

**Application Number:** WNS/2022/0662/MAF

**Location:** Land adjacent to M1 and Waltham Wood Courteenhall Road  
Quinton Northants

**Proposal:** Erection of 103,607sqm of polytunnels and associated infrastructure to include alterations to farm access road, hardstanding for car park and service yard and attenuation basins.

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**Applicant:** Courteenhall Estate and Shockingly Fresh Ltd

**Agent:** Roebuck Land and Planning Ltd

**Case Officer:** Daniel Callis

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**Ward:** Hackleton and Grange Park

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**Reason for Referral:** Major development

**Committee Date:** 15/08/2022

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

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

The application is essentially an amendment to the extant planning permission (WNS/2021/0064/MAF).

The amount of polytunnels (and their height) is unchanged. The main differences between this scheme and the previous one are:

- Proposed earthworks (cut and fill) to create level platforms upon which the approved polytunnels will be sited.
- Retaining structure between the growing area and the service yard.
- A smaller area of hardstanding (whilst accommodating the same (consented) amount of parking and turning)
- Access track to the northern edge of the polytunnels
- Removal of the subterranean drainage reservoir, but increase in size of attenuation basin in north corner of site
- Use of gas heating for frost protection
- Proposed Septic tank

The implication of these changes is discussed in the report below.

#### **Consultations**

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

- Quinton Parish Council

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

- WNC Highways, WNC Environmental Protection, WNC Archaeology, Environment Agency, Crime Prevention Design Advisor, Ramblers Assoc.

The following consultees have **yet to comment** on the application:

- Courteenhall Parish Council, Roade Parish Council, WNC Ecology, WNC Arboriculture, Lead Local Flood Authority, Natural England

No letters of objection have been received from local residents.

## **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
- Landscape and Visual Impact
- Highway Safety
- Ecology
- Flooding and Drainage

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 located on the Courteenhall Estate, 900m north-east of Roade and 600m west of the M1. The site extends to 16.5Ha in total and is currently cultivated agricultural land, in arable production. The main part of the site is relatively flat and comprises 3 field parcels, separated by hedgerows.
- 1.2 The complex of buildings which together form East Lodge Farm lie to the north, which accommodate a mix of B2/B8/D1 uses and agricultural/equestrian activities. To the east of the site an existing poultry/broiler enterprise comprising large sheds, access track and associated facilities (adjacent to the M1).
- 1.3 To the immediate north-west, east and south-east of the site is a woodland block and to the west and south are arable fields. A group of 9 large wind turbines are located on the adjacent fields to the south-east.

### **2. CONSTRAINTS**

- 2.1. The application site is within the open countryside

- 2.2. Public Right of Way (bridleway) KH3 crosses the site entrance and runs down the eastern edge of the site (within the site).
- 2.3. Public Right of Way (footpath) KZ15 runs along the southern edge of the site and (bridleway) KH2 runs up the western edge. Both are just outside the application site.
- 2.4. The land immediately to the north (the woodland and estate grounds beyond) are a Potential Wildlife Site (ref: 237).
- 2.5. The site is within 2km of 3 Local Wildlife Sites.
- 2.6. There is woodland immediate to the east and south-east of the site, as well as 2 hedgerows crossing the site north/south.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application is for the erection of polytunnels on the existing agricultural land. The polytunnels would cover an area of 10.36Ha/103,607sqm. There would also be approximately 6,500sqm of hardstanding, plus a SuDs basin.
- 3.2. Access is taken from the existing private road, which connects to Courteenhall Road and leads to the A508 Northampton Road. Internally, access will be shared with the adjacent agricultural uses. The private road will be extended to the site and will include two passing bays to enable HGVs and staff vehicles to pass.
- 3.3. Parking is provided for 25 cars, including 4 DDA spaces and 3 Electric Vehicle spaces with charging points. Cycle Storage is provided for up to 6 cycles. The hardstanding includes space for 2 HGVs to wait. The loading spaces are internal to the polytunnels and sufficient turning space is provided for within the yard area.
- 3.4. The polytunnels will be constructed of a galvanised steel frame covered in polythene sheeting. The proposed structures have an eaves height of 5m and an overall ridge height of 7m.

**4. RELEVANT PLANNING HISTORY**

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

<b>Application Ref.</b>	<b>Proposal</b>	<b>Decision</b>
WNS/2021/0064/MAF	Erection of 103,607sqm of polytunnels and associated infrastructure to include alterations to farm access road, hardstanding for car park and service yard and attenuation basins	APPROVED – Aug 2021

**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
- S11 – Low Carbon and Renewable Energy
- E1 – Existing Employment Areas
- BN2 - Biodiversity
- BN5 – Historic Environment
- R1 – Spatial Strategy for the Rural Areas
- 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
- EMP2 – Existing Commercial Sites
- EMP3 – New Employment Development
- EMP6 – Farm Diversification
- INF4 – Electric Vehicle Charging Points
- HE1 – Significance of Heritage Assets
- HE2 – Scheduled Ancient Monuments and Archaeology
- HE3 – Historic Parks and Gardens
- NE4 – Trees, Woodlands and Hedgerows
- NE5 – Biodiversity and Geodiversity

## **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>Comment</b>
Courteenhall Parish Council	<b>No response</b> received at time of writing report
Quinton Parish Council	<b>Object</b> The Transport Assessment uses outdated data and impact is assessed against new rural road, not historic road that do not meet modern standards. Significant increase in traffic on Courteenhall Road, detrimental to highway safety. All traffic should be directed to/from the site via the A508 only. Wheelwashing must be provided during construction.
Roade Parish Council	No response received at time of writing report
WNC Highways	<b>No objection</b> or further comment
WNC Environmental Protection	<b>No objection</b> Request conditions relating to: <ul style="list-style-type: none"> <li>• contaminated land</li> <li>• external lighting</li> <li>• to secure the EV charging</li> </ul>
WNC Archaeology	<b>No objection</b> Since the grant of WNS/2021/0064/MAF, the applicants have commissioned an archaeological contractor to prepare a trenching strategy and have liaised with WNC Archaeology. A trenching layout has been approved but no work has yet taken place. If the trenching takes place ahead of determination of this application and if the results are negative, no further conditions will be required. If the trenching identifies areas requiring mitigation, or if this application is not determined before the trenching is complete, then a new condition will be needed.
WNC Ecology	No response received at time of writing report
WNC Arboriculture	No response received at time of writing report
Lead Local Flood Authority	No response received at time of writing report
Natural England	No response received at time of writing report
Highways England	No comments to make
Environment Agency	No comments to make
Crime Prevention Design Advisor	No comments to make
Ramblers Association	<b>No objection</b> Bridleways and footpaths must remain free of obstruction.

## 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 no representations from local residents.

## **8. APPRAISAL**

### Principle of Development

- 8.1. The principle of the development is established by the extant planning permission, granted a year ago.
- 8.2. Whilst there are no policies expressly supporting proposal for polytunnels in either the WNJCS or the Local Plan Part 2 (LPP2), there is general support for farm diversification proposals, provided they are compatible with their landscape setting. The proposed use of the development is for a controlled hydroponic (soil-free) form of growing fruit and vegetables in vertical containers to minimise the use of pesticides and reduce overall water usage (essentially an intensification of the existing arable use). It represents both a diversification and intensification of the existing traditional arable land use. The basic principle of the proposal, therefore, is considered potentially acceptable.
- 8.3. The provision of gas heating and a septic tank are considered to have no material impact, relative to the extant consent. This is reflected in the lack of any objection from the EA or Environmental Protection and also the lack of any neighbouring property in close proximity.

### Impact on Character of Area

- 8.4. The proposed polytunnels themselves are unchanged from the extant permission. The main change in visual impact results from the proposed 'cut and fill' to create plateaus on which the polytunnels would be erected.
- 8.5. The Applicant had originally intended to use the existing gradient on the fields to run the nutrients back to central hydroponic pumping areas. However, supplier feedback has shown there is an opportunity to optimise this by levelling the site and locating smaller shipping container-based pumping stations throughout the growing area. This standardises the design into repeatable modules, significantly reduces pipe lengths and energy consumption associated with pumping the nutrients longer distances. This also simplifies the design and construction of the polytunnels, removing the need to have a varied roof profile to fit the existing ground variations.
- 8.6. It is proposed to undertake some earthworks to change (predominantly reduce) the overall ground level within each of the 3 fields to form level plateaus upon which to site the polytunnel structures. The highest parts of the site would be lowered by approximately 500mm (up to a maximum of 1000mm), whilst the greatest 'fill' would be up to a maximum of 1500mm (in the north-eastern and south-western corners).
- 8.7. Each plateau will be offset by the approved 10m to protect the field hedges. The finished height of the ground level will be c56 AOD, to mirror the height of the existing field edges and avoid the need for any ground raising alongside established hedgerows.
- 8.8. Overall, the structures will appear uniform and generally lower in height when compared to the consented scheme, when viewed from the adjacent PRow network and the wider landscape from the east, south and west. The northern site boundary remains screened by the adjacent woodland blocks.
- 8.9. The site slopes down to the north-east, where the approved yard area is to be constructed. Given the levels at this point will be slightly raised to accommodate the polytunnels, it will be necessary to introduce a retaining structure between the growing area and the yard. This would be no more than about 1200mm tall.

- 8.10. The reduction in the size of the main hardstanding, the addition of the access track and the enlargement of the attenuation basin are considered to have a negligible and neutral impact on the character and appearance of the site and wider landscape.
- 8.11. Over such a large site, the proposed changes in levels (predominantly reducing heights) are considered to be relatively modest and to have only a very minor impact on character and appearance. Overall, the visual impact is considered to be essentially the same as the extant scheme.
- 8.12. The long-term character of the site and surrounding landscape will be protected by a condition requiring the removal of the polytunnels (and the restoration of the land to agricultural use) in the event that the polytunnels become unused.

#### Highways, access and Rights of Way

- 8.13. The development will be accessed from Washbrook Lane/Courteenhall Road via the existing access immediately to the west of the M1. This access will be shared with the existing activities at East Lodge Farm, including a large broiler unit and some B2, B8, D1 and agricultural/equestrian uses.
- 8.14. The Local Highway Authority are satisfied that the access, the private road (including extension) and proposed hardstanding (and parking provision) are all adequate and satisfactory to accommodate the types and levels of traffic proposed.
- 8.15. Comments from Highways relating to the Transport Statement are still awaited at the time of writing this report and will hopefully be included in the written updates.
- 8.16. Whilst the comments from Quinton Parish Council are noted and their concerns appreciated, it is not possible in planning terms to absolutely limit or enforce exactly where traffic moves on the public highway network. The applicant has expressed that all traffic to/from the site will be directed to take the route to/from the A508 (i.e. not pass through Quinton). However, it is not feasible to formalise this via planning condition.
- 8.17. In terms of public rights of way, bridleway KH3 crosses the private site access road. The application will be required to ensure the route is kept open, even during construction phase. The other adjacent rights of way (KH2 and KZ15) are outside the site to the south and west and so are not directly impacted.
- 8.18. A condition will ensure that appropriate electric vehicle charging is provided, in accordance with LPP2 Policy INF4.

#### Ecology Impact

##### *Legislative context*

- 8.19. 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.
- 8.20. In terms of European sites, the Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through 'appropriate assessment' that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may

proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

- 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 is within the open countryside, contains fields hedges and trees, is immediately adjacent to (and between) multiple areas of woodland and is in proximity to Local Wildlife Sites.

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 surveys which concluded that:

- The site itself (arable fields) is of low biodiversity value.
- The proposed development aims to maintain and where possible enhance, through appropriate planting and management, the network of hedgerows and their associated field margins.
- The presence of habitat within the site with potential to support the terrestrial life-cycle of Great Crested Newt, nesting birds (including Schedule 1 species, namely Barn Owl and Red Kite), as well as roosting, commuting and foraging bats was observed within the site (along hedgerows, within trees and arable field margins). In addition, habitat suitable for breeding Great Crested Newt (adjacent ponds), nesting birds (including Schedule 1 species) and roosting, commuting and foraging bats was observed in habitat adjacent to the site.
- Habitat suitable for certain Species of Principle Importance (such as amphibians and Hedgehog) as listed on Section 41 of the NERC Act 2006 was also present within and adjacent to the site

8.31. The applicant has subsequently submitted a Breeding Bird Survey, which concludes:

- Breeding birds are present at the site.
- The site supports a small number of species of particular conservation importance.
- The habitat used by nesting birds is primarily associated with site boundary features.
- Schedule 1 species such as Barn Owl or Red Kite are currently absent from the site.
- Measures will be necessary to ensure compliance with wildlife legislation pertaining to nesting birds in general.
- Measures will be necessary to ensure adverse effects of the scheme on nesting birds, particularly species of conservation importance, are avoided/minimised. These measures will include:
  - the retention of site boundary features e.g. hedgerows, arable field margins
  - creation of new habitats such as retention ponds
  - management of existing and new habitat for the benefit of nesting birds

8.32. The applicant has also submitted a Great Crested Newt Survey, which concludes:

- Great Crested Newt currently could cause a potential constraint to the proposed development and consequently mitigation measures would be required to address the presence of this protected species.
- Based on the Bio-diversity Management Plan (BMP) and mitigation measures it is clear that there shall be no harm on GCNs and that there could be opportunities to enhance the local conservation status of the species at the site. The mitigation strategy, alongside the BMP, may be secured through planning conditions attached to the agreed planning permission decision.

8.33. The detailed comments of the Council's Ecology Officer are still awaited at this time. However, on the previous application, which was accompanied by the same Ecology Report, the Ecology Officer raised no objection (subject to conditions – which are repeated in this recommendation).

8.34. Officers are satisfied subject to conditions, that the welfare of any European Protected Species 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.

#### Flooding and Drainage

8.35. The amendment to the development compared to the extant permission includes an alteration to the hardstanding area (reduced size of main hardstanding, but inclusion of an internal access track within the site) and the omission of the below ground attenuation to the north of the site. No amendments have been made to the drainage in the southern part of the site.

8.36. There is a slight increase in the impermeable area overall (0.08Ha), which has resulted in a slightly larger SUDs attenuation basin in the northern corner of the site.

- 8.37. Comments from the Lead Local Flood Authority are awaited. However, they previously raised no objection, subject to conditions (which are repeated in the recommendation here).

#### Trees and hedges

- 8.38. The proposed polytunnels will be arranged within the existing fields, with the existing hedgerow that cross the site being left in situ. The development will leave adequate 'buffer' space around all trees and hedges (including those on the site peripheries) to prevent any harm to these existing landscape features and to allow them to continue to function as wildlife corridors.

#### Archaeology

- 8.39. LPP2 Policy HE2 covers Scheduled Ancient Monuments and Archaeology.
- 8.40. As confirmed by WNC Archaeology, there is some potential for as yet unknown archaeology, but the scheme will cause limited impact on below ground deposits. These matters can be adequately controlled by planning condition.

#### Neighbour amenity

- 8.41. There are no dwellings within 400m of the site. The nearest dwellings are at East Lodge Farm and are ancillary to the surrounding agricultural/estate functions. The nearest non-ancillary dwellings are in Roade village, some 900m distant. As a result, there will be no harm to neighbouring amenity.

### **9. FINANCIAL CONSIDERATIONS**

- 9.1. The development is not CIL liable

### **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal generally conforms with LPP1 policies S1(D) and R2, plus LPP2 Policies SS2(a) and EMP6 insofar as it constitutes a form of farm diversification.
- 10.2. In terms of considerations such as ecology, trees, loss of agricultural land, archaeology, highways, rights of way and residential amenity, the proposal is considered to be fairly neutral and result in no significant harms. The lack of any objection from the local community is also a neutral but pertinent consideration.
- 10.3. In terms of harms, the main impact will be upon the character and appearance of the site itself and, to a lesser extent, the wider landscape. The proposed earthworks will alter the landform of the site and the monolithic scale and mass of the structures will clearly have a very harmful effect on the site's rural setting, which must be weighed in the balance.
- 10.4. In terms of benefits, the development will represent a significant investment by the applicant in the local rural economy, the new operation will generate approximately 30 FTE jobs, the 'vertical farming' nature of the production inside the polytunnels will increase the quantity and quality of produce. The latter point will contribute towards the UK being less reliant on imported foods, helping in turn to reduce food miles and carbon footprint.
- 10.5. Putting everything into the balance, it is considered that the general over-arching policy support for farm diversification, and the benefits identified above, slightly outweigh the harms to the character and appearance of the site and landscape (which are already

mitigated by the site's specific context and surrounding topography and woodland - and can be further mitigated through landscape management), subject to suitable controls by planning condition. The precedent and fallback position of the extant planning permission is also a material consideration. It is recommended, therefore, that planning permission be granted.

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

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

#### CONDITIONS

#### TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

##### **Time Limit**

1. The development hereby permitted shall be begun before the expiration of three years from 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.

##### **Approve plans**

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and details unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The approved plans and details are:
  - Drawing No. 00 (site location plan)
  - Drawing No. 02 rev D (site layout plan)
  - Drawing No. 03 rev A (elevations)
  - Drawing No. 05 rev D (hardstanding layout)
  - Drawing No. 21014/02 (Sections - western area)
  - Drawing No. 21014/04 (Sections - central area)
  - Drawing No. 21014/06 (Sections - west to east)
  - Drawing No. 50597\_2001\_SK01 rev P02 (attenuation basin plan)
  - Drawing No. 08 (equestrian and bridleway access detail)
  - Drawing No. 50597\_5501\_103 rev P01 (swept path analysis of proposed access road)
  - Transport Statement (produced by Stantec, Ref: 50597, dated January 2020)

- Transport Statement Addendum (produced by Stantec, Ref: 50597, dated June 2021)
- Letter from Stantec dated 22nd July 2021

Reason : To clarify the permission and for the avoidance of doubt.

### **Height limit**

3. No structure erected on the site shall exceed 7.5m in height above the existing ground levels, as determined by external measurement.

Reason : In the interests of visual amenity in accordance with Policy SS2 of the South Northamptonshire Local Plan and Section 12 of the National Planning Policy Framework.

### **Floor area limit**

4. The floor area of the proposed polytunnels shall not exceed 103,607m<sup>2</sup> as determined by external measurement.

Reason : In order to avoid overdevelopment, to achieve a satisfactory form development and to comply with Policy SS2 of the South Northamptonshire Local Plan and Section 12 of the National Planning Policy Framework.

### **Retention of hedges**

5. The existing hedges along the boundaries of the site (and the 2 hedges bisecting the site) shall be retained at a minimum height of not less than three metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason : To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan

### **Ecology**

6. The development hereby permitted shall be carried out in accordance with the recommendations, mitigation and enhancements set out in the Preliminary Ecological Appraisal (PEA) by Cambridge Ecology dated 23rd February 2021 (Ref: P0868-R-001d), Breeding Bird Survey (Ref: P0868-M-002b) by Cambridge Ecology dated 10th June 2021 and Great Crested Newt Mitigation Strategy (Doc. Ref: 202102008) by Herpetologic Ltd July 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.

7. If the development hereby approved does not commence by 10th June 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 bats, barn owls, birds, badgers, reptiles and great crested newts. 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.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

### **Surface water drainage management**

8. No development shall take place until a detailed design of surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the first use of the development. These shall include:
  - a. Details (i.e. designs, diameters, invert and cover levels, gradients, dimensions and so on) of all elements of the proposed drainage system, to include pipes, inspection chambers, outfalls/inlets and attenuation basins. Details of the drainage system are to be accompanied by full and appropriately cross-referenced supporting calculations.
  - b. Cross sections of all control chambers (including site specific levels mAOD) and manufacturers' hydraulic curves for all hydrobrakes and any other flow control devices.
  - c. Cross sections of all attenuation basins (showing their profile relative to the existing ground levels).
  - d. Infiltration test results to BRE365

Reason : To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

### **Archaeology**

9. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Tree protection**

10. No development shall take place until the existing tree(s) and hedges to be retained around the site boundaries, and across the site, have been protected in the following manner unless otherwise previously agreed in writing by the Local Planning Authority;
  - a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.
  - b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.
  - c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment, machinery and surplus material has been removed from the site.
  - d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason : To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the

interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies SS2 and NE5 of the South Northamptonshire Local Plan 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.

### **Construction method statement**

11. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
  - a. The parking of vehicles of site operatives and visitors;
  - b. The routeing of HGVs to and from the site;
  - c. Loading and unloading of plant and materials;
  - d. Storage of plant and materials used in constructing the development;
  - e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - f. Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
  - g. Measures to control the emission of dust, dirt and noise during construction;
  - h. A scheme for recycling/ disposing of waste resulting from demolition and construction works;
  - i. Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason : To ensure the environment is protected during construction in accordance with Policy SS2 of the South Northamptonshire Local Plan 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.

### **Ecological management plan**

12. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

The content of the BMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.



- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the BMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason : To protect habitats of importance to biodiversity conservation from any loss or damage 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.

### **Land contamination**

13. No part of the development hereby permitted shall take place until:
- (a) a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', and
  - (b) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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 Strategy and Section 15 of 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.

### **Land contamination**

14. If a potential risk from contamination is identified as a result of the work carried out under condition 13 above, then no part of the development hereby permitted shall take place until:
- (a) a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present has been carried out;
  - (b) the risks to receptors and to inform the remediation strategy proposals has been documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
  - (c) both (a) and (b) above has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Land contamination**

15. If contamination is found by undertaking the work carried out under condition 14, then no development hereby permitted shall take place until
- (a) a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and
  - (b) has been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

##### **Land contamination**

16. If remedial works have been identified in condition 15, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is 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.

##### **Landscaping**

17. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

Such details shall be provided prior to the erection of the polytunnels or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

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.

##### **Lighting**

18. Details of both the internal and external lighting, including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason : In order to safeguard the visual amenities of the area and in the interests of ecology in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework.

### **EV charging**

19. The development hereby permitted shall not be occupied until it has been provided with electric charging equipment of AC Level 2 (or equipment providing for no lesser standard of efficiency) to charge at least 3 vehicles simultaneously.

Reason : To comply with Policy S10 of the West Northamptonshire Joint Core Strategy and Policy INF4 of the South Northamptonshire Local Plan Part 2, and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

### **SUDs management**

20. No development shall be brought into use until a detailed scheme for the maintenance and upkeep of every element of the surface water drainage system proposed on the site has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter. This scheme shall include details of any drainage elements that will require replacement within the lifetime of the proposed development.

Reason : To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

### **SUDs verification**

21. No Occupation shall take place until a Verification Report for the installed surface water drainage system for the site based on the Drainage Statement ref 505DS dated 19th February 2021 prepared by Stantec and the letter from Stantec (ref: 50597/DS rev B) dated 1st March 2022, has been submitted in

writing by a suitably qualified independent drainage engineer and approved by the Local Planning Authority The details shall include:

- a) Any departure from the agreed design is keeping with the approved principles
- b) Any As-Built Drawings and accompanying photos
- c) Results of any Performance testing undertaken as a part of the application process (if required / necessary)
- d) Copies of any Statutory Approvals, such as Land Drainage Consent for Discharges etc.
- e) CCTV confirmation that the system is free from defects, damage and foreign objects.

Reason : To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy SS2 of the South Northamptonshire Local Plan, Policy BN7 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

### **Landscaping maintenance**

22. A schedule of landscape maintenance for a minimum period of 25 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing by the Local Planning Authority.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan Government guidance contained within the National Planning Policy Framework.

### **Parking provision**

23. The proposed access and parking, turning, loading and unloading facilities shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access, parking, turning, loading and unloading facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking and turning/loading/unloading to comply with Policy SS2 of the South Northamptonshire Local Plan and Government guidance in Section 12 of the National Planning Policy Framework.

### **Cycle parking**

24. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason : In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

### **Archaeology**

25. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 8 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16).

### **Construction hours**

26. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason : In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy SS2 of the South Northamptonshire Local Plan.

### **Landscaping maintenance**

27. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the polytunnels, or before the end of the planting season immediately following first occupation, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policies SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Restriction of use**

28. The premises shall be used only for the purpose of growing food produce and any associated/ancillary activities or uses and for no other purpose whatsoever.

Reason : To safeguard the visual amenities of the area and protect the amenities of nearby residents in accordance with Policy SS2 of the South Northamptonshire Part 2 Local Plan.

### **Unexpected contamination**

29. 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.

### **Ecology**

30. 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.

### **Remove if unused**

31. If at any time the polytunnels fall into disuse and are unused for their approved purpose for a period of 6 months or more, all equipment (including the polytunnels, frames, their internal fittings and fixtures, utilities and services and the area hardstanding) hereby permitted shall be removed and the land restored to its former agricultural use.

Reason: This is a time limited permission only given the nature and lifespan of the development proposed and to ensure the long term protection of the character and appearance of the countryside in accordance with Policies SS2 of the South Northamptonshire Part 2 Local Plan.

### **Landscaping species**

32. 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.