#### F/YR22/0633/F

Applicant: St Lawrence Hall Farms Agent : Derek Salisbury Practice

Hook Drove Poultry Farm, Hook Drove, Wimblington, March

Erect 1 no dwelling (3-storey, 4-bed and living accommodation/farm office in roof space) with detached double garage with storage above, in association with poultry farm

Officer recommendation: Refuse

Reason for Committee: Number of representations contrary to officer recommendation.

## 1 EXECUTIVE SUMMARY

- 1.1 The site is considered to fall outside of a settlement, it is therefore defined as an 'Elsewhere' location under Policy LP3, which seeks to restrict development to that which is demonstrably essential to the effective operation of land-based enterprise.
- 1.2 The Council has used the services of an Agricultural Consultant, Sanham Agricultural Planning Limited, to review the submitted documentation and provide an assessment of the demonstration for essential need. It is considered that the existing 2 dwellings on the farm are capable of providing for an uninterrupted labour supply and that there is no essential/functional need for 3 workers to permanently live at this site. Furthermore, the site is in close proximity to March and Wimblington and as such a dwelling within a nearby settlement would be suitable and available to fulfil the applicant's accommodation needs for their employees.
- 1.3 The application site falls within Flood Zone 3, the highest risk of flooding. Given that the essential need for a dwelling in this location has not been proven, a wider sequential test would be applicable. Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and without proven essential need the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 1.4 There are no issues to address in relation to residential amenity, ecology or highways and parking, subject to conditions.
- 1.5 The proposed dwelling is traditionally designed and of a scale reflective of the plot on which it is located, however when considered in the context of the existing bungalow it would sit alongside, the proposal would create an incongruous and dominant feature, out of scale with its immediate surroundings.
- 1.6 Overall, the development is considered to be unacceptable and the recommendation is one of refusal.

### 2 SITE DESCRIPTION

- 2.1 The application site is part of a wider poultry farm consisting of 8 poultry sheds, associated structures and attenuation lagoon. There are 2 existing dwellings on the unit, Hook Drove Cottage a 2-storey chalet style dwelling with detached garage and Hook Drove Bungalow a modest single-storey dwelling with detached outbuilding. These are accessed via a single-track private road which adjoins Wimblington Road, March to the west and Hook Road, Wimblington to the east.
- 2.2 The dwelling the subject of this application is proposed to be located within the garden area serving the existing bungalow, this is a mainly grassed area with some planting, a utilities pole/cables are located to the front (south) of the site alongside the road, ditch to the east, existing implement store building to the north and the existing bungalow to the west. The site is within Flood Zone 3.

## 3 PROPOSAL

- 3.1 The application seeks full planning permission for a 3-storey, 4-bed dwelling with living accommodation/farm office in the roof space and a detached double garage with storage above, in association with the poultry farm
- 3.2 The dwelling measures 15.4m (including chimney) x 7m and 9.2m in height (ridge of roof), accommodation consists of living room, kitchen/diner, WC/shower room and utility at ground floor, 3 bedrooms (1 with en-suite) at first floor and a further 2 rooms at second floor level.
- 3.3 The garage measures 7m x 8m and 7.2m in height, 2 parking spaces are provided with storage above.
- 3.4 Full plans and associated documents for this application can be found at:

<u>F/YR22/0633/F | Erect 1 no dwelling (3-storey, 4-bed and living</u> <u>accommodation/farm office in roof space) with detached double garage with</u> <u>storage above, in association with poultry farm | Hook Drove Poultry Farm Hook</u> <u>Drove Wimblington March Cambridgeshire PE15 0QW (fenland.gov.uk)</u>

### 4 SITE PLANNING HISTORY

Relating to the wider poultry farm (from redevelopment):

F/YR15/0464/F Variation of condition 3 of planning Granted permission F/YR14/0204/F, to enable 24/8/2015 installation of roof mounted solar panels, individual bio-mass boilers and additional windows to each poultry barn

F/YR14/0661/F	Variation of condition 5 (imposition of a condition listing approved plans) of planning permission F/YR14/0135/F (Variation of condition 5 (imposition of a condition listing approved plans) relating to planning permission F/YR12/0742/F (Erection of 4 poultry barns with associated structures and biomass boilers, and formation of a lagoon) in relation to inclusion of individual boilers to be located within each poultry barn with boiler flues and fuel storage silos.	Granted 22/10/2014
F/YR14/0523/F	Erection of a poultry barn, 2 x feed silos and a fuel storage silo for biomass heating	Granted 10/9/2014
F/YR14/3056/COND	Details reserved by conditions 2 and 3 relating to planning permissions F/YR14/0135/F and F/YR12/0742/F (Erection of 4 poultry barns with associated structures and biomass boilers, and formation of a lagoon)	Approved 11/7/2014
F/YR14/0204/F	Variation of condition 3 (imposition of a condition listing approved plans) relating to planning permission F/YR14/0131/NONMAT and F/YR11/0459/F (Erection of 3 poultry barns and associated farm store, staff building, water tank and pump house and formation of a lagoon involving demolition of existing poultry farm buildings) in relation to minor material amendments	Granted 4/6/2014
F/YR14/0135/F	Variation of condition 5 (imposition of a condition listing approved plans) relating to planning permission F/YR12/0742/F (Erection of 4 poultry barns with associated structures and biomass boilers, and formation of a lagoon) in relation to minor material amendments	Granted 16/5/2014
F/YR14/0326/SC	Screening Opinion: Additional poultry house and amended bio-mass heating installation	Further Details Not Required 9/5/2014
F/YR12/0742/F	Erection of 4 poultry barns with associated structures and biomass boilers, and formation of a lagoon	Granted 20/12/2012
F/YR12/0452/SC	Scoping Opinion - Erection of 4 poultry barns with associated structures and biomass boiler(s), formation of a lagoon and erection of an agricultural dwelling	Further Details Required 10/7/2012

F/YR11/0459/F	Erection of 3 poultry barns and associated farm store, staff building, water tank and pump house and formation of a lagoon involving demolition of existing poultry	Granted 7/9/2011
	farm buildings	

Relating to Hook Drove Cottage:

F/YR14/3085/COND	Details reserved by Conditions 5, 6 and 9	Approved
	of planning permission F/YR12/0817/F	4/9/2014
	(Erection of a 2-storey 3-bed agricultural	
	dwelling with a detached garage)	

F/YR12/0817/F\* Erection of a 2-storey 3-bed agricultural Granted dwelling with a detached garage 17/12/2012

\*There is a condition restricting the occupancy of this dwelling.

Relating to Hook Drove Bungalow:

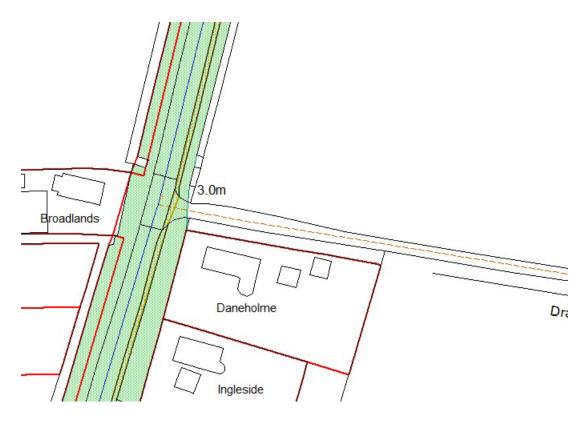
F/YR15/0715/F	Erection of a single-storey front extension; installation of external wall insulation and replacement roof involving removal of chimney to existing dwelling, involving demolition of existing outbuilding	Granted 25/9/2015
M/68/139/D**	Erection of a bungalow	Granted 31/1/1969

\*\*There is a condition restricting the occupancy of this dwelling.

### 5 CONSULTATIONS

#### 5.1 Cambridgeshire County Council Highways (3/1/2023)

I can confirm that Hook Drove is a private street. The public highway extends no further than the B1101 Wimblington Road as per the below extract from the indicative mapping which I have access to (green hatching). The access onto the public highway is already metalled so no further changes are needed in this regard.



As previously pointed out, Hook Drove is narrow and devoid of passing places. However, the intensification associated with a single dwelling in light of existing uses is very minor so it would be unreasonable to ask for the inclusion of passing places or widening of the B1101 junction.

In short, I have no objection to the application as it is acceptable in highway terms. Please can the following Informative be appended to any permission. I have no Conditions to recommend.

#### 5.2 Cambridgeshire County Council Highways (27/6/2022)

Highways note the carriageway is a single-track width. Highways have no objections to this application in principle.

However, the plans in the application requires a few more details: Please show the width of the access.

The access should be sealed and to be drained away from the highway in a bound material for a minimum of 5m back from highway. The vehicular access shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Surface water from private roads/ driveways areas must not discharge onto the public highway, and appropriate intervention must be provided. Please demonstrate a method at the boundary of the private and public highway of the access.

Should the applicant be able to amend the access in light of the minor comment above, then please append the following conditions and informative to any permission granted:

#### Conditions

Prior to the first occupation of the development the vehicular access where it crosses the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification. Reason: In the interests of highway safety and to ensure satisfactory access into the site.

#### 5.3 Environment Agency (20/2/2023)

We have no objection to the proposed development but wish to make the following comments.

#### Flood Risk

In accordance with the National Planning Policy Framework (paragraph 162), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

We have reviewed the submitted Flood Risk Assessment (FRA) with regard to tidal and designated main river flood risk sources only.

We consider that the main source of flood risk at this site is associated with watercourses under the jurisdiction of the Internal Drainage Board (IDB). As such, we have no objection to the proposed development on flood risk grounds. However, the IDB should be consulted with regard to flood risk associated with watercourses under their jurisdiction and surface water drainage proposals.

In all circumstances where flood warning and evacuation are significant measures in contributing to managing flood risk, we expect local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

#### Advice for the Applicant

Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilient measures, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007", which is available on the following website: <u>https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings</u>

The Environment Agency operates a flood warning system for existing properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit <u>https://www.gov.uk/sign-up-for-flood-warnings</u>.

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue procedures for developments. Advice should be sought from the emergency services and the Local Authority's emergency planners when producing a flood evacuation plan.

#### 5.4 Environment Agency (22/6/2022)

We have no objection to the proposed development but wish to make the following comments.

Review of the Flood Risk Assessment

The site is located within Flood Zone 3 on our Flood Map for Planning. The submitted Flood Risk Assessment (FRA) is dated 2014 and relates to the construction of a poultry shed at the site instead of a new dwelling. As such, the FRA is not considered to be appropriate for the proposed development. Given that the site is located approximately 8km from the nearest main river and is outside the extent of our Fenland breach mapping, we consider that the main source of flood risk at this site is associated with Internal Drainage Board (IDB) watercourses. As such, we have no objection to the proposed development but recommend that a revised FRA is requested that is relevant to the proposed development and recommends appropriate flood risk mitigation measures.

The IDB should be consulted with regard to flood risk associated with their watercourses and surface water drainage proposals.

#### Advice for the Applicant

Flood Resilient Measures As the site is located within an area considered to be at risk of flooding, we recommend that flood resilient measures are incorporated into the proposed dwelling. Any proposed flood resilient measures should follow current Government Guidance. For more information on flood resilience techniques, please see the Department for Communities and Local Government (DCLG) guidance document "Improving the Flood Performance of New Buildings – Flood Resilient Construction, 2007", which is available on the following website: https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

#### Flood Warning

The Environment Agency operates a flood warning system for properties currently at risk of flooding to enable householders to protect life or take action to manage the effect of flooding on property. Floodline Warnings Direct (F.W.D.) is a national system run by the Environment Agency for broadcasting flood warnings. Receiving the flood warnings is free; you can choose to receive your flood warning as a telephone message, email, fax or text message. To register your contact details, please call Floodline on 0345 988 1188 or visit www.gov.uk/flood

Registration to receive flood warnings is not sufficient on its own to act as an evacuation plan. We are unable to comment on evacuation and rescue procedures for developments. Advice should be sought from the emergency services and the Local Authority's emergency planners when producing a flood evacuation plan.

#### Foul Drainage

The site is located in an area which is not served by the public foul sewer. Accordingly, the proposal will need to be served by a non-mains drainage system.

In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or from a treatment plant at 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. Discharges from septic tanks directly to a surface water are not allowed under the general binding rules.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

For further guidance please see: <u>https://www.gov.uk/permits-you-need-for-septic-tanks/overview</u>

We hope this information is of assistance. If you have any queries, please do not hesitate to contact us.

#### 5.5 Middle Level Commissioners (provided from agent)

Surface Water Discharge

The documentation and calculations provided show that there is enough capacity in the lagoon to deal with the increase in discharge from the new dwelling and garage for a 1-in-100-year event plus 40% for climate change.

You should be aware that if it is later found that any increases are entering the Board's system due to inadequacies in system design either through failure or changes, natural or through intervention, then the Board's consent will be required for this. Your client would accordingly be advised at this time what information would be required.

#### Treated Foul Discharge

Thank you for the completed Discharge Consent application form in respect of the processing of treated effluent from the above development, and subsequent payment.

Please be aware that this submission has been considered from a technical perspective and as a result a recommendation to issue consent subject to certain conditions has been forwarded to the Clerk to the Board.

The Clerk will process the application and issue the consent in due course.

#### 5.6 Environmental Health (FDC)

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed development. The proposal is unlikely to have a detrimental effect on local air quality or the noise climate. Given the location of the development the following condition should be imposed in the event planning consent is granted. UNSUSPECTED GROUND CONTAMINATION

CONDITION: If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, a Method Statement detailing how this unsuspected contamination shall be dealt with.

REASON: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

### 5.7 Wildlife Officer (FDC)

Recommendation: The application scheme is acceptable but only if conditions are imposed.

Recommended condition(s)/Reason(s) for refusal:

Pre-commencement Condition(s) -

• No development shall take place (including any demolition, ground works, site clearance) until a method statement for ensuring no negative impacts to Water Voles has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

a) purpose and objectives for the proposed works;

b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used); c) extent and location of proposed works shown on appropriate scale maps and plans;

e) persons responsible for implementing the works;

The works shall be carried out strictly in accordance with the approved details after works have commenced and shall be retained in that manner thereafter.

Compliance Condition(s) -

- Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance unless otherwise agreed in writing with the local planning authority.
- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

#### Assessment/Comment:

It is agreed with the documents presented within the application that the only significant ecological constraint to the site is the potential for Water Voles to be present within the ditch. While methodology is given on how to ensure at least no net negative impact on the Water Voles within the Agricultural Appraisal, this methodology should be expanded upon as outlined within the pre-commencement Conditions as a methods statement. It is important that the methodology is present in such a way that on site contractors can complete the works with no outside help or a ecological clerk of works is employed to undertake the works. The condition surrounding nesting birds has been attached to ensure that the works do not involve the removal of woody vegetation without the correct surveys and guidance.

# 5.8 March Town Council

Recommend Approval

## Local Residents/Interested Parties

- 5.9 National Farmers Union (NFU):
  - a specific level of staffing is required and accommodation is expected
  - 2 competent staff being available at all times necessitates 3 are required to provide cover
  - Off site accommodation is not practical due to distance
  - Proposed dwelling is adjacent existing housing and the unit
- 5.10 National Farmers Union (NFU) Health and Safety Consultant:
  - High levels of fatality and significant injury occurs in this industry
  - Applicant must manage health and safety risks including lone working
  - Tasks of specific health and safety concern were listed
  - The farm would be significantly safer with 2 persons working at night
- 5.11 Country Land and Business Association (CLA):
  - Endorse the conclusions of the Statement of Agricultural Need
  - 2 workers need to be on site at all times
  - 3 dwellings should be available for 3 of the 4 employees; cover has to be available during holidays, days off and cover for sickness
  - Poultry workers have 87 days off per annum
  - Site is functional 24/7
  - There are 2 dwellings on site and 4 employees
  - Will enable the applicant to attract and retain staff
  - Functional need for the dwelling has been demonstrated.
- 5.12 Meadow View R & S Ltd (consultants working with the applicant):
  - Quality on site accommodation is key to recruiting staff
  - Recruitment has been hampered by inability to confirm on site accommodation will be made available
  - 24hr supervision is required
  - 2 appropriate members of staff are required on site at all times and to ensure this 3 residences are required
- 5.13 Agricultural Advisor for Crown Farms Ltd
  - The size of the farm with advanced technology requires well trained and motivated staff, minimum of 2 at all times
  - Critical issues must be dealt with in a timely manner that is not possible with farm staff living at a distance
  - 3 residential dwellings are required to account for days off, holidays and sickness
  - On farm accommodation promotes better life balance/mental health
- 5.14 Manager of the Poultry Farm, currently residing at Hook Drove Cottage at the site:
  - Work long and anti-social hours
  - Family have outgrown Hook Drove Cottage
  - Proposed dwelling will enable separate bedrooms and space for visitors

- Proposal would enable Hook Drove Cottage to be available for the assistant manager and Hooks Drove Bungalow to house a poultry worker to support the manager
- 2 people required on site at all times
- Very big farm and responsibility for animal welfare
- Good on site accommodation vital for recruiting and retaining staff
- 5.15 Assistant Manager of the Poultry Farm:
  - Currently housed in rented accommodation in March
  - Work long and anti-social hours
  - Journey to and from the farm can take 20mins and be dangerous in bad weather
  - Intention that the manager move into the new dwelling so they can move to the existing cottage and the bungalow is proposed to be refurbished to provide accommodation for the farm worker
  - The need for 2 employees on site is essential to provide immediate response to emergencies and provide safe working conditions.
- 5.16 7 local resident comments have been received (1 from Whittlesey Road, 1 from Crown Close, 1 from Norfolk Court, 1 from Stonecross Way, 1 from Badgeney Road, 1 from Wimblington Road, all March and 1 from Hook Road, Wimblington), in relation to the following:
  - Farm represents significant investment
  - Important to support businesses
  - Employees contribute to the wider community
  - Site of this size requires adequate trained staff at all times to ensure cover for holiday periods, illness
  - Incentive of good accommodation plays an important part on staff recruitment/retention
  - Will help ensure continued success of business
  - In keeping with existing buildings
  - Local area and neighbour would not be adversely affected by additional traffic
  - Little affordable local housing for farm workers in the area
  - Reduce the need to commute
  - Due to remote location minimal opportunity for dwellings close enough to deliver staff level objectives

### 6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

### 7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

National Design Guide 2021 Context – C1 Identity – I1, I2 Built Form – B2 Movement – M3 Nature – N3 Homes and Buildings – H1, H2, H3

### Fenland Local Plan 2014

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

- LP3 Spatial Strategy, the Settlement Hierarchy and the Countryside
- LP4 Housing
- LP6 Employment, Tourism, Community Facilities and Retail
- LP12 Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District LP19 – The Natural Environment

## **Emerging Local Plan**

The Draft Fenland Local Plan (2022) was published for consultation between 25th August 2022 and 19 October 2022, all comments received will be reviewed and any changes arising from the consultation will be made to the draft Local Plan. Given the very early stage which the Plan is therefore at, it is considered, in accordance with Paragraph 48 of the NPPF, that the policies of this should carry extremely limited weight in decision making. Of relevance to this application are policies:

LP1 – Settlement Hierarchy

- LP2 Spatial Strategy for the Location of Residential Development
- LP5 Health and Wellbeing
- LP7 Design
- LP8 Amenity Provision
- LP11 Community Safety
- LP18 Development in the Countryside
- LP20 Accessibility and Transport
- LP22 Parking Provision (Appendix 6)
- LP23 Historic Environment
- LP24 Natural Environment
- LP25 Biodiversity Net Gain
- LP26 Carbon Sinks and Carbon Sequestration
- LP27 Trees and Planting
- LP28 Landscape
- LP32 Flood and Water Management
- LP50 Residential site allocations in Wimblington

### Delivering and Protecting High Quality Environments in Fenland 2014

Policy DM3 – Making a Positive Contribution to Local Distinctiveness and Character of the Area

### Cambridgeshire Flood and Water SPD 2016

### March Neighbourhood Plan 2017

H2 – Windfall Development

8 KEY ISSUES

- Principle of Development
- Demonstration of essential need
- Design considerations and visual amenity of area
- Residential Amenity/Health and wellbeing
- Highways and Parking
- Flood Risk and Drainage
- Ecology

### 9 BACKGROUND

- 9.1 The wider site has historically been a poultry farm, Hook Drove Bungalow obtained permission is 1969 with an agricultural occupancy condition. Planning permission was obtained for the phased redevelopment of the site between 2011 and 2015 (including applications for amendments).
- 9.2 Hook Drove Cottage obtained planning permission under F/YR12/0817/F in 2012 with conditions imposed in relation to the 'Hook 2' phase of development and agricultural occupancy. The assessment of the scheme considered that there was an essential functional need for an additional dwelling in association with 'Hook 2', which more than doubled the size of the existing poultry farm. The Agricultural Consultant at the time advised that the farm would be too large for a single person to manage alone and the lack an appropriate dwelling close to the site could impact recruitment. It was also considered that existing homes in the area were not near enough to fulfil the need, the site could be difficult to access in adverse weather conditions and the existing manager could not alone fully fulfil the need for the entire unit proposed.
- 9.3 The supporting documentation advised that a 24 hour presence could not be achieved by 1 person and that the solution was 'to have a minimum of two permanent, full time staff to guarantee sufficient overlap to ensure that site is never left unattended. This can be supported by the two assistant stockmen and part time labour at peak times...'
- 9.4 The current application seeks to obtain permission for a third dwelling on the unit and additional/amended information has been submitted during the course of the application including providing a response to the Agricultural Consultant's assessment and a revised Flood Risk Assessment which relates to the proposed development (as it originally referred to construction of a poultry shed).

### 10 ASSESSMENT

#### **Principle of Development**

- 10.1 The site is considered to fall outside of a settlement, it is therefore defined as an 'Elsewhere' location under Policy LP3, which seeks to restrict development to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services.
- 10.2 The application comes forward as a proposal for residential accommodation to serve an existing poultry farm. As such, the principle of the development is accepted through LP3, which amongst others, supports the farming community and agricultural development, and recognises that in certain circumstances it is necessary to locate dwellings in otherwise unsustainable locations. This is however, subject to meeting (where residential development is concerned) the strict test of demonstrating an essential need, Policy LP12, Part D sets out the requirements as to how this essential need will be demonstrated.

10.3 Whilst the policies of the emerging local plan carry extremely limited weight in decision making the following are relevant to this application:

Policy LP1, Part B establishes settlement boundaries and advises that land outside settlement boundaries, such as this site, is defined as countryside where development is restricted. Policy LP18, Part D set out the criteria for new dwellings in the countryside.

#### Demonstration of essential need

- 10.4 Policy LP12 Part D relates specifically to the development proposed and sets out that applications of this nature should provide supporting evidence to explain the following;
  - (a) The existing functional need for the dwelling,
  - (b) The number of part time and full-time worker(s) to live in the dwelling,
  - (c) The length of time the activity has been established,
  - (d) The financial viability of the enterprise,
  - (e) The availability of other suitable accommodation on site or in the area,
  - (f) How the proposed size of the dwelling relates to the viability of the enterprise.
- 10.5 The NPPG (Paragraph: 010 Reference ID: 67-010-20190722) advises that relevant considerations in relation to agricultural dwellings are:
  - evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
  - the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
  - whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
  - whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
  - in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.
- 10.6 There are 2 existing dwellings on site which have conditions limiting their occupancy; Hook Drove Cottage, resided in by the manager and Hook Drove Bungalow, has been/will be resided in by a stockman (currently vacant and undergoing removal of asbestos and refurbishment). There are currently 4 full-time employees at the site.
- 10.7 It has previously been evidenced and acknowledged that there is an essential functional need for 2 dwellings on this site under planning permission F/YR12/0817/F for Hook Drove Cottage. The farm has undertaken redevelopment and expansion with considerable investment, it is now well established and benefits from long term contract agreements with a major producer supplying poultry to high street retail outlets. The application is

accompanied by a letter from HSBC advising that St Lawrence Hall Farms Limited (the applicant) is a profitable business, has been for the last 3 years and beyond and has sufficient funds to construct the additional dwelling. As such, in this case, it is not considered necessary to seek further in evidence in respect of the viability of the enterprise.

- 10.8 The main consideration is whether there is sufficient evidence of need to support an additional permanent dwelling on this site, bringing the total to 3.
- 10.9 The supporting documentation advises that the poultry industry is subject to ever increasing demands for improvements in animal welfare and operating controls, this combined with sophisticated environmental systems and bio-security require increases in staff attendance.
- 10.10 These demands are exacerbated by the increased bird population since permission was given for the previous dwelling in 2012 (an increase from 441,000 to 504,000). It is acknowledged that an additional poultry barn obtained planning permission in 2014 under F/YR14/0523/F and was subsequently constructed bringing the total to 8 barns (each measuring 22m x 140m), on a 4.6ha site.
- 10.11 The documentation goes on to state that as a result there is an essential need for additional full-time supervision to be available 24 hours a day and the proposed dwelling would accommodate an additional supervisory 'assistant manager' within 'sight and sound' of the livestock farm buildings. It is contended that there is a requirement for 3 staff to live on site in order that a minimum of 2 are available at all times to cover emergencies, that staff have 87 days off per annum and cover is required for this period in addition to sickness.
- 10.12 The Council has used the services of an Agricultural Consultant, Sanham Agricultural Planning Limited, to review the submitted documentation and provide an assessment of the demonstration for essential need. It is considered that the existing 2 dwellings are capable of providing for an uninterrupted labour supply to cover for holidays, sickness or any other unforeseen circumstances, on a unit of this size and with the degree of automation on site, to ensure the welfare of the birds kept at the site and there is no essential/functional need for 3 workers to permanently live at this site. Furthermore, the site is in close proximity to March and Wimblington and as such a dwelling within a nearby settlement would be suitable and available to fulfil the applicant's accommodation needs for their employees, the assistant manager currently lives in rented accommodation in March and the bungalow on site is vacant, hence only 1 dwelling on site is currently occupied.
- 10.13 It is contended that the Manager's family have outgrown Hook Drove Cottage and the application proposes a larger dwelling for them to reside. The NPPG (Paragraph: 010 Reference ID: 67-010-20190722) sets out considerations in relation to agricultural dwellings including whether the need could be met through improvements to existing accommodation on site. If a specific level of accommodation is required the existing cottage could be extended (permitted development rights have not been restricted) or alternatively the existing bungalow (or cottage) could be replaced by a larger dwelling (concerns set out below regarding the scale of the proposal are in respect of its relationship with the existing bungalow, not that a replacement dwelling of this scale would be unacceptable), in fact the Council have suggested that a replacement dwelling would be acceptable and could incorporate a modest annexe if necessary, it should be noted however that this is not an acceptance that a third permanent,

stand-alone dwelling is required, but an option put forward with the intention to work proactively with the applicant to find an acceptable arrangement for the site.

10.14 It is also acknowledged that there are permitted development rights in relation to the temporary siting of caravans/mobile homes for agricultural workers which could be utilised.

#### Design considerations and visual amenity of area

- 10.15 The proposed dwelling is traditionally designed, of a scale reflective of the plot on which it sits and the proposed garage does appear as subservient to the proposed dwelling, albeit unnecessarily excessive in height at 7.2m resulting in a tall gable frontage at odds with the design of the dwelling. The existing bungalow, which the proposal would sit alongside is a modest 3-bed dwelling at only 5.2m in height and almost comparable in width, as such the proposal would create an incongruous and dominant feature, out of scale with its immediate surroundings. It should also be noted that the existing Cottage a 3-bed chalet style dwelling at 7.8m in height, also of a smaller scale.
- 10.16 The materials proposed are Wienerberger Hartford Red Multi Bricks and Wienerberger Old Hollow Victorian pantiles. The existing bungalow is constructed in a buff multi brick and grey pantile, while Hook Drove Cottage is a red multi brick and tile. The proposed materials are similar to those used for the cottage and as such are considered acceptable
- 10.17 Existing boundary hedging is to remain and enhanced with native species to enclose the site, grassed area retained where the site is not developed and concrete to the parking and turning area (along with a bin collection area), all of which is reflective of the existing site surrounding.

#### **Residential Amenity/Health and wellbeing**

- 10.18 Due to the location of the proposal in relation to the existing farm there is potential for noise, disturbance, lighting and odour nuisance and Policy LP16 (o) seeks to ensure that existing businesses are not unreasonable constrained or threatened by the introduction of sensitive uses, such as dwellings. However, in this case the dwelling is applied for in conjunction with the existing business and will be conditioned to ensure that remains the case, as is required by Policy LP3.
- 10.19 The proposal is located on garden land serving the existing bungalow, which would therefore reduce the amenity space available, an area is retained comparable with the scale of the existing dwelling, however this falls slightly short of the third of the plot required by Policy LP16 (h), the proposed dwelling is afforded in excess of a third of the plot.
- 10.20 The existing bungalow features 3 windows which face towards the proposed development which serve the living room and 2 bedrooms (information taken from F/YR15/0715/F), the proposed garage is located approximately 6m distant at a height of 7.2m which would detrimentally impact outlook from these rooms, there are no windows proposed to the first floor of the garage and future development such as this could be restricted by condition. There are first and second floor windows in the western gable end of the proposed dwelling, the first-floor window serves a bathroom which could be conditioned to be obscure glazed, the 2 second floor windows serve a habitable attic room, views would be restricted to some degree by the proposed garage and at a distance of 21m between dwellings any impacts in relation to overlooking would not be considered significantly adverse.

10.21 The garage does feature a personnel door into the garden of the existing bungalow and a window to the rear (which could be conditioned to be obscure glazed), it is understood that this is due to the fact that the farm managers vehicle, which is to be parked here, is available for use by staff members. The boundary treatment between dwellings is 1.5m high hit and miss timber fencing, which would not ordinarily provide an adequate level of privacy. This overall arrangement is somewhat unusual, however given the nature of the use of the wider site is in this case considered acceptable.

#### **Highways and Parking**

- 10.22 The site is accessed via a private, narrow, single track road which is devoid of passing places and is utilised by HGV's in association with the poultry farm. However, the LHA have no objections to the application, advising that the intensification associated with an additional single dwelling is very minor. Furthermore, the dwelling is proposed in association with the existing farm and as such a number of trips would have occurred as a result of commuting had the employee not resided on site.
- 10.23 Policy LP15 and Appendix A of the Fenland Local Plan advise that 3 parking spaces should be provided for a dwelling such as this, a double garage is proposed with the required dimensions to be considered 2 parking spaces and there is sufficient space on the drive for at least 1 additional vehicle and space for turning, which given the narrowness of the Hook Drove would be essential. The parking serving the existing bungalow is retained and unaffected by the proposal.

#### Flood Risk and Drainage

- 10.24 The application site falls within Flood Zone 3, the highest risk in relation to rivers and the sea and is at a medium risk of surface water flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply.
- 10.25 The Environment Agency have no objections to the proposal, advising that it is for the LPA to assess the sequential test.
- 10.26 The application is accompanied by a Flood Risk Assessment and Drainage Strategy (FRA & DS) which advises that finished floor levels will be 300m above existing ground level and that due to the essential need for the development the sequential and exception tests do not apply.
- 10.27 Given that the essential need for a dwelling in this location has not been proven (refer to paras 10.12-10.13 above) a wider sequential test would be applicable. Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and without proven essential need the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail, and the development is contrary to the aforementioned policies.
- 10.28 The FRA & DS advise that surface water run-off will be conveyed to the existing attenuation lagoon, this and the comments from Middle Level Commissioners

(provided via the applicant's agent) advises that there is sufficient capacity in the existing lagoon to deal with the increased surface water from the proposal. Information submitted within the application advises that this will then be harvested, filtered and treated for use in the farming process.

10.29 The site is located in an area which is not served by the public foul sewer and as such the proposal would need to be served by non-mains drainage, subject to the relevant consents/permits. It is proposed to utilise a replacement package treatment plant which will also serve the existing office and bungalow.

#### Ecology

10.30 The Council's Wildlife Officer agrees with the documents submitted with the application that the only significant ecological constraint to the site is the potential for Water Voles to be present in the adjoining ditch. The application is accompanied by a Water Vole Method Statement, incorporating a biodiversity checklist, however the Wildlife Officer considers that this should be expanded upon and recommends a pre-commencement condition in this regard, which can be imposed should the application be successful. Additional conditions in relation to semi-natural habitats and to ensure removal of vegetation outside bird breeding season are also recommended.

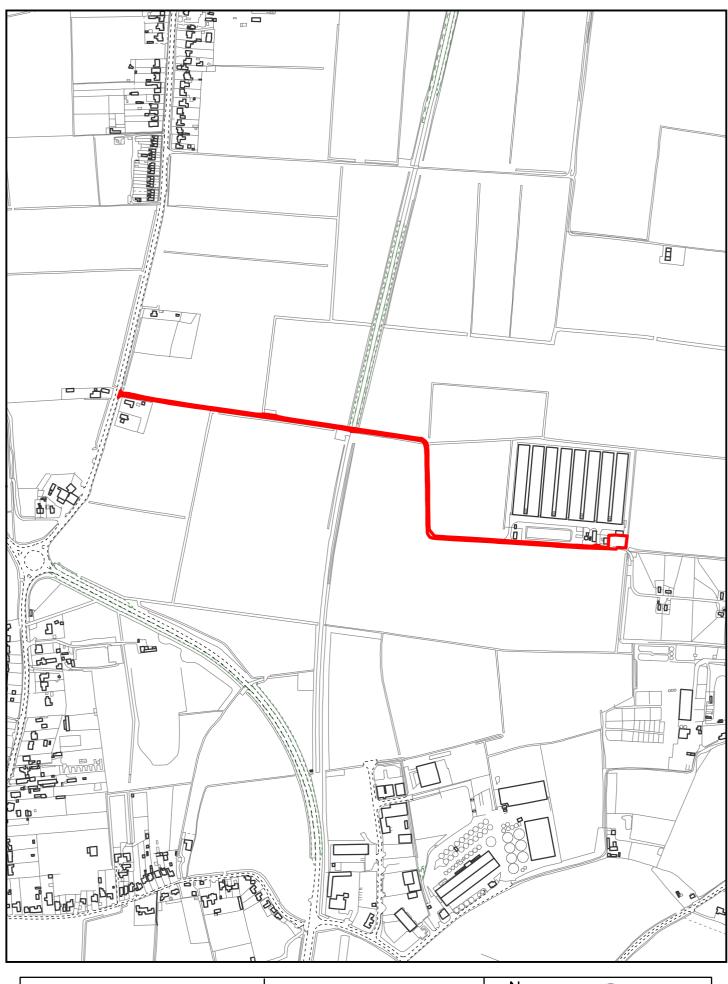
## 11 CONCLUSIONS

- 11.1 The site is considered to fall outside of a settlement, it is therefore defined as an 'Elsewhere' location under Policy LP3, which seeks to restrict development to that which is demonstrably essential to the effective operation of land-based enterprise.
- 11.2 The Council has used the services of an Agricultural Consultant, Sanham Agricultural Planning Limited, to review the submitted documentation and provide an assessment of the demonstration for essential need. It is considered that the existing 2 dwellings on the farm are capable of providing for an uninterrupted labour supply and that there is no essential/functional need for 3 workers to permanently live at this site. Furthermore, the site is in close proximity to March and Wimblington and as such a dwelling within a nearby settlement would be suitable and available to fulfil the applicant's accommodation needs for their employees.
- 11.3 The application site falls within Flood Zone 3, the highest risk of flooding. Given that the essential need for a dwelling in this location has not been proven, a wider sequential test would be applicable. Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and without proven essential need the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail.
- 11.4 There are no issues to address in relation to residential amenity, ecology or highways and parking, subject to conditions.
- 11.5 The proposed dwelling is traditionally designed and of a scale reflective of the plot on which it is located, however when considered in the context of the existing bungalow it would sit alongside, the proposal would create an incongruous and dominant feature, out of scale with its immediate surroundings.
- 11.6 Overall, the development is considered to be unacceptable and the recommendation is one of refusal.

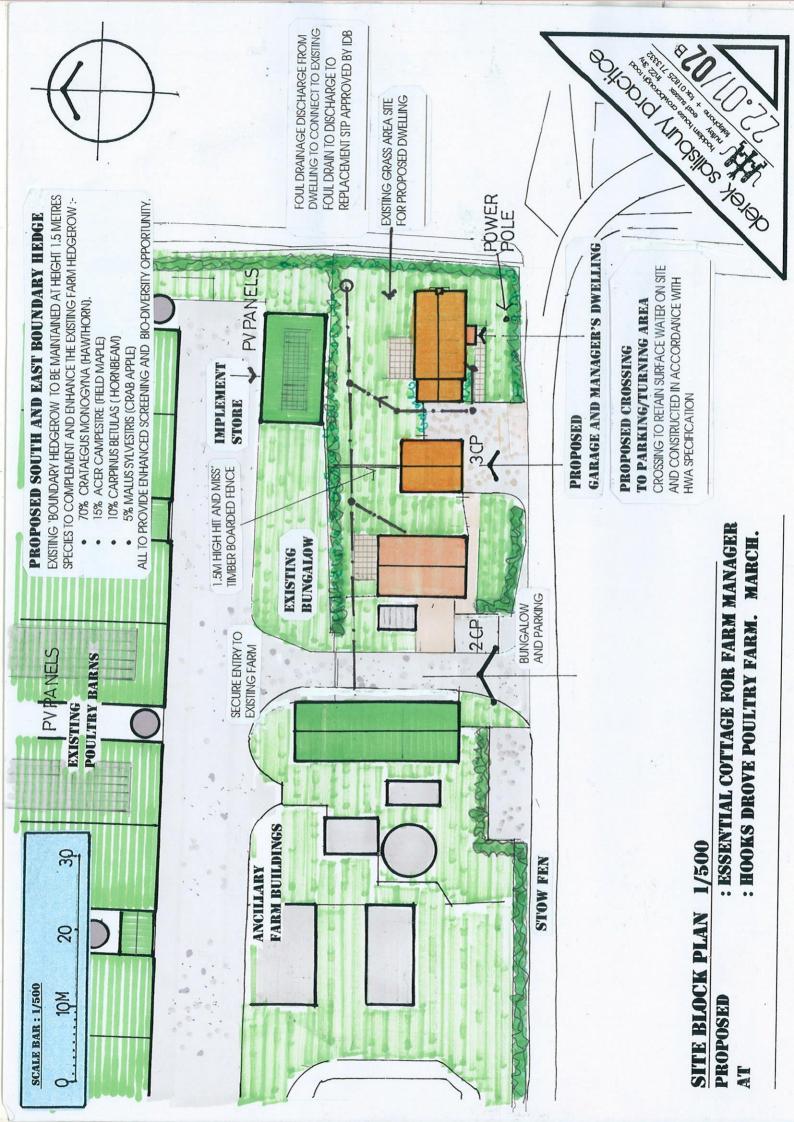
# 12 RECOMMENDATION

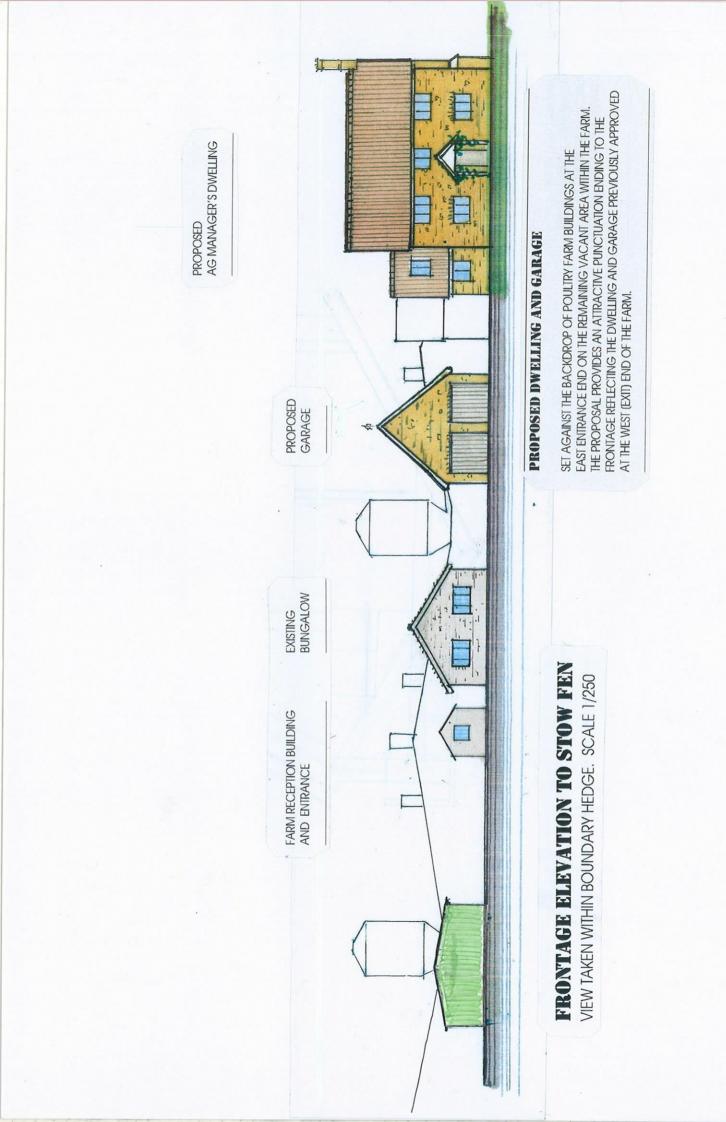
Refuse; for the following reasons:

1.	To promote sustainable development in rural areas, Policy LP3 of the Fenland Local Plan 2014 seeks to restrict development in areas outside of settlements to that which is demonstrably essential for the effective operation of land-based enterprise such as agriculture. This demonstration is determined through the criteria as set out under Policy LP12 Part D. The proposal is for the erection of a new dwelling and garage associated with an established agricultural enterprise, Hook Drove Poultry Farm. It is considered that the existing 2 dwellings at the farm are capable of providing for an uninterrupted labour supply to cover for holidays, sickness or any other unforeseen circumstances, on a unit of this size and with the degree of automation on site, to ensure the welfare of the birds kept at the site and there is no essential/functional need for 3 workers to permanently live at this site. Furthermore, the site is in close proximity to March and Wimblington and as such a dwelling within a nearby settlement would be suitable and available to fulfil the applicant's accommodation needs for their employees. As such the proposal is contrary to the aforementioned policies and would result in an unwarranted dwelling in an otherwise unsustainable location.
2.	The site lies in Flood Zone 3, the highest risk of flooding. Policy LP14 of the Fenland Local Plan and Chapter 14 of the NPPF seek to steer developments to the areas with the least probability of flooding and development will not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. If it is evidenced by an adequate sequential test that it is not possible for development to be located in areas with a lower risk of flooding the exception test will then apply
	The application is accompanied by a Flood Risk and Drainage Strategy, however this asserts that the sequential test does not apply as the proposal is in relation to the existing poultry farm. As the essential need for a dwelling in this location has not been proven (reason for refusal 1) a wider sequential test would be applicable. Insufficient assessment has been undertaken and inadequate information submitted to demonstrate that it is not possible for the development to be located on a site with a lower risk of flooding and without proven essential need the development does not provide any wider sustainability benefits, as such both the sequential and exception tests fail, and the development is contrary to the aforementioned policies.
3.	Policy LP16 of the Fenland Local Plan 2014 and Policy DM3 of the Delivering and Protecting High Quality Environments in Fenland SPD 2014, para 130 of the NPPF 2021 and Chapters C1 and I1 of the NDG 2021, seek to ensure that developments make a positive contribution to local distinctiveness and the character of the area and respect the local built environment.
	The proposed development, when considered in the context of the existing bungalow would create an incongruous and dominant feature, out of scale with its immediate surroundings and contrary to the aforementioned policies.



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EXISTING BUNGALOW

CAR PARK 2 CAR PARK 1

GARAGE

PROPOSED

CARK PARK 3

**AGRICULTURAL DWELLING** 

THE 'TIED' AGRICULTURAL DWELLING IS PROPOSED TO ACCOMMODATE THE ADDITIONAL ESSENTIAL FULL TIME POULTRY SUPERVISOR TO LIVE ON-SITE.

THE PROPOSAL IS THE RESULT OF AN AGRICULTURAL APPRAISAL WHICH CONCLUDES :-

- PROVEN FUNCTIONAL NEED .
- THERE IS NO SUITABLE ALTERNATIVE ACCOMMODATION AVAILABLE ON THE FARM OR WITHIN CLOSE PROXIMITY

- THE DWELLING WOULD BE HIGHLY SUSTAINABLE WITH HIGH LEVELS OF THERMAL INSULATION AND LOW MAINTENANCE, NATURAL MATERIALS.- THE PROPOSAL ACCORDS WITH THE RELEVANT FENLAND D.C LOCAL PLAN POLICIES and NPPF GUIDANCE. - THE DWELLING WOULD INTEGRATE WELL INTO THE DISTANT SURROUNDING PROPERTIES AND NO MATERIAL ADVERSE IMPACT WOULD ARISE AS A RESULT OF OVERLOOKING OR LOSS OF AMENITY.

THE PROPOSED DWELLING IS COMMENSURATE WITH THE FARM POULTRY ACTIVITY WILL INCLUDE LOCAL LOW MAINTENANCE MATERIALS IN LOCAL VERNACULAR STYLE. THE DWELLING IS DESIGNED TO PROTECT AMENITIES OF DISTANT PROPERTIES WITH NO ADVERSE IMPACT.

ALTHOUGH THE SITE LIES OUTSIDE AREAS OF IDENTIFIED SPECIAL LANDSCAPE VALUE AND CANNOT BE SEEN FROM SURROUNDING DISTANT PROPERTIES - CARE IS TAKEN TO ENSURE THAT THE DWELLING WOULD BLEND AND HARMONISE WELL WITH THE CHARACTER OF THE FARM AND WOULD INTEGRATE WELL INTO THE FENLAND SETTING INTO THE RURAL SETTING

#### SOUTH ELEVATION [DWELLING AND GARAGE TO DROVE FEN ACCESS] 1/100 PROPOSED **: ESSENTIAL COTTAGE FOR FARM MANAGER** : HOOKS DROVE POULTRY FARM. MARCH. AT





#### **PROPOSED AG' TIED DWELLING**

#### SUSTAINABILITY OF DWELLING

- SURFACE WATER FROM THE COTTAGE WILL DISCHARGE TO THE ATTENUATION LAGOON TO BE HARVESTED, FILTERED, TREATED FOR USE IN THE FARMING PROCESS.
- RENEWABLE ENERGY ELECTRICITY PROVIDED BY PV PANELS .
- HEATING FOR THE PROPOSED FARM MANAGER'S DWELLING WILL BE BY ELECTRICITY • OR FARM LPG ALBEIT BENEFITTING FROM ENHANCED LEVELS OF INSULATION.
- HEATING WILL BE SUPPLEMENTED BY A WOOD BURNING STOVE USING WOOD . FROM RENEWABLE SOURCES.
- THE PROPOSED FARM SUPERVISOR WILL LIVE ON SITE WITH NO WORK TRAVEL JOURNEYS .
- ENERGY SAVING ELEVATED INSULATED CONSTRUCTION.

#### NORTH ELEVATION [DWELLING AND GARAGE TO POULTRY FARM 1/100 **: ESSENTIAL COTTAGE FOR FARM MANAGER** PROPOSED : HOOKS DROVE POULTRY FARM. MARCH. AT

#### **PROPOSED GARAGE**

#### **PROPOSED AGRICULTURAL TIED DWELLING**

EVER-INCREASING POULTRY ACTIVITIES AND INDUSTRY STANDARDS REQUIRE ADDITIONAL AND ESSENTIAL FULL-TIME SUPERVISION WITHIN SIGHT + SOUND OF THE FARM TO PROTECT THE WELFARE AND SECURITY OF THE BIRDS AND MAINTAIN CONTINUOUS AND SAFE OPERATION OF THE SOPHISTICATED ENVIRONMENTAL CONTROLS AND SYSTEMS.

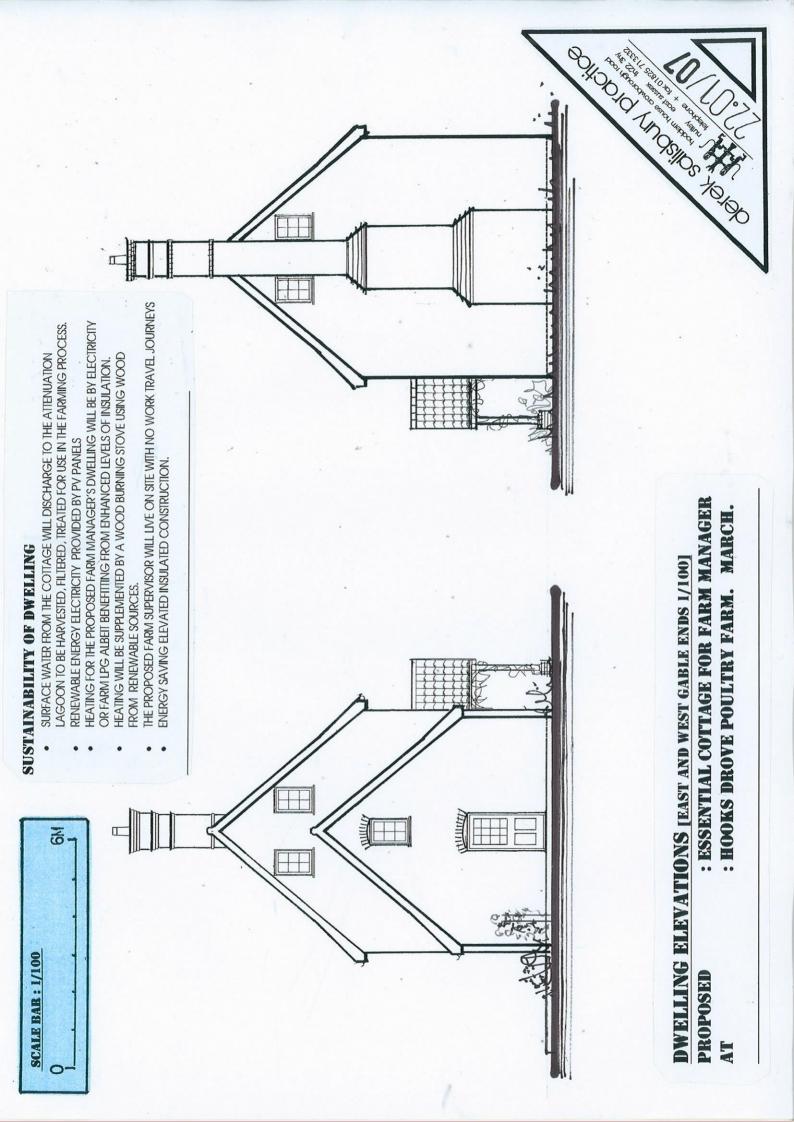
A SMALL BUNGALOW EXISTS ON-SITE AND WILL BE RETAINED FOR USE BY THE FARM

THE EXISTING MANAGER'S DWELLING AT THE WEST END OF THE FARM WILL BE MAINTAINED AND OCCUPIED BY THE FARM SUPERVISOR AND FAMILY. THE NEW DWELLING IS PROPOSED TO ACCOMMODATE THE FARM MANAGER TO ENSURE CONTINUOUS PRESCENCE ON SITE REQUIRED TO MANAGE THE OPERATING SYSTEMS TO ENSURE CONTINUOUS PROTECTION AND WELFARE OF THE BIRDS. THE PROPOSAL FOR THE NEW 'TIED' DWELLING IS THE SUBJECT OF THE AGRICULTURAL CONSULTANTS DETAILED STUDY AND APPRAISAL TO INFORM THE APPLICATION AND TO DEMONSTRATE THE ESSENTIAL NEED.

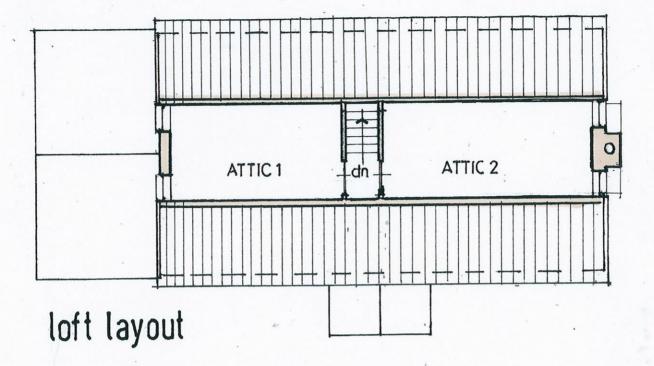
THE NEW AND EXISTING DWELLINGS ARE 'AG TIED' FOR USE BY LIVE-IN FARM STAFF.

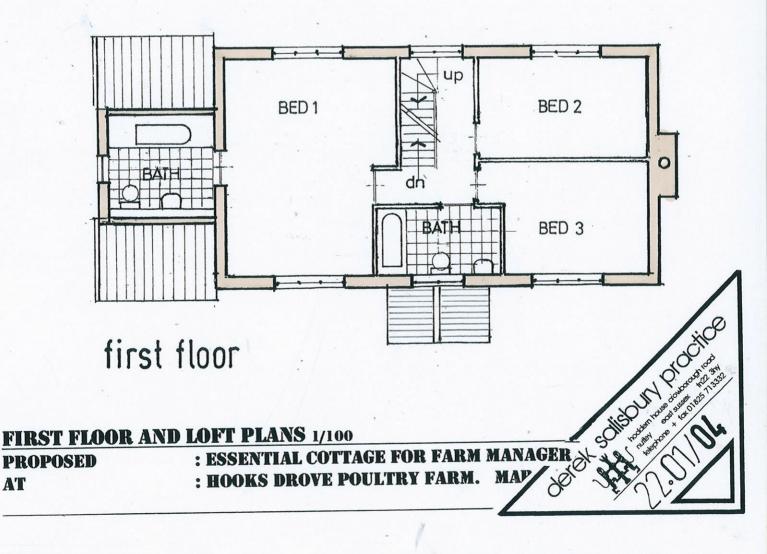
EXISTING BUNGALOW











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