

PLANNING AND LICENSING COMMITTEE

10th OCTOBER 2018

ADDITIONAL PAGES UPDATE

DISTRIBUTED AT THE COMMITTEE MEETING

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Additional Representations on Schedule Items

Pages 5 - 15

ADDITIONAL PAGES ON SCHEDULE ITEMS

Item	Ref. No	Content
01	18/02488/OUT	Letter from applicant's agent – Please see attached letter from Kernon Countryside Consultants Limited dated 8 th October 2018 (<i>Pages 7 -13</i>)
06	18/02694/FUL	<p>Further comment from Coberley Parish Council :</p> <p>Coberley Parish Council maintains its opposition to this application on the grounds that it would cause permanent harm to the AONB, the Cotswold Way National Trail and allow unacceptable increased urbanisation of the countryside, as previously submitted in September 2017 & September 2018.</p> <p>There is no need identified in this location in the recently-adopted Local Plan 2011 – 2031</p> <p>As the Parish Council has nothing to add to the submissions already made in writing, it does not propose to take up Planning Committee time in speaking at the meeting.</p> <p>The Parish Council reinforces its continued request that the application be refused.</p> <p>Comment from Agent – please see attached (<i>Page 14</i>)</p>
07	18/00424/FUL	<p>Additional Third Party comment of support received:</p> <p>Reasons for comment : Design/Impact on Listed Building. I live at the other end of the same listed building as the Ballard family and I fully support their plans to provide a better family home.</p> <p>The proposed design is sensitive to the neighbours and surrounding environment. The proposed materials will embed the design and I am certain it will look in keeping with the rest of the building.</p> <p>I have lived in Dunfield for a year and the sense of community is strong and it is fantastic to have a young family nearby. I live here with my partner and it is perfect for us two. I have spoken to the previous two sets of owners of Cherry Tree Cottage (our home) and they were forced to leave the hamlet when they decided to grow their family as space is limited in this listed building. It is imperative we allow the Ballards to</p>

		make these changes to their home to better accommodate their family.
09	18/02389/FUL	<p>Response from Thames Water:</p> <p>Waste Comments</p> <p>Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided</p> <p>With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.</p> <p>https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services</p> <p>Water Comments</p> <p>On the basis of information provided, Thames Water would advise that with regard to water treatment infrastructure capacity, we would not have any objection to the above planning application.</p> <p>There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.</p> <p>https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes</p> <p>Statement from Cllr Richard Harrison on behalf of Fairford Town Council – see attached (Page 15)</p>



Councillors
Planning Committee
Cotswold District Council

Electronic Version
Our Ref: KCC2527/hw
8th October 2018

Dear Councillor

18/02488/OUT: MANOR FARM, CHEDWORTH

I write to you prior to the Planning Committee scheduled for 10th October.

The application is for an essential worker's dwelling on an agricultural unit of 324 ha, milking 300 cows on an organic system. There is no farm dwelling within 600m by road (400m as the crow flies) of the dairy.

Once you have read Martin Perks' report, you will see that there are two issues only:

- (i) whether the essential need for a resident worker is met by an existing dwelling;
- (ii) whether the landscape impact of the dwelling is unacceptable.

I ask you to consider the following in your deliberations. For ease of reference I number the key points from Mr Perks' report and attach the relevant pages.

Essential Functional Need

To assess what the functional need is, and whether existing dwellings can meet the need, it is essential to know what the enterprise is and how it operates.

The farm has 300 cows in milk, and brings about 100 heifers into the herd each year. There are therefore about 300 calvings per annum. Newly calved heifers and cows are generally kept indoors for their first five nights, with the calves transferred to a calf rearing unit at 24 – 36 hours of age.

The farm operates a "New Zealand style" block calving system, so all 300 cows and heifers block calve over about 10 weeks from the middle of February to the beginning of May. After that all cows must be monitored very closely to detect when they come back into heat (ie ovulate) so that they can be artificially inseminated and get back into calf. Post calving monitoring of cows and AI, so that cows can be got back in calf, is very stressful. It necessitates evening and night monitoring. A cow comes in heat once every 21 days, but is in heat for only 15 – 18 hours (varying from 8 – 24 hours) so frequent observation and vigilance is essential. With a block calving system, you cannot afford to miss a cycle, so the staff need to observe every few hours round the clock, including out of working hours.

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7

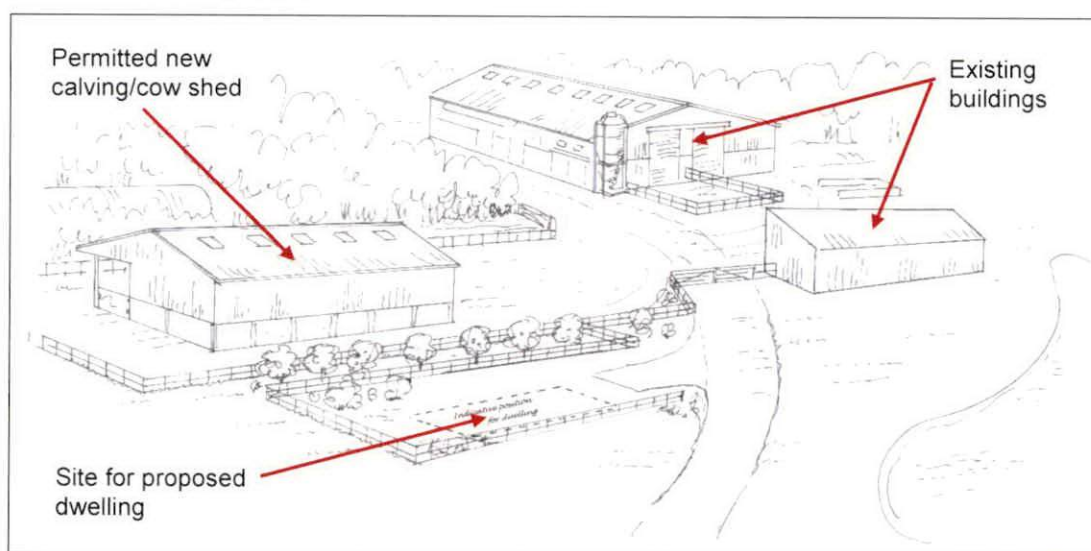
ITEM 1 - 18/02488/OUT

Calving takes place outdoors if possible, but for animal welfare reasons (eg cow health, cold and wet weather, likelihood of complications) some calving takes place indoors in the large building next to the milking parlour. All cows with calves go indoors after calving, as noted above, or are already indoors having been calved indoors.

The key period when it is essential there is a worker on site for animal welfare reasons is from about a month before calving until all cows are confirmed back in calf post calving, a 5 – 6 month period.

Following difficult periods such as the very cold spell this spring, it was clear that more indoor calving space is needed. The farmers have sought planning consent, and been given consent, for a large new calving and cow shed, permitted under 18/02489/FUL. It is illustrated in the following artist's impression, with the proposed dwelling location shown in the foreground.

Insert 1: Artist's Impression



Calving will take place, therefore:

- in the calving area within the existing dairy building;
- in the new calf/cow shed;
- and if the weather is good, outside on the concrete runway pads.

Calving and bulling are very intensive periods, and the evening and night work is shared between staff. With difficult calvings it is usual for two people to be needed to help the cow calve. The farm does not have a dwelling near the buildings. This application will provide a dwelling next to the buildings and where indoor calving and newly calved cows and calves will be housed. There will continue to be a second dwelling 600 metres away with a second key worker living in it.

Mr Perks' report states the following (see annotation A):

"It is evident that calving takes place in a block of 2-3 months. Whilst calving can require a 24 hour presence to care for and monitor the welfare of the animals, it is also a seasonal process. Even if the weeks leading up to calving and the post-calving bulling period are taken into consideration, the whole process is still a seasonal one. The calving does not therefore justify an all year round 24 hour on site presence".

There is an apparent acceptance, therefore, that there is an essential need to live on site for up to five months of the year.

The key question to answer is: "how can this three to five month need be met?". In his report on the earlier application, Mr Fox (the Council's appointed agricultural advisor in this case) stated as follows:

"However, during calving time there will be need for vigilance and frequent observation, which in this case, due to numbers involved calving over a short period, will require continual 24/7 attendance. In some cases, calving will need to be assisted, and where necessary a vet might need to be called out, and there will also be after birth care for calves in some cases, which again might well involve night time work" (taken from 4.01 of his report for 18/00773).

In his report on this application, which is reproduced in your Committee papers, Mr Fox discounts the pre-calving period and the post-calving period, and concludes on his page 9 (fourth paragraph down) that **"ultimately it is the calving period which takes place over a c.10 week period, where there exists a functional need for there to be somebody on hand during the night time which amounts to a seasonal requirement"**.

How can that need be met? Some would suggest that a seasonal need could be met by a touring caravan. However, it is surely utterly unacceptable to expect a worker to live in a touring caravan between early February and May, even if you only considered the calving period? A touring caravan is not a workable option. You will not get a member of staff to live in a caravan in February, March and April!

In any event, the farm needs a worker on site able to hear and see problems, able to make frequent inspections and identify problems, provide security, and with someone else nearby ready to help and be on call.

Mr Fox has expressed the view that an on-site dwelling for this 300 cow dairy unit is a seasonal matter and not essential. Yet he has supported, and in some cases promoted, three or more permanent dwellings on similar sized enterprises as follows:

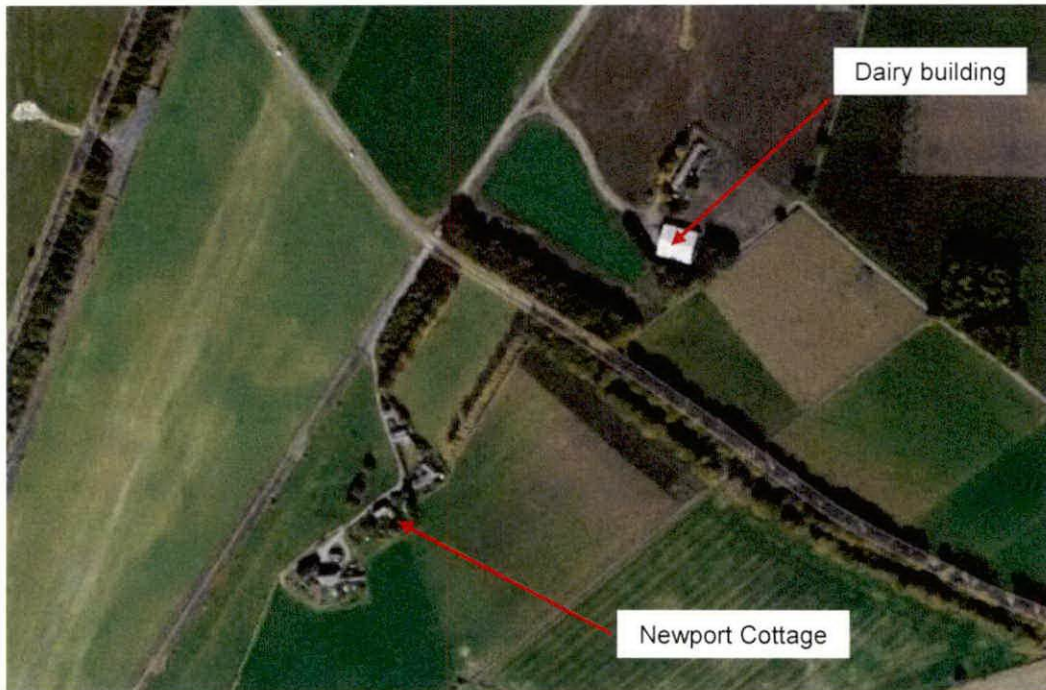
- Mobley Farm, Berkeley. 340 cows. Mr Fox concluded that it is **"essential that there are two people living within sight and sound of the livestock accommodation, with a third within an easy commuting distance"**;
- Hurst Farm, Slimbridge. 320 cows, aiming to expand to 400 cows. At 320 cows Mr Fox concluded that two dwellings on site covered the existing need, but at 400 cows there would be a need for three qualified people living on site;
- Nupend Farm, Horsley. At 26 cows he considered a residential need for somebody between January and March during calving, although commented that the need was quite marginal.

Mr Fox's reports for all these are attached to my application report should you have time to read them, because they have not been copied in your agenda papers. Mr Fox simply dismisses them as having **"their own level of uniqueness"**. I consider there to be a seemingly considerable inconsistency in Mr Fox's advice to you in this case compared to his conclusions on other large dairy units, which Mr Fox does not explain. How can 340 cows require two people within sight and sound and a third within a short distance, yet in this case at 300 cows he concludes there is no need for anybody within sight and sound and one 600m distance away.

It is clear to me that the current cottage cannot meet the need, especially once the new calving shed is erected. It is 600m away by road, as shown below. As described in the landscape section of Mr Perks' report, the buildings and application site **"are not viewed in the context of Newport Farm"**. That is because they are a considerable distance apart, screened by woodland and other buildings. Newport Cottage cannot offer any animal welfare benefits for the cattle sheds, nor can it even remotely offer any deterrence to the ever increasing problem of theft at this farm. And contrary to the views of the Chedworth Society, the other dwellings

converted to holiday uses at Newport Farm are not, and never have been, in the control of the owners of Manor Farm.

Insert 2: The Farm Buildings and Newport Cottage



There is also a major security and animal welfare issue. Dairy farms have been targeted, with milk tanks poisoned. Theft is a massive problem, and in this case the access road is also a bridleway so it is not easy to lock the place up and it is very easy to walk near the buildings without being challenged, due to the public right of way. For security, and management (eg to meet delivery vehicles, visitors, vets etc), an on-site dwelling is also essential.

In my view, and the view of the herdsman and the farmers, there needs to be a dwelling next to the dairy. They had hoped that Newport Cottage would suffice. They have realised that they need to calve more animals indoors. They have therefore been given consent for a large new calving and cattle shed. They now recognise that they need a dwelling next to the buildings.

Landscape Impact

Landscape impact is an issue you will need to reach a view upon. It seems to me that whichever public viewpoint you take towards the proposed dwelling, it will have a backdrop of trees and, shortly, a large new cattle shed.

The fact that no other dwellings are visible in the same view should not make this unacceptable. A dwelling next to farm buildings is entirely to be expected and as set out in Mr Perks' report (see annotation B) a new farm worker's dwelling under the NPPF accords with the guidelines of the Landscape Character Assessment.

Conclusions

As always, you need to make a balanced view on this application.

In my opinion a dwelling 600m from a 300 cow dairy unit cannot meet the need. In other cases the Council's agricultural advisor has supported three or more dwellings, and here there is no

dwelling, next to the buildings. The farmers have tried to operate without a new dwelling and have realised that a dwelling is essential. I concur completely.

The dwelling will be next to the new and existing cattle sheds, visible only in context with them and with a backdrop of farm buildings and trees.

Please consider carefully whether you agree that an onsite worker is needed for animal welfare, livestock management and security. Please consider carefully why other large dairy units need 2 or 3 dwellings, but in this case the advice you are given by your appointed consultant is that a dwelling 600m away is all that is required.

If you do agree that a dwelling on site is needed, please reflect on whether this site, right next to existing and permitted farm buildings, is really so harmful to the former airfield landscape that it should be refused. Where else could the dwelling go?

Please feel free to seek any clarifications.

With kind regards.

Yours sincerely

Tony Kernon
BSc(Hons), MRICS, FBIAC

In the case of the current application, it is evident that the existing business has been operating for a number of years and has shown a profit in the last three years. It is considered that the proposal relates to a well-established business. A proposal for a permanent dwelling rather than temporary accommodation can therefore be reasonably put forward. The principle issue concerning this application is therefore whether there is an essential need for the additional unit of accommodation.

The existing business milks approximately 300 cows. Milking takes place in the milking parlour approximately 60m from the application site. The farm operates a closed herd and rears its own replacement cows. The applicant's supporting statement states that 'on average 80-100 heifers are brought into the herd each year. There are, therefore, between 400 and 500 head of cattle on the holding at any one time'.

The applicant operates the 'New Zealand' style of dairy farming whereby the cows spend the majority of the year outside. Calving takes place on outdoor straw covered pads at Newport Farm to the south of the application site. The calving takes place over a 10 week period in the spring (February to May). Cows and their new calves are then taken to the Nissen hut lying to the north of the milking parlour next to the application site where they are kept indoors overnight for the first 5 nights. Beef bred calves are taken to the older Manor Farm buildings located on the edge of Chedworth. Calves are typically sold after 5 weeks.

It is evident that calving takes place in a block of 2-3 months. Whilst calving can require a 24 hour presence to care for and monitor the welfare of the animals, it is also a seasonal process. Even if the weeks leading up to calving and the post-calving bulling period are taken into consideration, the whole process is still a seasonal one. The calving does not therefore justify an all year round 24 hour on site presence. Outside of the calving period, the farming activities are more routine and can be undertaken during the course of the working day rather than requiring a round the clock presence. Staff employed on the farm will therefore be present to deal with any emergencies/welfare issues. Moreover, it is also of note that the farm manager already resides in close proximity to both the calving area and the milking parlour/calf rearing barn. It is considered that the existing property at Newport Cottage can meet the essential needs of the existing operation should there be a need for animals to be cared for at short notice outside normal working hours. A

It is noted that the applicant has gained permission for a further livestock building which will allow cows to be brought indoors to deal with injuries or illnesses. However, the applicant's supporting statement states that 'the number of animals being treated will hopefully be small at any one time'. The majority of the animals will therefore continue to be kept outside for the majority of the year.

In addition to Newport Cottage, the applicant lives in Chedworth and owns three dwellings in the village. Other properties are therefore located within the vicinity of the site. It is noted that the presence of a further dwelling in closer proximity to the existing milking parlour will improve site security. However, security is not in itself sufficient to justify the erection of a permanent dwelling.

Overall, it is considered that an essential need cannot be demonstrated for the proposed dwelling. The proposal is therefore in conflict with Local Plan Policies DS4 and H5 and paragraph 79 of the NPPF.

(b) Impact on Character and Appearance of the Cotswolds Area of Outstanding Natural Beauty

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) wherein the Council is statutorily required to have regard to the purpose of conserving and enhancing the natural beauty of the landscape (S85(1) of the Countryside and Rights of Way Act 2000).

Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic character and beauty of the countryside'.

The Strategies and Guidelines section of the LCA makes the following recommendations in relation to development such as that proposed:

B

- Avoid isolated development that will intrude negatively into the landscape and cannot be successfully mitigated;
- Conserve areas of dark skies;
- Oppose new housing on the High Wold (unless special circumstances apply in accordance with Paragraph 55 of the NPPF and development conserves and enhances the AONB as required by the CRoW Act 2000;
- Conserve the distinctive rural and dispersed settlement pattern;
- Restore existing stone farm buildings and structures in preference to new built development;
- Maintain the sense of openness and consider the impact of built development on views to and from the High Wold, including the impact of cumulative development;
- Control the proliferation of suburban building styles and materials.

The application site forms part of a relatively flat and open landscape that still retains some of the character and appearance of its former use as an airfield. The landscape is characterised by areas of grassland, expanses of tarmac and former airfield buildings. A small number of agricultural buildings are evident. Small pockets of woodland are also in evidence. There is no real evidence of residential development on the former airfield. A group of houses are present at Newport Farm to the south of the site. However, these are reasonably well screened by existing vegetation and are set back from the airfield. The application site is not viewed in context with the housing at Newport Farm.

The application site occupies the edge of a grassed area and is bordered on two sides by farm tracks. The field is not enclosed by any fencing or vegetation. It forms part of a very open and exposed landscape and contributes to the very distinct character and appearance of the area. The proposed development would result in the introduction of a dwelling and associated garden and car parking onto the land. Due to the lack of any definable boundary to the existing site, any development would inevitably require the segregation of the site from the wider landscape area in which it is located. The introduction of hedgerows, trees, walls or fences would all potentially appear at odds with the flat and open airfield landscape. If boundary planting/fencing was not introduced, then the proposed development would appear very prominent from the road and from the nearby Public Rights of Way. It is noted that the application is in Outline form. However, even if a low key building could be introduced it would still result in a discernible change to the character of the landscape through the introduction of residential activity, light pollution and car parking. It would be at odds with the existing character of the area where such development is notable by its absence.

The Council's Landscape Officer states:

'In my opinion the site reads as part of the wider agricultural landscape and contributes positively to the rural character of the AONB. I consider that the change of use to residential with the introduction suburbanising features such as a domestic garden, encroachment of build form, lighting, parked cars and associated domestic paraphernalia would become a negative feature in the landscape. Furthermore, the activity generated from a domestic dwelling would diminish the rural tranquil character of the AONB.'

Overall, it is considered that the proposed development would have an adverse impact on the character and appearance of the AONB contrary to Local Plan Policies EN1, EN4 and EN5 and guidance contained in Paragraphs 170 and 172 of the NPPF.

Other Matters

Access to the proposed dwelling would be via an existing farm track which opens onto the Chedworth to Withington road. It is considered that the entrance is suitable to cater for the proposed development in terms of width and visibility having regard to Local Plan Policy INF4.

Presentation to Cotswold Planning Committee, 10 December 2018

18/02694/FUL - Hartley Lane, Coberley

- Thank you for allowing me to speak this morning.
- The two sites allocated in the Local Plan for Gypsies are controlled by those families and are not available to my clients. Given the general shortage of accommodation for Gypsies that means they will be homeless. This engages their human rights under Article 8 to the Act.
- I'm not sure the 3rd paragraph of the Conclusions section of the officer report is correct when it indicates that in the planning balance human rights should be given equal weight to other planning considerations.
- The lead case in the Supreme Court, ZH (Tanzania) could not be clearer. In his summing up Lord Kerr stated:
'In reaching decisions that will affect a child, a primacy of importance must be accorded to his or her best interests. This is not, it is agreed, a factor of limitless importance in the sense that it will prevail over all other considerations. It is a factor, however, that must rank higher than any other. It is not merely one consideration that weighs in the balance alongside other competing factors. Where the best interests of the child clearly favour a certain course, that course should be followed unless countervailing reasons of considerable force displace them. It is not necessary to express this in terms of a presumption but the primacy of this consideration needs to be made clear in emphatic terms. What is determined to be in a child's best interests should customarily dictate the outcome of cases such as the present, therefore, and it will require considerations of substantial moment to permit a different result.'
- The applicant families include four children, including a baby with health concerns and a young teenager with a significant health issue which means he would be particularly vulnerable to infection if the family were made homeless. Their best interest is to remain living in their home. In my understanding ZH (Tanzania) provides the test that should be applied here in weighing up the best interests of the children against other issues, including impact on the AONB.
- I would make two final points. As the photographs attached to the report show, this is a particularly well managed site. Secondly, while the original application attracted literally hundreds of objections, for this application there were two from parishes and four from individuals. The implication is that the applicants are increasingly accepted as part of the local community. Thank you

Michael Hargreaves Planning, October 2018

Agenda Item 12, Item 09 - 18/02389/FUL

Statement by Councillor Richard Harrison on behalf of Fairford Town Council

This looks a straightforward application for what would be a 'windfall' site under the policies of the new Local Plan, but it isn't quite as simple as that.

It was originally the 'community' part of the adjacent 120-home 'mixed' development (13/03793/OUT).

The draft Heads of Terms made provision for reserving the site for ten years for healthcare or community use unless agreed by the Planning Authority in consultation with the Town Council. However, this wasn't included in the section 106 agreement.

The explanation given in the current officer's report is that this would not have been consistent with CIL regulation 122. This wasn't communicated to us at the time.

The community facility which the Town Council wanted (if the site was not needed for a healthcare facility) was consistent with the National Planning Policy Framework, which was referred to in condition 25. The officer's report specifically referred to paragraph 70. This was surely a material consideration that would have justified a planning condition or obligation in terms of planning policy, and therefore been consistent with the CIL regulation.

There is no reference to this issue in the minutes of the relevant Planning Committee meetings (January and February 2014). For whatever reason, it wasn't covered.

This also clouded the issue of whether the developer was being expected to provide an actual building – which seemed to be implied or assumed in the Planning Committee documentation.

As regards the comments at the bottom of page 149 and the top of page 150:

- a) We aren't aware of the offer of "the building" for a peppercorn value.
- b) The applicant only came to us at the beginning of last year and offered to sell us the site in lieu of the £300,000 contribution previously agreed in the Unilateral Undertaking. Clearly, we couldn't justify giving up this sum for a relatively small plot of land for community use, and we would not then have had the resources to develop this or the other things.

The current officer's report refers to the Fairford Neighbourhood Plan. It's true that our first Plan failed at examination – largely due to the level of evidence needed in such a complex situation – but the Examiner was actually very supportive of the proposal for this site, which was to reserve it for community use.

As far as we were concerned, the site was included within the Development Boundary to allow for the community development.

It has been easy to get housing developments approved in Fairford in the past, under a 'tilted planning balance', and we have struggled to get the minimal infrastructure improvements included implemented in a timely way. Please don't deprive us of a site that would help us to remedy this.

Finally, we support the residents' concerns about the layout and highway and pedestrian safety, which are based on their experience.