

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 7th July 2004
AUTHOR/S: Director of Development Services

**S/2194/01/F – Gamlingay
Erection of Egg Production Unit and Storage Building together with Access,
Land at Station Road, for Mr I Quince**

Recommendation: Delegated Approval

Members will visit this site on Monday 5th July 2004

Site and Proposal

1. This full application, submitted on 19th November 2001, proposes the erection of an egg production unit and associated storage building within a 20ha area of agricultural land to the north of Station Road, Gamlingay. An Environmental Impact Assessment (EIA) was submitted on 25th September 2003 and can be viewed as part of the background papers.
2. The majority of the site is to the north of the former route of the Cambridge to Bedford Railway line. It is bounded to the north by Millbridge Brook with agricultural land beyond extending to Long Lane. To the west of the site is Merton Grange and a dwelling fronting Station Road, and to the east agricultural land. The site is 1.6km from Gamlingay Wood and 1.5km from Potton Wood, both of which are designated Sites of Special Scientific Interest (SSSI)
3. The proposed egg production building is to be located 100m to the north of the former railway line, 130m from the boundary with Merton Farm. The building measures 77.7m x 15.85m (1230m²) with a ridge height of 6.9m (1.8m to eaves) and straddles an existing field boundary. Materials are to be agreed.
4. The storage building, which measures 20.5m x 14.5m (300m²) and has a ridge height of 8m (5m to eaves), is located 60m to the south of the main building, 20 metres to the north of the former railway line. It is a steel framed building with green box profiled sheeting are profiled.
5. A new vehicular access into the site is proposed from Station Road, which has to cross the former track bed.
6. An area of land varying in depth between 65m and 95m to the south of Millbridge is shown as being within the indicative flood plain
7. A report and additional supplementary information submitted in support of the application is attached as Appendix 1.

Planning Policy

8. **Policy P1/2** of the Cambridgeshire and Peterborough Structure Plan 2003 ("The County Structure Plan") states development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location; where there is an unacceptable risk to the quality of ground or surface water and; where there could be damage, destruction or loss to areas that should be retained for their biodiversity, historic, archaeological, architectural and recreational, value.
9. **Policy CS3** of the South Cambridgeshire Local Plan 2004 ("The Local Plan") states that development of sites where drainage to a public sewer is not feasible will not be permitted if proposed alternative facilities are considered inadequate and would pose an unacceptable risk to the quality or quantity of ground or surface water, pollution of local ditches, watercourses or sites of ecological importance.
10. **Policy CS4** of the Local Plan states that development will not be permitted which poses an unacceptable risk to the quality of the underlying groundwater.
11. **Policy CS5** of the Local Plan states that planning consent will not be granted for development where the site is liable to flooding, or where development is likely to increase the risk of flooding elsewhere by materially impeding the flow or storage of flood water; increase flood risk in areas downstream due to additional surface water runoff or; increase the number of people or properties at risk.
12. **Policy EN1** of the Local Plan states that planning permission will not be granted for development which would have an adverse effect on the character and local distinctiveness of Landscape Character Areas.
13. **Policy EN3** of the Local Plan states that in those cases where development is permitted in the countryside the Council will require that the scale, design and layout of the scheme, the materials used and landscaping works are all appropriate to the particular Landscape Character Area.
14. **Policy EN5** of the Local Plan requires trees, hedges and woodland and other natural features to be retained wherever possible in proposals for new development.
15. **Policy EN9** of the Local Plan states that development proposals within or near to SSSIs will be subjected to special scrutiny and particularly account will be taken of any direct or indirect effects on the particular features giving rise to the designation.

Consultation

16. **Gamlingay Parish Council** recommends refusal. In respect of the original submission it commented. "Opposed on the grounds of the environmental impact of the unit, pollution of the water, noise from six thousand chickens, the dangerous access to the premises, the impact of the heavy vehicular traffic that would visit the site and the lack of an ADAS report justifying the application. Concern was also expressed that the building would be prominent from most accesses to the village".

17. In respect of consultation on the EIA the Parish Council commented as follows:
18. "Members are concerned that many issues appear to have been overlooked such as the impact of noisy, low flying acrobatic aircraft from Fullers Hill Airfield on the birds and what provisions would be in place for the removal of potentially large numbers of dead birds as a result.

In addition, many details remain vague such as how large amounts of chicken manure would be disposed of and how measures could be established to prevent any contamination of the water system. Details relating to storage for chicken feed which would necessarily involve a significant quantity of large silos have not been elaborated upon. Any large silos could not effectively be screened for many years until any hedging had matured. Concern was expressed over the potential for pest infestation as a result of the storage of such large quantities of food.

19. In particular, Council members remain concerned about the safety implications of accessing this site off a small road and at a point where the sight lines are restricted. It is felt that these safety implications and the impact of heavy vehicular traffic on this road have not been addressed.
20. Overall it was felt by the Council's Planning Committee members that this report raises more questions than it answers and that does very little to alleviate the concern expressed by this Council in its original recommendation of 12 December 2001. Planning Committee members continue to feel much disquiet over the long-term impact of such an operation - with its adjacent health, safety and environmental implications - would have on this community and trust these concerns will be taken into consideration by South Cambridgeshire District Council."
21. The **Local Highway Authority** states that access as shown is acceptable subject to conditions.
22. The comments of the **Chief Environmental Health Officer** in the form of two memorandums are attached as Appendix 2.
23. A subsequent memorandum from the Chief Environmental Health Officer states that the main concern previously expressed about how the disposal of carcasses would be conducted has now been addressed. Having visited the site again there is concern that if the conditions previously suggested are not followed there is potential, given the previous history at other similar sites, that complaints may occur resulting from odour and/or the presence of pests such as flies. Given the scale of the proposed business it is likely that any lapses in management are likely to cause concern to those occupying nearby residential dwellings.
24. **The Environment Agency** commenting in respect of the original submission recommends conditions requiring the submission of a scheme for foul and surface water drainage and pollution control. It also required further information in respect of the maximum number of birds to be kept on site at anyone time and the area of land they would occupy; the proposed method of manure storage and disposal; the proposed method of building clean-out procedure and the disposal of dead birds. It puts forward safeguarding comments.

25. In respect of the EIA it comments that the site is within Bedfordshire and River Ivel Drainage Board's area, and the Drainage Board should be consulted regarding surface water drainage 'quantitative proposals. It points out that any culverting or works affecting the flow of a watercourse requires the prior written Consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting and its Consent for such works will not normally be granted except as a means of access.
26. The EIA states that there will be no impact from ammonia deposition on the SSSI's, however there is no data or analysis to back this up presented. There is no indication of prevailing winds or a footprint of the likely locations or concentrations of depositions. It is stated that there will be no impacts on Great Crested Newts as there are no ponds in the proposal area however a pond is marked both on the location map provided and the OS map.
27. In the planning application it indicates that trees are to be lopped/topped or felled. This is not referred to in the EIA. If trees are to be managed they should be checked for bats prior to work commencing and work should be timed to avoid the bird-breeding season. Both bats and nesting birds are protected under the Wildlife and Countryside Act 1981 as amended. Any tree planting should be of native species preferably of local source to increase the biodiversity benefits of the planting.
28. The assumption appears to have been made that dirty water storage can be restricted to that likely to be generated in a 24 hour period, presumably on the assumption that the effluent can be spread on surrounding farmland without causing pollution. A contingency plan needs to be in place to cover periods when this may not be possible due to climatic conditions.
29. There is no reference to storage, use and disposal of disinfectants, veterinary medicines etc.
30. The fuel for the generator is unclear. If it is diesel then the tank will need to be bunded in accordance with best practice.
31. Further information is required on surface water disposal from the site. Properly designed and maintained swales would be preferable. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
32. In response to the additional information received the Environment Agency notes the replies and comments in respect of Ammonia that if the building is to house more than 40,000 birds it will require registration with the Agency.
33. In respect of foul water drainage/pollution prevention it comments that foul drainage from the development may be discharged to a septic tank and soakaway system designed to meet BS standard BS6297:1983 provided that there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse, or within 50 metres of a well, borehole or spring. Porosity tests should be carried out to demonstrate that suitable subsoil and land area is available for the soakaway.

34. All washdown and disinfectant waters from cleaning of the henhouses should be contained within a sealed vessel and disposed of off-site. Waste from the development and running of the site must be re-used, recycled or otherwise disposed of in accordance with waste management legislation.
35. The **Bedfordshire and River Ivel Internal Drainage Board** notes that the proposed method of storm water disposal is by way of soakaways. It is essential that soakaways be investigated and, if ground conditions are found satisfactory, constructed in accordance with the latest Building Research Establishment Digest. In the event soakaways are found not to be suitable any direct discharge to the nearby watercourse will require the Board's prior consent.
36. In respect of the EIA the Board draws attention to certain issues of interest to it.
37. To the south of the site, the soil is fairly heavy where it overlays gault clay, there is evidence of poor drainage.
38. To the north, towards the Board's watercourse the soil is lighter, overlaying greensand.
39. The applicant has indicated that surface water from the roof of the building is to be discharged to a soakaway or drainage ditch. This should not be an issue in the area of greensand, however the soakaway or drainage trench should be designed to BRE 365.
40. The Environment Agency has set out the measures required to ensure only clean surface water is discharged to the soakaway. The Board supports this view. The arrangement, however, of diverting the flow from the concrete service pad to either the clean soakaway or to the dirty water tank is unacceptable, due to the risk of effluent entering the soakaway and rendering it inoperable.
41. A low hawthorn hedge to the north of the site forms the boundary with the Board's watercourse. Ranging areas for the chickens will be fenced with electric fencing. The applicant should note that, in accordance with the Board's byelaws, no development should take place within 7 metres of the bank top, without the Board's prior consent, this includes planting, fencing or other landscaping.
42. The Board would support the Environment Agency's requirement that the field storage heaps of chicken manure etc be at least 10 metres from any ditch or field drain, including the watercourse at the north of the site which is under the statutory control of the Board. In addition, the stockpiles should not be in an area, which is at flood risk because of the possibility of migration into the watercourse and the potential for blockage of the stream.
43. In respect of the additional information it confirms that it has no objection subject to conditions but that it is essential that arisings from the unit are not stored or stock piled in a location which could contribute to flooding in the event that the arisings migrate into the watercourse.
44. Two letters outlining the comments of the **Senior Farms Manager, Cambridgeshire County Council** are attached as Appendix 3.

45. The **Ecology Officer** initially requested the submission of an EIA. In response to the EIA he is of the view that it does not fulfil the requirements of the EIA Regs 1999 nor the ecological scoping areas requested. The application should be objected to on the grounds of a current lack of information supplied with respect to ecology.
46. A pond is shown as present within the development site, yet no mention is made of this in the EIA. What is the ecological status of this feature and does it provide a habitat for great crested newts?
47. A watercourse is shown at the bottom of the site. No detailed evaluation has been provided, photos and species lists should be presented as a minimum. The fact that the stream was dry at the time of visit should not be taken as to mean that it has a lower ecological value than one that is permanently wet.
48. The site is reported as consisting of 49.49 acres of grassland with birds having access to 30 acres. The EIA should contain information on the quality of this grassland, preferably to the National Vegetation Classification standard. At present a major component of the site does not appear to have been given adequate assessment.
49. The ecological value of the hedgerows should be assessed in terms of the ecological value.
50. The EIA states that advice in PPG7 is to "maintain or enhance the character of the countryside and conserve its natural resources, including the safeguarding of the distinctiveness of its landscapes, its beauty, the diversity of wildlife..." It is not clear how this application meets with these statements.
51. The Eversden and Wimpole Woods SSSI and candidate Special Area of Conservation (cSAC) is approximately 7.5km from the site. The main feature of the cSAC is the barbastelle bat. This species has been recorded at flying distances of up to 11 km from the woods and feeding along hedgerows, tree belts and grasslands. Bat surveys should be undertaken to establish whether any feeding or flight paths are likely to be affected. If the issue is considered significant then an appropriate assessment under the Habitats Regulations 1994 will be a requirement.
52. The Ecology Officer states that he is not totally assured that the application will not have any adverse effect upon the nearby watercourse. The building appears to be 270m from the watercourse, and the ranging area even nearer. Without the provision of any buffer zones adjacent to the watercourse it is considered highly likely that nutrient enrichment of the local watercourse will occur.
53. Concern is expressed that the level of survey with respect to various protected species has not been undertaken adequately. For example, it is stated: "no record breeding populations of great crested next occur". This fact should be borne out by field surveys, and not rely on historic records. No surveys appear to have been undertaken with respect to lizards. If they were found to be present on the site many hundreds of birds would quickly reduce the population (the same would apply to grass snakes).

54. Calculations should be provided with respect to the statement that "has no affect on the woodland". How far does air borne ammonia travel and what would be the quantities reaching the nearby SSSI ancient woodlands?
55. No actual means of mitigation, or enhancement, for ecology are provided within the report.
56. The comments of the Ecology Officer in respect of the additional information will be reported verbally.
57. **English Nature** states that there are no designated Sites of Special Scientific Interest within the specific area. The nearest SSSIs are Gamlingay Wood (1.6km) and Potton Wood (1.5km) and given the possibility of a large amount of organic waste being produced and any possible effects on legally protected species an EIA was requested.
58. In response to the EIA English Nature commented that there are no recorded breeding sites for great crested newts within the application site. However, there is a pond approximately 210m from the application site. If great crested newts are present in this pond during the summer they may be wintering on the application site. Such areas are also protected against damage, destruction or obstruction and it is an offence to intentionally disturb great crested newts that are occupying such sites. If present on the application site they will be adversely affected by construction activities.
59. Because of this potential threat it is advised that a condition be attached to any consent requiring the applicant to assess the site for the current and future presence of great crested newts. If it is felt that they will be adversely affected by the development, mitigation proposals should be with English Nature before construction commences.
60. The application gives no indication whether trees will be felled. If this is the case then bat roosts may be lost. English Nature has records of several bat roosts in the area and if trees are to be felled details of bat mitigation measures will be required.
61. English Nature concurs with the EIA that the proposal should not adversely affect the nature conservation interest of Gamlingay Wood SSSI or Potton Wood SSSI.
62. In response to the additional information English Nature comments that it withdraws its request for a further great crested newt survey to be undertaken however contractors working on the development should be made aware of the status of the species and work should cease immediately if any great crested newts are discovered during the course of development.
63. It notes that some, all be it minimal works to trees are proposed and should consent be granted a condition should be attached restricting the destruction and removal of vegetation or buildings during the months of March to August except if approved by the Local Planning Authority.

Representations

64. The occupiers of Merton Grange to the west of the site object to the application on the following grounds:

- The inevitable smell from the production unit and surrounding area would be intolerable particularly at certain times of the year. The new building will be less than 230 metres from two houses and only 280 metres from Merton Grange. This is too close for a large-scale poultry unit. There is concern about the 4-week cleaning period. Smell is unavoidable as odour will build up within the hen house due to build up of ammonia from the dung
- The unsightly buildings will be visible from all properties bordering the site and from the roads from Hatley and Gransden. The height of the building is not stated and the whole proposal will have a serious adverse impact on the local landscape and countryside. It will be an eyesore
- Ancillary buildings and installations are not part of this application or the EIA yet they will be required. Feed hoppers may be required but waste handling facilities are said to be needed. These should all be identified now so that the full effects of the proposed development can be considered now.
- There is already a problem with vermin which would only increase with the storage of food for the chickens.
- There is concern that children in two of the existing dwellings suffer from asthma and that chickens dust and their smell will aggravate their conditions
- The noise emitted by the proposed 12,000 chickens and the fans in the chicken house would be unacceptable and this noise will undoubtedly increase when the chickens were upset by the many small aircraft which practice aerobatics over the area.
- What will happen to the excrement? Will it be spread and used as fertiliser? What pollution of land and water will this cause?
- Concern about the constant light that will be needed to keep the hens laying and the sound of alarms. It will destroy the countryside environment
- The entrance to the property is dangerously close to the old railway bridge in Station Road and the proposed large vehicles entering and leaving the site would be a real danger to traffic leaving Gamlingay. While there is a 40mph speed limit in force, the average speed of vehicles, especially those leaving the village is much greater.
- The proposed enterprise is said to require on-site accommodation and a mobile home is proposed. There is concern that this is the first step towards a new home in the countryside. PPG7 states that where new accommodation is proposed to support a new farming enterprise, the business should be analysed to establish that it is financially viable, there is a functional need and that it is not possible for the person to live elsewhere and yet manage the business. There is no reason why electronic sensors and alarms should not be linked to a house in the village and allow the manager to run this business. Guidance again requires that the viability of a farm business is assessed to establish what size of house can be justified and this should be undertaken now. This assessment should also take account of the business plan so that it can be seen whether the applicant will be living and farming on this land or whether a manager will be employed. These issues are very relevant to the viability of the business and size of the new house that may be required.
- If the building must go ahead the building is too close to residential properties and should be moved elsewhere i.e. the north east corner of the site.
- It is understood that when the land was sold that there is a covenant that prohibits the keeping of any birds or animals on the site other than as domestic pets.
- The owner of Little Gransden Airfield stated that at the Airfield Inquiry in 1998 evidence was presented under oath by a Mrs Quince that low flying aircraft on the westerly departure route from the airfield had caused hens at her free range

production unit, on Gamlingay Road Waresley, distress leading to a loss of egg production and an increase in the mortality rate of the hens. An objection is therefore raised on the basis of potential loss of hens and egg production, as pilots are encouraged to depart the aerodrome to the south and then southwest in order to avoid Mrs Quince's farm. If this application is passed pilots will have to fly close to one or other of the farms. It is noted that the EIA makes no further reference to this matter.

- There was an active badger sett on this site which is understood still to be there. There are other active setts at Merton Grange.
- The EIA states that the disused railway line is an important habitat which will be destroyed if a road is built through it.
- The proposal will devalue existing properties in the area.

Applicant's Representations

65. A letter from the applicant dated 17th June 2004, commenting on some points raised, is attached as Appendix 4. This letter suggests the proposed resiting and reorientation of the main building although revised drawings have not yet been received.

Planning Comments – Key Issues

66. The key issues to be considered with this application are the visual impact of the development in the countryside; highway safety; and environmental impacts.
67. **Visual Impact.** The site is located to the east of the main village of Gamlingay. It is well screened from Station Road, although some existing planting will be removed to form the vehicular access and visibility splays. There are two rows of planting either side of the route of the old railway line which will screen the proposed buildings, which are to the north of this, from Station Road and the approach from Hatley.
68. The main building as currently proposed will be viewed from the west, where the closest residential properties are located. In his latest letter the applicant indicates that a 10-metre wide landscape strip will be provided on the west boundary of the site. This, if coupled with a repositioning of the main building as proposed will reduce the visual impact on these dwellings in the longer term.
69. The site is viewed from Long Lane, heading out of Gamlingay towards Little Gransden and I have been concerned that the visual impact of any building might be unacceptable, although any view from here is a long distance one. The applicant has erected poles on the site to demonstrate the proposed position and height of the main building, which Members will be able to view on the site visit. Having viewed the site again from Long Lane I am of the opinion that the building will be seen against the backdrop of existing planting beyond the site and provided it is clad in a dark rather than light colour, with additional planting, the visual impact will be acceptable.
70. **Access.** The Local Highway Authority has commented that the proposed access, to the southeast of the existing field access, is acceptable as detailed. In view of the local concern that has been expressed about this access I have asked the Local Highway Authority to confirm its position. The visibility splays

provided are below that which would normally be required in such a location, just outside the 40mph limit, but may have been agreed by the Highway Authority on the basis of an assessment of the level of proposed traffic movements submitted by the applicant.

71. **Odour.** The applicant states that there will be no discernible smell from the chickens shed unless a person is standing inside or extremely close to the building. The sheds will be mucked out once every 13 months, which is the only day, while muck is being removed from the site that any significant smell will be discernible. The applicant has stated that the muck cannot be spread on land to which the hens have access, so it will be removed and spread on arable land as fertiliser. The Chief Environmental Health Officer has set out controls for odour control which can be attached as conditions of any consent but has stressed that any lapses in site management could give rise to problems from nearby properties
72. **Noise.** The applicant states that there will be no noise from fans, as the buildings will be naturally ventilated. The Chief Environmental Health Officer has not raised any concerns on noise grounds but has requested that a condition be attached to any consent requiring prior approval of the location and type of any power driven equipment to be installed.
73. **Lighting.** A condition can be attached to any consent requiring the prior approval of any external lighting although it is stated in the application that the hen house will not be floodlit, although winter production may be encouraged by internal lighting which should not be visible externally.
74. **Dust.** The Chief Environmental Health Officer has offered advice on dust control. The EIA states that the main sources of dust are the birds, their food and litter. It concludes that in this case the dust would not cause a problem to nearby dwellings as the distances are in excess of 100m and prevailing winds are away from residential areas. It states that existing and proposed hedging and trees would form a biological screen that would trap many odour-carrying particles at the times of year when the risk of odours would be greatest.
75. **Ecology/Wildlife.** English Nature accepts the statements made in the EIA and has no objection subject to conditions which can be attached to any consent. The EIA states that no badger setts were found within the site. The Ecology Officer is to visit the site again prior to the meeting before being able to comment on whether his outstanding concerns have been addressed. His further comments will be reported at the meeting.
76. **Pollution Control.** The Environment Agency, River Ivel Internal Drainage Board and Chief Environmental Health Officer have no objections to the proposal in respect of pollution from dirty water runoff and clean water disposal subject to safeguarding conditions.
77. **Pest Control.** The EIA states that a full pest control programme will be implemented with careful use of chemicals to avoid damage to wildlife. In his letter dated 17th June 2004 the applicant states that any vermin will be controlled through a pest control company, which is a requirement of Deans Countryside who will collect, pack and market the eggs. The applicant states that any current vermin problems being experienced by local residents have nothing to do with the application and the cause should be investigated and dealt with. He states that the presence of the chicken shed will not increase

the rat population of the dwelling adjacent the site and the pest control company will include vermin control around the perimeter of the site to prevent vermin coming onto rather than off the site. The Chief Environmental Health officer has put forward mitigation measures for control of vermin.

78. **Impact of Aircraft.** In his letter dated 17th June 2004 the applicant states that the planting of conifers and fruit trees together with the outside field shelters will help to nullify any effect of disturbance by aircraft and is informed that the hens very quickly get used to frequent aircraft disturbance and that it is hang gliders and hot air balloons that concern the hens the most. I find it difficult to comment further on this concern.
79. In conclusion the statutory agencies have not raised objections to this application subject to the imposition of appropriate conditions although the Chief Environmental Health Officer has emphasised that any lapses in site management are likely to cause concern to those occupying nearby residential dwellings. The Ecology Officer will revisit the site to assess whether he feels that the EIA has now satisfactorily addressed all issues or whether further work is still required before a decision can be made.
80. I am of the view that the resiting of the building proposed by the applicant is necessary to reduce the visual impact on nearby properties. Amended drawings will hopefully be available at the site meeting.

Recommendations

81. Subject to the receipt of amended drawings resiting the main building to the southeast of the hedgerow and the reorientation through 90^o (and no materially new objections being received to the consultation process in respect of these drawings), and confirmation from the Ecology Officer that the further details submitted in respect of the EIA are acceptable, that delegated powers of approval be given.
82. Conditions to be imposed to include the requirements of the Local Highways Authority, Chief Environmental Health Officer, Drainage Bodies, English Nature and Ecology Officer.

Informatives

Reasons for Approval

1. The approved development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003: P1/2**
 - **South Cambridgeshire Local Plan 2004: CS3; CS4; CS5; EN1; EN3; EN5; and EN9**
2. The proposal conditionally approved is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

- Residential amenity
 - Highway safety
 - Visual impact on the locality
 - Environmental Issues
3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Background Papers: the following background papers were used in the preparation of this report:

Application file S/2194/01/F (including EIA)
Cambridgeshire and Peterborough Structure Plan 2003
South Cambridgeshire Local Plan 2004

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