

## **PLANNING COMMITTEE – 3 JULY 2018**

<b>Application No:</b>	<b>17/01127/FUL</b>	
<b>Proposal:</b>	<b>Erection of 1 no. Agricultural workers' dwelling</b>	
<b>Location:</b>	<b>Gibbet Wood, Brown Wood Lane, Thorney, Nottinghamshire</b>	
<b>Applicant:</b>	<b>P A Arden &amp; Son – Miss I Arden</b>	
<b>Registered:</b>	<b>23<sup>rd</sup> April 2018</b>	<b>Target Date: 18<sup>th</sup> June 2018</b>
	<b>Extension of time agreed in principle</b>	

**The application is being referred to Planning Committee for determination as the Officer recommendation differs from the views of the Parish Council.**

### The Site

This application relates to circa 11 Hectares of land sited on the northern side of Brown Wood Lane which is associated with a poultry unit granted planning permission in 2014 and is now fully operational. The unit is accessed via a purpose-built driveway off Brown Wood Lane.

The site lies to the north east of the settlement of Thorney (approx.1.2km away) and is located on the north-eastern edge of the district. There are no immediate neighbours to the site, with the closest neighbour located approximately 175m to the NE of the site which is within the West Lindsey District.

The application site itself is a relatively open parcel of land immediately adjacent to the access road to the poultry unit. The boundary with the highway is treated with a newly planted hedge and post and wire fencing. The site is also located within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Risk Maps.

### Relevant Planning History

**13/01873/FULM** - Erection of a free range poultry unit, 4 No. Feed Silos and formation of access (permitted 09.05.2014)

### The Proposal

Following the submission of revised plans full planning permission is sought for the erection of a rural workers dwelling in the form of a detached two-storey dwelling located approximately 90m to the south of the poultry unit it is intended to serve.

The dwelling would have a footprint of approximately 100m<sup>2</sup> with a ridge height of 8.1m. The dwelling would be laid out as an angled L-shape and accessed via the poultry farm access track. It is proposed that the dwelling will be constructed with a timber-clad finish and slate effect tiles. Windows and doors are proposed to be timber framed.

The dwelling will benefit from an ample-sized garden to the west of the dwelling, south of the

dwelling, adjacent to the public highway.

Since the submission of the application in 2017, the proposal has been amended several times following concerns raised by the LPA's agricultural consultant and the Case Officer. Discussions with the applicant have resulted in the dwelling's relocation to the west of the unit's access track, a reduction in the overall scale of the proposed dwelling both in terms of height and footprint and access via the private track rather than the public highway. This report and recommendation therefore relates to amended plans received on 26<sup>th</sup> March 2018 and revised site location plan received 24<sup>th</sup> May 2018.

#### Departure/Public Advertisement Procedure

Occupiers of 19 properties have been individually notified by letter. A site notice has also been displayed at the site.

#### Relevant Planning Policies

##### **The Development Plan**

*Newark and Sherwood Core Strategy Adopted March 2011*

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 3: Rural Areas

Spatial Policy 7: Sustainable Transport

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Core Policy 13: Landscape Character

*Allocations and Development Management DPD Adopted July 2013*

Policies relevant to this application:

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM8: Development in the Open Countryside

Policy DM12: Presumption in Favour of Sustainable Development

##### **Other Material Considerations**

*National Planning Policy Framework 2012*

*Planning Practice Guidance 2014*

*NSDC Landscape Character Assessment 2010*

#### Consultations

**Thorney Parish Council** – Thorney Parish Council recently examined this modified plan. Two councillors declared an interest and abstained from the vote. The other three all voted against it. Therefore, Thorney Parish Council **objects** to these plans.

Councillors acknowledge that the objection re access has been addressed but they feel that too many of the points they raised on their previous response still remain true & so they still reject it in its current form.

Councillors felt that they would have appreciated additional information & plans to be provided in hard copy format so that they could better assess changes in size etc.

Comments from Thorney Parish Council dated 19<sup>th</sup> July 2017:

Two councillors declared an interest & abstained from any vote. The other three all **object to the proposal in its current form** for the following reasons:

- This is not a conventional “Agricultural Workers’ Dwelling” as described. It is, in fact, a large family house.
- It stands alone, on the absolute border of both the Parish & the County & is beyond the ribbon development.
- There is inadequate justification of the need for such a property on the site. The need is overstated in the Agricultural Appraisal & Design Access Statement (paras 2:18-2:21). Councillors felt the “dwelling” could be sited elsewhere, for example on the Plot Farm site. There were also suitable properties on the market in the vicinity at the time of the application’s submission, e.g. two on Wigsley Road, Harby, which would be close enough to serve both the Gibbet Wood unit &, later, the Ox Pasture one. Councillors, therefore, reject the statement that: “the poultry farm is in a remote rural location & there are no other suitable/affordable dwellings in the locality of the holding.”
- It is not accepted that welfare regulations or supply contracts would be jeopardised if there is not an agricultural worker living on site. Neither do councillors accept the “ethical & financial” argument that “only on-site accommodation can ..... safeguard the business.”
- **Access:** the planned additional access to the proposed property is inappropriate. It is unnecessary & potentially hazardous. There is a substantial access road for the poultry unit so access to any property on the site should be from this existing access. The suggested additional access is also too close to the Ox Pasture Drain.
- **Water/drainage:** it is noted that considerable problems were caused to the supplies to the nearest existing property when the poultry unit went operational. An additional property on the site would increase these pressures.
- **Overdevelopment:** councillors do not accept the judgment that this proposed dwelling is “considered small”. It is felt that the provision of the office, ancillary workshop/barn for vehicles, showers etc. should be at the actual workplace (i.e.at the poultry unit) not at the “workers’ dwelling.”

#### **Agricultural Consultant – Comments received 4<sup>th</sup> June 21018**

I refer to your amended planning application consultation dated 27<sup>th</sup> April, 2018 with additional comments from the applicants, and a copy of the poultry unit accounts for the three years ended 5<sup>th</sup> April, 2018 attached, I now comment as follows:-

1. The proposed new dwelling is shown as being sited close to the highway rather than in a position close to and well related to the poultry building – although it is now closer than the originally proposed site I still do not consider it is well related to the poultry building to which the essential/functional need relates.

2. The proposed dwelling still appears to be a very large dwelling. It should not exceed 185 square metres gross external floor area to be commensurate with the established functional requirement.
3. The accounts submitted show profits reducing from a high in 2015/16 to their lowest in 2017/18 however, the profit figures in all three years would be capable of sustaining the cost of a dwelling up to 185 square metres gross external floor area. I therefore consider that the enterprise is capable of passing the financial test in Annex A to PPS7, and also the sustainability element of the Framework.
4. The notes to the poultry unit accounts state that as the unit is empty for one month, and then it is a further month before the hens start to lay and this is why the profitability has fallen i.e. only 10 months production in the 12 month accounting period. The norm in a poultry unit of this nature is for a two week changeover period with the birds purchased being point of lay pullets at 16/17 weeks of age. These birds should start laying within one or two weeks of arrival. Therefore, reducing the non-production period from 2 months to approximately one month. However, this would not affect the viability/profitability of the unit as the income generated is by each batch or crop of hens put through the unit.

In conclusion, I continue to ADVISE that there is agricultural support for a new agricultural workers dwelling, however the dwelling should not exceed 185 square metres gross external floor area and it should be sited closer to and better related to the poultry unit to ensure it is both commensurate with the established functional requirement, and able to fulfil the essential/functional needs of the enterprise.

**Comments received 17<sup>th</sup> January 2018** – I note the amendments proposed are shown on the amended plan submitted on the 7<sup>th</sup> December 2017 showing a reduction in the size of the dwelling. The proposed dwelling still appears to be a very large dwelling however I am unable to assess the exact gross floor external floor area from the plans. I consider that if the proposed dwelling has a gross external floor area of more than 185 sq. m it would still be excessive in size and would not be commensurate with the established functional requirement.

The now proposed site of the dwelling although better than the original site (it is slightly nearer to the poultry building) is still not in my opinion well related to the poultry building as it is adjacent to the highway rather than being well related to where the essential/functional need exists.

I consider a better site/location to fulfil any essential/functional need would be to the north of the current site and preferably to the west of the existing access road into the poultry unit where it would then be able to fulfil the essential/functional need of the unit and also be well related to the poultry building which it is to serve.

In conclusion it is advised that if the proposed dwelling is no more than 185sq.m gross external floor area and the proposed site is moved to be closer and better related to the existing poultry unit there would be agricultural support for the proposed new dwelling.

**Comments received 2<sup>nd</sup> October 2017** - Following the submission of additional information the following comments are made:-

With regards to the large farm office proposed within the dwelling I consider this would not be required to be this large as it is stated that separate farm offices are being set up for various different branches of the business. Therefore the office for the poultry farming business will only need to accommodate that part of the enterprise.

I note that the size of the dwelling has been reduced to 1890 sq. ft. it is not stated whether this is an internal or external measurement, if it is external then I would consider that this size of dwelling would be commensurate with any future established functional requirement and would comply with paragraph 9 of Annex A to PPS7. However if it is an internal floor area which I think it may be I consider that it would still be excessive and not comply with paragraph 9 which states 'Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit or unusually expensive to construct in relation to income it can sustain in the long term should not be permitted. It is the requirements of the enterprise rather than those of the owner or occupier that are relevant in determining the size of the dwelling that is appropriate to a particular holding.

The wording of paragraph 9 makes it clear that it is the requirements of the enterprise rather than the needs of the owner or occupier that are relevant in determining the size of the dwelling that is appropriate.

With regards to the proposed siting of the dwelling paragraph 11 of Annex A to PPS7 states that 'Agricultural dwellings should be sited so as to meet the identified functional need and be well related to existing farm buildings or other dwellings'. The proposed dwelling is clearly not well related to the poultry unit being situated to the SE corner of the site.....supporting documentation regarding the reasoning behind the separate access are noted. However from both site security and animal welfare aspects I remain of the opinion that the dwelling should have an access off the entrance road to into the poultry unit, any bio security measures such as wheel washes and access arrangements into the poultry unit can be placed on the access road after the access to the dwelling and therefore the access to the dwelling would pose no greater risk to the unit than that of the access from the highway.

I do not consider that odour and ammonia emissions are reasons for having the dwelling sited more remote from the poultry unit. If the dwelling is required to house the poultry unit manager then the poultry unit manager would expect to be subjected to odour or ammonia emissions from the unit as part of their job. The same argument could be applied to dwellings associated with pig or dairy farms where dwellings are also required to be sited close to and well related to existing farms.

I note that 2 of the 3 conversions under PD rights at plot farm are to be used as holiday/residential properties and will therefore not be available to the farm or poultry business. I do not consider this is a reasonable reason to discount these dwellings from the existing number of available dwellings to the business and that these dwellings should be taken into account as they could clearly be made available to the business to house any essential worker.

In conclusion the continued advice is that there is not agricultural support for the proposed permanent dwellings as the poultry business has not been established for 3 years, there are other dwellings or permissions for dwellings close by on the holding which are as well related to the poultry unit as the proposed dwelling would be.

**Comments received 10<sup>th</sup> August 2017** conclude 'that there is no agricultural support for the proposed permanent dwelling as the poultry unit has not been established for 3 years, there are other dwellings or permissions for dwellings on the holding and within 1.2km from the unit which are or will be both suitable and available to fulfil any essential/functional needs of both the new poultry units and the proposed dwelling is excessive in in size and not commensurate with any established functional requirement'.

If a permanent dwelling was considered essential at the site I consider the dwelling should be accessed off the existing access road to the poultry unit and be situated between the entrance to the site and the poultry building preferably closer to the building than the entrance to the site.

**NSDC Access & Equalities Officer** – It is recommended that the developer make separate enquiry regarding Building Regulations matters.

No further comments have been received.

**NCC Highways** – The revised drawing 362-A-002 Rev H is generally acceptable.

It should be pointed out, however, that the red-line site boundary should include the access up to the point it joins the public highway.

The boundary hedge planting that is shown (or any other boundary treatment) must not interfere with the requirement to provide a visibility splay of 2.4m x 215m required of the poultry unit access approved under 13/01837/FULM. Therefore any approval should be conditioned accordingly i.e.:

The dwelling hereby approved shall not be occupied until visibility splays in each direction of 2.4m x 215m are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: In the interests of Highway safety.

**Comments received 7<sup>th</sup> August 2017** - This proposal is for the erection of an agricultural workers dwelling in association with the adjacent poultry farm. The visibility splays from the proposed access have not been provided on the site plan. There is existing vegetation at the back edge of the verge to the east of the proposed access, which reduces the visibility for emerging vehicles.

Therefore, whilst the Highway Authority would not wish to raise objection to this development, it is recommended that the access be relocated to a position further to the west of the site to maximise the available visibility for emerging vehicles, or be served by the existing access used by the poultry farm.

**Trent Valley Internal Drainage Board** – No objection to the proposal

**Environment Agency** – The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment with this application are implemented and secured by way of a planning condition on any planning permission.

### **Condition**

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment for Gibbet Wood Brown Wood Lane Thorney Nottinghamshire with the following mitigation measures:

1. The dwelling shall be a minimum of 2 storeys
2. Finished Floor Levels shall be set no lower than 5.80mAOD
3. Flood resilient and resistant construction techniques should be used. Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

### **Reason**

To reduce the risk of flooding to the proposed development and future occupants.

The NPPF places responsibilities on local authorities to consult their Emergency Planners and the Emergency Services with regard to specific emergency planning issues relating to new development.

It is not our role to comment on or approve the adequacy of these plans and we would expect local planning authorities, through their Emergency Planners, to formally consider the implication of this in making their decision.

Please note that the Local Planning Authority must be satisfied with regard to the safety of people (including those with restricted mobility), the ability of such people to reach places of safety including safe refuges within buildings and the ability of the emergency services to access such buildings to rescue and evacuate those people.

**In addition to the above, 13 Letters of representation which support the application have been received. The following is a summary of their comments,**

- It has become increasingly difficult to recruit and retain poultry farm managers and therefore provision of a high standard of accommodation has become key to ensuring that the functional needs of a poultry farm are addressed whilst providing the manager and his/her family with a decent quality of life. We have found that farms with poor quality accommodation typically experience a high staff turnover, which in turn proves detrimental to the viability of the business. High turnover of key personnel can also be detrimental to the local community, i.e. schools etc.;
- Appropriate architecture using natural materials;
- It is beneficial to have staff on site to manage the unit and respond promptly to alarms to protect bird welfare and site security;
- Proposal would maintain or increase the value of nearby properties as well as attracting employment into the area;

- In order to maintain good welfare standard for the hens, the applicant needs to have a manager living close to both this application site and another unit at Ox Pasture Farm approximately 1 mile from the site;
- In order to protect the unit against a possible outbreak of Avian Influenza, good agricultural practice dictates that the house should have its own separate entrance from the poultry sites as this reduces the bio security hazard;
- Site security in this remote part of Thorney is paramount;
- The revised scheme shows a modest-sized dwelling;
- The chicken industry is now a very high-tech business using computers etc and therefore employment of suitably qualified staff as farm managers is essential and therefore to attract such people the dwellings must be of interest; the days of 'Eastwood' bungalows are over.

### Comments of the Business Manager

#### **Principle of development**

Spatial Policy 1 and 2 of the Adopted Core Strategy sets the development hierarchy for new residential development throughout the District with the Newark Urban Area being the main focus for residential development. Spatial Policy 3 of the Core strategy states that development away from the main built up area of villages, in the open countryside will be strictly controlled and restricted to uses which require a rural setting.

Due to the location of the development outside of any settlement boundary I consider the site to be within the open countryside and as such the proposal falls to be assessed against Policy DM8 of the adopted Allocations and Development Management DPD. This states that new rural workers dwellings will be required to demonstrate a functional and financial need in relation to the operation served and the scale of new development should be commensurate with the needs and ability of the operation they serve to fund them. Paragraph 7.42 of the above policy states that proposals will need to demonstrate a clearly established existing functional need for the dwelling and this could be related to the essential proper functioning of the enterprise. The unit and activity should be established for at least three years, and have been profitable for at least one of them, are clearly financially sound and have clear prospect of remaining so. The applicant should also demonstrate that in order for the business to function there are no other dwellings within the locale that could not fulfil this role.

Policy DM8 reflects the requirements of national policy. Paragraph 55 of the NPPF states "Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside" which is of particular relevance to this application.

In the case of agricultural dwellings the NPPF is only supportive providing the enterprise is financially viable and capable of sustaining the cost of the proposed dwelling.

In assessing functional and financial need, although cancelled, Annex A of Planning Policy Statement 7 sets out a useful tried and tested methodology for assessing essential need for a rural workers dwelling on an enterprise and that there is no reason to discount the Annex as a potentially useful tool, an approach taken in other planning and appeal decisions.



I am mindful that Paragraphs 3, 8 and 9 of Annex A to PPS 7 as a tried and tested methodology as set out above Paragraph 3 (i) and (ii) of Annex A to PPS7 state “New permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units, providing there is clearly established existing functional need and the need relates to a full time worker”.

Paragraph 3 (iii) also states “The unit and the agricultural activity concerned have to have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so’.

The proposed dwelling would be intended to serve a poultry unit which has been up and running since c.2015. In supporting documentation deposited with the application the agent has submitted information which includes three years’ worth of accounts. I am mindful that Policy DM8 requires a minimum of 3 years’ worth of accounts and as such on this basis, the business is able to fit this criteria.

In addition to the above, the Agricultural Consultant in their comments dated 8<sup>th</sup> August 2017 states that ‘the Framework is only supportive of sustainable development, which in the case of agricultural dwellings is taken to mean that the farming enterprise is required to be financially viable and capable of sustaining the cost of the proposed dwelling after the deduction of all costs in the long-term’. It is considered by the agricultural consultant that there is an existing/functional need for one person to live at or near to the poultry unit as the labour requirement is in excess of one full-time person, and therefore satisfies the need element highlighted by paragraph 55 of the NPPF.

I am mindful that at the time of writing this report there are various residential properties owned by the wider agricultural unit which could provide suitable accommodation for an agricultural worker; however these have been considered unsuitable or unavailable by the applicant. Additionally, a search on *Rightmove* suggests that there is a property for sale approximately 2.5 km from the site (when driven) that is within a similar price range to the likely build cost of the proposed dwelling. However, I have been advised by the applicant’s agent that an even shorter distance of 1.2km would be too far from the site for the needs of the unit. I have no evidence before me that would contradict the reasons given by the applicant and therefore I would accept that there is a functional need for the dwelling.

Taking the above into account I would concur with the agricultural consultant’s comments in so far that there is a functional need for the dwelling, and that there has been a sound financial case put forward which results in the application being fully in accordance with the need criteria of Policy DM8 of the DPD. On this basis, I consider the principle of a rural worker’s dwelling associated with the poultry unit to be acceptable. However issues relating to visual impact, amenity and highway safety also need to be taken in to consideration and are discussed below.

### **Visual Impact**

The NPPF states that good design is a key aspect of sustainable development and Policy DM5 of the DPD states that local distinctiveness should be reflected in the scale, form, mass, layout, design and materials in new development. Core Policy 9 of the Core Strategy seeks to ensure that new development is of an appropriate form and scale to its context and complements the existing built and landscape environments.

## Landscape Character

Alongside the above, the landscape character of the area also needs to be taken into consideration. A Landscape Character Appraisal (LCA) has been prepared to inform the policy approach identified within Core Policy 13 of the Core Strategy. The LCA has recognised a series of Policy Zones across the five Landscape Character types represented across the District. The application site is located within the East Nottinghamshire Sandlands 'Wigsley Village Farmlands with Plantations' area (ES PZ 02) which is defined as being of moderate condition with very low landscape sensitivity. It is acknowledged there are moderate distance views across the landscape area due to the predominantly flat land surrounding villages but there are frequent shelterbelts and mixed plantations across the landscape. The policy displays an intention to create new hedgerows and recreate field patterns whilst containing new development within historic boundaries. Furthermore the policy seeks to restore arable land to pastoral land and/or introduce field margins to link habitats and increase biodiversity, which can in part be done through the enhancement of tree covering and landscape planting. In terms of built features, the policy seeks to conserve what remains of the rural landscape by concentrating new development around existing settlements.

Taking account of this appraisal, I am mindful that the proposed dwelling would be isolated and thus would not follow the guidance to direct built form towards existing settlements. However, given the dwelling's siting close to the existing poultry unit, which is considerable in size, I would not expect the proposed dwelling to have a significant impact upon the landscape character as it would be read as part of the agricultural unit, which is the dominant land use within the area. The building would also be considered to be on the cusp of acceptability in terms of its scale and through appropriate use of materials to reference the rural character of the area which would be secured by condition. Furthermore, owing to surrounding woodland, views of the dwelling would be mostly to the public highway reducing the long distance views across to the site. As such, I am of the view the proposal would not have a harmful visual impact in terms of landscape character.

The issues regarding scale, access and location are assessed below.

## Scale

In addition to the above, Policy DM8 of the DPD also provides guidance on new rural workers dwellings. This policy states,

The scale of new and replacement dwellings and extensions to those existing should be commensurate with the needs, and the ability of the operation they serve to fund them. Where a new or replacement dwelling is justified, its siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into account. These are considered above.

Having regard to the above guidance, paragraph 9 of Annex A of PPS7 also reiterates that agricultural dwellings should be of a size commensurate with the established functional requirement; it is the requirements of the enterprise, rather than those of the owner or occupier. Whilst no definitive size of dwelling is stated either locally or nationally, the LPA's agricultural consultant has advised that the external floor area of should be no more than 185m<sup>2</sup>. In the case of this proposal, the gross external floor area is circa 195m<sup>2</sup>.

The proposal provides 3 double bedrooms, the master bedroom with en-suite along with a farm office at ground floor with a utility room and two areas for boot storage. I understand that the applicant intends to provide accommodation that would attract a manager in the future, however I do have some concerns that the level of accommodation could be considered to be over and above what is required for the agricultural worker needs in order to provide the functional/essential need identified and this has been raised on several occasions with the applicant.

However, whilst it would be preferable if the proposed floorspace were to be under 185m<sup>2</sup> in accordance with the agricultural consultant's advice, I am mindful that in reality, an additional 10m<sup>2</sup> (or 5%) is unlikely to have an adverse impact upon the character of the area and thus would be difficult to defend a refusal on this basis; a 10m<sup>2</sup> reduction would be the equivalent of losing the porch area at the rear of the dwelling (which is 5m<sup>2</sup> in area), along with a small area of the dwelling. However if the floorspace were to be any greater, it is likely that the LPA would resist this. I would therefore recommend that should Members be minded to approve the application, permitted development rights for extensions and outbuildings are removed from the dwelling to limit any further extension to the dwelling.

### Access

In addition to the proposed size of the new dwelling, concerns have also been raised with regards to the proposed access to the dwelling. Access to the site was originally directly from Brown Wood Lane, however following various discussions with the applicant, the access has been moved to come from the access track serving the poultry unit. The reason for this amendment was to ensure the dwelling remains well-related to the farm and thus more difficult to separate the dwelling from the agricultural unit. Following the amendments I am satisfied that the access to the proposed dwelling now relates well to the context of the poultry farm unit which it would serve. The impact upon highway safety is discussed later in this report.

### Location

Amendments to the scheme have also seen the proposed dwelling relocated from its original position some 95-100m to the east of the revised location. I appreciate the reasons behind the original location, being screened to the west by dense woodland; however this location had a very limited relationship with the poultry unit which is not supported by either Policy DM8 or the NPPF. Policy DM8 of the DPD states that the *siting will be influenced by its functional role and the visual impact on the surrounding countryside should also be taken into consideration.*

The revised location in my view is much better-related to the poultry unit and does allow for additional surveillance of comings and goings to the unit, in line with one of the reasons the applicant has stated as a need for a rural workers dwelling. However, I note the agricultural consultant's comments regarding the location and would concur that the dwelling might be better-related to the unit if sited closer to where the essential/functional need exists; it would still be several minutes' walk to the unit from the dwelling, being 90m distant from the unit. To this end, the agricultural consultant has suggested a more appropriate location to be to the north of the current site, closer to the unit so that it is better-related.

However, before seeking to amend the location further, it may be helpful for Members to understand the bio-security issues the poultry unit can face with regards to Avian (bird) Flu. Members may recall that a few years ago, many poultry farmers were faced with outbreaks of flu

amongst their birds which results in them being kept indoors for a period of time. Since then guidance has been issued to farmers to reduce the likelihood of another outbreak, which includes measures to prevent visitors to the site from bringing any contaminant into the site. In the case of this poultry unit, bio-security gates are installed close to the entrance to the unit from Brown Wood Lane which are monitored. Members will note that the entrance to the proposed dwelling is just before these gates so as to prevent visitors to the dwelling bringing potential contaminants on to the unit.

The applicant has also provided information from various professional bodies explaining the position with Avian Flu and the requirements for bio-security measures and I have no information before me that would counter-act their arguments for the separation requirement to prevent contaminants spreading.

With this in mind, I appreciate that a dwelling any closer to the unit could present bio-security issues for the unit and therefore a relocation in my view would be difficult to insist upon given the guidance following the Avian Flu outbreak without any sound evidence to the contrary that a dwelling closer to the poultry unit would not pose a threat to the poultry.

I therefore consider the location, on balance to be acceptable in this instance.

### **Impact on Residential Amenity**

Policy DM5 requires development to be acceptable in terms of not having a detrimental impact on residential amenity. Given the distance from the nearest dwellings I am satisfied that the proposal would not have a significant detrimental impact upon neighbour amenity.

It is therefore considered that the proposal accords with Policy DM5 of the DPD.

### **Highway Safety**

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision and Policy DM4 seeks to ensure no detrimental impact upon highway safety.

I note the comments of the Highway Authority and consider that the proposal would not raise any highway safety issues subject to the suggested conditions. The applicant has also amended the red line boundary of the site so that it abuts the public highway, as shown on the plan received on 24<sup>th</sup> May 2018.

As such, it is unlikely that the proposed development would result in any adverse impact upon highway safety in accordance with Spatial Policy 7 and Policies DM4 and DM5 of the DPD, however this does not outweigh the issues outlined above.

### **Flood Risk**

Policy DM5 of the DPD states that the Council will aim to steer new development away from areas at highest risk of flooding. In addition Core Policy 9 requires development proposals to include measures to proactively manage surface water wherever possible.

Core Policy 10 'Climate Change' requires that development be located to avoid both present and future flood risk and details that in considering site allocation and determining proposals the District Council will, led by the SFRA, adopt a sequential approach to future development and work alongside partners to secure strategic flood mitigation measures.

Core Policies 9 and 10 of the Draft Amended Core Strategy reflect the aims of these existing Core policies.

The NPPF states within paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development necessary, making it safe without increasing flood risk elsewhere.

The application site sits within Flood Zone 3 and policy DM5 of Newark and Sherwood's Local Development Framework states that the Council aim to steer new development away from areas at highest risk of flooding. The Environment Agency Plan indicates that the wider site owned by the applicant is entirely within Flood Zone 3, with much of the surrounding are within Flood Zones 2 and 3. With this in mind, it is noted that paragraph 100 of The Framework states that;

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. ....

and

Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
  - if necessary, applying the Exception Test;
  - safeguarding land from development that is required for current and future flood management;
  - using opportunities offered by new development to reduce the causes and impacts of flooding;
- and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

It is clear that if the District of Newark and Sherwood were considered as a whole, this site would certainly fail the Test as there are other areas within the District that fall within Flood Zone 1 where new housing could be built.

However, if the Sequential Test is considered locally, the whole site owned by the applicant is within Flood Zone 3, with the wider area within Flood Zones 2 and 3. I consider that there is appropriate justification has been put forward in this instance to apply the Sequential Test locally in the context of the need for an agricultural workers dwelling to be close to the poultry farm which it would serve.

A Detailed Flood Risk Assessment (FRA) has been deposited with the application which states that the site is adequately protected by fluvial flood defences that are maintained by the Environment Agency and Internal Drainage Board (Upper Witham and Trent Valley). The FRA also states that the dwelling would have the following resilient measures to protect it against flooding:

- The ground floor living accommodation for the two storey dwelling is to be raised 0.5m above the existing ground level and floor level to be set at 5.80mODN
- The ground floor to be constructed with a solid concrete floor with no voids beneath and no low-level wall vents.
- Fix plasterboard to the ground floor area horizontally, for ease of replacement
- Avoid the use of absorbent cavity insulation to the ground floor level.
- Fit anti flood valves to all external drainage pipes to prevent flood waters entering the dwelling.
- Arrange for all service circuits to be routed at first floor level where practical socket outlets, boilers etc. to be a minimum of 0.5m above the raised upper ground floor level.
- All external doorways to be fitted with “Stormguard” flood doors or other approved.

In addition to the above, the FRA recommends the applicant signs up to the Environment Agency Floodline Warning Direct system.

It is acknowledged that the Environment Agency has been consulted on the proposal and has raised no objection to the proposal, subject to a condition relating to mitigation measures.

### **Conclusion and Planning balance**

Taking the above into account it is considered that an essential/functional need has been sufficiently demonstrated for an agricultural workers’ dwelling on the site, given the absence of any suitably located existing dwellings being available. The scale, access and location of the dwelling are also considered on balance to be acceptable in this instance, working alongside the bio-security constraints of the site. The proposal is not considered to unduly impact upon the character and appearance of the area or the wider landscape setting to justify refusal in this instance nor impact residential amenity, raise any highway safety or flood risk issues subject to conditions. As such, officers recommend that planning permission is granted subject to the conditions outlined below.

### **Recommendation**

**That full planning permission is approved, subject to the following conditions;**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved plan references:

- Site Location Plan – 362-A-003 Rev.B
- Proposed Sketch Proposals OPT 2 – 362-A-001 Rev.F
- Proposed Sketch Site Plan OPT 2 – 362-A-002 Rev.H

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

No development shall be commenced until [details] samples of the materials identified below have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

- Facing materials
- Bricks
- Roofing tiles
- Cladding
- Render

Reason: In the interests of visual amenity.

04

No development shall be commenced until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- a schedule (including planting plans and written specifications, including cultivation and other operations associated with plant and grass establishment) of trees, shrubs and other plants, noting species, plant sizes, proposed numbers and densities. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species.
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction.
- proposed finished ground levels or contours;
- means of enclosure;
- car parking layouts and materials;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures for example, furniture, play equipment, refuse or other storage units, signs, lighting etc.)
- proposed and existing functional services above and below ground (for example, drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

- retained historic landscape features and proposals for restoration, where relevant.

Reason: In the interests of visual amenity and biodiversity.

05

The approved landscaping shall be completed during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the local planning authority. Any trees/shrubs which, within a period of five years of being planted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the work is carried out within a reasonable period and thereafter properly maintained, in the interests of visual amenity and biodiversity.

06

The dwelling hereby approved shall not be occupied until visibility splays in each direction of 2.4m x 215m are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.6m in height.

Reason: In the interests of Highway safety.

07

The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment for Gibbet Wood Brown Wood Lane Thorney Nottinghamshire with the following mitigation measures:

- The dwelling shall be a minimum of 2 storeys
- Finished Floor Levels shall be set no lower than 5.80mAOD
- Flood resilient and resistant construction techniques should be used. Please refer to the following document for information on flood resilience and resistance techniques to be included: 'Improving Flood Performance of New Buildings - Flood Resilient Construction' (DCLG 2007).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

08

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (and any order revoking, re-enacting or modifying that Order), other than development expressly authorised by this permission, there shall be no development under Schedule 2, Part 1 of the Order in respect of:

- Class A: Enlargement, improvement or other alteration of a dwellinghouse.
- Class B: Additions etc. to the roof of a dwellinghouse.



- Class D: Porches
- Class E: Buildings etc incidental to the enjoyment of a dwellinghouse.
- Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse.

Or Schedule 2, Part 2:

- Class B: Means of access to a highway.

Unless consent has firstly be granted in the form of a separate planning permission.

Reason: To ensure that any proposed further alterations or extensions do not adversely impact upon the openness of the countryside.

09

The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working or last working in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.

Reason: The dwelling is located in the open countryside where new residential development is normally restricted to the essential need for the uses described.

#### Notes to Applicant

01

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

The proposed development has been assessed and it is the Council's view that **CIL IS PAYABLE** on the development hereby approved. The actual amount of CIL payable will be calculated when a decision is made on the subsequent reserved matters application.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

#### BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on Ext 5833.

All submission documents relating to this planning application can be found on the following website [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk).

Matt Lamb

Business Manager – Growth & Regeneration

Committee Plan - 17/01127/FUL



