

- The impact of the extension on the adjoining cottage in relation to the standards set out in Supplementary Planning Guidance.

Planning Assessment

The site is located within the village confines of Willington. Therefore, in principle, the erection of an extension is acceptable.

The extension does not accord with the advice contained in the Supplementary Planning Guidance (SPG) in that the extension would project some 2.3 metres from the rear face of the building and have an impact on the kitchen window of the adjacent dwelling.

However, the extension is located to the north of the affected window, which is considered as a secondary window by the SPG, and would suffer no loss of direct sunlight if the extension were to be permitted. Therefore, in this case, the neighbour is unlikely to suffer any undue loss of amenity from the proposal which is considered to be acceptable.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. No part of the development shall be carried out until precise details, specifications and, where necessary, samples of the facing materials to be used in the construction of the external walls and roof of the building(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

29/05/2001

Item A7**Reg. No. 9 2001 0248 U****Applicant:**

Carol Cunningham
1 Orchard Close
Melbourne
Derby
DE731EY

Agent:

Carol Cunningham
1 Orchard Close
Melbourne
Derby
DE731EY

Proposal: The use as a base for agricultural engineering/light commercial vehicle repair business of outbuildings at 246 Station Road Melbourne Derby

Ward: Melbourne**Valid Date: 19/03/2001****Site Description**

The site lies at the edge of the village of Melbourne adjacent to a joinery firm's complex. The application site contains a workshop building that was formerly associated with the adjoining business. More recently it has been used for purposes incidental to the enjoyment of the dwelling house at 246 Station Road.

The building is largely constructed in blockwork, although there is some timber walling, with a corrugated sheet roof. There is also a neighbouring dwelling in wholly residential use.

Proposal

The applicant seeks permission to use the building for the manufacture, repair and storage of agricultural equipment between the hours of 0800 hrs to 1900 hrs Monday to Friday and 0800 hrs to 1700 hrs on Saturdays, with no Sunday working.

Applicants' supporting information

- a) The applicant is a mobile agricultural engineer, who wishes to use the building for the repair and manufacture of parts for agricultural vehicles and equipment.
- b) The applicant's business includes being called out by farmers to deal with machinery that has broken down and this is brought back to the premises.
- c) The proportion of time spent on site is estimated at about 80% and the time in the building at 20%.
- d) There would be hardly any visits by customers.
- e) The use would be no worse than the joinery use.

Planning History

Outline permission for the joiner's workshop was granted in 1953, with details being approved in 1956. No conditions were imposed at that time controlling the hours of usage of the building.

Responses to Consultations

The Parish Council strongly objects for the following reasons:

- a) There would be loss of privacy to the adjacent dwelling.
- b) There would be noise pollution to the neighbours.
- c) 64 hours a week working would be excessive.
- d) There could be pollution to the nearby brook.
- e) There would be a fire risk from the inflammable liquids kept at the site.
- f) There would be problems from increased traffic.

Councillor Harrison, as Ward Member, has seen the objections of the adjoining neighbour and can see the reason for the objections. He urges careful consideration of these.

Melbourne Civic Society has no objection.

The Highway Authority comments the access has less than the normally required standards of visibility. However bearing in mind the existing and previous uses of the site it feels that there would not be a material effect on highway conditions.

The Environmental Health Officer has no objection subject to hours and noise attenuation conditions being imposed as per the recommendation below.

Responses to Publicity

Two neighbours object for the following reasons:

- a) The adjoining dwelling has all main windows facing the site and the access runs alongside.
 - b) There would be loss of privacy.
 - c) There would be noise pollution from the use of the building and additional traffic.
 - d) There could be environmental pollution to the nearby watercourse from chemicals used at the premises.
 - e) There would be increased air pollution from machinery and vehicles.
 - f) There would be a fire risk caused by flammable liquids and gases.
 - g) The access is already subject to increased traffic and additional traffic would increase danger, in particular to the neighbours' 9 year old daughter who frequently walks to school.
 - h) The buildings are not in the best state of repair. F. E. Toon & Sons originally used them but there has been no recent business use, at least during the last 4 years.
 - i) There are purpose built industrial units in the area that would be better suited to the proposal.
- [This matter is not material to the consideration of this application]

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: Economy Policy 5.

Local Plan: Employment Policy 5.

Planning Considerations

The main issues central to the determination of this application are:

- The principle of development.
- Residential amenity.
- Highway safety.
- Pollution.

Planning Assessment

The application relates to a building that is located in an area of sporadic development to the east of Melbourne. The building has previously received planning permission for an industrial use and was implemented as such. This is a material consideration in the determination of this building as previously an employment use was considered to be acceptable for the building.

The building is designed for industrial use and, aside from the site history, employment policies favour the re-use of buildings for business purposes in locations such as this. There would be minimal change to the visual character of the site. In these circumstances it is considered that the principle of the use is acceptable.

The building is set end on to the adjoining neighbouring dwelling at 248 Station Road and is some 22 metres way from the dwelling at its nearest point and 67 metres at its furthest point. The associated yard is set to the rear of the dwelling at 246 Station Road, some 50 metres from the neighbouring dwelling and about 40 metres from its nearest boundary. Having regard to the relationship of the building to the neighbour, its former permitted use, the existence of the adjoining industrial use and the comments of the Environmental Health Officer, the proposal would not cause demonstrable harm to the occupants of the neighbouring dwelling, subject to appropriate conditional control. No external alterations are proposed to the building so there would be no loss of privacy caused to the neighbour.

On the advice of the Highway Authority there would be no demonstrable worsening of highway safety conditions.

The matter of pollution of the watercourse would be a matter for the Environment Agency in the event of an incident. The applicant does not propose to discharge trade waste to a watercourse. An informative would suffice to make the applicant aware of the Environment Agency's powers in this regard.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. The hours of work shall be limited to:

Monday to Friday: 08:00hrs - 19:00hrs

Saturday: 08:00hrs - 17:00hrs

There shall be no working on Sundays or Bank Holidays.

Reason: In the interests of the amenities of the occupiers of nearby residential property.

3. There shall be no compressors, generators or other machinery or equipment used outside the building, unless a scheme for noise attenuation of that equipment has been implemented for any equipment installed in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupants of nearby residential property.

4. Vehicle repair operations shall only be carried out within the building on site. No such external operations shall be carried out.

Reason: In the interests of the amenities of the occupiers of nearby residential property.

5. The level of noise emitted from the building during working hours shall not exceed 60 dB(A) LAeq (1 hour) as measured on the south western boundary of the site, where LAeq is the equivalent continuous sound pressure level measured in A-weighted decibels.

Reason: In the interests of the amenities of the occupiers of nearby residential property.

Informatives:

That you should contact the Environment Agency if you intend to discharge of any trade or sewage effluent to any watercourse.

29/05/2001

Item **A8****Reg. No.** **9 2001 0260 F****Applicant:**

Mr D Bignall
 Doveside, Monks Bridge
 Egginton
 Derbyshire

Agent:

P. Diffey
 Peter Diffey & Associates
 Cotesbach Villa
 54 Woods Lane
 Stapenhill
 Burton On Trent
 DE15 9DB

Proposal: **The use of buildings as a cattery together with the erection of kennels at Doveside Monks Bridge Egginton**

Ward: **Hilton**

Valid Date: **20/03/2001**

Site Description

The site occupies an area of land accessed by a lay by that serves the A38. The site comprises an area of hardstanding and associated buildings. The site is located in the countryside and borders the canal to the south and east.

The lay by has been closed recently by the Highways Agency following damage to the foundations of the listed bridge by the floods last November.

Proposal

The applicants seek consent to form a cattery/kennels operation on the site. As part of this proposal it is intended to remove the existing green house and replace it with a larger, lower structure that would be used as a kennels for up to 24 dogs. The 9 cat cattery would be housed in an existing building at the northern end of the site following adaptation from use as kennels for the applicant's own dogs.

Access would be via the lay by off the A38. The occupiers of the site have access rights.

Applicants' supporting information

The kennel building would be lower than the greenhouse structure and would have a pitched roof. Both buildings would be coloured dark green or some such other colour that would be agreed by the Local Planning Authority.

The site is located well away from any neighbouring dwellings and would thus have no impact on neighbours.

The site is in the floodplain and was flooded by the exceptional floods that occurred last year but that is the first time the site has flooded in the recent past. These proposals could improve the flood situation, as the kennels will not obstruct the flow of water.

The traffic generation would be less than for the café and it is understood by the applicants that the Highways Agency is satisfied with the proposal.

An assessment of the potential viability of the business has been submitted. This is based on the kennels having a 90% occupancy rate between April and September and a 50% occupancy rate for the rest of the year. On this basis these figures the business would generate a profit of £12,000.

Planning History

Many years ago the site was filled with material and occupied by gypsies. Planning applications were refused and enforcement action taken to remove the gypsies from the land. Subsequently the site was occupied by a couple seeking to establish a herb farm. They erected the greenhouse and lived in a canal barge on the river.

Thereafter the current owners have occupied the site. They have sought to establish a café business on the site. This was granted a temporary permission together with a mobile home to supervise the site. At the end of the temporary permission period, an application to retain the uses was refused at the direction of the Highways Agency. The subsequent appeal was dismissed. The current applications seek to find an acceptable alternative use for the site.

Responses to Consultations

Egginton Parish Council has no objection but is concerned about the ease with which the site floods and that the cattery and kennels could contribute to a flooding problem. There was also concern about the welfare of the animals if the site did flood.

The Highways Agency has no objection to the proposals on the basis that traffic generation is unlikely to be greater than that generated when the site operated as a herb farm. The Highways Agency advises that further expansion of the business is unlikely to receive favourable consideration.

East Staffordshire Borough Council has no objection to the proposals

British Waterways has no objection subject to it being consulted on the design of the kennel building. It is concerned that the buildings may detract from the attractive views from the canal and disagrees with the applicant's statement that the proposal would have no impact on neighbours.

The Environment Agency comments were awaited at the time the report was drafted. It is understood that it was considering an objection to the kennels/cattery on the basis that the land was floodplain and that the disposal of animal excrement would cause harm if disposed of in the septic tank at the site. The Environment Agency is reconsidering this position following a meeting with officers.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policy 1

Planning Considerations

The main issues central to the determination of this application are:

- The necessity for the development in the countryside in the light of Development Plan policies
- The impact of the development on the character and appearance of the countryside
- The effect on the listed buildings and the Trent and Mersey Canal Conservation Area.
- The views of the Environment Agency.

Planning Assessment

The policies of the development plan seek to restrict the development of land in the countryside unless there is a necessary reason why the development needs to be located there. A kennels/cattery does not need to be located in the countryside.

However, in this case there needs to be an examination of whether other material considerations outweigh this policy argument.

In this case the site is occupied by a number of existing buildings, which, with the exception of the mobile home have valid planning permissions. As part of this submission it is proposed that the most prominent building would be removed and replaced with a larger, in terms of floor area, but less obtrusive building to form the kennels. If permission were refused the original greenhouse would remain on the site. The removal of the building and its replacement would be beneficial to the appearance of the Trent and Mersey Canal conservation area. The cattery building would involve the refurbishment of an existing building.

The proposed use would result in a reduction in the level of traffic visiting the site than when the café was operating from the land. The removal of the café structure and other structures on the site unrelated to the potential business would tend to improve the appearance of the site. The removal of these structures could be a condition of the planning permission if the Committee is minded to accept the development.

Whilst the issues are finely balanced the replacement of the existing green house, the retention of the cattery building and the improvement to the conservation area outweigh, in this case, the otherwise restrictive policies of the Development Plan.

The Environment Agency views were not available when the report was prepared. Its concern about the potential for restoring the floodplain is not considered a valid reason for refusing planning permission. The land was raised in level many years ago and is now immune from enforcement action. The Environment Agency has no powers to enforce the removal of the material. Nothing would be achieved by the refusal of the application.

The concern about the excrement could be overcome by initial disposal to a sealed container on the site with material then being taken to an approved place of disposal.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. Before the use hereby permitted is first brought into use, the mobile home and other unauthorised structures identified on the attached plan shall be removed from the site and the land restored to its former state in accord with a plan of restoration that shall be submitted to and approved in writing prior to the development hereby approved commencing.

Reason: In the interests of the appearance of the site when viewed from the Trent and Mersey Canal Conservation Area and the wider area.

3. Before the uses hereby permitted are brought into use the buildings shall be painted dark green to BS Colour 12 C 39 or such other dark neutral colour that may be agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the area.

4. No work shall take place on the site until details of a scheme for the disposal of animal waste have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be carried out in conformity with the details which have been agreed before the development is first brought into use.

Reason: In the interests of pollution control.

5. The premises shall be operated in accordance with the written submissions that accompanied the planning application unless the Local Planning Authority grants permission for any alternative in response to an application made in that regard.

Reason: In order to retain the Local Planning Authority's control over the development and in the interests of the character and appearance of the Trent and Mersey Canal Conservation Area.

6. Prior to the development hereby approved commencing details, including all elevational treatments, of the kennel building, shall be submitted to and approved in writing by the Local Planning Authority. The kennel building shall then be erected as approved.

Reason: For the avoidance of doubt as no details of the building were submitted.

29/05/2001

Item A9**Reg. No.** 9 2001 0267 F**Applicant:**

Mr D Bignall
Doveside, Monks Bridge
Egginton
Derbyshire

Agent:

P. Diffey
Peter Diffey & Associates
Cotesbach Villa
54 Woods Lane
Stapenhill
Burton On Trent
DE15 9DB

Proposal: The continued siting of a mobile home together with the
erection of an extension at Doveside Monks Bridge Egginton

Ward: Hilton**Valid Date:** 21/03/2001**Joint with** 9/2001/0260**Site Description**

As for 9/2001/0260

Proposal

The applicant seeks consent to retain the mobile home on the site to supervise the use applied for under the above application. If permitted the application would result in an extension to the home to improve the amenities for an elderly person cared for by the applicants.

Applicants' supporting information

The applicants intend to operate the proposed cattery/kennels. It is anticipated that the permission if granted would be for a temporary period. The regulations of the Council require that there is one fit and proper person over 18 years of age always present on the site to supervise the animals and attend to any emergencies. The regulations also require that the animals are visited and inspected at least once between the hours of 2100 and 0000 each day.

It is contended that animals in temporary accommodation can be affected by the change in surroundings and close supervision is required. The mobile home fulfils this requirement. It is within sight and sound of both buildings.

Planning History

See 9/2001/0260

Responses to Consultations

Egginton Parish Council has no objection subject to the comments on flooding referred to in 9/2001/0260.

The County Highways Authority has no comment.

The Environment Agency (EA) comments were awaited at the time this report was written. It is understood that the EA was considering an objection to the kennels/cattery on the basis that the land was floodplain and that the disposal of animal excrement would cause harm if disposed of in the septic tank at the site. The Environment Agency is reconsidering this position following a meeting with officers and an update will be brought to the meeting.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4, Housing Policy 6

Local Plan: Environment Policy 1, Housing Policy 8

Planning Considerations

The main issues central to the determination of this application are:

- The determination of this application is dependent on the outcome of 9/2001/0260 and the policy issues are as set out in the above report.

Planning Assessment

The policies of the development plan seek to restrict the provision of domestic accommodation outside of sustainable villages unless there are reasons of necessity why such accommodation should be provided.

In this case justification for the dwelling, and the extension to it, stem from the intention of the applicant to establish a cattery on the site.

The application for the cattery (9/2001/02600) is recommended for approval. On that basis, providing that recommendation is accepted by the Sub Committee, there is justification for the approval of this application. However, in view of the justification for the retention of the house being based on the need for it in connection with an establishing business, this application is only recommended for permission subject to a condition limiting it for a temporary period. That is to enable the business to become established and the permission reviewed at the end of that period. This course of action is in line with established practice and the advice of central government.

The dwelling itself is single storey and not visually harmful in this location. It would not be detrimental to the character of the area.

The Environment Agency views had not been received when the report was prepared. However, it is understood that the EA has concern about the potential for restoring the floodplain. However, as the land was raised in level many years ago, it is now immune from enforcement

action and this authority has no powers to require its re-instatement. Therefore, if the view of the EA is confirmed this would not be a valid reason for refusing the application.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 May 2004 on or before which date the structure shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: In order that the financial viability of the use of the site as a kennels and cattery can be assessed.

2. The occupation of the dwelling shall be limited to the family and/or dependents of a person employed, or last employed, wholly or mainly, the operation of the kennels/cattery permitted under application no 9/2001/0260

Reason: The site is within open countryside where the Development Plan provides that development shall be confined within the limits of an existing town or village, except where the needs of agriculture or other overriding reasons justify a departure from that policy.

3. All external materials used in the development to which this permission relates shall match those used in the existing building in colour, coursing and texture unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the existing building and the locality generally.

29/05/2001

Item A10**Reg. No.** 9 2001 0266 F**Applicant:**

Crown Castle UK Limited
P O Box 98
Warwick
CV346TN

Agent:

Crown Castle UK Limited
Mr S Griffiths
P O Box 98
Warwick
CV346TN

Proposal: The erection of a 61 metre high replacement radio broadcast mast On Land at Findern Lane Burnaston

Ward: Etwall

Valid Date: 21/03/2001

Site Description

The site lies on a piece of land to the south of Findern Lane, Burnaston close to the A38. The land currently has a 25 metre high mast situated on it along with an existing Radio Derby MW transmitter which is 17 metres high. The existing mast takes the form of two poles with the transmitter aerial slung between the two.

Photographs are available on the file showing the existing situation. The site is enclosed within low-level fences.

Proposal

The applicants seek consent to erect a 61 metre high mast along with associated stay wires and blocks. The mast would have a slim profile and the existing transmitter would be removed from the site.

Applicants' supporting information

The existing transmitter suffers significant problems with birds roosting on the wire and degrading the quality of the signal. Attempts have been made to discourage the birds from roosting on the wire and modifications made to the transmitters have been made. These have not proved acceptable.

The proposed solution, the subject of this application, will enable the public service broadcaster to continue to provide a service to the community. The 61 metre high mast would be supported with stay wires that the birds are less likely to roost on and such roosting would not affect transmissions. Photomontages have been provided to indicate the potential impact of the proposals.

The Burnaston transmitter provides Medium Wave signals, where as the station at Drum Hill is a FM broadcasting station. Despite the two stations broadcasting the same programming, it is not technically viable to use the Drum Hill station for the broadcasting of the Medium Wave facility. The provider is obligated to provide the service on both Medium and FM wavelengths.

To broadcast Medium Wave signals the land on which the mast is to be located needs to be soggy, as this helps the conduction of the signals. The land at Burnaston is ideal for broadcasting purposes due to the soggy ground. For the same reason, it is not possible to install the mast on a hilltop.

In addition the applicants agents have been requested to forward evidence that the Civil Aviation Authority have been advised of the application. This information is awaited.

Planning History

Permission for the 25-metre high mobile phone mast was previously permitted.

Responses to Consultations

Burnaston Parish Council objects to the mast on the following grounds: -

- a) It's too high and should be located on a hill where the mast could be shorter. It would thus be overbearing.
- b) The mast may in future be used to accommodate mobile phone equipment with more contentious radio emissions
- c) There is concern that the mast could affect the operation of the Derby Aerodrome. Aircraft fly low in the area and the mast could be a nuisance to these aircraft.
- d) The mast would probably require lights on the top to warn commercial aircraft of its presence in the vicinity of the East Midlands Airport. The village does not have any streetlights and the lights could cause light pollution in the village.
- e) The mast would add to the industrialised appearance close to the A38. The Parish Council is keen to maintain the rural feel of the area, particularly as Derby and the Parish are practically linked at the Pastures

The Environmental Health Services Manager has no comment

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4

Local Plan: Environment Policy 1 and Community Facilities Policy 4

Planning Considerations

The main issues central to the determination of this application are:

- The need for the mast in this location
- The potential impact of the mast on the character and appearance of the countryside.

Planning Assessment

Development plan policies require that development in the countryside is necessary in such a location and if permitted it should be so designed and located such that the impact on the countryside is minimised. In addition the local plan policy relating to telecommunications development requires that, if development is to be acceptable, there is no other means of providing that facility and there would not be any undue impact on the area in which the mast is located.

In this case the mast would be located in the countryside, outside of any settlement. However, this location is necessary for this structure in view of the specific requirements of the applicant. These are that:

- the mast would be a part of the broadcast network for BBC Radio Derby,
- the current structure is not functioning properly,
- the consultants for the BBC have concluded that a mast of this size is needed to provide a service to the local community in the broadcast area,
- officers have investigated the possibility of an alternative location in the broadcast area. They have been advised that the location at Burnaston is the one appropriate as the site characteristics are suited for the purpose.

These matters are set out in the supporting information above.

Therefore, on this basis and in this case, it is necessary that the mast is located in this countryside location.

Notwithstanding this, the mast would be a tall structure that would be visible in the wider countryside, although its slender profile reduces the overall impact. Whilst this is noted the balance, in this case, is that the need for the mast in this location outweighs the impact of it on the wider countryside.

The objections of the parish council are noted. It was in response to that objection that alternative sites have been investigated with the applicants. The response from the applicants on this matter seeks to justify the location of the mast. Without evidence to the contrary this information cannot be refuted. The site lies outside the required consultation areas for need to contact the Civil Aviation Authority (CAA) formally. However, the applicants have contacted the CAA. There is no evidence that the emissions from the mast would affect the health of humans.

Consultations with the Derby Aero Club and East Midlands Airport have been undertaken. No replies have yet been received. Any responses will be reported verbally to the meeting of the Sub Committee.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. In the event that the mast ceases to be used for broadcasts on the medium wave frequency, the mast shall be dismantled and removed from the site unless the Local Planning Authority has granted permission for its retention in response to an application made in that regard. Thereafter the land shall be restored to its previous use as agricultural pasture.

Reason: The structure is of a significant size with a consequent impact on the local landscape. the Local Planning Authority would wish to be satisfied that there was a continuing need for the mast to be located in the countryside in the event that the mast ceases to be used for its stated purpose.

29/05/2001

Item A11**Reg. No.** 9 2001 0289 R**Applicant:**

B G T Limited
 Liberty Farm, Findern Lane
 Burnaston
 Derbyshire
 DE65 6LJ

Agent:

B G T Limited
 Liberty Farm, Findern Lane
 Burnaston
 Derbyshire
 DE65 6LJ

Proposal:

The renewal of planning permission 9/2000/0044/F for the erection of an agricultural building for egg grading storage and packing on land at Liberty Farm Findern Lane Burnaston

Ward:

Etwall

Valid Date:

27/03/2001

Proposal

The applicant seeks consent to renew the planning consent granted in 2000, on temporary basis, for the erection of a single building for the storage and packing of eggs.

The report on the original application 9/2000/0044 is appended to this report. The issues raised in that report relate to the current submission and the situation is as reported at that time.

Responses to Consultation

The highway authority raise no objection to the application.

The Parish Council comments as follows: -

There would be increased traffic through the village. Lorries connected with the business are travelling through the village. A culvert under Findern Lane is collapsing that Derbyshire County Council is investigating. The Parish Council considers that the cause is large lorries visiting the farm. It is acknowledged by the Parish Council that this is a renewal application but would suggest that the same conditions are applied as before and the applicant be reminded that all traffic should use the A38.

The Head of Environmental Health has no objections to the application subject to a condition limiting the hours of operation of the unit.

Planning Assessment

Permission was granted in 2000 on a temporary basis for this building. Since that time it has operated in connection with the farm unit on which it is situated and the situation in which consent was originally granted has not altered in that time.

Whilst development plan policies seek to restrict development in the countryside to that which is necessary to be located there this proposal is required in this location to operate in connection with the farm holding. As it is sited such that it has a limited impact on the surrounding area the principle of the retention of the building is acceptable.

The Parish Council's views are noted. However, the highway authority does not raise any objection to the use. The matter of repairs to the roadway is not material to the determination of this submission. As suggested by the Parish Council conditions similar to those originally imposed are recommended.

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990, and to ensure that, having regard to the changing needs of agriculture and the general policy of the approved Structure Plan to restrict development in the countryside.

2. In the event that the building ceases to be used in connection with the egg laying business at Liberty Farm Findern Lane Burnaston, it shall be removed from the site and the land restored to its former use as agricultural pasture within 6 months of the date of the cessation of the use of the building.

Reason: In the interests of the visual appearance of the area.

3. All external materials used in the development shall match those used to construct the adjacent agricultural building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the locality generally.

4. The building hereby permitted shall only be used for the packing and sorting of eggs produced on Liberty Farm Findern Lane Burnaston.

Reason: The importation of eggs from the wider area would result in the creation of a factory, this is an inappropriate location for such a facility.

29/05/2001

Item **A12****Reg. No.** **9 2001 0355 U****Applicant:**

Mr S J Bowler
 Suffield Manor
 Sutton On The Hill
 Ashbourne
 Derbyshire

Agent:

Alan Taylor
 Talbot Associates
 Liberty Farm
 Findern Lane
 Burnaston
 Derbyshire
 DE656LJ

Proposal: **The siting of a mobile home on land forming part of O S Field
 Numbers 4644 And 4556 Willow Pit Lane Hilton Derby**

Ward: **Hilton**

Valid Date: **10/04/2001**

This report is to be read in conjunction with the reports on the following applications:
 9/2001/0352, 9/2001/0253 and 9/2001/0354. These applications all relate to the same piece of
 ground off Willowpit Lane, Hilton but this application contains all the background information
 on the proposed business for which all the application proposals are required.

Site Description

The site comprises two fields to the east of Willowpit Lane at Hilton close to its junction with
 both the A516 and A50. There are mature hedges on three of the boundaries, the fourth to
 Willowpit Lane has a recently planted hedge with a post and rail fence behind. This was put in
 place when the A50 was constructed.

To the east of the site is a tip that is nearing completion of its operations. The tip took inert
 building materials.

To the west, beyond Willowpit Lane is the Hilton Site of Special Scientific Interest.

Proposal

The proposal involves the creation of an organic egg production unit. There are 4 elements to the
 proposal, each the subject of a separate application, and comprise two 2000-bird buildings, an
 agricultural building and a mobile home to supervise the enterprise. The birdhouses would be
 located to the east of the site. The barn and mobile home would be located on land adjacent to
 Willowpit Lane.

Access to the site would be from Willowpit Lane. Parts of the hedge that divide the field would
 be removed to provide access between the two. New planting along this hedge is proposed.

Applicants' supporting information

To place this proposal in context, organic production is expanding countrywide. You will no doubt have noticed that organic products figure strongly on supermarket shelves and this is directly indicative of that demand.

The intention is, after a two-year conversion period, to establish a 4000 bird organic unit. In physical terms you will note in the attached support documents that building sizes are much reduced in comparison with free range and, indeed, stocking densities are only half that of current free range units. The applicant and his family are, as you will be aware extremely well versed and connected within the industry and there can be no real question of lack of expertise in creating this new type of farm. It is confidently expected that margins for organic produce can be maintained and that the business should have good long-term prospects.

PROPOSED ORGANIC EGG PRODUCTION UNITS, MOBILE HOME AND BARN AT WILLOWPIT LANE, HILTON, DERBYSHIRE

1.0 Description

1.1 The proposal is to establish a new farm, as a diversification from conventional agriculture, responding to consumer demand. The land is flat and situated in close proximity to a landfill site, a nature reserve and the A50 dual carriageway MI-M6 link.

1.2 The land is not an ad-hoc portion of farmland from an existing holding, but is a discreet parcel having been in the ownership of the DETR (Highways Agency) for some years, it has now become available as surplus after the completion of the A50 road.

2.0 Proposal

2.1 It is proposed to establish two, two thousand bird accredited organic egg production units serving the land at 1 000 birds (maximum) per hectare. In association, a general-purpose barn is proposed and a mobile home, justified under PPG7 guidelines.

3.0 Organic Units

3.1 The organic units would be designed, built and stocked to accord with the requirements of the organic statutory accreditation body. These units are stocked at a reduced stocking density and have the benefit of a rigorously controlled regime of input and output control which relates directly to the welfare and bio-balance of the site; this includes all outputs such as waste from the laying birds (see later).

3.2 Environmental Issues: The birds are introduced and kept on a sixty-week rotational basis producing a low-key settled environment.

3.2.1 Noise: The birds themselves are not noisy as an all-female flock. The houses differ from 'normal' poultry housing in that they are naturally ventilated. This means that there are no ventilation fans required. The site is subject to constant noise during the day due to the proximity and elevation of main roads. At present, night-time will bring some relief from this intensity and, as no ventilation fans are necessary, the use will have no material effect on ambient noise levels at any time.

3.2.2 Smell: It is recognised, and confirmed by direct experience within the district, that free-range units do not cause a smell nuisance. With organic production, the situation is further enhanced in that the stocking density of birds on the holding is restricted to 6 birds/M² in the units. Conventional free-range birds are stocked at 11.7 birds/M², almost twice the density. The high levels of free air ventilation available in a naturally ventilated house, allows a constant air change to be achieved, resulting in excellent performance in terms of keeping chicken waste dry (moisture causes the production of smells, principally ammonia) and 24hr/7day dispersion.

3.2.3 Dust: Low numbers of birds and continuous high levels of ventilation preclude the build up of dust inside the unit and, in particular, any airborne dust particles.

3.2.4 Rodents: A rodent control programme is instigated on stocking the units to prevent any build up of rodents as this prejudices the health of the birds and the production of saleable eggs.

3.2.5 Nature Reserve: The site is across the lane from the Hilton Gravel Pit reserve (SSSI). The reserve has good screening to the eastern boundary and the proposed organic unit lies downwind of the site, assuming a prevailing wind from the west/south west. Extremely low levels of dust emanation from the site, combined with wind direction, should not prejudice the ecological systems on the reserve or the flora/fauna therein.

In addition, it should be noted that, in converting these fields to organic use, any form of non-organic fertiliser, spray or additive is expressly forbidden as is any foodstuff or component that is, or may be, genetically modified. This should be viewed as a positive element, as more conventional farming of these fields will be unrestricted in terms of application of potentially harmful (to the SSSI) substances.

The field margins and hedgerows on an organic unit must be maintained in a natural and traditional manner and this encourages flora and fauna to be established providing natural margins and wildlife corridors, being especially useful in close proximity to the reserve.

We have no data as to the effect on the reserve from pollution (airborne/spray/run-off) that may already challenge the reserve on the down-wind side, particularly from the A50 which is elevated at this point. We also have no data on any existing or potential arrangements over the disposal site to the east.

No intensification of the organic use is possible on the site without additional land purchase and poultry housing.

3.2.6 Waste Disposal: Solids: Organic units must operate an audit system for waste. The total nitrogen production of by the unit is calculated and then spreading/removal is only allowed within predetermined agreed limits and locations. In practice, waste from the units will be excavated out of the units once every 60-week cycle and must be removed from the site to be spread at controlled rates onto other accredited organic land. On that land, the input of waste/nitrogen is audited and, in this way across farms, application of fertiliser to the land (either directly by animals or by spreading) is brought to a sustainable balance. Spreading is carried out to the MAFF Codes for Air/Water.

3.2.7 Waste Disposal: Liquids: Organic egg production units are, in poultry terms, quite small and easily cleaned. There is no contaminated run-off from the units which are dry excavated. Water from roofs is collected and piped to soakaway or ditches by agreement with the LPA/EA.

Tracks whether hard surfaced or stone are not subject to contamination (no stock on site) and rainwater is run-off or soak through.

3.3 Operational Traffic (HGV's)

Feed bin capacity is designed for four weekly deliveries with a maximum of two-egg collections/week. By calculation, including an allowance for visits (birds in/out, clean out), then 125 visits over 1 cycle are anticipated, averaging 2.08 (say 2) visits per week.

3.4 Fencing

Birds will be contained within the site perimeter and protected from foxes, etc by means of an electric wire fence on posts approximately 1 metre high.

4.0 Mobile Home

4.1 General

A dwelling is required on the site to control, oversee and administer the birds and the farm. In recognition of the guidelines in PPG7, no permanent dwelling is suggested here, as it would be a new enterprise. As such, and in accordance, a mobile home is suggested.

There are unusual circumstances in setting up an organic unit in that it has to undergo a two year conversion period before organic (premium) eggs can be marketed. A typical set up would be (from grant of permission):-

Month 1 - Month 6 Site set up

Month 6 - month 20 - Flock(s) 1

Month 21 - Month 35 -Flock(s) 2

Month 36 - Month 50 -Flock(s) 3.

Eggs would only be 'organic' after month 24, thus, at month 36 (a 3 year permission), there would be no full flock information on organic margins. A 5-year temporary permission is therefore required to allow for set-up/lead-in times and proper flock information/accounts on the organic enterprise to be produced, or to allow the two-year conversion period to be accredited before the construction of the enterprise.

Justification under PPG7 is defined in PPG7 I14 and follows: -

a) Clear evidence of intention and ability

In incorporating a condition of siting of the mobile home related to the construction of the poultry units, then there will be significant evidence of investment into infrastructure and buildings. The cost of poultry housing of this sort, excluding birds and infrastructure, are in excess of £15/bird and so the poultry building alone would signal an intention of approximately £60,000 - rising to over £100,000 including infrastructure and birds. Ability is related to the background of the applicant. The intention in this case is to take advantage of an established rental scheme, operated John Bowler (Agriculture) Ltd, at a cost of £2/bird/flock.

b) Functional need

For organic birds as this, there is a requirement for a worker to be on hand day and night. The needs of organic birds are equitable to free-range birds in terms of attendance and welfare, but in smaller units, enhanced husbandry is required. From time to time, birds are in need of essential care at short notice, either following alarms or by virtue of their age and/or condition. This attendance can be at any time, day or night. If a worker is not on hand to deal with emergencies, then the welfare of the birds is, very quickly, prejudiced causing a potential for serious loss and/or unacceptable stress, unacceptable physical conditions and, easily in poultry, death.

c) Financial Justification

Notwithstanding the detailed financial test before any grant of a permanent dwelling, we attach cash flows for the establishment of the unit and operation of the unit for organic production.

d) Functional Need

There are no suitable dwellings available within sight and sound of the unit.

e) Siting/Access

Siting, as proposed, is designed to be suitable for the function and, as far as possible, to group all of the buildings. Each poultry unit is functionally related to 2ha of land and has the correct relationship to use it efficiently. Other buildings are grouped around an entrance/yard area that is itself related closely to an existing boundary/hedgerow. Additional landscaping and planting is anticipated and the site would benefit from other traditional planting of native deciduous trees and gap planting existing hedgerows. The road boundary to the south-west incorporates planting already part mature to boundaries because of road alteration works.

FUNCTIONAL TEST: LABOUR COST/WHOLE TIME EQUIVALENTS

a) Labour Costs

John Nix (2000 ed.) Page 115 notes a basic labour cost for 1 full time worker at £170.23 per week. The national minimum wage increases to £4.20 in the near future on a 37hr week - equates to £155 per week.

This, at £175/wk (say), the unit would need to demonstrate that a fixed labour cost of (£175 x 52) £9100 can be expected to be maintained, subject to a full financial test, before any permanent dwelling is erected. The submitted cash flow incorporates labour at £13,776 p.a. reflective of the additional duties of the site manager.

b) Labour Hours

John Nix (2000 ed.) Page 137 notes that labour for large scale automated free-range units, this can be assessed as 4hrs/month/100 birds. This equates to 160 hrs/month or 1920 hrs/yr. - 52 = 37hr/wk. This equates to 1 full time worker (1 w.t.e.).

In addition, a premium needs to be added to account for smaller scale organic type production and any increase (typically 25%) would take the proposed enterprise well in excess of 1 w.t.e., to comply with PPG7.

Responses to Consultations

The responses reported below have been made by each of the consultees in respect of each application. If there is any variation in respect of an individual proposal, it is set out in that particular report.

Hilton Parish Council has no objection to the mobile home.

Councillor Mrs Walton has no objection but is concerned that Willowpit Lane is unsuitable for heavy traffic and any heavy lorries going north may have difficulty negotiating the top part of the Lane. If traffic is going to travel to other units in the Sutton area then an agreed transport route should be negotiated.

The County Highways Authority has no objection to the mobile home if the proposal is justified in terms of agricultural need. The access requires to be upgraded in respect of the radii and provided with visibility sight lines. Lorry parking and manoeuvring space is also required.

The Environment Agency would have no objection if the proposed septic tank system works. The Environment Agency is not aware of any landfill in the vicinity of the site, investigation would be necessary to establish if the land has been affected.

Responses to Publicity

One letter has been received objecting on the following grounds: -

- a) The proposals would lead to an increase in the amount of traffic using Willowpit Lane. The lane has seen an increase in traffic already since the opening of the A50 and the number of non HGV lorries would increase because the applicant has other farms to the north of this proposal.
- b) The barn would be unduly prominent in the landscape and is out of proportion with the scale of the proposed enterprise. These are described as being self-contained and of low maintenance. This is unusual for a small-scale enterprise unless it was going to be used for packaging and vehicle maintenance. This would not be permissible without further permission
- c) There is no mention of lighting on the site. Light pollution is already great from the A50 and most annoying. Any increase in light pollution would be to the detriment of the enjoyment of the dwelling.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 & 4, Housing Policy 6

Local Plan: Environment Policy 1, Housing Policy 8

Planning Considerations

The main issues central to the determination of this application are:

- The need for the proposal to be located in the countryside.
- The justification for the dwelling
- The impact of the buildings