

APPLICATION NO.	P14/S3887/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	8.12.2014
PARISH	CHOLSEY
WARD MEMBER(S)	Jane Murphy Pat Dawe
APPLICANT	Mr & Mrs David Wilson
SITE	Land at Caps Lane Cholsey
PROPOSAL	Erection of agricultural building, associated hardstanding, amended highway access and agricultural track.(as amended by the following documents received on 16 March, 2015): New noise impact assessment, new transport assessment, new biodiversity survey and report, new design and access statement, new flood risk assessment , new structural survey, new travel plan, new tree survey, new planning statement and new covering letter. The following amended plans - location plan ref KCC1A, block plan KCC2A, elevations KCC3A, floor plans KCC4A, roof plan KCC5A, Stopped up access KCC6A.
AMENDMENTS	As above
GRID REFERENCE	460132/186756
OFFICER	Kim Gould

1.0 **INTRODUCTION**

- 1.1 This planning application is referred to Planning Committee because the officers' recommendation is contrary to the Parish Council's view.
- 1.2 The 5.25 acre site lies outside the built up limits of Cholsey. It comprises 2 fields, the smaller of which at the north of the site provides road frontage and access onto Caps Lane. The larger field to the south is close to the Old Reading Road. The site is currently in agricultural use and lies outside any designated area. An OS extract showing the location of the site is **attached**.
- 1.3 The site has been purchased by the applicant with the purpose of establishing a poultry rearing business. They moved onto the site in 2014 and have since continued to expand their stock levels. On site at present are a number of relatively small pens 4.2m x 4.2m with small hen houses.
- 1.4 In September 2014 a planning application on the site, ref P14/S1597/FUL was withdrawn. This application sought to erect 2 no agricultural buildings, an amended highway access, hardstanding and erection of an agricultural workers dwelling.
- 1.5 Accompanying the application is a full set of documents including a Noise Impact Assessment, Design and Access Statement and Planning Statement. These can be viewed in full on the Council's website at www.southoxon.gov.uk The supporting information sets down in detail the nature of the poultry rearing business including numbers of birds involved in the breeding and rearing enterprise.

1.6 The Applicants have relocated their breeding flock from Waterfield to Caps Lane in early 2014 and has continued to expand their stock levels. Under the name “Wilson’s Rare Breen Poultry”, the Applicants have established a website (www.wilsonsrarebreedpoultry.co.uk) and intend to expand their customer base once they are in full production. The applicants have revised their business model and amended their Business Plan. They have been approached to supply point of lay pullets to a local business with national offices, seeking to develop their market for rare breed poultry in the north of England and Scotland. They wish to provide 3,000 rare breed pullets annually on a contract basis. The Applicants have more than doubled their proposed incubation facilities in order to meet the requirements of the contract and to increase the number of birds they will provide to private clients. In total, they anticipate the sale of around 8,000 point of lay pullets once they are fully operational (which will take approximately 3 years). In summary the business involves the rearing of rare breed and specialist hybrid birds which are available for sale from 3 weeks to 18 weeks of age. In total a stock of around 283 breeding birds is proposed and approximately 20,000 chicks will be produced per year on a cyclical basis. Approximately 1,760 infant chicks will be reared per crop with some 60% being culled at around 4 weeks when their sex is known.

2.0 PROPOSAL

2.1 In its amended form, this application seeks full planning permission to erect an agricultural building with associated hardstanding, the creation of a new access onto the Old Reading Road and a permanent closure of the existing access onto Caps Lane. A copy of the submitted plans are **attached**.

2.2 The building would be separated into three areas and would be arranged in a “U” shape around a proposed hardstanding and parking area. The building would be finished with timber featherboard cladding and clay roof tiles and would be 4.1m in height to the ridge and 3m in height to the eaves. The building would be used for the rearing of chicks involving incubation and hatchery facilities/workshop areas/feedstorage/isolation unit/freezer area and veterinary supplies.

2.3 A new access is to be created on the south eastern boundary of the site onto Old Reading /Road. This access is to be gated and closed in the evenings and overnight. The existing access onto Caps Lane is to be permanently stopped up and the existing gateway replaced by a post and rail fence.

2.4 A full planning application to change the use of land for the stationing of a mobile home and associated curtilage for an agricultural workers dwelling for 3 years in association with this poultry rearing business has also been submitted under planning ref P14/S3891/FUL and is also on the agenda for this Committee meeting

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Cholsey Parish Council – Object (summary)

- Unneighbourly – noise, odour, dust
- Loss of amenity
- Access and traffic issues – Caps Lane is very narrow
- Collection of waste from the site will generate further vehicular movements.
- Poor visibility at junction with Caps Lane and Wallingford Road
- Noise surveys are meaningless – only 10-15 cockerills at the time of the survey – 55 proposed.
- Adverse impact on biodiversity.

OCC (Archaeology) - No objection

Health & Housing - Env. Protection Team - No objection on noise grounds.

OCC (Highways) - No objection to access from Old London Road subject to a number of conditions relating to access specification, turning and parking, visibility etc.

Neighbour Object (16) (summary)

- Inappropriate location for a poultry rearing enterprise
- Noise
- Odour
- Vermin
- Precedent for further development
- Adverse impact on visual amenity of the area

Neighbour No Strong Views (1)

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/S3891/FUL](#) - Approved (04/06/2015)

Erection of an agricultural workers dwelling. (as amended by the following documents received on 16 March, 2015. New noise impact assessment, new transport assessment, new biodiversity survey and report, new design and access statement, new flood risk assessment, new structural survey, new travel plan, new tree survey, new planning statement and new covering letter. The following amended plans - location plan ref KCC1A, block plan KCC2A).

[P14/S1597/FUL](#) – Withdrawn(18/09/2014)

Erection of two agricultural buildings, associated hardstanding and agricultural track, amended highway access and erection of log cabin for agricultural workers.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 policies;

- A1 - Erection of agricultural building
- EP1 - Adverse affect on people and environment
- EP2 - Adverse affect by noise or vibration
- EP6 - Sustainable drainage
- EP7 - Impact on ground water resources
- G2 - Protect district from adverse development
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

6.0 **PLANNING CONSIDERATIONS**

6.1 In the consideration of this planning application the main issues are:

- i. Is the principle of new agricultural buildings acceptable in this location?

- ii. Impact on the character of the area
- iii. Highway issues
- iv. Noise
- v. Odour

6.2 **Principle**

Policy A1 of the SOLP allows for the erection of agricultural buildings if there is a need for the building which cannot be satisfactorily met by existing buildings providing the following criteria are met:

- i. **The siting of the building or structure would not be prominent in the landscape and would not damage the environment or the amenities of the occupants of nearby properties.** The proposed agricultural building would be located in the south west corner of the site close to the Old Reading Road and set back from the A329. The building would have a modest eaves and ridge height of 3m and 4.1m respectively. As such, it is your officers' opinion that the proposed building would not appear visually intrusive and would be of an appropriate design within the agricultural landscape. Many of the objections received from local people relate to concerns regarding noise and odour which are dealt with separately below.
- ii. **The design and materials to be used are in keeping with its surroundings, bearing in mind the particular needs of the farming industry, and that satisfactory landscaping is proposed.** The proposed agricultural building would be constructed using traditional materials and would be designed in a typically agricultural style which would not appear incongruous in the agricultural /rural setting. It is your officers' opinion that landscaping is not required.
- iii. **Wherever possible or acceptable, the development should be located close to existing buildings rather than in open countryside.** In this particular case, the proposed building is located towards the south western boundary of the site where its appearance will be minimised. There are two existing field shelters on the site. It is your officers' opinion that locating them close to these buildings would result in them being more visually prominent than siting them in the proposed location.

6.3 **Highway issues**

When originally submitted, the proposal involved taking access off Caps Lane opposite a property known as Gables End. The Highway Authority raised a strong objection to this proposed access to the site. It found the access to be totally unsuitable by reason of its width, alignment and lack of footways to serve the type of development to which this application is related. Also neighbours were concerned about the proximity of the agricultural buildings to their properties. As a result of these concerns, amended plans were submitted which relocated the access from Caps Lane to Old Reading Road. This road is currently not used for access and is sometimes used by the Highway Authority for storage. Access to it is via the main A329. Although there have been objections from neighbours in relation to the relocation of the access, the Highway Authority have reviewed the status of the land and proposed access and have confirmed that it is still classed as highway and have raised no objection to the access from Old Reading Road on highway safety grounds. There are therefore no technical reasons to object to this proposal on highway grounds in your officers' opinion.

- 6.4 In the amended submission, the applicants proposed to use the access further along Caps Lane opposite 'Gables End' for construction vehicle access only. However, given the nature of Caps Lane at this point with limited forward visibility and passing places, the Highway Authority would not support an access in this location and therefore a

condition is recommended which will ensure that the access off Caps Lane is fenced off and not used.

6.5 In relation to comments made by neighbours in relation to highway concerns, the Highway Officer has made the following comments in an attempt to clarify the position:

- The Highway Authority can only recommend refusal to a planning application on the basis the proposal is considered to be detrimental to highway safety and therefore “severe harm” can be proved. As the proposal and the associated vehicle movements generated is not considered to cause “severe harm” as required in the recent Government guidelines in the National Planning Policy Framework to warrant a recommendation for refusal.
- The Highway Authority reviews the potential highway safety aspects involved with any application it is asked to make representations on. Travellers occupying land which is not within their ownership is an enforcement issue and can be dealt with by Thames Valley Police.
- The vehicular movements generated from a residential unit would be considered to be similar or less than what the proposal seeks. The Highway Authority has reviewed the application and considered the vehicle movements for the agricultural use of the land does not present “severe harm” as required in the recent Government guidelines in the NPPF to warrant a recommendation for refusal.

6.6 **Noise**

Many of the concerns from local people relate to issues of noise from the poultry, particularly the cockerels. A noise assessment has been submitted with the application and the Council’s Health and Housing officer has raised no objection to the proposal on noise grounds. In this assessment, it suggests that on the day of the acoustic survey, there were 24 cockerels on site. Neighbours have disputed this saying that there have never been more than 10 cockerels on site at any one time. Your officers have discussed this apparent discrepancy directly with the applicants and they have confirmed that at the time the report was carried out, there were 35 cockerels on site and that they were all in one pen together with female stock with the exception of the breeding stock which all had individual pens.

6.7 The Council’s Environmental Health team have monitored noise from the application site from a property in Caps Lane following a complaint regarding noise in relation to the cockerels on site at present. The monitoring exercise has confirmed that at present, the cockerel noise could not be classified as a statutory nuisance as per the Environmental Protection Act 1990. However, as it is not specified on the plans where the cockerels will be located and because the Environmental Health officer is aware of the sensitive nature of this area, he has recommended a condition requiring the cockerels to be housed overnight in the most south western part of the field in order to protect the occupants of nearby residential properties from noise disturbance.

6.8 **Odour**

Odour has also been raised as a key concern by local residents. The supporting statement accompanying the application explains that the poultry houses will be regularly cleared out and litter collected once a month. The male carcasses of those birds culled, will be stored in a freezer and collected on average once per month. The Council’s Health and Housing officer has raised no objection to the proposal on the grounds of odour. If concerns relating to odour materialise at a later date, it could be reviewed as a statutory nuisance under the provisions of the Environmental Protection Act 1990, as well as other relevant legislation

7.0 **CONCLUSION**

7.1 Your officers recommend that planning permission is granted because the proposed agricultural building will not be visually intrusive given its revised location. No technical objections relating to access, noise and odour have been found and the proposal is considered to accord with Development Plan policies.

8.0 **RECOMMENDATION**

8.1 **That planning permission be granted subject to the following conditions:**

1. Commencement within three years - full planning permission.
2. Approved plans.
3. New vehicular access.
4. Vision splay details.
5. Turning area and car parking.
6. Construction traffic management.
7. Agricultural use.
8. Surface water details to be submitted.
9. Access off Caps Lane to be closed.
10. Building to be removed within 10 years if not being used.
11. Vehicle tracking drawings to be submitted.
12. Routing agreement.
13. Cockerels to be housed overnight in field B.

Standard Informative:

No left turn – turn right only sign to be placed on Old Reading Road access

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