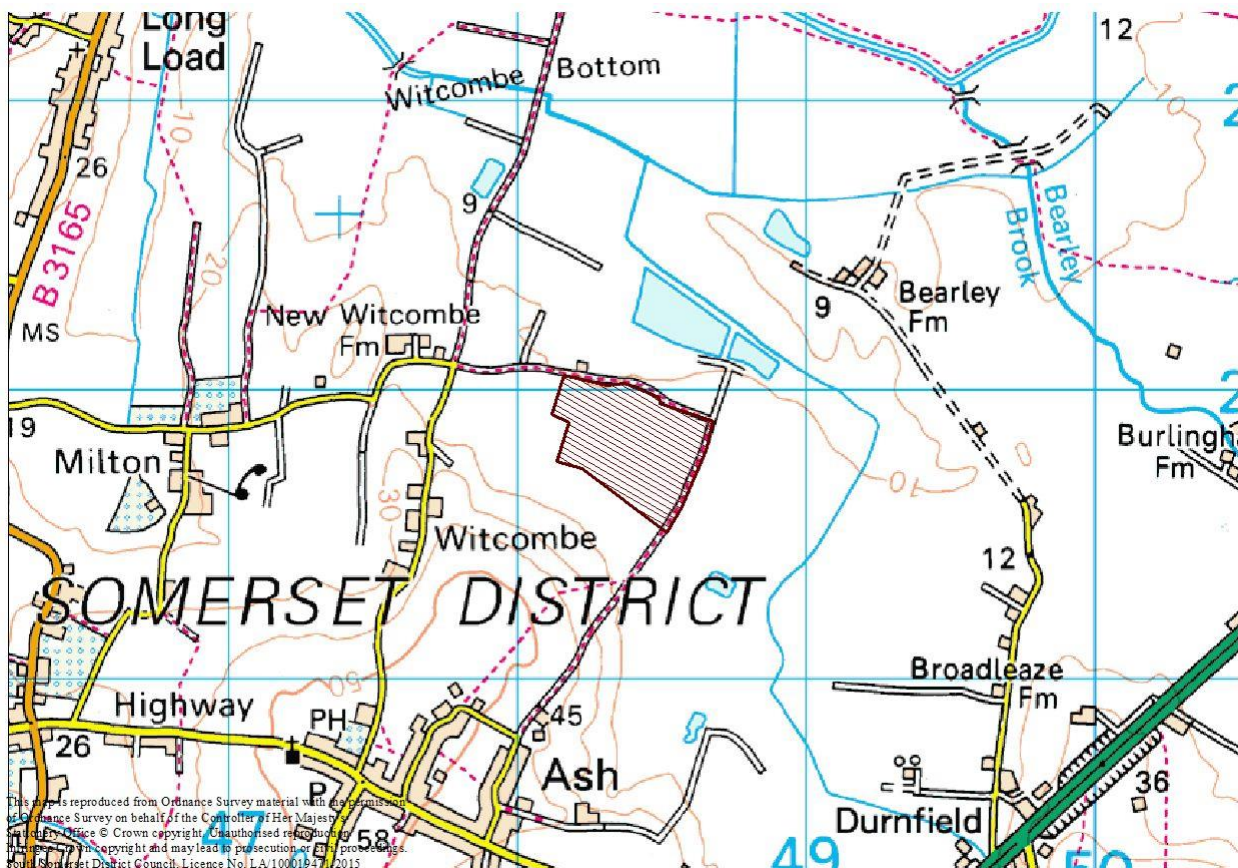


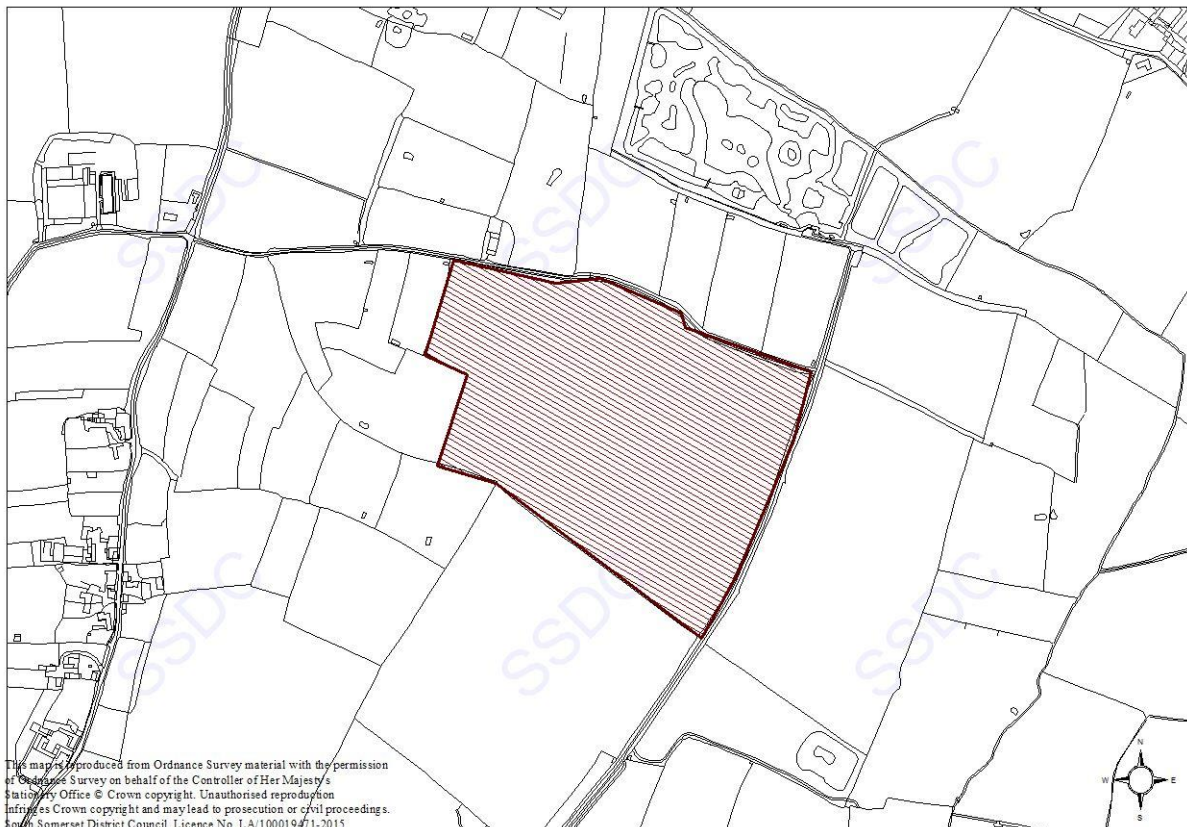
## Officer Report On Planning Application: 15/02867/S73A

<b>Proposal :</b>	Section 73A application to amend condition 2 of planning approval 13/02470/S73 dated 30/08/2013 to amend previously approved plans (GR:347614/121348)
<b>Site Address:</b>	Witcombe Farm, Witcombe Lane, Ash.
<b>Parish:</b>	Ash
<b>MARTOCK Ward (SSDC Member)</b>	Cllr G Middleton Cllr N Bloomfield
<b>Recommending Case Officer:</b>	Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	21st September 2015
<b>Applicant :</b>	Mr Matthew Cobden
<b>Agent: (no agent if blank)</b>	Mr Vic Wheeler, Bourne Works, Collingbourne Ducis, Marlborough, Wiltshire SN8 3EH
<b>Application Type :</b>	Major Other f/space 1,000 sq.m or 1 ha+

### REASON FOR REFERRAL TO AREA NORTH COMMITTEE

The size of the proposed development is such that under the scheme of delegation the application must be determined by committee.





## SITE DESCRIPTION AND PROPOSAL

This Section 73 application is seeking to amend condition 2, the approved plans condition, of planning consent 13/02470/S73 (which in turn amended the original planning consent 12/04945/FUL) which relates to the creation of a new 1000 cow dairy unit.

The approved application is associated with the existing dairy / cattle holding known as New Witcombe Farm. The redline area of that application extended across a 17 hectare site and the development comprised the remodelling of a large section of the site, the erection of a cubicle building measuring approximately 330m long, milking parlour, general purpose storage building, isolation boxes, silage clamp, slurry lagoon, manure store, dirty water store, clean sand tank and attenuation pond. It is understood that the existing farmstead will operate as the farmer's cattle unit and for calve rearing with all the dairy operations taking place at the new unit.

The current application, which is in part retrospective, is seeking the following amendments to this approved scheme:

- Increased length to the cubicle building by 40 metres, with an overall increase of 8 cubicles;
- Substitution of the previously approved straw storage building with a building to accommodate dry cows and calving cows;
- Repositioned and re-designed silage clamp and straight store;
- Enlarged straight store;
- Omission of the slurry lagoon (to be repositioned to field to south, as per planning application 15/01725/FUL);
- Omission of the dirty water lagoon;

- Repositioning of sand separator; and
- Reduction in extent of hardstanding.

The farm extends to 1100 acres with the existing farmstead located approximately 480m to the west of the application site. The site of the proposed new dairy is accessed via Thornhill Drove, a green lane, along which passes a public footpath (Y1/17) and is approximately 470m to the east of the existing farmstead and which egresses on to Witcombe Lane.

The redline site is a single large field that occupies a relatively low position within the landscape and has a gently sloping gradient rising towards the middle of the field. The field is bounded by native hedgerows and appears to have last been used to grow maize. An overhead power line passes through the field which will need to be relocated to facilitate the proposed development. There are also two high pressure gas pipelines that pass close to the site, one to the north and the other to the south and the site is located within the middle consultation buffer zone for these pipelines. At the time of the visit there was a large mound of spoil deposited towards the western side of the field.

The site is located close to a number of designated wildlife sites including RAMSAR, SSSI, RSPB reserve and County Wildlife sites located to the north / northeast/west of the site. The wildlife site to the north is also used as a commercial fishery.

The nearest residential properties to the site include an agriculturally tied bungalow approximately 370m to the west, properties located within the hamlet of Witcombe approximately 490m to the west and a farmstead approximately 690m to the northeast. Lower Witcombe Farm, which is the last property in Witcombe en route to New Witcombe Farm, is grade II listed and is visible from the site.

## **HISTORY**

### Planning history in respect of the new farmstead:

15/01725/FUL: Engineering works to construct a slurry lagoon. Pending consideration

13/02470/S73: Section 73 application to amend condition 2 (Approved plans - to amend position of parlour building) and to discharge condition 3, 7, 8, 9, 10 and 13 on planning approval 12/04945/FUL. Permitted.

12/04945/FUL: Creation of a new dairy farm. Permitted.

### Planning history in respect of the existing farmstead:

12/04552/FUL: Erection of an extension to a livestock building. Permitted.

12/03665/AGN: Notification of intent to erect an extension to an agricultural building to house straw and machinery. Permission required 2012.

97/02192/AGN: Notification of intent to erect a cattle shed. Permitted.

91067/C: Erection of agricultural buildings and use of an existing access. Permitted.

91067/B: Erection of agricultural dairy buildings including two silage barns, two cow buildings, loose boxes, bull pen, milking parlour and dairy and alterations to existing access. Permitted.

91067: Erection of an agricultural dwelling. Permitted.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 – Sustainable Development

TA5 – Transport Impact of New Development

TA6 – Parking Standards

EQ2 – General Development

EQ3 – Historic Environment

EQ4 – Biodiversity

EQ7 – Pollution Control

National Planning Policy Framework:

Part 1 – Building a strong, competitive economy

Part 3 – Supporting a prosperous rural

Part 4 – Promoting sustainable transport

Part 7 - Requiring good design

Part 8 – Promoting healthy communities

Part 10 – Meeting the challenge of climate change, flooding and coastal change

Part 11 – Conserving and enhancing the natural environment

Part 12 – Conserving and enhancing the historic environment

## **CONSULTATIONS**

**Ash Parish Council:** Objects for the following reason:

- Over intensive use of the site with 20% more animals than originally agreed, therefore more vehicle movements, waste and smells.
- Loss of visual amenity. The reorientation of the feed silos presents more intrusive concrete view from Ash Drove.
- A marginal odour impact on the residents of Witcombe, based on the odour report.

**Martock Parish Council (adjoining parish):** No comments received.

**Long Load Parish Council (adjoining parish):** No comments received.

**Tintinhull Parish Council (adjoining parish):** No comments received.

**County Highways:** No observations.

**SSDC Highway Consultant:** No significant highway concerns. Refer to SCC highway comments.

**County Rights of Way:** No comments received.

**County Archaeology:** No objections.

**National Grid:** No objection.

**Health & Safety Executive:** Do not advise, on safety grounds, against the granting of planning permission.

**Environment Agency:** No objection.

**Lead Local Flood Authority:** No comments.

**Somerset Drainage Board Consortium:** No objection.

**SSDC Engineers:** No comments received.

**Environmental Protection:** No objections.

**Natural England:** No comments to make in reference to the proposed amendments.

**Somerset Wildlife Trust:** No comments received.

**RSPB:** No comments received.

**Ecology:** No comments nor recommendations to make.

**Landscape Officer:** No objection.

The main changes appear to be;

- 1) an extension in the length of the cubicle building circa 10%;
- 2) a slight increase in the size of the straights, and the dry and calving cow buildings;
- 3) the sand separator relocated to the south side of the silage clamps, and;
- 4) a reduction in concrete hardstanding.

I am satisfied that whilst item (1) is extending a singularly uncharacteristic and substantial building, it is sited within the same sector of the field, and is mitigated by a commensurate block of woodland planting that is planned to intervene in the elevated views from the south, consequently in this instance the increase can be accepted from a landscape standpoint. Item (2) represents small-scale increases within the overall site. The building now being utilised for the dry and calving cow building lays to the north of the cubicle building, and in being viewed in relation to it, raises no further landscape issues. The straights building however, has increased the extent of built form against Ash Drove, and whilst the extent is not unacceptable, I do envisage a need for further planting along this edge, to help counter too over-bearing a presence of built form.

Whilst the sand separator (item 3) is not a sizable addition, it appears that its footprint intrudes into the approved area for strategic landscape planting, thus the footprint of the approved planting needs to be adjusted accordingly, to ensure mitigation is not weakened in a location where the development footprint has increased. On the matter of the reduction of the concrete hardstanding, I view this as a positive element of this proposal.

If you are minded to approve this section 73 application, please condition an amended landscape proposal, to pick up the points raised above.

## **REPRESENTATIONS**

Written representations have been received from one local resident in respect of this application raising the following concerns:

- We are very concerned that the smell from the slurry lagoon will travel for miles.

When they spray the fields, the bad smell travels to the top of Ash and windows have to be shut, so from experience of slurry lagoons we know the bad smell travels for miles. Could they not transport the slurry to a site that can dispose of it safely and not affecting surrounding homes / families. We realise we live in the country and should expect farm smells etc but when it becomes over-powering then alternative avenues should perhaps be considered.

In this instance, it is also considered appropriate to acknowledge the comments received in respect of the associated slurry lagoon application 15/01725/FUL which is also on this committee agenda and which are of some relevance to this proposal.

## **CONSIDERATIONS**

Planning permission for this new dairy unit was first permitted under application 12/04945/FUL in 2013, which was later amended under 13/02740/S73 which principally allowed the re-orientation of the milking parlour and also discharged a number of pre-commencement conditions. Since that time the dairy unit has been largely completed and as such the current application is in part retrospective and seeks to regularise some of the works already carried out as well as amend other elements yet to be implemented, such as the sand separator.

The associated slurry lagoon application generated substantial local concern that appears to relate more generally to the development at New Witcombe Farm, in particular that the developer has not built in accordance with the approved details and that development is being sought in a piecemeal fashion. A commonly expressed view within the public representations was that the farmer should be made to revert back to the approved scheme.

Whilst it is unfortunate that the development has been carried out without full compliance with the approved details the applicant has a right to regularise the situation through a retrospective application, which he is attempting to do with this application and the associated slurry lagoon application. Each of these applications must be considered on their own merits as they have been submitted and their outcome should not be influenced by the rights and wrongs of how the new farm has been developed.

The key considerations in respect of this application are considered to be cumulative impact in relation to landscape and visual amenity, impact of the amenity of nearby residents, pollution / contamination control and highway safety, as a result of the changes to the built form and increased livestock being kept on site.

### Principle

The principle of a 1000 cow dairy unit on this site has already been established through the previous permissions. The current amendments includes increasing the length of the cubicle building by an additional 40 metres and the inclusion of an additional cow building to accommodate dry cows and calving cows and which will result in increased numbers of livestock being kept on this site.

Within the Design & Access Statement the applicant has stated that the approved scheme did not meet the latest animal welfare regulations in terms of cubicle size and spaces or that they require 5% more cubicle spaces than there are cows. As a result of these revisions it is noted that whilst the length of the cubicle building has enlarged by an additional 40 metres this has resulted in only 8 additional cubicles. The applicant states that to meet the 5% capacity rules they will only accommodate a maximum of 950 animals within this building at any one time. The new calving and dry cow building is designed to accommodate up to 120

cows which results in an additional 70 cows being kept on site to that anticipated under the previous application.

Given the scale of the development already permitted on this site this level of increase is not considered to be inappropriate and bearing in mind the positive contribution the scheme will make to the rural economy and its agricultural nature it is in principle considered to be acceptable.

#### Visual amenity and landscape impact

The overall impact of this new farm development was previously considered under the original application which concluded that there would be no undue impact upon settlement or listed building settings, nor that the visual impact upon local receptors are significantly adverse once landscape mitigation measures are put in place.

Whilst the changes to the cubicle building, silage clamp, straight store, storage building (now to be cow building) and sand separator have increased the density of built form on this site, this increase is relatively small scale and these buildings should still be well contained by the anticipated planting scheme, to include block tree planting to the north and additional supplementary planting around the perimeter of the site. It is acknowledged that the changes to the Straight Store mean that it has a greater visual impact from Ashmead Drove and as such additional planting between this building and the drove is required to soften this impact. Provided a revised landscaping scheme is secured, a matter that can be dealt with appropriately by condition, the Landscape Officer has raised no objection and the proposal is not considered to raise any new substantive landscape or visual amenity concerns.

#### Residential amenity

The proposed amendments do not bring the development any closer to nearby properties than previously approved. The incremental increase in livestock numbers on site will inevitably result in additional effluent that will need to be stored on site and eventually disposed of on the land and which in turn can create smells and flies and cause a nuisance to nearby residents. The Environmental Protection Officer is of the opinion that this amended proposal will not lead to any new significant concerns to neighbour amenity and on this basis there is no reason to believe that it will result in any new demonstrable harm to residential amenity.

#### Environmental Impact Assessment (EIA)

The original proposal (12/04945/FUL) was subject to an EIA Screening Opinion, as set out within Part 1c of Schedule 2 of The Town and Country (Environmental Impact Assessment) Regulations 2011, which determined that the potential effects of the development were not so significant as to require an EIA. Given that this revised scheme increases the total built floor area and total number of animals being kept on site it was considered appropriate to carry out a further EIA Screening Opinion in respect of this development, however this also concluded that the potential impact of the development were not so significant as to require an EIA.

#### Flood risk / drainage, storage and disposal of farm waste

The issues of flood risk and drainage were dealt with under the previous approved applications as was a Farm Waste Management Plan which addressed the storage and disposal of slurry and dirty water generated by the dairy unit. The Environment Agency has raised no objection to this revised scheme and subject to a condition seeking a revised Farm Waste Management Plan, to address the revised slurry lagoon position and its increased capacity, there is no reason why adequate measures cannot be installed to safeguard against potential run-off and contamination concerns.



### Highway safety:

According to the details provided by the applicant this revised scheme will only accommodate up to a maximum of 70 additional animals compared to that which was accepted at the time of the 2013 approval. This additional head of livestock will inevitably lead to an additional feed requirement and increased effluent and for these reasons there is likely to be some increase in traffic movements. Updated traffic details were requested from the applicant to reflect this change but to date this has not been received. Regardless of this, however, given the relatively modest increase in stock levels, the proportional level of increased associated traffic is unlikely to be so great as to result in any new substantive highway safety concerns. The highway authority has raised no objection to this revised proposal and there is no evidence to demonstrate that it would lead to new demonstrable harm to highway safety as a result of any associated traffic increases.

### Other matters:

- There are two high pressure gas pipelines that pass close to the site, one to the north and one to the south. Neither the Health and Safety Executive or the National Grid have raised any objection to the proposal and it is understood that this revised scheme should not affect access to the pipelines for maintenance purposes or result in any health and safety concerns.
- The council's ecologist has raised no new concerns or recommendations in respect of this revised proposal and there is no reason why it should result in any new ecological concerns to that already considered through the previous approved schemes.
- There are a number of listed buildings within Witcombe however these are some distance from the site and it is not considered that the proposal would result in any new adverse impact upon their setting.

### Conclusion

This revised scheme, which will result in a modest expansion to the livestock numbers that are capable of being accommodated on site, will be of benefit to the local rural economy without resulting in any new demonstrable harm to landscape character and visual amenity, residential amenity, highway safety or the environment. For these reasons the proposed development is considered to be an appropriate and sustainable form of development that accords with the aims and objectives of policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework and is therefore recommended for approval.

## **RECOMMENDATION**

Grant consent for the following reasons:

The proposed dairy unit will make an important contribution to the rural economy without significant adverse impact on landscape character, visual amenity, residential amenity, highway safety, ecology or the environment and therefore accords with the aims and objectives of policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Subject to the following conditions:

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



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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Plan - 01920-00-R (drawing no. 03);
- Floor Layout (Cubicle Building) – 01920-01-E (Sheet 01);
- Elevations (Cubicle Building) – 01920-01-E (Sheet 03);
- Plans (Parlour Building) – 01920-03-C (Sheet 01);
- Elevations (Parlour Building) 01920-03-C (Sheet 03);
- Floor Layout (Dry Cow & Calving Building) – 01920-04-B (Sheet 01);
- Elevations 1 (Dry Cow & Calving Building) – 01920-04-B (Sheet 02);
- Elevations 2 (Dry Cow & Calving Building) – 01920-04-B (Sheet 03);
- Plan and Elevations (Straight Store) – 01920-05-B (Sheet 01);
- Plan (Silage Clamp) – 01920-06-D (Sheet 01);
- Elevations (Silage Clamp) 01920-06-D (Sheet 02);
- Sand Separation System, drawing number AG010D16 Sheets 1 to 5).

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Within two months of the date of this permission a revised external lighting scheme shall be submitted to and agreed in writing by the local planning authority. Thereafter there shall be no other external illumination / lighting other than that set out within the approved external lighting scheme, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the rural character of the locality to accord with policy EQ2 and EQ7 of the South Somerset Local Plan.

05. Within two months of the date of this permission an updated Farm Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall subsequently be implemented in full accordance with the approved details and agreed timetable and shall thereafter be permanently complied with unless otherwise agreed in writing by the local planning authority.

Reason: To prevent pollution of the water environment to accord with policy EQ7 of the South Somerset Local Plan and Part 11 of the NPPF.

06. Within two months of the date of this permission a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme of landscaping shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out within the first planting and seeding season following the date of this permission. For a period of five years after the completion of the planting scheme, the trees and shrubs that form part of the approved scheme shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or by appropriate trees or shrubs as may be agreed in writing by the local planning authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the rural character of the area to accord with policy EQ2 of the South Somerset Local Plan.

**Informatives:**

1. The applicant's attention is drawn to the advice and recommendations set out within the Environment Agency's letter dated 10/07/2015 and National Grid's letter dated 01/07/2015.
  2. The applicant's attention is also drawn to the Code of Good Agricultural Practice (GoCAP) for the disposal of slurry wastes and is reminded that a 10m buffer zone should be established excluding the spreading of wastes around any sensitive ecological sites.
  3. Please note the comments made by County Rights of Way dated 21/01/2013 in respect of application 13/02470/S73 which apply equally to this application.
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