Wiltshire Fire & Waste: recommends informatives.

CPRE: Expresses concern about aspects of the application as follows:

- The size of the dairy unit to be built - the plan says that the dairy unit, currently at East Stowell, is to be doubled to 300 cows and moved to the Pennings Farm site but the planning application is for a unit with capacity for 500 cows. As the agricultural report states this is 40% larger than the proposed needs. This appears to be over-development of the site;
- The implied traffic movements – from the application it appears that it will be necessary for there to be up to 4,000 additional traffic movement in and out of the site. These are narrow and twisting lanes and there is a history of accidents involving farm vehicles;
- The case for additional residential buildings does not seem to be made as there is one house on the site already and others available on the rest of the estate. The agricultural report does not see a functional need;
- The dirty water lagoon is likely to be a considerable nuisance to local residents and the nearby playing fields;
- The lack of a flood assessment – the run off from the hardstanding to be created would affect the surrounding area.

Publicity

The application has been publicised by site notice, press advert and neighbour notification.

The application has generated objections from 11 local residents summarised as follows:

- Over-development of the site. A single large dairy unit and a digester would not be sustainable on this site. Although packaged as agriculture, scale and intensity of development is more like a factory;
- Location unsuitable for significant agricultural development as will cause considerable nuisance to neighbours from increased traffic on substandard road network, including through Wilcot village and Pewsey. Damage to verges from large agricultural machinery. Damage to canal bridges;
- Sharcott Pennings Farm insufficient in size to provide all food and waste disposal needs for the enterprise meaning that more traffic would be generated to supply these;
- Waste from site will cause pollution and soil structure problems. Slurry can be disposed of direct to land without the need for biodigestion;
- Inappropriate scale of development in the AONB. Probable shift working would lead to light pollution at night;
- Nuisance likely from waste smells, noise and flies;
- Better sites exist on the estate which would not cause the problems referred to above;
- Although biodigester should be encouraged to produce alternative forms of power, there is little benefit to local people as electricity is sold to the national grid and no business plan has been drawn-up to supply surplus hot water to the school. Growing just maize and silage locally to supply the biodigester would lead to monoculture which is contrary to the Wiltshire Biodiversity Action Plan. There is a world shortage of food, so growing crops for biodigestion only is unsustainable;
- Proposed permanent dwelling does not accord with PPS7 which requires temporary dwelling with new enterprises;
- Contrary to Wiltshire Waste Plan policies which seek good access to sites for waste management;
- No indication of water usage;
- Environmental impact assessment is required;

- Animal welfare issues raised.

The application has generated one letter of support summarised as follows:

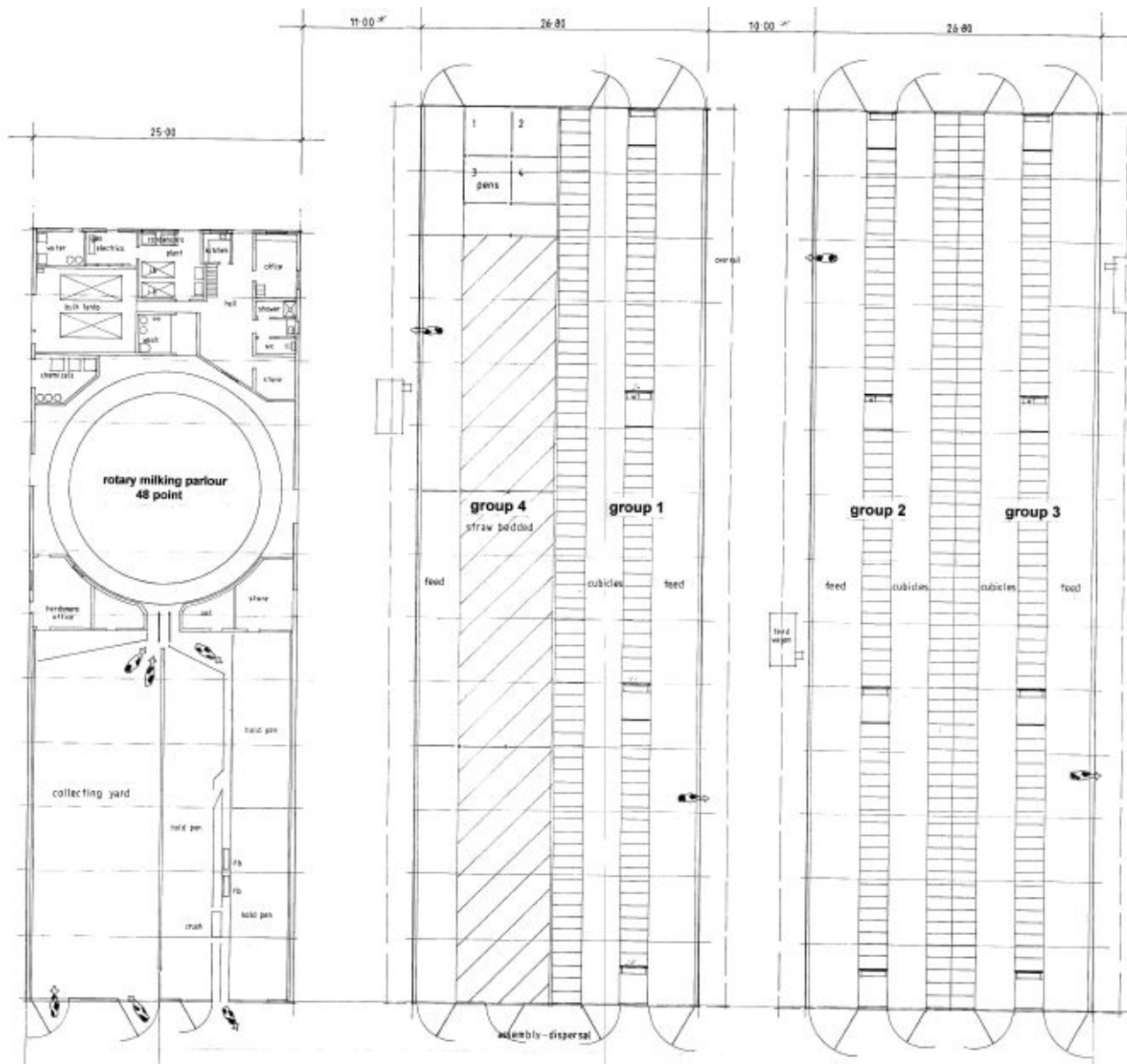
- The site is currently unsustainable, and so the need for a modern large scale milk producing facility in this age is understandable;
- The enterprise should bring additional employment;
- Landscaping will be required.

Planning Considerations

The Principle of the Proposal

As is evident, there are essentially three parts to this proposed development – firstly the new dairy unit; secondly, the anaerobic digester; and thirdly, the associated residential accommodation.

Regarding the dairy unit, the site lies within the countryside where agriculture is the predominant land use. By definition, agriculture is an appropriate use of land within the countryside, and so as a matter of principle an agricultural dairy unit is acceptable.



Dairy Unit – Floor Plans

Regarding the scale of the proposed dairy unit, it is acknowledged that it is a major development covering a significant area of land which extends beyond that of the existing farmyard at the site. PPS7 advises that major development should not take place in these designated areas, except in exceptional circumstances. The PPS advises that consideration of such applications should include an assessment of:

- (i) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- (ii) the cost of, and scope for, developing elsewhere outside of the designated area, or meeting the need for it in some other way; and
- (iii) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which it could be moderated.

In relation to point (i), it is reasonable in this case to conclude that there is a need for the development. As the applicant states in his supporting documents, there has been a tradition of milk production on the estate, and the intention is to continue this although with more competitive economies of scale (this requiring a larger scale and more intensive development). The existing dairy unit provides some employment albeit limited, and the proposed enterprise would sustain and add to this which is important for the local economy.

The Council's Agricultural Consultant has questioned the need for buildings to contain 500 head of cattle when it is intended to initially only have 300. In response, it is the applicant's longer term plan to increase to 500, hence the design of the development to accommodate this number now. Notwithstanding the lack of immediate need, there is logic in the applicant's approach, it allowing comprehensive design and build at this stage without the need for later less well-planned 'add-ons'. For this reason the 500 head design is considered acceptable. The Agricultural Consultant has confirmed that the buildings are designed for purpose.

In terms of point (ii), the estate's farms within the locality all fall within the area of outstanding natural beauty, and so there would be no real benefit to the designation if an alternative site was developed in the same way. In impact terms (point (iii)), the Council's Landscape Consultant is satisfied that the development can be accommodated without harm to the quality of the landscape around the site in any event. It follows, therefore, that as there are no better alternative sites for the development and because the impact of the actual scheme is satisfactory (see more below), there are exceptional circumstances in this case to allow the dairy unit at the site in accordance with PPS7.

Regarding the anaerobic digestion plant, this is proposed partly as a means to store and utilise the slurry produced by the dairy unit, and partly as a means to produce heat and power for the farm. This explains its proposed incorporation within the overall scheme and its location close to the dairy unit. The 'connection' with the dairy unit justifies the plant as a matter of principle in this countryside location, but that said, as the plant cannot function without other inputs (such as other grown feedstock) its detailed impacts go beyond that of the immediate farm. These details impacts (and, in particular, traffic generation) are considered further below.

Regarding the proposed dwelling and flat, in principle agricultural worker's dwellings can be acceptable in the countryside if justified under the 'tests' set out in PPS7. Again, this is considered in greater detail below.

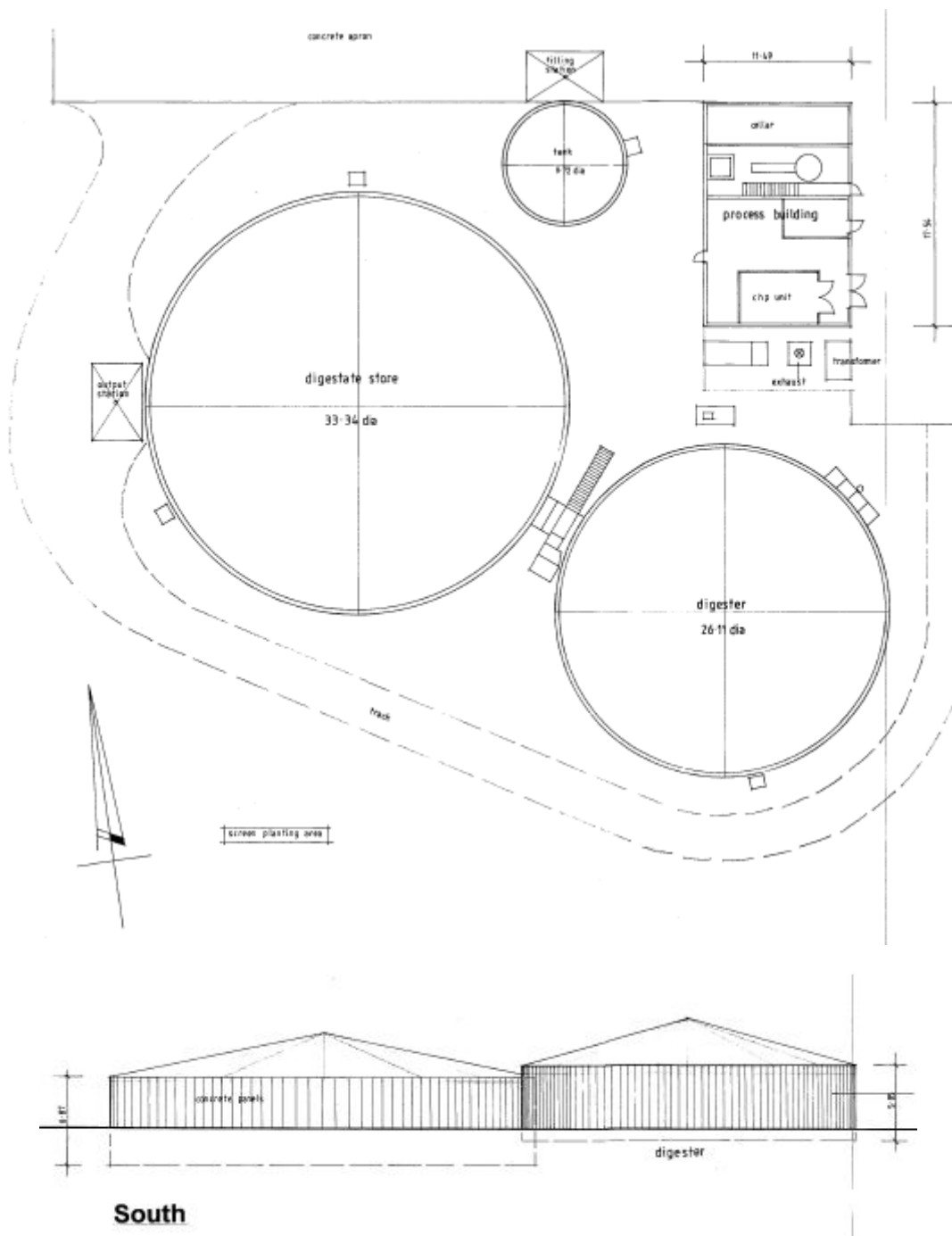
Visual Amenity and the AONB

As set out above, as a matter of principle this major development is considered to be acceptable within the AONB. In terms of its detailed visual impact, the proposal incorporates a number of large buildings and structures, and these would be visible in both local and distant views. However, to ensure the impact is minimised the application includes broad landscaping proposals which include large areas of both low and high screen planting. This is considered appropriate mitigation by the Council's Landscape Consultant subject to further details being provided by condition.

Unlike the existing farmyard at the site, the actual siting of the proposed buildings is away from the boundaries (with the Wilcot to Pewsey road in particular), and this is seen as a 'planning gain' enabling new landscaping to be carried out in place of unsightly buildings and structures. The existing vehicular access to the site would be closed and a new access created further to the east cutting through the new landscaped area. This is also considered to be a visual improvement as well as an improvement to highway safety. Although a substantial development, the proposal 'fits' satisfactorily on the site and so is not considered to be an over-development in this case.

The Anaerobic Digestion (AD) Plant, and traffic, noise and smells

As already explained, the AD Plant would make use of the waste material produced by the dairy unit, and farm grown feedstock, to produce heat and power for both farm use and commercial sale. It is a form of renewable energy which in broad terms 'fits' with Central Government's sustainable development strategy as set out in PPS22 ('Renewable Energy').



According to PPS22 renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily. In particular, the PPS states that the wider environmental and economic benefits of all proposals for renewable energy projects, whatever their scale, are material considerations that should be given considerable weight in determining whether proposals should be granted planning permission. However, the PPS also states that in processing applications for anaerobic digestion, local planning authorities should consider carefully potential impacts of odour; and for biomass projects, local planning authorities should make sure that the effects of increases in traffic are minimised by ensuring that the plant is located in as close a proximity as possible to the source of fuel that has been identified.

Regarding the Wiltshire and Swindon Waste Local Plan, this states that proposals for new waste management facilities will only be permitted where it can be demonstrated that there will be no significant adverse impact on the environment, human health or amenity. The Plan further states that in achieving sustainable waste management and the best practicable environmental option, planning applications for waste management proposals must demonstrate that they have had regard to the need to, in particular, maximise opportunities for waste elimination, reduction, re-use, recycling/composting and energy recovery in that order of priority; minimise the distance waste has to be transported; and protect and where required enhance environmental, economic, social and community assets. Policy 17 of the Plan specifically refers to 'Waste to Energy Recovery Facilities', accepting them in existing industrial areas, on previously developed land, in association with other waste management development or at existing landfill sites subject to conditions, and "on their own merits" in other locations.

The principle of the AD plant being located adjacent to the dairy unit has already been accepted. In accordance with PPS22, there is logic in locating the plant next to the dairy unit which is the source of one of its main 'ingredients' (that is, slurry). Other ingredients would, however, have to be transported to the plant. The proposed plant is "small scale" for the purposes of the Waste Local Plan. In response to objections to additional traffic on the surrounding road network (serving both the AD plant and the dairy unit) and having regard to the policy advice the applicant has provided a further supporting statement and a Transport Statement. The supporting statement says the following:

"There are multiple routes planned for the delivery of maize silage to the site. ... The routes proposed vary depending on the crop rotation [on the estate as a whole]. At this stage there are 3 main routes ...

The proposed feedstock tonnages for the AD plant are as follows:

- (a) 6500-7000 tonnes of maize silage, produced within the estate.
- (b) 8000 tonnes of cow slurry, produced on site.
- (c) 0-1000 tonnes of wholecrop silage, produced within the estate.
- (d) 0-400 tonnes of waste feed (waste cow rations).

The proposed feed tonnages for the dairy herd are as follows:

- (a) 4000 tonnes of maize silage, produced within the estate.
- (b) 3000 tonnes of grass silage, 1800 tonnes on site & 1200 tonnes in nearby Wilcot.
- (c) 400 tonnes of wheat, 100t delivered from nearby fields at harvest, remainder hauled from West Stowell as required.
- (d) 1000 tonnes of straights, delivered by articulated lorries (approx. 33 per year).
- (e) 25 tonnes of minerals, delivered by small lorries, 5t at a time with other feedstuffs/sundries.
- (f) 75 tonnes of other feedstuffs delivered as the minerals.

Digestate tonnage is estimated at 14800 tonnes. Of this 2800 tonnes will be solid material, removed from site by tractor and trailers at regular intervals throughout the year. The remaining liquid fraction will be stored on site until suitable application dates and conditions.

Some of this tonnage (1500t) will be pumped out on to fields adjoining the site, the remainder removed by tanker equipment for field application.

The majority of the cows will lie on manufactured mattresses, with a small amount of finely chopped straw used as an absorbent material on the beds. Straw usage is expected to be around 250 tonnes. Some straw will be delivered at harvest from close by fields. The remaining requirement will be delivered as required by tractor and trailer, from other storage sites within the estate.

Silage trailers carry approximately 12 tonnes. Wheat trailers carry approximately 14 tonnes and straw trailers carry approximately 12 tonnes. The solid digestate will be approximately 10 to 12 tonnes per trailer. The liquid digestate will be removed by a contractor with specialist equipment. ...

The milk will be collected daily, approximately 15t/day. The tanker used for this is already using this route, collecting from both ourselves at East Stowell, and our neighbours at Wilcot.

It is very difficult to predict the exact movements of an average day in September [the busiest time from traffic movements on the estate as a whole]. The following could be viewed as a worst case scenario (108 movements) as it not only involves the maize haulage but also the extra staff associated with the maize harvest:

- (a) 1 milk tanker visit.
- (b) 16 staff and manager movements.
- (c) 60 maize silage deliveries.
- (d) 1 solid digestate trailer load.
- (e) 20 liquid digestate tanker loads.
- (f) 10 sundry visits/movements.

The maize harvest would take between 8 and 10 days to complete, most likely in two separate operations, one late Sept/early Oct, one late Oct/early Nov.”.

Analysis of this data by the Council’s Highways Officer reveals that on an annual average basis there would be 24 vehicle trips per day arising from the proposal where a trip is a one way movement. Spread over 12 hours this amounts to 2 trips per hour, or over 14 hours (the ‘working day’ on the estate), 1.7 trips per hour. At the busiest times in September and October this figures would increase to 58 trips per day, or 5 trips per hour. Although all of this traffic would initially use the single road serving the site, it would ultimately branch-off in different directions around the estate (the “three routes” referred to by the applicant).

The Transport Assessment accompanying the application also considers movements from the existing beef enterprise at the site, estimating this to be approximately 15 movements per day (based on 150 head of cattle). This figure would increase to approximately 18 vehicles per day if the number of cattle was increased to fill the full capacity of the farm (that is 250 head of cattle). This potential increase would not require planning permission.

Based on this data and analysis the County Highways Officer raises no objection to the development on highway safety grounds. It is further considered that at these relatively low levels (even during the busy September and October periods), traffic generation from the development would not cause such nuisance or inconvenience to distant neighbours in surrounding lanes and villages to warrant an objection for amenity reasons.

The sale of electricity from the AD plant to the grid and the use of surplus hot water by nearby properties such as the school would be a commendable and sustainable by-product of the development. The logistics of this is, however, a private business matter for the applicant and the parties concerned to resolve, and is not a planning issue.

Regarding noise, odours and other potential nuisances raised as issues by third parties, these have been considered by the Council’s Environmental Health Officer and no objections raised.

The control of odours and flies is, in the first instance, down to good farm management. The EHO does, however, have powers under other legislation to deal with statutory nuisances should they arise. The Waste Local Plan supports the principle of spreading on to land untreated liquids, sludge discards, etc. where this would achieve agricultural improvements.

The agricultural worker's dwelling and flat

The application includes a proposal for a new permanent agricultural worker's dwelling and flat. The reason given for the dwelling is that without it the whole of the proposed enterprise becomes unviable because the estate cannot invest substantial sums without this necessary on-site accommodation to attract and retain a suitable senior employee.



Farm House (garage re-orientated in amended layout)

The response from the Council's Agricultural Consultant is set out in the 'Consultations' section of this report. To summarise, the consultant considers that there is no justification for the dwelling and flat because there is no functional need for a worker to be present at most times to oversee the existing beef cattle enterprise, and it is against the *existing* enterprise that the need should be assessed in accordance with PPS7.

There is an existing farmhouse at the site (Sharcott Pennings Farm farmhouse) occupied by an estate worker. The applicant considers this relatively small house to be unsuited to the needs of the anticipated new dairy manager. The farmhouse is, in any event, already occupied by an estate worker.

The Agricultural Consultant has applied the tests set out in PPS7. However, in this case there are a number of material considerations which also need to be taken into account in addition to the PPS. Firstly, although a new dairy enterprise is proposed at Sharcott Pennings Farm, the overall estate does already have an established dairy, and it is this established enterprise which is to be effectively transferred to the site. The existing dairy is viable but outdated, whereas the proposed dairy would be state of the art. In view of these circumstances the new development is not necessarily considered to be an entirely new enterprise.

Secondly, the applicant intends to employ two new full-time members of staff to operate the new dairy (this in addition to the eight staff employed on the estate). One of the new employees would be a manager for the dairy, and suitable accommodation is, therefore, required to reflect his/her position and family requirements. The existing house at the site would not fulfil this requirement, and is in any event already occupied by a long term employee who the applicant is reluctant to displace. Although there are other houses on the wider estate, all are understood to be held in a separate way to the farms and thus their use would require the payment of a market rent.

Thirdly, the proposal shows a clear intention by the applicant to invest in the long term agricultural future of the farm. The applicant is intending to fund the proposed development from retained funds, and he considers that an acceptable level of return on the capital will be achieved.

Finally, the site for the proposed house is acceptable in terms of other general planning considerations such as amenity, visual impact and design. The siting is close to the farm buildings and the entrance to the site to provide surveillance and security which, although not overriding considerations, are material.

On balance, the proposal for the house is, therefore, considered acceptable in this particular case. The level of investment in the site, the employment it will provide, the fact that this is part of an established and viable agricultural estate with an existing dairy enterprise, and the acceptability of the scheme in all other respects means that the dwelling can be justified under these very special circumstances. To ensure that the investment in the house follows the investment in the dairy complex, conditions are recommended that would prevent the house from being completed and occupied before the main complex of buildings are erected. The flat, which is just incidental accommodation to the house above its garage is also considered acceptable, its likely use to be for student or trainee agricultural workers undertaking work experience. Regarding the existing farmhouse, as this is occupied by an estate worker who the applicant does not wish to displace, and because the house will ultimately be 'linked' with the new development by virtue of its occupation and physical relationship, a condition is considered to be reasonable to tie the occupation to an agricultural (or forestry) worker in the same way as the proposed house and flat.

Flood Risk Assessment

The application is accompanied by a Flood Risk Assessment which proposes some soakaways and some SUDs measures to manage storm water. The broad approaches are acceptable to the Environment Agency and the Council's Drainage Engineer subject to extra detail being provided which can be conditioned. This includes the detailed design of a proposed attenuation pond to allow controlled final outflow. The EA also requires further details of the management plans for the dirty water lagoon – again, this can be dealt with by way of a planning condition.

Ecological Issues

The application is accompanied by a habitat survey which makes various recommendations to safeguard potential wildlife interests at the site. A condition is recommended requiring the development to be carried out in accordance with the recommendations.

Conclusion

This proposal is for a substantial new development to provide a state of the art dairy unit on this well-established agricultural estate. The existing farmyard at the site is somewhat tired with a number of outdated and redundant buildings. The proposed development would bring the farm into the twenty-first century with designed for purpose agricultural buildings. The principle of agricultural development in this context is accepted.

Despite its large size and 'major' categorisation, the proposed development would 'fit' on the site without harm to the landscape quality of the area of outstanding natural beauty. Landscape concept drawings indicate substantial new planting to soften the impact of the new buildings and structures in both local and distant views. Removal of the existing road side farm buildings would improve visual amenity in this part of the site. The impact on the area of outstanding natural beauty would, therefore, be neutral.

The proposal includes a small scale anaerobic digestion plant to produce heat and ultimately electricity from cow slurry and other organic ingredients produced mainly on the estate. This is a form of renewable energy, the provision of which is positively encouraged by planning policy and guidance. The applicant has demonstrated that the impact of traffic to service the plant (and to service the dairy unit as well) is insignificant in both amenity and highway safety terms.

The Council's Environmental Health Officer is satisfied that a well-managed farm in this location should not cause nuisance to neighbours by reason of noise, odours or flies. Separate controls over these matters are available under other legislation in any event.

The proposal includes a permanent farm worker's dwelling and flat. Although there is no justification for these based on the existing beef cattle enterprise, it is considered that there are

exceptional circumstances to allow them for the proposed dairy enterprise having regard to the established nature of the estate, the level of investment in the proposal and its expected long term viability, the need for a senior manager for the enterprise, and the acceptability of the design in all other respects.

Planning approval is, therefore, recommended subject to the applicant entering into a Section 106 agreement with the Council to 'tie' the ownership of the new house and flat to the land comprising Sharcott Pennings Farm.

RECOMMENDATION

Subject to the applicant entering into a 'Section 106 agreement' to tie the new farmhouse, flat and existing Sharcott Pennings Farm farmhouse to the land comprising Sharcott Pennings Farm, approve subject to the conditions.

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

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence until a phasing programme for the development has been submitted to the local planning authority and approved in writing. The phasing programme shall set out the order in which each element of the development shall be carried out. It shall specify that the "rotary parlour" building, the "500 cow dairy complex buildings", the "straights store" & "storage barn", and the "open silage clamps" shall be completed prior to completion and occupation of the dwelling and flat.

REASON: To ensure the proper planning of the development in accordance with the agreed scheme, and to ensure that the dwelling and flat are not completed and occupied before the farm complex itself is completed having regard to the justification for the dwelling in the first place which is based on the functional need arising from the farm complex.

- 3 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs of both the farm buildings and the house and garage have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 4 No development shall commence on site until a management plan for the operation of the dirty water lagoon has been submitted to the local planning authority and approved in writing. The plan shall address the management of this facility having regard to the flood risk assessment and to ensure that flood risk and any consequent pollution risk is satisfactorily dealt with. The development shall be carried out in accordance with the approved management plan.

REASON: To prevent pollution of the water environment.

- 5 No development shall commence on site until a scheme for the discharge of surface water from the site incorporating sustainable drainage details (including the design/capacity of any storage tanks and attenuation ponds, and including sizing/outflow calculations), has been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

6 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

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REASON:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON:

To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning

Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON:

To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 9 Prior to commencement of any works relating to the construction of any of the new buildings or structures hereby approved, the existing farm buildings at the site shown to be demolished shall be demolished and the resulting debris cleared from the site (or stockpiled on the site for use in the construction of the new development, if appropriate).

REASON:

To ensure the proper planning of the site in accordance with the agreed scheme and to safeguard the visual amenities of the locality.

- 10 The occupation of the dwelling and flat forming part of the development shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants. The occupation of the flat shall remain at all times incidental to the dwelling.

REASON:

The site is in an area where residential development for purposes other than the essential needs of agriculture or forestry is not normally permitted and this permission is only granted on the basis of an essential need for a new dwelling/residential accommodation in this location having been demonstrated.

- 11 The occupation of the existing dwelling known as Sharcott Pennings Farm shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON:

Sharcott Pennings Farmhouse is located immediately adjacent to the approved farmyard. Its proximity and link to the farmyard means that it would be unsuited to occupation by any persons other than an agricultural worker connected with the farmyard and wider estate, or working in agriculture or forestry in general. Its occupation by an agricultural worker also forms part of the justification for the new agricultural worker's dwelling and flat forming part of the development.

- 12 The development shall be carried out strictly in accordance with the requirements of the habitat survey by Lindsay Carrington Ecological Services Ltd dated October 2009, this including the submission to the local planning authority for approval in writing prior to commencement of development a detailed mitigation scheme for bats, and repeat surveys for owls and reptiles immediately before and during demolition works with mitigation strategies as necessary.

REASON:

To safeguard protected wildlife species.

- 13 No part of the development hereby permitted shall be brought into use or occupied until the new access, the turning areas and the parking spaces have been completed in accordance with the details shown on the approved plans. Notwithstanding the details shown on the approved plans, the new access shall be provided with bell mouth radii of 8m either side, and not 6m as specified. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 14 The new access shall be provided with visibility splays between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 90 metres to the south-east and 120 metres to the north-west from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 1m above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 15 Any gates across the new access shall be set back 8.0 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

- 16 The development hereby permitted shall not be brought into use or occupied until at least the first 8 metres of the new access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 17 Prior to the first use of the new access provision shall be made for the disposal of surface water in accordance with details that have been first submitted to and approved in writing by the local planning authority. The method of surface water disposal shall be implemented in accordance with the approved details.

REASON: To ensure that surface water is not discharged onto the highway, in the interests of highway safety.

- 18 Within 3 months of the first use of the new access by vehicular traffic (other than construction traffic) the existing access to the farmyard to the north-west of the new access shall be stopped-up and the grass verge re-instated at a height and gradient to match that of the established verges either side of this access. Thereafter, the sole means of vehicular and pedestrian access to the development shall be via the new access.

REASON: In the interests of highway safety.

- 19 Within 3 months of the first use of the new access by vehicular traffic (other than construction traffic), the existing access to the site from "Bridleway 15 Sharcott Drove" shall be closed-off within the site to prevent access by vehicles other than to Sharcott Pennings Farm farmhouse. The method of closure shall comprise a fence or bollards (or other means first agreed in writing by the local planning authority). The method of closure shall be permanently retained thereafter.

REASON:
In the interests of highway safety.

20 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Drawing nos. 090805-02A (04/10) & 2405/3 (04/10) received by the lpa 23/04/10;

Drawing nos. 011, 012, 013, 014 & 015 (12/09), & 090805-01 (although re-configured layout) (09/09) received by the lpa 14/01/10.

Appendices:

None

Background Documents Used in the Preparation of this Report:

The application file, development plan and relevant government guidance.