

06/06/2006

**Item** 1.2**Reg. No.** 9/2006/0411/F**Applicant:**

John Bowler (Agriculture) Ltd  
Ivy Court  
Willington Road  
Etwell  
Derby  
DE656JG

**Agent:**

Beckett Jackson Thompson Architects  
8 Eldon Chambers  
Nottingham  
NG12NS

**Proposal:** The siting of a temporary dwelling on land off Castle Way Willington Derby

**Ward:** Willington/Findern

**Valid Date:** 06/04/2006

This report relates to this and two other applications on this agenda 9/2006/0412 and 9/2006/0413. One overall report is produced to reflect the interrelated nature of the proposals. Individual recommendations are proposed in respect of each of the applications.

**Site Description**

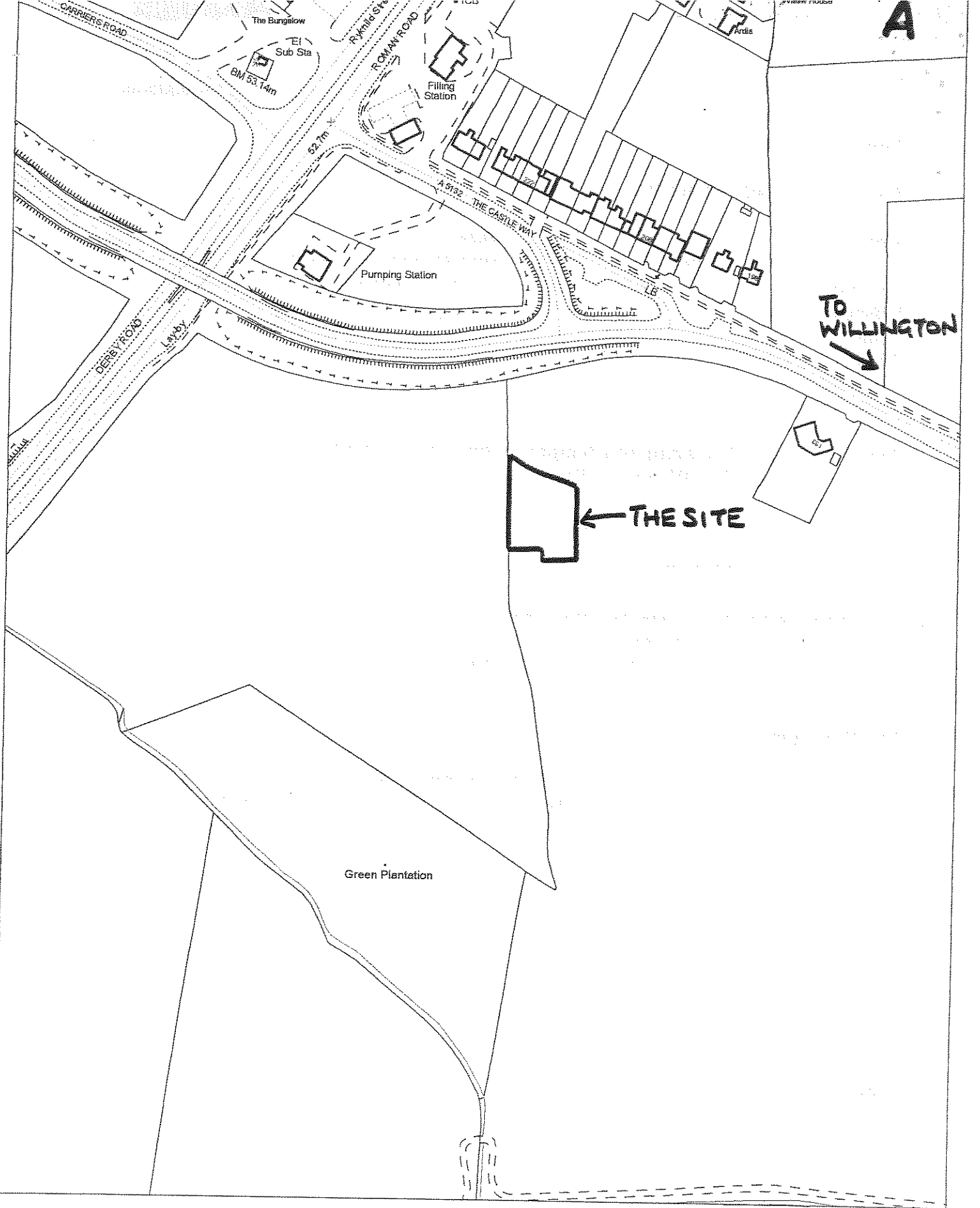
The site comprises an area of flat pastureland currently used for grazing. Hedges interspersed with trees enclose the site. There is another hedge within the site that runs through it. A tree is located between the two production units that would be felled if the development were permitted.

An area of woodland that lies outside the application area forms the southern most boundary of the site.

The nearest dwellings are some 180 metres from the proposed buildings chicken buildings but the mobile home and drive would be closer. There are other dwellings on the opposite side of The Castle Way and these are some 240 metres from the site of the chicken buildings

**Proposal**

The three applications relate to the establishment of a new farm enterprise comprising two free-range egg production units and a mobile home to supervise the operation of the holding. The submitted plan also indicates an agricultural building but this is not part of any of these applications.



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The buildings (measuring 67 metres x 18 metres x 5.36 metres high) would be sited either side of the line of the public footpath that passes through the site area. Four feed silos are proposed between the two buildings that would be some 7.55 metres high.

The proposed mobile home would be sited beside a hedge in the middle of the application sites. No details have been submitted but it is expected that the home would be of a similar size to others in the area that have been permitted. The mobile home would be sited some 120 metres from the nearest dwelling.

The access would be taken from the haul road to the mineral extraction site that has a direct access onto The Castle Way. The track would be 5.0 metres wide for a distance of 15 metres into the site; it would then narrow to 3.0 metres for the rest of its length. Loading and turning areas are proposed close to the chicken buildings and wider areas are shown in the vicinity of the dwelling.

### **Applicants' supporting information**

Supporting information is submitted by the applicant and starts with an outline of the organic egg production system and the standards operators are required to meet to achieve and maintain their organic status. The size of the unit is limited to the area of land available. A 6000-bird unit must have at least 6 hectares associated with it. The emphasis is on the welfare of the birds at the unit and the operator is subject to regular inspections by the Organic Farmers and Growers Organisation that is responsible for the operation and maintenance of the certification system.

There then follows an assessment of the advice in Planning Policy Statement 7 that encourages the diversification of the farming industry and it is asserted that this proposal represents such diversification. The applicant offers opportunities to bone fide applicants to be part of a 1,000,000-bird flock using the system developed by the applicants to produce free-range eggs. The company operates a support system including a collection system using company owned vehicles. The methods employed by the company have been proved to be effective over a number of years.

It is argued that the buildings have to be arranged as proposed to ensure that adequate grazing is available to the chickens. Lightweight moveable fences to ensure that the birds can graze on different areas of their pasture without degrading the land would divide each 6-hectare grazing area. The supporting document contends that the use of the land in this way would improve the quality of the land that has been previously used for intensive arable uses. A further design statement attached to the document gives a further justification for the layout of the buildings. (As with all the documentation, the design statement is available for inspection on the file).

The statement then goes on to discuss the potential impact from smell, day to day and at clean out times, noise, dust, flies, rodents and feral activity.

Full details are in the statement but briefly, the applicant asserts that day-to-day smells are not detectable other than when in close proximity to the building. There is acknowledged to be a smell when the houses are cleaned out at the end of each 60-week cycle but this would represent two days out of that period. Much less than is the case with normal farming operations.

Noise is limited to a small fan outside the egg cooling area, the main part of the building being self-ventilating. There are no cockerels in the buildings. Dust emissions are minimised by the open nature of the buildings but operatives must be protected from a dust-laden atmosphere.

Flies are not normally a problem but if there is evidence of an infestation, it is dealt with by external contractors. There is equal if not greater concern about rodents as the production batch being rejected at the packing station. Contractors are again employed to minimise the risk of intrusion into the buildings. The buildings are secured at night to prevent the intrusion of foxes.

Details in annexe 2 of the statement deal with commercial traffic likely to visit the site. There are twice weekly egg collections and periodic feed deliveries. It is argued that there would be an average of 2.5 vehicles to the site each week during the 60-week cycle.

Waste management measures would include the disposal of dead birds by incineration, compliance with recognised disposal protocols. Measures to prevent the waste becoming wet by directing surface water away from the building to keep the areas around the buildings as dry as practicable are proposed, thus the potential for producing odours is reduced. The dry material that is taken from the buildings at the end of the 60-week cycle is taken away from the site for spreading elsewhere.

The mobile home/supervision of the site is essential, the system works and can support a full-time worker from day one. However, it is recognised that the Local Planning Authority has to be satisfied that the individual operator has the competence to run the enterprise. Thus, a mobile home is proposed for a temporary period of three-years to meet that requirement.

A list of essential tasks, the amount of work generated and a full financial appraisal of the operation of similar units is submitted in support of this element of the proposal. It suggests that an operation of a 6000-bird unit is likely to generate 2.7 full-time equivalent work but the level of automation introduced with the applicant's system, mean that the FTE is reduced to one full-time worker plus assistance necessary for egg collection.

The proposal would result in the introduction of a new, but well-proven use onto the land. The location is both environmentally and commercially suitable and is sustainable in the long-term. It is a new employment opportunity with relatively low impact on the area. It reflects the need to make a positive response to the changes in agriculture taking place in the countryside.

The applicants have also submitted three protocols developed by the company that cover waste management, internal and external and surface water disposal. Again these are available on the file for inspection but the main provisions are summarised above.

## Planning History

There is no relevant planning history.

## Responses to Consultations

Willington Parish Council has commented as follows on the proposals:

- a) The tree that is felled should be replaced.
- b) The buildings may be converted to a battery system in the future.
- c) The buildings should be properly maintained and if the business is unsuccessful, the land should be returned to its existing use.
- d) Noise and smell should be regulated.

The Environment Agency has no objection to the provision of the egg production units but requires details of foul water disposal before the building is commenced.

Severn Trent Water has no objection subject to the submission of details of the foul water disposal system.

The Environmental Health Manager, the County Highway Authority and the County Archaeologist have no objections.

## Responses to Publicity

7 letters have been received that object to the applications for the following reasons: -

- a) Health – councillors should be aware of the health risks posed by poultry; only recently, 20000 birds were slaughtered following the outbreak of the H7 bird flu and it only a matter of time before H5N strain of Bird Flu arrives in this country.
- b) The operation will produce smells – from the birds and incineration operations to dispose of dead birds.
- c) There will be noise from the birds scraping and scratching the ground inches from the boundary of the house.
- d) The field is contaminated by pesticides so how can the produce be described as 'free range organic'?
- e) The siting of the mobile home, farm building and access road show no regard for the amenities of the adjacent dwelling. The road could sweep away from the house rather than come close to it.
- f) The Castle Way is a very busy road with traffic from Willington and Repton, Quarry traffic and it is used by the Toyota work force. It will only get worse if the Willington Power Station application is approved. There have been numerous accidents on the A38 slip road.
- g) This application is only to the benefit of the applicant and there is no benefit to the local community. The so-called employment benefits are minimal. There are also plenty of eggs in the supermarkets, all at discounted prices and so there is no need for this additional farm. These applications have no redeeming features. Many others hold this view but feel that the development is a fait accompli and that it is not worth objecting.
- h) Foxes and vermin will be attracted.
- i) Cats will be tempted to kill the chickens.
- j) Property values will be reduced

## Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 4 & 5, Environment Policy 14, Housing Policy 6

Local Plan: Environment Policy 1, 4, 5, 11; Housing Policy 8.

## Planning Considerations

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

- Compliance or otherwise with Development Plan policies i.e. the need for the agricultural development in the countryside;
- Its potential for impact on the countryside and its contribution or otherwise to the local distinctiveness of the area;
- Environmental factors (noise dust smell and vermin).
- The suitability of the access, access point;
- The agricultural quality of the land;
- The need for the residential accommodation.

## Planning Assessment

Development in the countryside is only acceptable if it is necessary for it to be located there. The proposal is clearly an agricultural operation relating to the production of food from the land - a location in the countryside is therefore necessary (General Development Strategy Policy 4, Environment Policy 1 & 5 apply to this issue).

If development is necessary in the countryside, then the development should be so designed and located such that the impact of the proposal is minimised (Policy Environment Policy 5 relates to this element). Public vantage points for this development are limited to views from The Castle Way and potential distant views from the Trent and Mersey Canal Conservation Area. Neither of these vantage points could be said to be harmful to the character and appearance of the countryside. The judgement then is whether or not the impact of the development would be such that the proposal could be refused and that refusal could be sustained at appeal. The conclusion is that the refusal of an agricultural related development in the countryside when there are examples of similar structures in the District would be difficult to sustain at appeal. The buildings have a relatively low eaves height, the proposed roof colour would help to merge them into the sky and the silos can be conditioned to ensure that they do not form a prominent intrusion into the countryside.

The environmental impacts (as identified above in Planning considerations) have attracted no objection from the Environmental Health Manager. There is clearly limited noise impact arising from the development that can be controlled by condition. Dust is not produced of a scale where refusal of permission could be considered. Although smell from the buildings is an issue when the material is removed from the building and transported from the site, this is a 'one off' occurrence that may last for a couple of days when the buildings are cleared. This is not considered unreasonable in a rural environment. Your officer has visited other sites operated by the applicants and found that the day to day smells on the occasions he has visited are no more, and perhaps

less, than would be found at any other farm. Thus it is not considered that a condition requiring odour control measures would be justified.

The County Highway Authority has raised no objection to the potential impact of the proposal on the local highway network.

The agricultural land in this area is generally Grade III that is not classed as the best or most versatile. The policies seek to protect land that is Grade I II or IIIA.

With regard to the siting of the mobile home, it has been demonstrated that the welfare of the birds requires a permanent on-site presence. The agricultural justification supporting the application for the dwelling complies with the methodology set out in PPS7 and shows a functional need. The financial appraisal shows that the potential business would support the provision of the dwelling.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

## Recommendation

**GRANT** permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 May 2009 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: The case for the construction of the free-range egg production buildings is based on the need for the full-time presence of an agricultural worker at the site. Temporary permission is granted on this basis and to assess the viability of the business prior to the assessment of the need for a permanent dwelling in three years time in accordance with the advices in PPG 7.

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, in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry.

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. The Local Planning Authority is concerned to ensure that agricultural workers' dwellings are maintained available to meet the needs of the locality and to avoid proliferation of dwellings in the countryside.

3. The mobile home shall not be occupied in advance of the stocking of the egg production buildings permitted under applications 9/2006/0412 & 9/2006/0413 unless otherwise agreed in writing by the Local Planning Authority in response to an application made in that regard.

Reason: The need for the mobile home is based on the requirement to supervise stock on the land in accordance with planning policy, thus occupation of the structure without the presence of the stock would be contrary to the provisions of the Development Plan.

4. No development shall take place, until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority in writing.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible.

5. No development shall take place until details of a scheme for the disposal of surface and foul water 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 flood protecting and pollution control.

#### Informatives:

You are advised that any finds of objects of treasure are subject to the provisions of the Treasure Act 1996 and must be referred to the Derby and South Coroner at 18 St. Mary's Gate, Derby, DE1 3JR, (Tel. 01332-222159).

Further to the requirement for a watching brief during excavations to ascertain if archaeological remains require recording, a brief to control the works and advice on suitable contractors can be obtained from Andrew Myers, Development Control Archaeologist, Conservation and Design Group, Derbyshire County Council, Environmental Services Department, Shand House, Dale Road South, Matlock, Derbyshire, DE4 3RY. Tel: 01629 585146, Mob: 07881 850742.



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**Item** 1.3**Reg. No.** 9/2006/0412/M**Applicant:**

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Derby  
DE656JG

**Agent:**

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8 Eldon Chambers  
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NG12NS

**Proposal:** The erection of a 6000 bird free range organic egg production unit on land off Castle Way Willington Derby

**Ward:** Willington/Findern

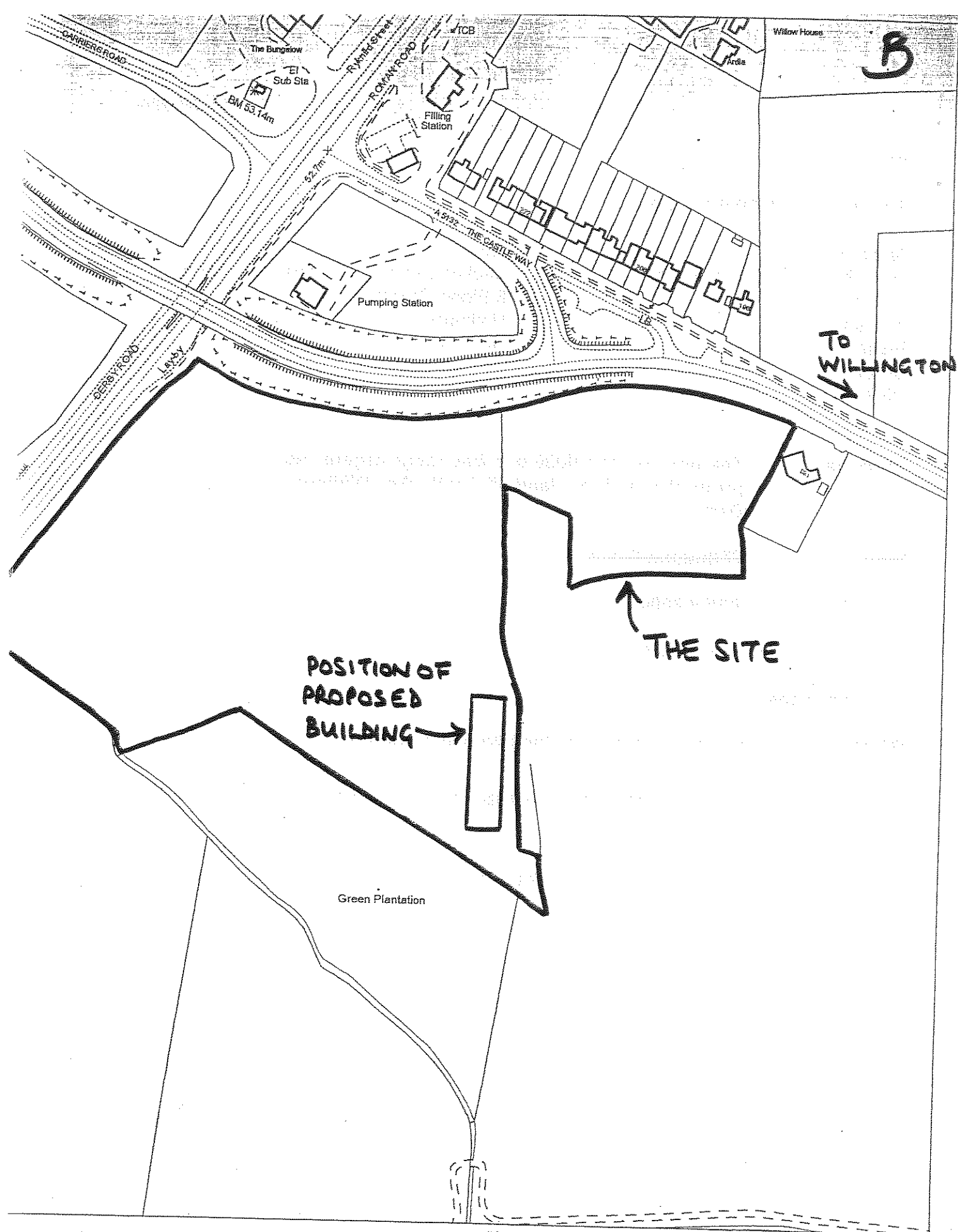
**Valid Date:** 05/04/2006

Please see report on 9/2006/0411

**Recommendation**

**GRANT** planning permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. Notwithstanding the submitted details, 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 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.
3. Notwithstanding the submitted indicative landscaping scheme, a detailed scheme for the protection, enhancement and ongoing management of the site in terms of landscaping and nature conservation features shall be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of the appearance of the area.



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4. The building shall not be occupied unless and until the loading/unloading, parking and manoeuvring space has been implemented in accordance with the details on the submitted drawing 0612.003/A. Thereafter, the facilities shall be maintained free of any impediment to their designated use.

Reason: In the interests of highway safety.

5. No work shall take place on the site until details of a scheme for the disposal of foul water 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.

6. No development shall take place, until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority in writing.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible.

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06/06/2006

Item 1.4

Reg. No. 9/2006/0413/M

**Applicant:**

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**Ward:** Willington/Findern

**Valid Date:** 05/04/2006

Please see report on 9/2006/0411

**Recommendation**

**GRANT** planning permission subject to the following conditions:

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

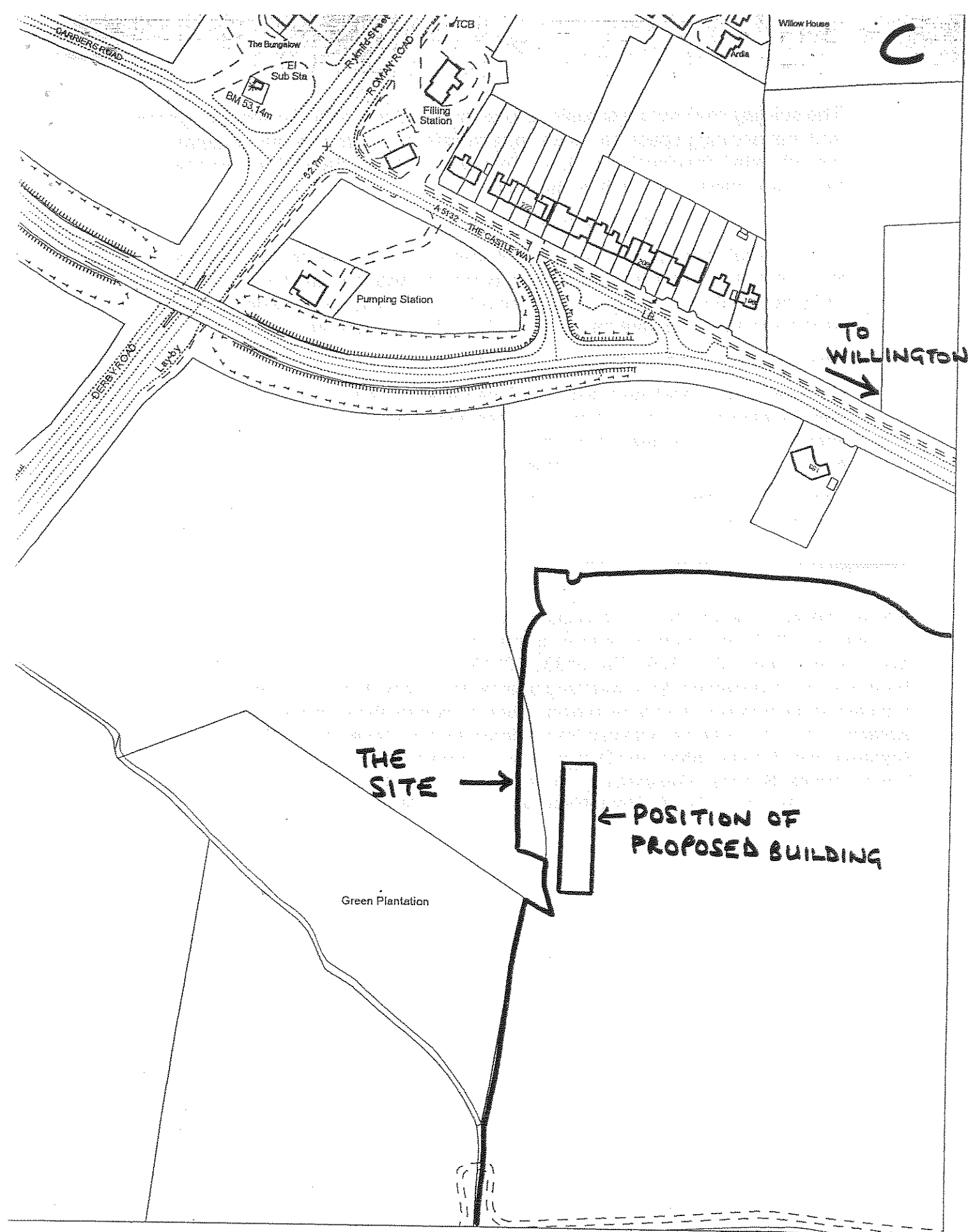
Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. Notwithstanding the submitted details, 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 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.

3. Notwithstanding the submitted indicative landscaping scheme, a detailed scheme for the protection, enhancement and ongoing management of the site in terms of landscaping and nature conservation features shall be submitted to and approved in writing by the Local Planning Authority.

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



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4. The building shall not be occupied unless and until the loading/unloading, parking and manoeuvring space has been implemented in accordance with the details on the submitted drawing 0612.003.A. Thereafter, the facilities shall be maintained free of any impediment to their designated use.

Reason: In the interests of highway safety.

5. No work shall take place on the site until details of a scheme for the disposal of foul water 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.

6. No development shall take place, until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority in writing.

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