

**Application Number:** WNS/2021/0625/MAF

**Location:** Colready Farm, Farthinghoe Road, Charlton, NN13 5NR

**Proposal:** Erection of 2 No. livestock buildings with associated feed bins, hardstandings, manure midden, dirty water tank and drainage attenuation pond.

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**Applicant:** Mr Tom Dyer

**Agent:** Ian Pick Associates Ltd

**Case Officer:** Geraldine Hardcastle

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**Ward:** Middleton Cheney

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**Reason for Referral:** Major Application

**Committee Date:** 05/10/2021

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION:** GRANT PERMISSION SUBJECT TO CONDITIONS

### **Proposal**

The proposal is to erect two pig rearing buildings to accommodate 1980 pigs, measuring 60.96m by 15.24m and an overall ridge height of 6.4m and a manure midden area adjacent to the new buildings measuring 40.42m by 12m to support a new pig rearing and finishing business venture at Colready Farm. The proposal also includes an underground dirty water containment tank and an attenuation pond.

### **Consultations**

The following consultees have raised **objections** to the application:

- Highways, Parish Council

The following consultees have raised **no objections** to the application:

- Planning Policy, Environment Agency
- Environmental Protection
- Ecology

The following consultees are **in support** of the application:

- Farthinghoe Parish Council

No letters of objection have been received and No letters of support have been received.

### **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on character and appearance of surrounding area
- Environmental Impact and Residential amenity
- Highway Safety
- Ecology

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application site is an existing farm enterprise for the rearing of cattle and hay production. The original farm buildings to the east of the site are traditional stone buildings that have prior approval granted for conversion to residential. Two larger more modern agricultural buildings have been constructed nearer to the farmhouse.
- 1.2 The surrounding land is fairly flat. The farm buildings are accessed via a 137m access drive from Farthinghoe Road. There are no residential properties within close proximity other than the prior approval barns which are linked to the existing farm. Colready Plantation lies approximately 300m to the east and there is a belt of trees which runs along a public footpath to the north of the site approximately 180m away. A further public footpath runs to the south of the site over 400m away

### **2. CONSTRAINTS**

- 2.1. The application site is within open countryside.
- 2.2. Local Wildlife Site Colready Plantation 300m away
- 2.3. The site lies just outside a special landscape area (to the west of Farthinghoe Road)
- 2.4. A public footpaths run to the north and south of the site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The development is to construct two identical pig rearing buildings measuring 60.96m by 15.24m and ridge height of 6.4m to house 1980 pigs (not sows). The proposal also includes a manure midden area, underground dirty water containment tank and attenuation pond.

- 3.2. The buildings would be constructed of concrete panels with 2m gale breaker curtains above in green and fibre cement sheet roof. The buildings would be sited on an existing field immediately to the east of the existing agricultural buildings. A concrete apron would be created between the existing and the new buildings. The total ground area of the development including concrete apron would be 4325sqm. The manure storage area is to be sited to the eastern end of the building enclosed within a concrete wall and the dirty water tank sited adjacent to the wall of the manure store. The attenuation pond would be located in the eastern corner of the field.

#### 4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
S/2014/1724/PA	Determination as to whether prior approval is required (under Class MB of Part 3 of the above Order) for the change of use of the agricultural buildings to a dwellinghouse (Use Class C3) in respect of: the transport and highways impacts of the development; noise impacts of the development, contamination risks on the site; flooding risks on the site; whether the siting and location of the buildings makes it impractical or undesirable to change the use; and the design and external appearance of the building.	Prior Approval Granted
S/1988/1669/PO	Erection of farmhouse and general purpose agricultural building (outline)	Approved
S/1989/0776/P	Erection of agricultural building	Approved
S/1989/1026/PR	Erection of a farmhouse with attached double garage (details pursuant to S/1988/1669/p)	Approved

#### 5. RELEVANT PLANNING POLICY AND GUIDANCE

##### Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

##### Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- R2 – Rural Economy

### South Northamptonshire Local Plan (Part 2) (LPP2)

5.4. The relevant policies of the LPP2 are:

- SS1 - The Settlement Hierarchy
- SS2 - General Development and Design Principles
- EMP6 - Farm Diversification

### **Material Considerations**

5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance

## **6. RESPONSE TO CONSULTATION**

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

<b>Consultee Name</b>	<b>Position</b>	<b>Comment</b>
Farthinghoe Parish Council	Support	Helps to develop an existing local business. However, also aware that infrastructure should be developed to take account of the modernisation of industry & agriculture. The vehicular needs of this project will add to what is already a difficult situation which is becoming contentious. Over recent years we have seen a considerable escalation in the size of Commercial/Construction/Agricultural Plant. Queen Street (A422 to Charlton Road) & New Road/Clarks Lane are both typical examples of rural roads which are not designed to cope with these large vehicles. We therefore ask the Planning & Highway Authorities to consider what action can be taken to make these 2 examples more fit for modern purpose.
Newbottle Parish Council	Support	No objections, however concerns regarding vehicle movements through the

		village. If minded to approve, please give consideration to a condition for alternative routes by large and heavy farm vehicles to ensure they do not drive through the village of Charlton. Village roads are unsuitable and cars are frequently parked on the road, which narrows considerably, the space for vehicles to get through.
Planning Policy		Whilst the overarching principle is acceptable in policy terms, it is the balance of the wider assessment against the criteria of Policy R2 of the WNJCS.
Environment Agency		No comments to make on the application.
Thames Water	No Objection	With regard to Waste Water Network and Sewage Treatment Works infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
Highways	No objection	
Environmental Protection	No objection	Originally requested additional information regarding The additional information requested has been provided to a satisfactory level.
Ecology	No objection	Based on the findings of the report it is unlikely that the development proposed will have a significant impact on protected species or habitats if the recommendations, mitigation and enhancements identified in the Preliminary Ecological Appraisal, by Craig Emms, dated 22nd March 2021 are followed fully and successfully. Recommend the inclusion of conditions.
Economic Development	No objection	
Lead Local Flood Authority	No objection	Recommend condition of Verification Report for the installed surface water drainage system for the site based on the Floor Risk Assessment.
Crime Prevention Design Advisor	No objection	Unlikely to give rise to increased crime and disorder
Northamptonshire Fire and Rescue Service		Suggest standard condition for securing fire hydrants and sprinkler systems.  <i>Officers are in discussion with Northamptonshire Fire and Rescue Service regarding the requirement to apply a condition securing to fire hydrants/sprinkler system and an update will be provided to the Planning Committee on the outcome of these discussions.</i>
Building Control	No comments received	
Northants and	No comments	

Beds Wildlife Trust	received	
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## 7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1. There have been 0 objections/letters of support.

## 8. APPRAISAL

### Principle of Development

#### *Legislative and policy context*

- 8.1. Paragraph 47 of the NPPF states that 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'. The Councils adopted planning policies seek to strictly control new development in the open countryside to protect its rural character and beauty and in the interests of sustainable development. Policy R2 of the WNJCS is generally supportive of proposals which sustain and enhance the rural economy where they are an appropriate scale for the location, respect the environmental quality and character of the rural area and protect the most versatile agricultural land and will support the expansion of businesses in their existing locations as well as the use of land for agriculture.
- 8.2. Paragraph 83 supports the growth and expansion of all types of businesses in rural areas, through the conversion of existing buildings and well-designed new buildings. It also supports the development and diversification of agricultural businesses.
- 8.3. Policy EMP6 of Local Plan Part 2 further supports Farm Diversification and advises that; Development that relates to the diversification of an existing farm, agricultural estate, or other land-based rural business will be acceptable in principle provided that:
- a. The proposal would not prejudice the continued viable operation of the existing use; and;
  - b. The character, scale and type of proposal is compatible with its location and landscape setting; and
  - c. Existing buildings are reused wherever possible; and
  - d. Where new or replacement buildings are required, the proposal is in scale with the surroundings and well related to any existing buildings on the site.

#### *Assessment*

- 8.4 In this case the applicant currently has a cattle enterprise and hay production business at Colready Farm. They are now seeking to diversify the business through the construction of 2 agricultural buildings positioned side by side for the straw-based rearing and finishing of pigs. The piglets won't be bread but will be brought to the farm newly weaned and will be housed for 20 weeks until they reach finished weight. They will then be removed from the buildings and then the buildings washed down and prepared for the next batch.

- 8.5 The buildings will be constructed from a steel portal frame with fibre cement sheet roofing. The external walls will comprise concrete panels for the lower half, with adjustable gale breaker curtains for the upper half. The buildings will be subdivided into pens, and each pen includes a deep straw bedding area, and a concrete dunging area in the form of a scrape through passage. The buildings will be equipped within an automated auger feeding system which delivers feed from the proposed feed bins to the feed troughs within the pens. Ventilation within the buildings will be natural and controlled by a thermostat. The thermostatic controls trigger the gale breaker curtains to open and close to maintain the desired temperature within the buildings.
- 8.6 The layout of the development includes a hardstanding at the western end of the proposed buildings, between the existing farm yard and the proposed buildings, for parking and turning of delivery vehicles. The feed bins are located at the western end of the proposed buildings. A concrete manure midden is proposed at the eastern end of the site. The manure midden area will be drained into a sealed dirty water containment tank. The proposed development is clearly for agricultural use and has been specifically designed for the pig rearing enterprise. This diversification would provide a new viable business venture for an existing farm holding. It is supported by policies within the NPPF and Local Plan. Therefore, the principle of development is supported in the open countryside.

#### *Conclusion*

- 8.7 The proposal is consistent with advice in policy EMP6 of the Local Plan Part 2 and R2 of the Joint Core Strategy in that it will provide an additional new agricultural enterprise to support the local economy and support an existing farm holding. Whilst the proposal would extend the built form of the existing curtilage of the farmyard the buildings would be sited as close as practically possible to existing buildings and will be read in the context of the existing farm and would be satisfactorily integrated into the surrounding rural landscape. The proposal is therefore acceptable in principle.

#### Impact of scale and design on character of surrounding open countryside

#### *Legislative and policy context*

- 8.8 Whilst farm diversification is supported to help farms remain viable business propositions, this should not be at the expense of spoiling the character and appearance of the surrounding countryside by inappropriate development. Paragraph 83 of NPPF requires new development to respect the character of the countryside. Policy EMP6 of the Local Plan Part 2 advises that diversification should be seen within the context of the future of the farm as a whole. Policy R2 of the Joint Core Strategy states that development for the use of land for agriculture will be considered favourably where the character, scale and type of proposal is compatible with its location and landscape setting. As in this case, where new buildings are required, they should be in scale with the surroundings and well related to any existing buildings on the site.

#### *Assessment*

- 8.9 The proposed siting of the pig rearing buildings are in an existing field to the east of the main farm complex and would be viewed as a group with the existing complex of buildings and enclosed within an existing field boundary. The buildings would be purpose designed and are clearly of an agricultural nature and a feature which is not unusual to see within the rural landscape. The buildings would be partially screened

from the west by existing buildings, whilst they would be visible from all other directions, existing hedgerow boundaries and trees within the vicinity would offer some screening to views from the wider landscape. The proposed materials and colour scheme are considered acceptable for this rural setting. A condition has been attached to secure screen planting on the southern and eastern boundaries to provide additional screening to the existing planting.

- 8.10 Whilst there are public footpaths to the north and south they are some distance away, north over 170, and south over 400m and these footpaths follow a belt of trees and will have limited public vantage points of the buildings. As such it is considered that the proposed development has been appropriately sited adjacent to existing buildings and will not be visually prominent in the landscape.

#### *Conclusion*

- 8.11 The proposal is consistent with policy advice given in policy SS2 of the Local Plan Part 2 and R2 of the Joint Core Strategy. The proposed buildings are constructed of appropriate materials that are akin to modern farming found in open countryside locations, with the scale and design reflecting the proposed nature of the new business venture. The proposal is not considered to have a detrimental impact on the character of the surrounding open countryside.

#### Environmental Impact and residential amenity

##### *Legislative context*

- 8.12 Policy SS2 of the Local Plan Part 2 requires that proposals will not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through amenity impacts including noise and odour, and seeks to ensure that appropriate regard is had to a proposals effect on air quality. Paragraph 183 of the NPPF states that “the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities”.

##### *Assessment*

- 8.13 The proposed pig rearing enterprise is not considered intensive farming in accordance with Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017, as there will be no sows on the site and the proposal is to house 1980 production pigs. The piglets will be brought onto the site for 20 weeks to be fattened up and then sold. Given the nature of the farming enterprise it is not considered to require an Environmental Impact Assessment.
- 8.14 The Environmental Protection team have been consulted and requested further information regarding ammonia levels and the disposal of fallen animals. An odour impact assessment was carried out and submitted and the agent confirmed that the buildings will be inspected twice daily, and any dead animals will be removed from the buildings. Dead animals will be placed in a sealed plastic bag, and stored within a sealed and locked carcass bin. All carcasses will be collected when required under the National Fallen Stock Scheme. The Environmental Protection officer has confirmed that she is

happy with the odour impact assessment and measures to be taken surrounding fallen stock.

- 8.15 With regards to impact on residential amenity, the nearest residential property is a barn conversion which was granted permission under Class Q permitted development to be converted to a dwelling and is located approximately 100m away to the east. This residential conversion is not yet completed but is under construction and will be occupied by the applicants mother who currently works on the farm and will be responsible for the management of the new pig enterprise. A condition was also attached on the Class Q prior approval requiring the dwelling to be only occupied by a person working in agriculture in the locality. Officers are satisfied that the Local Planning Authority will retain sufficient control over the occupation of the nearest dwelling to ensure the proposal would not result in any adverse amenity issues to residents not working in agriculture.

#### *Conclusion*

- 8.16 Based on the Odour Impact Assessment and providing the measures surrounding disposal of fallen stock are followed and the occupation of the dwelling created under Class Q is within occupancy condition relating to agriculture, the proposal is considered to comply with the NPPF and policy SS2 of the Local Plan Part 2.

#### Highways Impact

##### *Legislative context*

- 8.17 Policy SS2(j) of the Local Plan Part 2 seeks to ensure that all new development includes a safe and suitable means of access for all. Policy R2 of the Joint Core Strategy supports the expansion of rural businesses in their existing locations, dependent upon the nature of the activities involved, the character of the site and accessibility to the site.

##### *Assessment*

- 8.18 The proposed pig rearing buildings will be served off the existing farm. A breakdown has been provided of the number and type of vehicles that will be accessing the site as a result of the proposed new buildings. This breakdown averages out to 5 visits per week. Whilst the parish council have raised concern about the number of large agricultural vehicles going through the village of Charlton, vehicles can currently access the farm buildings via the existing public highway network as do many existing farms in the area and which is currently uncontrolled. There are two possible routes for vehicles to access this proposal either via Farthinghoe to the north turning right to head to the A43, or south through Charlton and heading for the A43 south of the village. Agricultural vehicles within the locality are already using these roads without any control measures. The concerns raised by the parish council were forwarded to the Highways team and they have not raised any concerns about highway safety.

#### *Conclusion*

- 8.19 The additional vehicle trips associated with the proposed development would not introduce an unacceptable highway safety issue and would therefore not be detrimental to highway safety of the local road network. The proposed development is therefore considered to be in accordance with Policy SS2 of the Local Plan Part 2 and government guidance within the NPPF which states that permission should only be withheld on highway grounds where the residual cumulative impact is 'severe' or there is an unacceptable impact on highway safety, neither of which are considered to be the case here.

## Ecology Impact

### *Legislative context*

- 8.20 The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.
- 8.21 In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:
- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - b. That there is no satisfactory alternative.
  - c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

### *Policy Context*

- 8.22 Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.23 Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 8.24 National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

- 8.25 Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.26 Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

#### *Assessment*

- 8.27 Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. , The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of improved grassland, with mixed native hedgerows with trees on northern and eastern boundary. With farmland pasture and farm building in the surroundings and a number of ponds within the locality. The proposal therefore has the potential to be suitable habitat for a variety of species including EPS; such as bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 8.28 In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 8.29 In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 8.30 The application is supported by a detailed protected species survey which concluded that there is a low risk to Great Crested Newts during there terrestrial phase given the "very poor habitat" present within the development site boundary and outlines mitigation measures in the recommendations including a supervised land clearance with a pre-commencement finger-tip search, vegetation management to keep the habitat unsuitable and pre-cautionary construction working methods. There is a potential for reptiles to be present at the base of the hedgerows, the hedgerows are to be retained and mitigation measures followed as recommended. Nesting birds are likely to be present within the

hedgerows on the site boundaries, these will be retained, there is a risk to disturbance to nesting birds during the breeding season, mitigation measures are therefore detailed.

- 8.30 No evidence of other protected species was found on site or the habitats on site were deemed unsuitable to support them. Mitigation measures are detailed in the recommendations section including a sensitive lighting strategy for bats avoiding light spill onto adjacent habitats.
- 8.31 In line with NPPF there is a need to ensure a net gain in biodiversity is achieved, the ecology report details enhancements that will be made for biodiversity and to offset the loss of grassland, these include the installation six bat boxes of mixed designs on trees within the curtilage of the farm, installation of six bird boxes of mixed designs (including one barn owl box erected within the derelict barn to the SE) on trees within the curtilage of the farm and hedgehog nesting boxes at hedgerow bases within the curtilage of the farm. Given the enhancements are not shown on the submitted plans I would recommend a condition to secure these enhancements. Although not specified the planting of native species rich hedgerows of a mix of species of local provenance on the eastern and southern boundaries of the site would also provide biodiversity enhancement, this in the long term would provide a more valuable habitat for nesting birds that the proposed bird boxes if the hedge is managed favourably in the long term, the hedge would also provide some landscaping and potential screening around the new agricultural buildings.
- 8.32 Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

#### Other matters

- 8.34 The proposed development has been screened against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (EIA). The proposed pig rearing enterprise is not considered intensive farming under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017, as there will be no sows on the site and the proposal is to house 1980 production pigs. The proposal is schedule 2 development under the EIA Regulations and has been screened. Due to the site not being located within a sensitive area, the distance of the proposal from unrelated dwellings and other uses as well as the buildings open countryside location the nature of the farming enterprise it is not considered to require an Environmental Impact Assessment.

## **9 FINANCIAL CONSIDERATIONS**

- 9.21 The application is not CIL liable as no retail or residential floorspace is being created.

## **10 PLANNING BALANCE AND CONCLUSION**

- 10.1 The proposed development complies with the relevant Development Plan policies and guidance listed at section 5 of this report. The proposed development would be consistent with policy advice for farm diversification and would be sited and viewed within

the context of the existing agricultural holding. The development support an existing agricultural enterprise within the open countryside. There are no other material considerations that dictate otherwise, and so in accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

## **11 RECOMMENDATION / CONDITIONS AND REASONS**

### **11.1 RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

#### CONDITIONS

##### **TIME LIMIT**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

##### **COMPLIANCE WITH PLANS**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan; Site Plan Drawing No. IP/TD/02; Elevations Drawing No. IP/TD/03; Flood Risk and Drainage Assessment; Preliminary Ecology Appraisal Report and Design and Access Statement received 19<sup>th</sup> May 2021.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

##### **CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY APPROVAL OR TO BE COMPLIED WITH PRIOR TO SPECIFIC WORKS COMMENCING**

3. No works above ground level shall take place until a scheme of planting to provide a screen for the site along its eastern and southern boundaries consisting of native tree and hedge planting, has been submitted to and approved in writing by the Local Planning Authority. The approved planting scheme shall be completely implemented within the first planting season following the first date on which any part of the approved development is brought into use.

Reason - To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

## **CONDITIONS TO BE COMPLIED WITH AT ALL TIMES**

4. The drainage works shall be constructed and completed in accordance with the Flood Risk and Drainage Assessment Prepared by Alan Wood and Partners Dated May 2021 before the first occupation of any of the buildings hereby approved.

Reason - To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy SS2 of the South Northamptonshire Local Plan Policy BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

5. The buildings hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act 1990, and only be used for the housing of pigs and no other livestock. The building shall house no more than 1980 pigs at any one time.

Reason: To limit the intensiveness and nature of the farming activity to minimise the noise and odours in the interests of residential amenity and to accord with Policy SS2 of the South Northamptonshire Local Plan.

6. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN9 of the West Northamptonshire Joint Core and Section 15 of the National Planning Policy Framework.

7. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal, by Craig Emms, dated 22nd March 2021 unless otherwise agreed in writing by the Local Planning Authority.

Reason - To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

8. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site

clearance, demolition or construction shall take place which are likely to impact on [bats/newts] until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework.

9. If the development hereby approved does not commence by 23rd March 2023. A revised protected species survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on protected species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. A method statement for enhancing of biodiversity including the location, number and type of bird, bat and hedgehog boxes, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

11. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and Government guidance contained within Section 15 of the National Planning Policy Framework.

## **INFORMATIVES**

1. Your attention is drawn to the need to have regard to the requirements of UK and

European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. If any vegetation or trees are to be removed, it should first be ensured that they do not contain nesting birds or roosting bats. For further information or to obtain approval contact Natural England.

2. With reference to Condition 3 above, the developer will be expected to meet the full costs of supplying and installing the fire hydrant, sprinkler system and associated infrastructure.