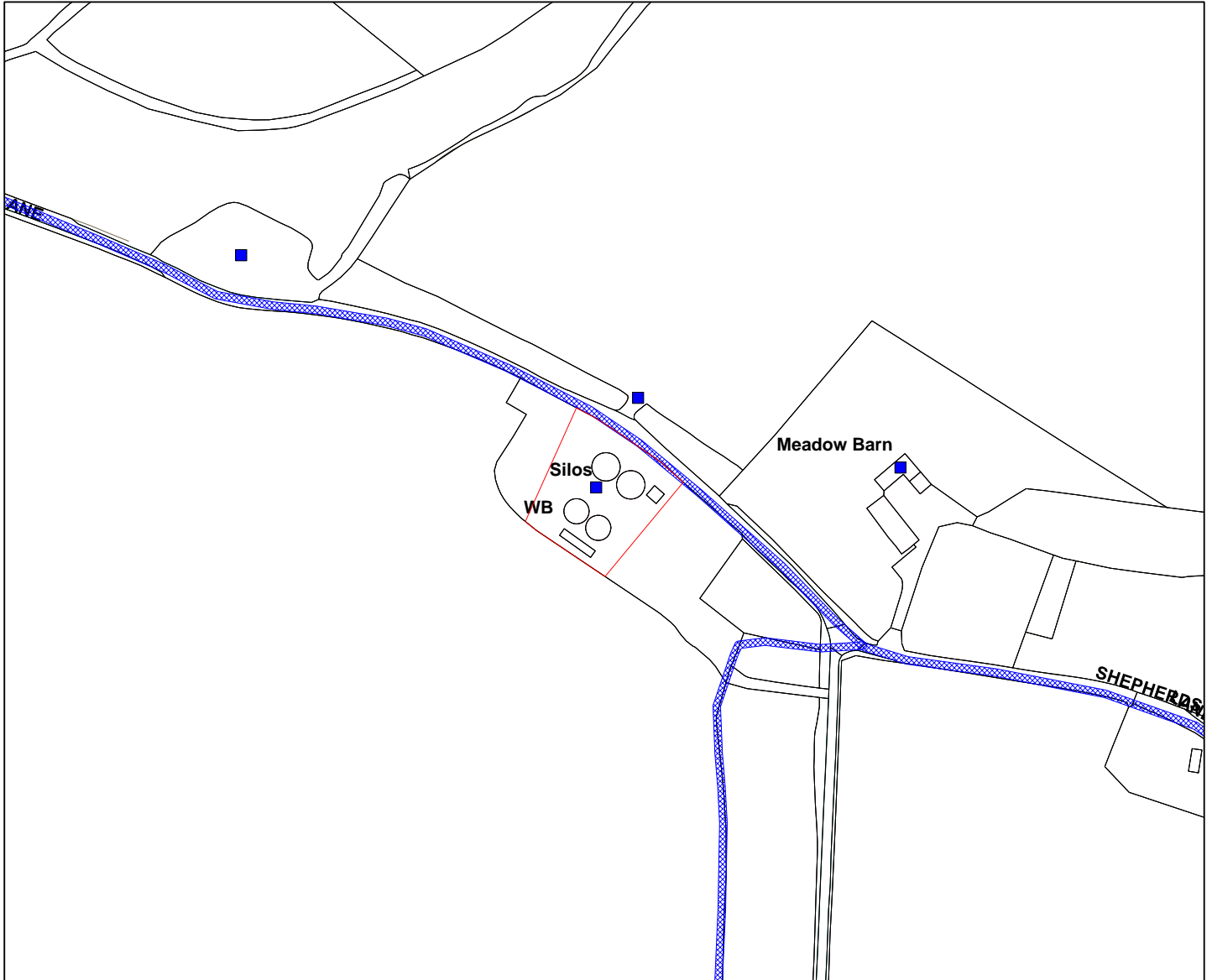


Four Dell Farm, Otterbourne

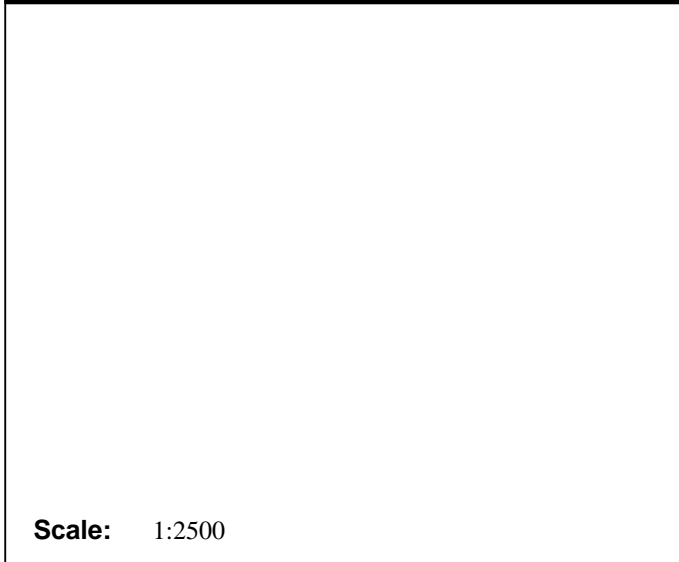
08/02112/FUL



Winchester
City Council



Legend



Scale: 1:2500



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| | |
|---------------------|-------------------------|
| Organisation | Winchester City Council |
| Department | Development Services |
| Comments | |
| Date | 25 February 2009 |
| SLA Number | 00018301 |

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City
Council
Planning Department
Development Control

TEAM MANAGER
SIGN OFF SHEET

Committee Item

| | | | |
|------------------------|------------------------------|----------------------------|---------------------------|
| Case No: | 08/02112/FUL | Valid Date | 15 October 2008 |
| W No: | 00350/10 | Recommendation Date | 23 February 2009 |
| Case Officer: | Mr Neil Mackintosh | 8 Week Date | 10 December 2008 |
| | | Committee date | 12 March 2009 |
| Recommendation: | Application Permitted | Decision: | Committee Decision |

| | |
|------------------|--|
| Proposal: | Variation of condition no. 3 of planning permission WAG/126/01 and variation of condition no. 7 of W00350/05 that restrict the operating hours/days of the grain dryer and storage bins (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) |
|------------------|--|

| | |
|--------------|--|
| Site: | Dryer Site Four Dell Farm Poles Lane Otterbourne Hampshire |
|--------------|--|

| Open Space Y/N | Legal Agreement | S.O.S | Objections | EIA Development | Monitoring Code | Previous Developed Land |
|----------------|-----------------|-------|------------|-----------------|-----------------|-------------------------|
| N | N | N | Y | N | Y | N |

| | | |
|--|------------------|-------------|
| APPROVE Subject to the condition(s) listed | | |
| | Signature | Date |
| CASE OFFICER | | |
| TEAM MANAGER | | |

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 2
Case No: 08/02112/FUL / W00350/10
Proposal Description: Variation of condition no. 3 of planning permission WAG/126/01 and variation of condition no. 7 of W00350/05 that restrict the operating hours/days of the grain dryer and storage bins.
Address: Dryer Site Four Dell Farm Poles Lane Otterbourne Hampshire
Parish/Ward: Compton And Shawford
Applicants Name: Mr Jonathan Venn
Case Officer: Mr Neil Mackintosh
Date Valid: 15 October 2008
Site Factors: Countryside
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received and at the request of Compton and Shawford Parish Council, whose comments are appended to this report.

Site Description

Four Dell Farm forms part of Silkstead Farm, a 350 hectare (850 acre) holding between Otterbourne and Hursley, to the north of Poles Lane.

The grain dryer that serves this farm is situated adjacent to Shepherds Lane, a public bridleway at this point. Further to the east, this Lane is surfaced and serves houses in Compton Down. The nearest of these houses is Meadow Barn, which is approximately 80m away from the dryer. Between this house and the dryer is Shepherds Lane itself and a high noise barrier constructed from straw bales.

To the west of the grain dryer are four storage silos and an area of hardstanding. Vehicular access to the site is through a gap in the hedge from Shepherds Lane.

Proposal

The applicant wishes to extend the hours of operation of the grain dryer and the times during which the two main silos may be loaded/unloaded to 0700 – 2300 seven days a week.

Relevant Planning History

WAG/PN126: Siting of grain dryer – called-in, 1998 (i.e. determined that planning permission was required)

98/01874/FUL - W00350/05: Retrospective planning permission for the construction of a grain dryer with elevator pit and reception hopper - Permitted -11/12/1998, subject to seven conditions in respect of:

1. landscaping
2. no lorry movements via the eastern end of Shepherds Lane
3. use solely for the drying of grain produced at Silkstead Farm
4. no external lighting
5. noise insulation
6. removal if grain drying ceases
7. *"The grain dryer shall only be operated and all deliveries taken at or despatched*

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from the site between the hours of 0800 and 2200 Monday to Friday and 0800 and 1300 Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority”

WAG 126/01: Agricultural prior approval for the siting of two grain storage bins - Granted 2001, subject to three conditions;

1. commencement within 5 years
2. landscaping
3. *“The silos hereby permitted shall not be loaded or unloaded outside the hours of 0800-2200 Monday to Friday and 0800-1300 Saturday’s and at no time on Sundays and bank Holidays”*

03/00341/FUL - W00350/08: Removal of conditions 3, 5, 6, and 7 of Planning Permission W00350/05 - Application withdrawn - 09/05/2003

03/01106/FUL - W00350/09: Removal of condition 7 of Planning Permission W00350/05 - Refused - 29/01/2004, for the following reason:

“The proposal does not accord with Policies C12 and ENV5 of the adopted Winchester District Local Plan as endorsed and reinforced by Policies DP14 and C12 of the emerging Winchester District Local Plan because further extension of the hours of activity authorised by planning permission W00350/05 dated 11th December 1998 would, by virtue of disturbance from noise and dust from vehicles delivering and collecting at the Grain Dryer, adversely affect the amenity of dwellings adjacent to the Grain Dryer, that are unconnected with operation of the Agricultural Unit.”

WAG/PN 126/02: construction of hardstanding around grain drying/storage area - No objection raised

WAG/PN 126/03: siting of two further grain storage silos - No objection raised

08/01622/FUL - W13437/14: Erection of fence 4m in height (part retrospective) - Permitted - 26/08/2008

Consultations

Engineers: Highways:

This proposal does not contain any significant highway issues and is unlikely to impact on highways safety.

Environmental Health:

With extended hours of use it is important to ensure that the grain drier and silos are operating at noise levels that do not cause nuisance to adjacent domestic premises. I have discussed with both the applicant and the Enforcement Manager the inclusion of a specified noise level for the site. Following these discussions I recommend that if the above conditions are altered to allow use between 0700 and 2300, 7 days a week, then this is subject to an agreed NR (Noise Rating) level.

Representations:

Compton and Shawford Parish Council:

Objects – The conditions applied to this site should protect the long-term amenity of residents and should not be removed piecemeal.

14 letters received objecting to the application

(8 Shepherds Lane, 3 further afield in Compton Down, 1 Compton Street, 2 Otterbourne), for the following reasons:

From Meadow Barn;

- The simple fact here is that when the grain drier is on we can't sleep and if it were over the weekend we could not use the garden

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DEVELOPMENT CONTROL COMMITTEE AGENDA

- Fans on the silos already run 24 hours which affects myself and my sons from sleeping

From others;

- Noise disturbance
- Further erosion of amenities
- Not necessary as current condition allows for exceptions
- Creeping development
- Unsightly mess
- Should not be looked at in isolation from other activities
- Traffic generation
- Highway safety

No letters of support received.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

None

Winchester District Local Plan Review

CE13, DP3(vii), DP11

National Planning Policy Guidance/Statements:

PPS 7 Sustainable Development in Rural Areas

PPG 24 Planning and Noise

Other Planning Guidance

Circular 11/95

Planning Considerations

The operation of the grain dryer and the loading/unloading of two of the grain storage silos is limited to the hours between 0800 and 2200 Monday to Friday and 0800 and 1300 on Saturdays.

This application seeks to extend the hours to allow for these operations to take place between 0700 and 2300 on all days of the week. ie. an hour earlier and an hour later on weekdays, after 1300 on Saturdays and all day (0700 -2300) on Sundays and Bank Holidays.

Local residents are aware that, on occasions, the permitted hours have been breached and that the consent of the Local Planning Authority has not been sought. However, the officers acknowledge that the vagaries of the weather mean that it would be difficult, if not impossible, for the applicant to obtain the consent of the Council, in writing, every time that the weather necessitated the harvesting of wet crops.

The Council refused to completely remove these conditions in 2004, stating that this would adversely affect the amenities of nearby residents. Since then, an acoustic report has been prepared and an acoustic fence has been permitted, albeit not completed. The officers would still not advise that the conditions be removed, but have to consider whether the variation that has been applied for would be reasonable.

Silkstead Farm currently crops wheat, peas and linseed. During 2006 and 2007 the weather was dry at harvest time (late July to early September) and the grain dryer was

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not used. However, the summer of 2008 was particularly wet and the applicant states that 100% of the wheat and peas had to be dried and 66% of the linseed. This meant that the drier was operated outside the permitted hours and the applicant is seeking to rectify this position, should this situation arise again.

The Environmental Protection Team received one complaint about noise arising from the site during the 2008 harvest and log sheets were issued. However, these were not returned and the complaint was not investigated further.

The Enforcement Manager has met with the applicant and concluded that, provided adequate safeguards can be imposed to protect the amenities of the nearby residential property from prolonged noise and activity from the grain dryer and silos during the harvest period, then the hours of use condition could, potentially, be varied.

Principle of development

Policy CE13 of the Winchester District Local Plan Review (WDLPR) allows for agricultural development for which a rural location is essential.

Policy DP3(vii) is a general design criterion that requires that any development *“does not have an unacceptable adverse impact on adjoining land, uses or property”*

Policy DP11 specifically deals with noisy or noxious uses and requires, among other criteria, that such development should be remote from existing housing.

Paragraph 3.67 of WDLPR expands on DP11 and states *“Where the Local Planning Authority grants planning permission for the use of such sites it may, where it is considered necessary and in consultation with the relevant pollution control authority, place conditions on the use of the site to control the occupier, the hours worked and the arrangements made for minimising disturbance”*

PPG24 contains Government advice on “Planning and Noise”. It acknowledges that the impact of noise can be a material consideration in the determination of planning applications and that, where possible, new development involving noisy activity should be sited away from noise-sensitive land uses. However, it goes on to say *“Where it is not possible to achieve such a separation of land uses, Local Planning Authorities should consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of planning conditions or planning obligations”*.

Circular 11/95 contains Government advice on the use of planning conditions and requires that they should be: i) necessary; ii) relevant to planning; iii) relevant to the development to be permitted; iv) enforceable; v) precise, and vi) reasonable in all other respects

Design/layout

At only 80m from the nearest residential property, the siting of the grain dryer is not ideal, bearing in mind the size of Silkstead Farm and its layout. However, retrospective planning permission for the dryer was granted in 1998 and consents for consolidating development have been granted since then.

A wall of straw bales was erected between the drier and Shepherds Lane, but it is understood that this was as a result of a court case between the applicant and the former occupants of Meadow Barn and not a requirement of a grant of planning permission. The straw wall is beginning to deteriorate and is, apparently, harbouring rats.

Planning permission has been granted for a 4m high acoustic fence between the dryer

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and Shepherds Lane and its construction has been commenced but not completed.

Impact on character of area and neighbouring property

The grain dryer and its ancillary storage silos and hardstanding have a strong visual impact on the landscape. However, this is not an issue in relation to the current application, which is solely to consider the effects of extending operating hours. The reason given by the Local Planning Authority for seeking to control these hours was “*To protect the amenities of the occupiers of nearby properties*”, i.e. from noise and disturbance during hours when nearby residents might reasonably expect to enjoy the use of their property.

What has to be balanced against this is the reasonableness of curtailing harvesting operations during the, sometimes, brief window of opportunity available to the farmer. If the permitted hours are not long enough, as proved to be the case in 2008, the applicant stands the risk of losing part of his crop.

The Environmental Protection Officer has studied an acoustic report on the grain dryer and silos and has conducted his own tests of background noise levels. He has concluded that, provided a Noise Rating Level of NR55 is not exceeded, this equipment may be operated without causing nuisance to adjacent domestic properties.

The application of re-worded conditions in respect of the two existing permissions will enable the applicant to operate the drying and storage equipment for longer hours at the time when it is essential for the well being of his crops. However, it will also allow the Enforcement Manager and Environmental Protection Officer to monitor the sound levels emanating from the site and to ensure that they are limited. For this purpose, it is proposed to stipulate a location X (adjacent to Shepherds Lane and in line with Meadow Barn) at which noise measurements will be taken. The completion of the acoustic fence should further aid the suppression of noise.

Other matters

Objectors have complained that the variation of planning conditions may result in additional traffic generation and highway safety issues. However, the Highway Engineer has stated that this is unlikely.

As only grain from Silkstead Farm may be dried on the application site, most of the traffic movements involve tractors and trailers within the farm boundaries, and not on public roads. The amount of crops from the farm will not be increased as a result of varying the planning conditions. The likely effect of allowing longer hours will be to spread out traffic movements and to allow for lorries to collect grain from the silos during lengthened hours.

Conclusion

The permitted hours of use of the grain dryer and silos are problematic for the applicant, in that they restrict the harvesting of crops at Silkstead Farm during wet harvest periods. To allow the additional hours that have been requested by the applicant, during the limited harvest season, should not adversely affect the amenities of nearby residents provided that maximum noise levels are not exceeded.

It is recommended that the wording of the conditions regarding the operation of the grain dryer and the loading/unloading of the silos be varied to allow for extended hours (0700 to 2300 daily) but with a restriction limiting the noise generated, so as to reduce the

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impact upon the amenities of neighbouring properties to an acceptable level.

The following suggested wording is considered to meet the tests of Circular 11/95, particularly with regard to being enforceable, precise and reasonable.

Recommendation

Application Permitted subject to the following conditions:

(As some of the conditions attached to both permissions are still pertinent, these are to be repeated)

Conditions

In respect of W00350/05:

1. No lorries shall enter or leave the site using the junction at the eastern end of Shepherds Lane with Otterbourne Road. All vehicle movements for lorries shall be through Four Dells Farm complex.

Reason: In the interests of the amenities of local residents.

2. The building hereby permitted shall be used solely for the drying of grain produced at Silkstead Farm unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the consent and in the interest of the amenities of the local residents.

3. No external lighting shall be mounted or erected on the grain drier or the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of adjacent dwellings.

4. Within 2 years of the cessation of its use for the drying of grain the building hereby permitted shall be removed and the land re-instated to its former open, undeveloped use for agriculture.

Reason: The building is not considered appropriate for permanent retention in the event that it ceases to be used for agricultural purposes with regard to its design, appearance and siting.

and that Condition 7 of W00350/05 be varied, to become Condition 5, as follows;

5. The grain dryer shall only be operated, and all deliveries taken at or despatched from the dryer, between the hours of 0700 and 2300 daily. Noise levels from the operation of the grain dryer shall not exceed NR55 as defined by the International Organization for Standardisation (ISO). All measurements to be made as one hour averages corrected for background or ambient levels. Measurements to be taken between 1.2 and 1.5 meters above ground level at location X as marked on the attached plan.

Reason: To protect the amenities of the occupiers of adjacent dwellings.

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In respect of WAG/126/01:

That Condition 3 of WAG126/01 be varied, to become Condition 1, as follows;

1. The grain storage silos shall not be loaded or unloaded outside the hours of 0700 to 2300 daily. Noise levels from the loading and unloading of the silos on the site shall not exceed NR55 as defined by the International Organization for Standardisation (ISO). All measurements to be made as one hour averages corrected for background or ambient levels. Measurements to be taken between 1.2 and 1.5 meters above ground level at location X as marked on the attached plan.

Reason: To protect the amenities of the occupiers of adjacent dwellings.

Informative

The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Hampshire County Structure Plan Review: None

Winchester District Local Plan Review 2006: CE13, DP3 (vii), DP11