

# **WESTERN AREA PLANNING COMMITTEE**

## **EXTRACT FROM THE DRAFT MINUTES OF THE MEETING HELD ON WEDNESDAY, 9 AUGUST 2017**

**Councillors Present:** Howard Bairstow, Jeff Beck, Hilary Cole, James Cole (Substitute) (In place of Adrian Edwards), Billy Drummond, Paul Hewer, Clive Hooker (Chairman), Anthony Pick, Garth Simpson and Virginia von Celsing

**Also Present:** Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Rachel Craggs (Principal Policy Officer (Equalities)), Paul Goddard (Team Leader - Highways Development Control), Jenny Legge (Principal Policy Officer) and Shiraz Sheikh (Principal Solicitor)

**Apologies for inability to attend the meeting:** Councillor Dennis Benneyworth, Councillor Paul Bryant and Councillor Adrian Edwards

### **PART I**

#### **16. Declarations of Interest**

Councillor Clive Hooker declared an interest in Agenda Item 4(2), but reported that, as his interest was personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

#### **17. Schedule of Planning Applications**

##### **(2) Application No. and Parish: 17/01235/COMIND, Plantation Farmhouse, Beedon**

*(Councillor Clive Hooker declared a personal interest in Agenda Item 4(2) by virtue of the fact that he had been lobbied. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)*

*Councillor Paul Hewer, in accordance with his declaration of interest in respect of agenda item (1), left the meeting at 6.35pm and did not return.*

Due to the declaration of interest of the Chairman and in the absence of the Vice-Chairman of the Western Area Planning Committee, Members **RESOLVED** that Councillor Hilary Cole be appointed as Chairman for this item only.

1. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 17/01235/COMIND in respect of the erection of a free range egg laying unit.
2. In accordance with the Council's Constitution, Dr Allen Careless (on behalf of residents of Beedon Common), objector, and Mr Roger Gent and Mr Ian Pick, applicant/agent, addressed the Committee on this application.

3. Derek Carnegie introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was not acceptable and a conditional approval was not justifiable. Officers consequently recommended the Committee refuse planning permission. He further informed the Members that if they chose to approve planning permission, this application would be referred to the District Planning Committee, as it was against their own policy.
4. Councillor Hilary Cole noted that there was no request made by the Parish Council to speak on this item. It was regrettable that Beedon Parish Council had not commented on the application, as it would have helped the Committee make their decision. The Chairman felt strongly that some comment should have been forthcoming. If a member of the Parish Council had an interest in the application they should have left the room to allow for forthright and open discussion by the remaining members. There were mechanisms in place, as had occurred with Councillor Clive Hooker and Councillor Paul Hewer at this Committee, to allow for such an occasion.
5. Dr Careless in addressing the Committee raised the following points:
  - He was speaking on behalf of the residents of Beedon Common
  - The neighbouring cottages were 200-300 yards from the development; relatively close in such an open landscape.
  - He and his neighbours had chosen to live in the area because of the openness and they felt passionate about protecting it. They commended the officers for their report and excellent analysis.
  - They understood Roger Gent's wish to sustain his business, but felt this was the wrong development in the wrong place.
  - He felt the visual impact of such an industrial scale development was unacceptable and it had been sited in the worst place it could be within the farm.
  - Due to the topography of the land, the unit would be clearly visible for miles away on the public rights of way (PROW).
  - The emphasis on screening was inappropriate, as the block of trees in an open landscape would emphasise the incongruity of the unit, rather than disguise it.
  - In terms of economic benefit for the area, it was a highly mechanised unit and would require a maximum of two people to work in it. He felt this did not mitigate the harm.
  - He was concerned about the environmental impacts of noise, smell, light pollution and the attraction of vermin.
  - The increased volume of transportation of waste, feed and carcase disposal would cause upset.
6. Councillor Garth Simpson noted that the Heavy Goods Vehicles (HGVs) that serviced the existing sheds did not pass Dr Careless property. Dr Careless commented that there was a network of narrow lanes and poor signage, which already caused problems for large vehicles.

7. Councillor Anthony Pick asked if there was an agreement with Environmental Health Officers that neighbours would not be disturbed. Dr Careless reflected that this was based on theoretical models and once it had been made reality, it would be too late.
8. Councillor Howard Bairstow observed that the houses were surrounded by a lot of woodland and inquired if Dr Careless would still object to the application if Mr Gent were to use woodland to screen the unit. Dr Careless felt that the proposed plantation was not appropriate. He would not object to mixed woodland.
9. Councillor Billy Drummond asked if the residents had had any trouble with the existing chickens in the mobile unit. Dr Careless noted that the mobile unit was on the other side of the farm.
10. Councillor Clive Hooker asked if the objector considered his own house and those of his neighbours as appropriate in such an open landscape. Dr Careless felt they were attractive cottages, appropriate to the landscape.
11. Mr Gent in addressing the Committee raised the following points:
  - Egg production had started in 1999, following the out break of Bovine Spongiform Encephalopathy (BSE). Production was increased in 2001 following the Foot and Mouth outbreak. There were still some cows on the farm, but he felt it was only a matter of time before they became infected with tuberculosis (TB). He considered free range egg production as the way forward, as it stood alone without subsidy. This had to be taken into consideration post Brexit.
  - He took great care to protect the countryside and had been involved in woodland schemes and environmental work. He felt that the Area of Outstanding Natural Beauty (AONB) had to change and evolve alongside the changes that farmers had to embrace.
  - Time and care had been taken in the preparation of the proposal. It offered employment and trees and hedgerows. They would grow the crops to feed their own hens.
  - Demand for free range eggs had risen by 7-8% and regulations now meant that all hens had to be free range by 2025. Currently, nationally 60% were cage free.
  - It was a large investment for the farm and there had to be a robust plan to ensure it would work.
12. Mr Pick in addressing the Committee raised the following points:
  - There was only one reason that this application had to be considered by the Committee and that was because of the AONB. He felt that this impact could be mitigated, as with the two existing units, by tree planting around the building.
  - The units would be visible from the PROW, but he felt it was not unusual to see farm buildings in a farming landscape.
  - This was a relatively small project and was essential for the business to survive.

13. In answer to queries from Councillor Pick, Mr Gent replied that there would be one full time member of staff and a second person to help assist with egg collection. The shed was needed to provide a place for roosting, nesting, feeding and watering for the birds. He was legally bound to have a robust plan in place for vermin control. He used the new style of electric fencing that was wildlife friendly and would allow hedgehogs to pass through unharmed.
14. Councillor James Cole inquired how many extra lorries would be needed. Mr Gent explained that one extra lorry a week would be needed to bring food. The current pick up lorry was not used to its full capacity and therefore the additional eggs produced would just make it more efficient to use.
15. Councillor Cole further asked if Mr Gent would be prepared to plant larger trees than the three to four feet saplings proposed. Mr Gent agreed that he would. He had previously taken guidance from the Forestry Commission on what type of trees to plant and would do so again.
16. Councillor Simpson questioned the reasons for the location of the unit. Mr Gent explained that each building had to be allocated a fenced range for the birds. Due to the amount of PROW that cross the farm, if it was sited anywhere else the PROWS would run through the range.
17. Councillor Drummond recounted his experience as a chef and the dreadful smell of ammonia when sourcing eggs from a farm. Mr Gent explained that the older sheds got mucked out once a year. The new style shed was mucked out weekly. The farm had been producing eggs for 18 years and had never received a letter of complaint about a smell.
18. Councillor Drummond asked if Mr Gent was concerned about bird-flu. Mr Gent observed that he was caught between the devil and the deep blue sea, as he was required to have screening, but the trees attracted wild fowl that could bring the disease.
19. Councillor James Cole wondered what Mr Gent felt about the criticism that a woodland would look more natural and whether he would consider making the plantation bigger. Mr Pick noted that in the surrounding area there were five or six coppices that looked very similar to the plantation proposed. The AONB officer had proposed clumps of trees, as would be found in parkland, but he felt this was not appropriate for the area. In comparison, in the fields adjacent to his property, there were huge concrete buildings with no screening at all.
20. Councillor Hilary Cole enquired if he had consulted with his neighbours. He said he had done so. She further asked if he had sought guidance from the Council's AONB officer or pre-application advice. Mr Gent stated that he had taken independent guidance.
21. Councillor Simpson asked if the landscape in the AONB had changed over the years Mr Gent had farmed there. Mr Gent observed that he had been replanting boundaries and trees, but that it was basically the same open and sporadically wooded landscape. If it had not been farmed, it would have been scrubland.
22. Councillor Clive Hooker in addressing the Committee as Ward Member raised the following points:
  - It was the Officer's recommendation to refuse the application as it was in an AONB. The Committee could overturn this for exceptional circumstances.

- This was a family run business; not a large enterprise. They had farmed the land for three generations and it would never be their intention to degrade the landscape.
  - The business had to expand to be competitive. Free range eggs were the future as battery farms were no longer allowed. This farm was contributing to our food supply.
  - There were two existing barns already operating in the AONB. Councillors would have observed how well hidden the current units were by screening. The roofline of the new unit would be below that of the existing units. The applicant had agreed to use larger trees, as suggested by Councillor Cole.
  - The unit they proposed to install was the smallest and most modern available, with little noise or odour escaping. We lived in modern fast moving times and we had to find ways to be more efficient.
  - Helping to ensure the survival of a rural business was not a unique position for this Committee, there was also the bakery in Chieveley.
  - 74% of the district was in an AONB. Any farm would need to expand their business and contribute to the economy.
23. Councillor Pick noted that there had been previous applications on the property and asked if they had been for similar proposals. He also queried whether, in the case of a farm, there was a conflict between economic development and preservation of the AONB. Derek Carnegie observed that a balance had to be struck within the Council's policy.
24. Councillor Hooker sought clarification on whether a refusal could be construed as restrictive on the viability of the business and whether all businesses in the AONB should expect to be refused permission. Derek Carnegie replied that it may well have been there was a more appropriate location that would have, on balance, been acceptable.
25. Councillor Virginia von Celsing relayed her experience of the site visit. On arrival, she could not believe that the development had been suggested for such a beautiful area however, she was impressed that she couldn't see the existing units and this had changed her mind. She felt that far worse applications on other sites had been allowed and that, on this site, the impact was acceptable. Following Brexit, subsidies were only guaranteed until 2022 and rural businesses had to diversify. She agreed with Councillor James Cole's idea for planting larger native trees. She appreciated the residents' views, but felt that life had to go on.
26. Councillor von Celsing proposed that the Committee grant planning permission, against the Officer's recommendation. Councillor Simpson seconded the proposal.
27. Councillor Jeff Beck commented that it seemed that farmers were expected to retain the countryside for urban dwellers. He agreed with Councillor Hooker that farming was a business that we relied on for our food. The public had demanded free range eggs for ethical reasons and Mr Gent was going with the public trend. He suggested that conditions for approval could be drawn from the responses to the consultation, such as:

- a) Chieveley Parish Council, page 44: to repair or meet the costs of repairs to footpath BEED 16/1 where the road crossed the path should it become damaged or in poor condition due to heavy goods vehicles using the access road
  - b) Rambler's, page 45: add warning signs to the BEED/16/1 footpath for the benefit of HGV drivers and pedestrians.
  - c) Point 6.2.14, page 55: retention and replacement of trees, where necessary
  - d) Point 6.6.2, page 57: that any trees, shrubs or hedges which die within five years are replaced within the next planting season
  - e) Point 6.7.2, page 57: add silt traps to the soakaways
  - f) Point 6.7.4, page: details of the collection, storage and spreading over the land of the waste and a construction method statement that dealt with pollution risks.
  - g) Update report, page 1: scheme to dispose of surface water submitted and approved by the local planning authority.
28. Councillor Simpson observed that he had, on first sight, agreed with officers but on listening to the arguments he had changed his mind and felt that the land should not be set in aspic. He recounted that 200 years ago trees had been cut down to feed the industrial revolution and that it was inevitable that farming practices had to change following Brexit. He felt that the AONB had a crisp and artificial look to it and that by using arboreal tricks the new unit would be well screened.
  29. Councillor James Cole believed this was a very professional operation and agriculture was changing. In other areas, agricultural buildings were being converted in to residential houses. The land on this farm was not good enough for intensive crop farming and TB was a genuine problem for beef farmers. He felt it was an efficient use of the land.
  30. The Chairman invited the Committee to vote on the proposal of Councillor von Celsing, seconded by Councillor Simpson, to grant planning permission, against the Officer's recommendation and at the vote the motion was carried unanimously.
  31. Councillor Hooker agreed with the Member's comments and noted that West Berkshire Council needed to address the ways it accommodated businesses in the AONB in its next Local Plan.
  32. Councillor Pick felt that this type of application should be approached in the same way as that of a listed building, in that it had a strong economic base supporting the decision.
  33. Councillor Hilary Cole explained that under national policy the AONB had been granted great protection; to the same degree as national parks. She had a large amount of experience, from sitting on the AONB Council of Partners Board and viewed the AONB as a man-made landscape. She subscribed to efforts to protect it however, there had to be an acknowledgement of the value of the working community.

34. Before the vote, Councillor Hilary Cole reiterated that if Members were minded to approve this application, against Officer recommendation, it would be referred to the District Planning Committee. This Committee was comprised of members of both the Eastern and Western Area Planning Committees.

**RESOLVED that** the Head of Development and Planning be authorised to **grant** planning permission subject to the following conditions:

**Conditions**

Potential planning conditions would be decided by the District Planning Committee, should they agree to grant planning permission.