

**Case Officer:** Stuart Howden **Contact Tel:** 01295 221815

**Applicant:** JE & AJ Wilcox

**Proposal:** Conversion of 3 no. redundant farm buildings into 5 no. dwellings, erection of covered car parking building and extensions to barns and demolition and removal of 7 no. redundant farm buildings and 3 no. lean-to extensions

**Expiry Date:** 4<sup>th</sup> January 2017 **Extension of Time:** N/A

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**Ward:** Launton & Otmoor **Committee Date:** 15<sup>th</sup> December 2016

**Ward Councillors:** Cllrs Hallchurch, Holland and Hughes

**Reason for Referral:** Major Development

**Recommendation:** Approval

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## 1. APPLICATION SITE AND LOCALITY

- 1.1 The site is located to the east of the un-named highway (known locally as Dolly's Lane) between Islip Road (B4027) and Tollbrook Corner, approximately 200 metres to the north of Heathfield, approximately 110 metres to the north west of the northbound Weston on the Green Service Station serving the A34 and approximately 800 metres south west of the nearest properties in Weston on the Green. The site consists of a hard surfaced access track at its western end, known as Pinchgate Lane, which runs for approximately 475 metres in a south easterly direction. A narrow strip of the site continues in a south easterly direction, then in an easterly direction for approximately 700 metres after Pinchgate Lane turns towards the College Farm Farmhouse to the north of the site. This section of the site is not hard surfaced. This narrow strip of the site continues into a relatively flat agricultural field which makes up the eastern end of the site. This field is currently used for arable purposes. The overall site area equates to 6 hectares.
- 1.2 The applicants operate an agricultural business from College Farm and Grove Farm. It includes 908 acres of owner occupied land, together with a further 1400 acres of land which is contract farmed for other land owners. It is noted within the Design and Access Statement that the existing agricultural business is predominantly based on arable cropping, producing combinable crops of wheat, barley, rape and beans. It is also noted that the business employs two full time employed agricultural workers.
- 1.3 The site is within the Oxford Green Belt. The access track, is within a Zone 2/3 Flood Plain and the development is within 20 metres of a 'Main River'. The site lies to the south of the Kirtlington and Bletchington Parks and Woods Conservation Target Area. The site has some

ecological potential as it is located within 2KM of the Weston Fen SSSI and legally protected species have been recorded within close proximity to the site including the Butcher's-broom and Long-eared Bat. Public Footpath 134/12/20 runs along the east boundary of the site, whilst Public Footpath 134/13/30 runs across the access track. The development is located within an area of archaeological interest with a number of prehistoric and Roman settlement sites in the vicinity.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 Planning permission is sought for the construction of a new poultry unit to the eastern end of the site within the agricultural field. The proposed development consists of 6 No. poultry buildings, each with dimensions of approximately 24.4m x 91.4m with an eaves height of approximately 2.7m and a ridge height of approximately 5.9m. The buildings are proposed to run parallel to each other, with these buildings having a north to south orientation. These proposed buildings are of steel portal frame construction, with the walls being pre formed concrete to 60cm and polyester coated profile sheeting above. The roof cladding would also be polyester coated profile sheeting. The colour of these buildings is proposed to be juniper green. The buildings will be fitted with high velocity ridge mounted ventilation fans and side inlet vents. Each building would contain a control room, which would include a specialist computer system which thermostatically controls the desired temperature within the bird housing area, using the heating and ventilation systems. Feeding and lighting is also controlled by the computer system.
- 2.2 The use of the proposed buildings is for the rearing of broilers from day old chicks through to finished table weight. The development is proposed to house 50,000 birds per building, with 300,000 birds proposed for the site in total. It is noted within the Design and Access Statement that the broiler rearing cycle operates on an all in all out system, and each cycle takes approximately 45 days. The birds are to be placed in the sheds as day old chicks and are to be reared for 38 days when they reach finished table weight. The Design and Access Statement notes following depopulation of the birds, the site will be empty for 10 days for cleaning and preparation for the incoming flock of birds. Foul washout water will be drained to a sealed tank. It is noted by the applicant's agent that the site will operate with 7.5 flocks per annum.
- 2.3 In addition to the six poultry buildings, it is also proposed to build :
  - A biomass boiler building: The building is proposed to measure approximately 91m x 15m with an eaves height of approximately 7 metres and a ridge height of approximately 9 metres. The building is proposed to the east of the poultry buildings with a north to south orientation. The proposal includes the provision of a poultry litter burning biomass boiler and storage building for the waste. This is proposed to generate electricity to provide for the heating of the housed birds and to supply the grid. The waste is proposed to be stored under negative pressure within this sealed building and used as the fuel source to heat the poultry units. The waste produced by the process (ash) is proposed to be used as a sustainable fertilizer on agricultural land. It is noted within the Design and Access Statement that the applicants currently purchase fertiliser and this is stored within the buildings at Grove Farm. A wheat store is also proposed in this building, and this wheat would be used to feed the chickens;

- 17 No. feed bins: The feed bins are proposed to be sited together the north of the poultry buildings. The feed bins are proposed at a height of approximately 7.6 metres and are to be constructed from plastic and coloured juniper green;
- A sub-station: Measuring approximately 3m x 3m with a height of approximately 3 metres. The building is proposed to the north east of the poultry buildings and to be constructed from polyester coated steel sheeting;
- A switch room: Measuring approximately 3m x 3m with a height of approximately 3 metres. The building is proposed to the north east of the poultry buildings and to be constructed from polyester coated steel sheeting;
- A back-up generator pad: Measuring approximately 6m x 4m and to the north east of the poultry buildings;
- 3 No. feed blending rooms: Measuring approximately 3m x 3m; and sited between the poultry buildings;
- A reception building: Measuring approximately 12.5m x 9.5 with a height of approximately 3 metres. The building is proposed to the north of the poultry buildings;
- A dead bird shed: Measuring approximately 6m x 4m with a height of approximately 3.1 metres. The building is proposed to the north of the poultry building and to be constructed from polyester coated steel sheeting;
- A water tank: A circular structure to the west of the poultry buildings with a diameter of approximately 5.1 metres;
- A pump house: Measuring approximately 2.2m x 2.2m with a height of approximately 2.9 metres. The building is proposed to the west of the poultry buildings and is to be constructed from polyester coated steel sheeting;
- 6 No. Gas tanks: To the east of the poultry buildings; and
- An attenuation pond: To the east of the poultry buildings.

2.4 The section of the site between Pinchgate Lane and the field accommodating the poultry buildings is proposed to be hard surfaced so that the poultry unit can be accessed by HGVs. At the entrance to the unit a gate is proposed as well as a weighbridge and wheel wash. Hard standing is proposed between the poultry buildings and the boiler building as well as to the north of these buildings. Vehicular parking is proposed within the hard surfaced area.

2.5 The proposed development will utilise the existing site access. This access is proposed to be improved to enable 16.5m maximum articulated lorries to manoeuvre into and out of the site access.

2.6 The application is accompanied by an Environmental Statement as the application requires an Environmental Impact Assessment as outlined in the screening opinion issued by Cherwell District Council in September 2016 (ref: 16/00073/SO).

### **3. RELEVANT PLANNING HISTORY**

3.1 16/00022/SCOP: The applicant's agent sought the formal opinion of the Local Planning Authority in respect of what information was to be required in the Environment Statement for such a proposal (i.e. poultry unit). The Scoping Opinion requested:

- A Flood Risk Assessment;
- An Odour Impact Assessment;

- A Noise Impact Assessment;
- An Ecological Survey;
- A Landscape Visual Impact Assessment;
- A Contaminated Land Assessment;
- A Transport Statement; and
- A Waste Management Plan.

This information has been included within the Environmental Statement accommodating the planning application before members.

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1 16/00116/PREAPP (closed on 18th May 2016). This proposed a similar scheme to the one before members. It was concluded that whilst the proposal constituted appropriate development in the Oxford Green Belt, there was not enough information at the pre-application stage for officers to offer a view that could later be relied upon as to whether they could support this proposal, having regard to other material considerations. It was noted by officers that the proposal would undoubtedly cause harm to the visual appearance and rural character of the landscape and an assessment into the overall impact of the proposed poultry unit upon the visual appearance and character of the landscape would need to be provided alongside the application. Furthermore, it was stated by officers that sufficient justification to overcome the level of harm identified would need to be provided (i.e. detailed information on the need for the poultry unit of this scale and the reasoning for its siting). At the pre-application stage it was also noted that more information was required regarding environmental pollution and nuisance, including an Odour Impact Assessment that focusses on how the odour emissions will affect the surrounding area and a Waste Management Statement which focuses on how and where the waste is to be stored as well as the means of disposing the waste.

#### **5. RESPONSE TO PUBLICITY**

- 5.1 This application has been publicised by way of a two site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 5.2 The Local Planning Authority has received 12 letters of objection in respect of the proposed development from 11 members of the public. The Local Planning Authority has also received a petition with 7 signatures objecting to the planning application. The concerns raised by third parties are summarised as follows:
- Proposed site is inappropriate for such a development;
  - Inappropriate development in the Green Belt and expands development closer to Oxford;
  - The proposed use would be an industrial one;
  - Would cause significant harm to the landscape;
  - The enjoyment of surrounding paths will be compromised;
  - Too close to Heathfield and the care home and driving range there, as well as the A34 service area;

- Odour concerns;
- Noise from operation and traffic;
- Highway concerns:
  - Would increase traffic in the surrounding area;
  - Volume of traffic on Dolly's Lane;
  - Lorries on the narrow Dolly's Lane would cause highway safety issues;
  - Road in Bletchingdon unsuitable for such development;
  - The Transport Statement is inadequate;
  - No mention is made of the transport implications of the construction period, but the traffic implications would be formidable;
  - The HGVs would cause damage to the roads;
- Detrimental impact upon Heathfield House Care Home, which includes residents with dementia and would not be able to attract new residents therefore leading to unemployment and other consequences;
- There is a severe risk of pollution to two brooks;
- Loss of profit for nearby businesses;
- Devaluation of property.

5.3 The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 6. RESPONSE TO CONSULTATION

6.1 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.

### PARISH/TOWN COUNCIL

6.2 Bletchingdon Parish Council: **Object** to the application. The Parish Council has set out:

- The objections to the operation of such a factory in this location;
  - Ill-conceived and disregard to the local community;
  - It's an industrial use, not an agricultural one;
  - Not clear how this proposal would increase the sustainability of the business;
  - Additional feed will be required from off the site;
  - Not clear where is the ash proposed to be stored;
  - No clarity of how the water tank will be supplied;
  - There is no statement regarding the final disposition of the foul water;
  - Modelling is not fully accurate and the integrity of any building will not eliminate all odour;
  - Dust from faeces and ash, cannot be fully contained;
  - Transport issues relating to the operation would be immense;
  - There needs to be a traffic routing agreement to prevent additional traffic passing through Bletchingdon village;
  - Excessive traffic on a B road and Dolly's Lane which are unsuitable for HGVs;
  - Will increase the flooding risk;
  - Significant harm to the landscape;
  - No obvious benefits to the community regarding employment.

- The objections related to the construction of the factory in a difficult to access location.
  - Excessive amount of traffic on B4027 and Dolly's Lane;
  - There are no references to traffic requirements for delivery of racking, cages, support equipment, water tank, or the Biomass equipment;
  - There are no references to the traffic required to deliver plant to the site.
- An objection related to the public footpaths being compromised by the proposed development;
- Harm to the Oxford Green Belt.

6.3 Weston on the Green Parish Council: Has concerns about traffic movements of lorries using the B430 through the village at any point. These are allayed by the traffic management plan and provision of a dedicated route, but the Parish Council would want to make sure this is highlighted in any permission if Cherwell Council saw fit to pass this application. Otherwise the Parish Council has **no objections** to this application.

#### STATUTORY CONSULTEES

6.4 Environment Agency: **No objections.**

6.5 OCC Highways Authority: **No objections** subject to conditions requesting:

- Full details of the means of access;
- Full details of the turning areas;
- SuDS design for the site being submitted to and approved in writing by the Local Planning Authority;
- The development being carried out in accordance with the Flood Risk Assessment.

A Section 278 Agreement will be required for any off site works, particularly the access improvement.

6.6 Highway Safety: **No objections.**

6.7 National Planning Casework Unit: **No comments received.**

6.8 Natural England: **No comments received.**

6.9 Thames Water: **No objections.** Foul water for this development is not draining into Thames Water assets and therefore does not affect us.

#### NON-STATUTORY CONSULTEES

6.10 Agricultural Advisor: No objections. Concludes that: *"The proposal for the broiler unit is soundly based and is a reasonable farm development to ensure that the farm continues to support the farm's partners and families into the future."*

6.11 Arboricultural Officer: **No objections**, subject to a Tree Protection Plan and Arboricultural Method Statement.

6.12 Archaeology Officer: **No objections** subject to conditions. The site is located in an area of archaeological potential. A programme of archaeological investigation will therefore be required ahead of any development.

6.13 BBO Wildlife Trust: **No comments received.**

6.14 CPRE Oxfordshire: **Object** to the application for the following reasons:

- The proposed development is not an agricultural use, but an industrial use and is therefore inappropriate development in the Green Belt and would be contrary to the aim of Green Belt policy;
- The odour mapping does not show the prevailing wind that will move the unacceptable odours some distance from the application site;
- Vehicles would find it difficult to pass HGVs on Dolly's Lane and the HGVs would cause damage to this highway. The applicant fails to mention the additional requirement for light vans and workers vehicles that would also use the local roads;
- Concerns that the HGVs will be operational at night therefore causing disturbance;
- A qualitative dust risk assessment is required;
- The nearby service station restaurant would be severely affected by emissions, notably dust and odour.

6.15 Ecology Officer: **No comments received.**

6.16 Emergency Planning Officer: **No comments received.**

6.17 Environmental Protection Officer: **No objections** subject to a condition.

An Environmental Permit has been prepared which will ensure that odour, noise and waste arising from the proposal is controlled by the Environment Agency to statutory standards. The Environment Agency has required that information be supplied by the applicants to support the level of environmental control required by the permit. The permit contains conditions including implementation of a noise and odour management plan, review of waste management no less than 4 yearly, implementation of a manure management plan, odour, noise, vibration and pest control at acceptable levels outside the site.

The Odour Impact Assessment has been reviewed, which concludes that all nearby residential receptors would be below the Environment Agency's benchmarks for moderately offensive odours.

The Noise Impact Assessment has been reviewed, which conclude that's that the nearest receptors would experience impact ranging from negligible to low at worst. However, it is recommended to provide shielding and/or reduced sound output for the relevant sources to reduce the impact further, as there is an unobstructed path between extract terminations and receptors A and C.

**No objections** in relation to land contamination.

6.18 Landscape Officer: Broadly agrees with the significance of effect of the poultry unit identified within the LVIA, but believes that the impact from viewpoint 9 to the north of the site has been underestimated and notes that the development will be a noticeable in the landscape for the length of the south bound Public Right of Way. The Landscape Officer notes that in addition to visual impacts there will be noise from traffic, boilers, fans in an area which currently has traffic 'hum' from the A34. The Landscape Officer questions why this is located in an area where there are currently no other buildings visible. The Landscape Officer states to claim that

the mitigation scheme will reduce the visual impact of the development from significant to not significant is optimistic, particularly as there is very little planting along part of the eastern and northern boundaries.

6.19 MoD Safeguarding: **No objections.**

6.20 Natural England: **No objections.**

6.21 Ramblers Association: **No comments received.**

6.22 OCC Rights of Way: Bletchingdon FP 12 runs on the eastern edge of the site and is largely un-affected by the proposal. However the path is shown to have 2 alignment changes on the proposed site plan.

6.23 Oxford Green Belt Network: **Object** to the application. The supporting documentation omits a large amount of information, notably there is no reference in what is said over the Green Belt about the openness. The proposal is industrial and not agricultural and would cause significant harm to the openness of the Green Belt. The proposal would also harm the visual amenities of the area. It is difficult to see how the scheme can operate without turning the access track into a road. Information in relation to surfacing and lighting is lacking. In relation to odour, insufficient attention has been paid to the service station and food outlet close by on the A34 and these are likely to suffer most from the effect of prevailing westerly winds.

6.24 Thames Valley Policy Design Adviser: **No comments received.**

6.25 Waste & Recycling: **No comments received.**

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

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

7.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 - Presumption in Favour of Sustainable Development
- SLE1 - Employment Development
- ESD1 - Mitigating and Adapting to Climate Change
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 - Conservation Target Areas
- ESD13 - Local Landscape Protection and Enhancement
- ESD14 - Oxford Green Belt
- ESD15 - The Character of the Built and Historic Environment
- ESD17 - Green Infrastructure



- INF1 - Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7 - Development attracting traffic on minor roads
- TR10 - Heavy Goods Vehicles
- AG2 - Construction of farm buildings
- AG3 - Siting of new or extension to existing intensive livestock and poultry units
- AG4 - waste disposal from intensive livestock and poultry units
- C8 - Sporadic development in the countryside
- C14 - Countryside management projects
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 - Development on contaminated land

#### 7.3 Other Material Planning Considerations:

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

## 8 APPRAISAL

### 8.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of the Development;
- Principle of the Development in the Green Belt;
- Landscape Impact;
- Impact upon the Historic Environment;
- Highways Safety;
- Environmental Pollution and Nuisance;
- Ecological Potential;
- Flooding Risk and Drainage;
- Potentially Contaminated Land;
- Sustainability and Energy Efficiency;
- Other Matters.

#### Principle of the Development

8.2 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.3 The NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the development and diversification of agricultural and other land-based rural businesses. For the avoidance of doubt it is confirmed by your officers that the proposal is an agricultural use.

8.4 The existing agricultural business is based on arable cropping producing combinable crops. It is noted within the submitted Design and Access Statement that the business sector within

which the applicants operate is under significant financial pressure and these pressures on the existing farm business structure have forced the applicants to seek to diversify their farming business through investment in a new agricultural enterprise to support and complement the existing activities. The proposed diversification chosen is the development of a poultry unit for broiler production. The Council has sought the advice of an Agricultural advisor, and after reviewing the submitted documentation, they hold the view that the proposal is reasonable for the purposes of agriculture, from an agricultural development perspective to allow the farm to remain viable and sustainable for the next 20 years.

- 8.5 The proposal would therefore lead to the diversification and expansion of an established agricultural business within a rural area. Thus, it is considered that the proposed development could be acceptable in principle. However, the principle of the proposed development in this case is clearly also dependent on other material planning considerations which are discussed below (please see sections 8.23 -8.27 below).

#### Principle of the Development in the Green Belt

- 8.6 The site is in the designated Oxford Green Belt and so the development has to be assessed against Green Belt policy. Paragraph 89 of the NPPF states that certain forms of development are not inappropriate in the Green Belt including buildings for agriculture and forestry. Whilst, concerns have been received from third parties in relation to the scale of the proposal in the Green Belt, the proposed buildings would be for agricultural purposes and the development would not constitute inappropriate development within the Green Belt. As the development constitutes appropriate development in the Green Belt there is also no requirement to assess the impact of the proposal upon the openness of the Green Belt (Paragraph 79 of the NPPF) or the 'five purposes' of included land in Green Belts (Paragraph 80 of the NPPF).

#### Landscape Impact

- 8.7 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.8 Policy ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that: *"Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
  - *Cause undue harm to important natural landscape features and topography;*
  - *Be inconsistent with local character;*
  - *Impact on areas judged to have a high level of tranquillity;*
  - *Harm the setting of settlements, buildings, structures or other landmark features; or*
  - *Harm the historic value of the landscape."*
- 8.9 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."*

- 8.10 Saved Policy AG2 of the Cherwell Local Plan 1996 notes that farm buildings and associated structures requiring planning permission should normally be so sited that they do not intrude into the landscape or into residential areas.
- 8.11 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.12 Saved Policy C8 of the Cherwell Local Plan 1996 notes that sporadic development in the open countryside will generally be resisted if its attractive, open and rural character is to be maintained. Saved Policy C8 applies to all new development proposals beyond the built up limits of settlements, but will be reasonably applied to accommodate the needs of agriculture. The NPPF also advises that the open countryside should be protected for its own sake.
- 8.13 The landscape around the site and village is located within the Clay Vale character type within the Oxfordshire Landscape Study 2004, and this notes the area is characterised by a flat, low lying land form with mixed land uses, dominated by pastureland, with small to medium-sized hedged fields. Whilst the application site is typical of this landscape character, the proposed site is not considered to be highly sensitive and is not situated on land which was previously identified as an Area of High Landscape Value.
- 8.14 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which has considered the potential impacts on the landscape character and amenity of the site and surrounding area. In terms of the visual assessment carried out by ACD Environment, fieldwork was undertaken to identify a number of viewpoints in the immediate and wider setting of the site. This LVIA states that of the 12 viewpoints assessed, the site would only be visible from four of these, and only in one of these views can the significance be considered major/moderate, i.e. significant (this being viewpoint 6 which is from Public Footpath 134/12/20 where it runs through the site). The LVIA then goes on to state that with suitable mitigation measures, the development will have a moderate visual impact (i.e. not significant). The LVIA also concludes that the scale and nature of the development and its siting within an agricultural landscape will have low landscape character sensitivity and the magnitude of change is small, therefore resulting in a significance of landscape effect of negligible.
- 8.15 The Council's Landscape Team and officers agree that the views from viewpoint 6 will be significant and that there would be a moderate degree of visual impact from viewpoints 5 (Public Footpath 404/3/40 looking south west towards to the site) and 8 (Public Footpath 134/13/20 looking south east towards the site). That said, the Council's Landscape Team and officers are not in agreement with the LVIA where it states that the significance of effect from viewpoint number 9 to the north of the site would be negligible (along Public Footpath 134/12/20). The Council's Landscape Team has stated that the proposal will form a noticeable feature in the landscape for the length of this south bound right of way. Officers are of the opinion that the significance of effect from viewpoint 9 and parts of this footpath would be major. Whilst it is accepted that views of the site will be localised due to vegetation in the area, it is considered that the proposal would have a major visual impact, and therefore cause significant harm to the immediate locality and some harm to the enjoyment of users of the nearby Public Rights of Way.
- 8.16 The Council's Landscape Team has also stated that the submitted mitigation scheme would not reduce the visual impact of the development from significant to not significant, particularly because there is minimal planting proposed along the eastern and northern boundaries of the site. Officers concur with the Landscape Officer that there is minimal planting proposed along the northern boundary of the site in the submitted landscaping scheme and that if the application is to be approved, then officers hold the view a condition should be attached

requesting a revised landscaping condition which shows further planting on the northern boundary so that clear views of the unit are more localised. In addition to this, officers consider that a landscape maintenance plan is required for a minimum period of 15 years.

- 8.17 In terms of impact upon landscape character, officers are not in agreement with the LVIA in that the proposal would have a magnitude of landscape impact that could be considered 'small' and are of the opinion that the magnitude of impact is 'medium'. This is because it is considered that the proposal would be prominent and because the proposal would be somewhat uncharacteristic when set within the attributes of the receiving landscape. The LVIA states that because the nature of development is an agricultural one, which would sit within an agricultural landscape it would have small landscape impact. However, the application site comprises a relatively large agricultural field and there is little significant built development within the vicinity of the site. The building complex itself, despite being agricultural in use, would be significant in size when compared with other farm developments in the locality. Thus, officers do not consider that the proposal would be characteristic when set within the attributes of the receiving landscape.
- 8.18 Furthermore, the highway improvements to Dolly's Lane in order to make the development acceptable from a highways safety perspective would result in more hard standing on this highway as well as the potential loss of some trees (not mature), and this would have a negative urbanising impact upon this narrow rural lane.
- 8.19 The documentation submitted with the application states that all existing boundary tree and hedgerow features are to be protected and retained. The Tree Survey states that the off-set of the proposals from the boundary tree belts are sufficient so that any impact upon the retained vegetation will be avoided.
- 8.20 The Council's Arboricultural Officer has raised no objections to the proposal, but has noted that they would wish to see the trees and hedges preserved and retained as they provide significant amenity value and contribute in screening the development, and has requested a Tree Protection Plan and Arboricultural Method Statement be submitted and approved prior to the commencement of the development. This has been recommended as a condition. Between the access and the proposed siting of the buildings, a new track is proposed for a large proportion of this section of the site and this has the potential to impact upon some trees and HGVs along this track could also cause harm to these trees. However, these trees could be removed without approval from the Council. Furthermore, given the amount of trees existing along this track, it is considered that the proposal is only likely to impact on a minority of these trees and this element of the proposal is not considered to cause significant harm the visual amenities of the area.
- 8.21 In terms of the tranquillity of the area, the site is approximately 125 metres to the north-west of the A34 and officers hold the view that the area is not one of high tranquillity. The proposed development would introduce elements which would generate further noise, such as transport on the site and extractor fans on each poultry building. The Council's Landscape Team hold the view that the area only currently has the traffic 'hum' from the A34. Officers are of the opinion that the noise generated from the A34, especially at peak times, exceeds a 'hum', but it is considered that the proposal would have an additional negative impact upon the tranquillity of this area, albeit a modest one.
- 8.22 The addition of this sizeable new building complex and associated infrastructure will undoubtedly have a harmful impact upon the rural character and appearance of the landscape. From the above, it is considered that the proposal would cause moderate harm to the landscape character of the area. Furthermore, whilst it is accepted views of the site will be localised, it is considered that there would be significant harm to the immediate locality and some harm to the enjoyment of users of the nearby Public Rights of Way. In addition to this, it

is considered that there would be some additional harm upon the tranquillity of the area. As such these agricultural buildings must be needed, designed and constructed for agricultural purposes and the location of the unit will need to be sufficiently justified in order to overcome the overall harm identified.

- 8.23 The Design and Access Statement submitted alongside the application discusses the need for the development. This states that the existing business sector within the applicants operate (i.e. arable cropping producing combinable crops) is under significant financial pressure and this has forced the applicants to seek to diversify their business through investment in a new agricultural enterprise to support and complement the existing activities. The Design and Access Statement also displays data published by Savills in June 2016 which highlights the financial pressure of the arable sector due to low commodity prices. The applicant's also submitted their last two years' profit and loss accounts as additional evidence of their difficulties. The Design and Access Statement then goes to note why poultry production was chosen as the new business venture, including that this is a venture that will be more economically sustainable in the long term as the end product is based on world prices, the market for chicken is strong, the development would provide a direct saving on fertiliser costs of £20,000 per annum to the existing business and the distance between the application site and the processing site is relatively close. The Design and Access Statement notes that other diversification opportunities were considered by the applicants, but the returns were not considered to be as attractive as the broiler proposal.
- 8.24 The Council's Agricultural Advisor has reviewed the supporting documentation submitted on behalf of the applicant. In relation to the need to diversify the existing business the Council's Advisor has noted that the arguments put forward in relation to falling margins and arable production in the UK are, soundly argued. The Council's Advisor then goes on to note that with the worldwide increase in land devoted to arable cropping, it will be the case, at least in the medium term, returns from arable commodities will be at or below current levels. The Council's Advisor holds the view that the outlook for the arable sector is not encouraging and notes that this coupled with the problems of weed control and pest control due to the withdrawal of certain chemicals adds further uncertainty.
- 8.25 After assessing the applicants' last two years' profit and loss accounts, the Council's Advisor is of the opinion that the trading position appears healthy, but these accounts include income from rented buildings at Staplehurst Farm and from the surplus dwellings let on Assured Shortholds. The Council's Advisor states that when these non-agriculture elements are removed, the income solely from an agricultural perspective is reasonable, but it is likely to remain at this level and there is potential for it to decrease.
- 8.26 The Council's Advisor has stated that proposal is reasonable for the purposes of agriculture, and the returns to the business are such that the enterprise will be self-financing within a short period and the will allow the farm to remain viable and sustainable for the next 20 years. Furthermore, the Council's Advisor states that the spent combustion from the waste fuelling the biomass building will have a fertiliser value to the farm resulting in cost savings on bought-in fertilisers. The Council's Advisor concludes that: *"The proposal for the broiler unit is soundly based and is a reasonable farm development to ensure that the farm continues to support the farm's partners and families into the future."*
- 8.27 Given the above, officers are confident that there is sufficient justification to diversify the current business. Whilst alternative options for diversifying the business have been looked into, the proposed poultry unit is likely to ensure that the agricultural business remains viable and sustainable in the long term. It is therefore considered that the proposal is reasonable for the purposes of agriculture.

- 8.28 The Design and Access Statement also discusses the reasoning behind the siting of the proposed unit. This notes that due to the nature of the development, this being an intensive livestock unit, there are a number of locational constraints to development which need to be satisfied and not just from a planning point of view. An Integrated Pollution Prevention and Control (IPPC) permit is also required from the Environment Agency in order to operate such a development. The Design and Access Statement notes that consideration was given to residential amenity, highway access, landscape and visual impacts and ecology in relation to the siting of the unit. It is stated that in bringing forward the development proposal, the whole of the applicants land holding was reviewed to determine the most appropriate location for the proposed development.
- 8.29 The Design and Access Statement displays that the holding is constrained by the Weston Fen SSSI, which is on the north western boundary of the land holding, and it is noted that an intensive livestock development of this nature would need to provide a separation distance to the SSSI of approximately 1.5KM in order to comply with IPPC permitted standards for ammonia and nitrogen deposition to the SSSI. It is also noted that the holding is constrained on the eastern boundary by the village of Weston-of the Green. Consideration was given to land close to the farm buildings at Grove Farm and Staplehurst Farm so that the proposed development would not be isolated from existing development. In relation to Grove Farm, this was discounted due to the proximity to the ancient woodland, which is within the 250 metres ammonia screening buffer afforded to Ancient Woodlands under the IPPC permitting requirements. In relation to Staplehurst Farm, this was discounted due to its proximity to Weston on the Green and because the access to the site is considered to be unsuitable.
- 8.30 The Design and Access Statement states that after concluding that the site was most appropriate location for the development, consultations and technical assessments were commenced in order to establish the suitability of the site for the proposed use. An IPPC pre-application ammonia screening request was submitted to the Environment Agency to determine whether the site would be appropriate in terms of ammonia and nitrogen disposition. This screening confirmed that the proposed site for the development was compliant with the IPPC permitting thresholds for ammonia and nitrogen deposition. Furthermore, the Environment Agency has granted an IPPC Permit for the proposed use on September 2016.
- 8.31 Officers consider that the reasoning provided within the Design and Access Statement for the siting of the proposed poultry unit on this relatively isolated parcel of land within the applicants holding, having regard to matters of environmental pollution, ecology and highways safety, is considered to be sufficient to justify the siting of the proposed poultry unit.

#### Impact upon the Historic Environment

- 8.32 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting. In this case it is the impact on the setting and significance of the Grade II listed barn that is to be considered. The applicant has submitted a Heritage Statement.
- 8.33 Section 12 of the NPPF (Conserving and Enhancing the Historic Environment) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Proposals that preserve those elements should be treated favourably.

- 8.34 Paragraph 132 of the NPPF states that: *“Significance can be harmed through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*
- 8.35 Policy ESD15 of the Cherwell Local Plan Part 1 states that development should: *“Conserve, sustain and enhance designated and non-designated ‘heritage assets’ including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG”*
- 8.36 The nearest listed building to the proposed siting of the poultry unit is the Grade II listed Grove Farmhouse, which is approximately 700 metres to the north west of the proposed siting of the chicken buildings. In addition, the Grade II listed Staplehurst Farmhouse is approximately 900 metres north of the site. The siting of the proposed development is also approximately 800 metres to the south west of Weston on the Green Conservation Area. Given these separation distances between the heritages assets and the proposed siting of the poultry unit as well as the intervening landscaping, it is considered that the proposal will not harm the significance or setting of any designated heritage assets.
- 8.37 The County Council Archaeologist states that the site is located in an area of archaeological interest with a number of prehistoric and Roman settlement sites in the vicinity. The Archaeologist goes on the note that archaeological evaluation and subsequent investigation 400 metres south of the site recorded early Iron Age to Roman features including pits, ditches, gullies and postholes. He notes that a Roman roof tile suggest that higher status buildings exist in the area. He has also stated that further archaeological features have been identified from aerial photographs adjacent to these features. Early Iron Age features including a stone surface was recorded during excavations for a new sewer 700 metres north east of the proposed site. The Archaeologist notes that Roman pottery and finds have been recorded from the wider area.
- 8.38 A Geophysical Survey has been undertaken on the site on behalf of the applicant and this recorded a number of anomalies. The Archaeologist states that it is likely that a number of these possible features are geological in origin but there are further features which could be of an archaeological nature.
- 8.39 Given the above, the Archaeologist states that it possible that further archaeological features could survive on the site and a programme of archaeological investigation will need to be undertaken ahead of any development of the site. Thus, this has been recommended as a condition, should planning permission be approved.

#### Highways Safety

- 8.40 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*
- 8.41 Saved Policy TR7 states that: *“Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.”*

- 8.42 Saved Policy TR10 states that: *“Development that would generate frequent Heavy Goods Vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted.”*
- 8.43 The documentation supporting this application notes that the proposed poultry unit will produce standard birds, based on a 48 day growing cycle, including 10 days at the end of the cycle for cleanout and preparation of the buildings for the incoming flock. The supporting documentation notes that finished birds are removed in three uplifts, on days 32, 37 and 38 of the cycle. The Transport Statement states that all collections and deliveries to the site will be limited to the operational hours of 8am to 6pm, with the exception to this timescale for bird removal on days 32, 37 and 38 where bird removal commences at 12pm. The Transport Statement notes that the busiest periods in terms of the HGV generation of the site will be on days 32, 37 and 38 when the birds are removed and taken to the factory. It goes on to note, that at its peak, the development proposals will generate 26 two-way trips (13 in, 13 out) on day 32. On days 37 and 38 the development would generate 28 two-way trips (14 in, 14 out). The statement notes that on the majority of operational days (44 days of the 48 day flock cycle) the site will generate between zero and 4 two-way (2 in, 2 out).
- 8.44 The Transport Statement notes that the proposed routing strategy will route vehicles left out of the site access then left onto the B4027 to the A34 heading north-east
- 8.45 It is acknowledged that a number of concerns have been raised by local residents in relation to highways safety, but the Local Highways Authority has raised no objection to the proposal subject to conditions and a Section 278 agreement.
- 8.46 The Local Highways Authority considers that the proposed route for exiting the site as outlined in the Transport Statement is acceptable. They have stated that the HGV movements proposed in the application do not fall under what is regarded as regular. The Local Highways Authority go on to note that because the HGV peak movements only take place on 3 days out of 48, with no more than one HGV for the majority of the cycle, they are not overly concerned.
- 8.47 That said, it is noted by the Local Highways Authority that at the busiest times of the cycle, when HGV movements are at peak, there is a likelihood of vehicles overrunning the highway edges. Whilst there are existing passing places on the narrow Dolly's Lane, the Local Highways Authority is of the view that these are incapable of accommodating the full length of articulated trucks associated with bird removal. For this reason, they state that the applicant should improve the passing bays along this road to standards capable of accommodating a 16.5 metre articulated truck. The Local Highways Authority has stated that Dolly's Lane is approximately 550 metres long and 4 suitable passing bays will be required (i.e. every 100 metres) to make the development acceptable. Officers are in agreement with the Local Highways Authority and this can be conditioned. The passing places would also be subject to a Section 278 agreement and the Local Highways Authority note that this can be secured as OCC records show that to the east of the lane, there is sufficient land available to form the required passing places.
- 8.48 The Local Highways Authority and officers consider it necessary to condition a routing strategy for HGVs as reference is made to the proposed route of exit, but not the route to access the site. The Local Highways Authority and officers consider that the same route to the



one used for the exit, would be acceptable and officers have concerns that other routes to the site could cause highway safety issues.

- 8.49 The Local Highways Authority has noted that the potential for operational impact on surrounding infrastructure due to the proposed development is only slight given the movements the proposal would create.
- 8.50 As part of the proposed development, the access off Dolly's Lane onto Pinchgate Lane is proposed to be upgraded to facilitate the development. This will involve the removal of the splitter island, resurfacing a section of the access to OCC standards and improving vision splays. The Local Highways Authority is content with this element of the proposal, but note that detailed specifications of the access will need to be submitted. The Local Highways Authority has noted that the drawing displaying the access improvements and visibility splays should indicate the extent of the splays, from carriageway edge to centre of the access on both sides. Full details of these access improvements will be attached as a condition should planning permission be granted.
- 8.51 In relation to parking and turning areas on the site, the Local Highways Authority has noted that such areas should be provided for HGVs. However, officers are content that there is adequate space on the site for parking and manoeuvring and that such details are not necessary.
- 8.52 In relation to the construction of the proposed poultry unit, the Local Highways Authority has stated that a Construction Traffic Management Plan is not required as the site is in a remote location and because the erection of the buildings would be relatively uncomplicated. The Local Highways Authority concluded that the traffic associated with the construction should be manageable without a Construction Traffic Management Plan.
- 8.53 Subject to conditions it is therefore considered that the proposal would not have a detrimental impact upon the safe and efficient operation of the highway network.

#### Environmental Pollution and Nuisance

- 8.54 Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other type of environmental pollution will not normally be permitted.
- 8.55 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"Development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space."*
- 8.56 Saved Policy AG3 of the adopted Cherwell Local Plan notes that in the interests of the avoidance of pollution, new intensive livestock and poultry units or extension to existing units that require planning permission will be resisted where they would have a materially detrimental effect on nearby settlements or dwellings due to smell.
- 8.57 Saved Policy AG4 of the Cherwell Local Plan 1996 states that proposals for new intensive livestock or poultry units or extensions to existing units as may be permitted in the plan area will be required to include suitable provision for waste disposal. The text supporting saved Policy AG4 notes that when inadequate provision is made for waste disposal, there is a serious risk of smell problems or pollution to watercourses and ponds.

- 8.58 However, the National Planning Policy Framework in paragraph 122 states that: *“local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.”*
- 8.59 Importantly, such a development requires an Integrated Pollution Prevention and Control (IPPC) permit from the Environment Agency, and such a permit was granted to operate this proposed installation on 1<sup>st</sup> September this year. The IPPC permit covers issues such as on site noise, emissions and waste generated on site and their management as well as issues of concern in relation to the surrounding environment. The above said, the Local Planning Authority will need to be satisfied that the proposed use can be regulated effectively, without undue environmental harm.
- 8.60 Undoubtedly, the proposed development is of a nature that has the potential to produce noise and odours. There are some residences and commercial properties in the areas surrounding the site of the proposed poultry unit. The closest residences to the siting of these buildings are at: Family Farm, approximately 270 metres to the south east; a residence on the A34, approximately 310 metres away; Rowles Farm, approximately 390 metres to the south east; and Heathfield House Care Home, approximately 470 metres to the south west; and the farmhouse at College Farm, approximately 510 metres to the north west. The nearest commercial properties are on the service station area approximately 115 metres to the south east of the site and this includes a restaurant and petrol filling station.
- 8.61 An Odour Impact Assessment, Waste Management Plan and Noise Impact Assessment have been submitted alongside the application.
- 8.62 The Odour Impact Assessment uses computer modelling to assess the impact of odour emissions from the proposed broiler chicken rearing buildings. The odour emission rates from the proposed poultry houses have been assessed and quantified based upon an emissions model that takes into account the internal odour concentrations and ventilation rates of the poultry building. The odour emission rates obtained were then used as inputs to an atmospheric dispersion model which calculates exposure levels in the surrounding area. The Odour Impact Assessment concludes that the result of the modelling indicate that the 98<sup>th</sup> percentile hourly mean odour concentration at all nearby residential properties would be below the Environment Agency’s benchmark for moderately offensive odours. The Odour Impact Assessment does show that that the mean odour concentration for the nearby service station uses would, however, be just over this benchmark for moderately offensive odours, but it is noted in the Odour Impact Assessment that such odours would not give rise to significant proportion of complaints when referring to research by UK Water Industry Research (UKWIR).
- 8.63 This Waste Management Plan (WMP) notes that the poultry rearing element will produce approximately 330 tonnes of manure per flock cycle. On the cleaning out of the buildings at the end of each flock cycle, the manure will be removed from the poultry buildings and stored under negative pressure with the adjacent boiler buildings fuel storage area. The manure is to be fed into the boiler as the primary fuel source. It is noted that this process will utilise all of the manure produced by the birds each year.
- 8.64 The biomass boiler would produce waste in the form of ash, which is noted to be a commonly used agricultural fertiliser. The WMP states that the proposal will generate approximately 200 tonnes of ash per annum, and this ash material is to be used on the farmstead where the

material will be stored undercover within a farm building. The WMP notes that the applicant currently buys in the same amount of fibrephos fertiliser each year, so this would be a simple replacement to this existing process. The WMP states that the ash material will be analysed for its nutrient content to determine the appropriate spreading of volumes to be matched to the crop requirements to ensure legislative compliance. It is important to note that the spreading of fertiliser on agricultural land is controlled by the Nitrate Pollution Prevention Regulations 2015. Furthermore, the environmental permitted regime consists of a risk assessment of the fields on which the manure will be spread.

- 8.65 Whilst there is the potential for odour during periods of spreading, the applicants own some 908 acres of land and it is likely that the applicants would spread this ash on the land where and when it will cause fewest problems for property owners. It is likely that the odour from spreading will be short lived as well as it is normal practice to spread fertiliser after the harvesting of arable crops and for the fertiliser to be incorporated into the soil during ploughing and tillage operations. Concerns have been raised in relation to dust pollution from the ash on the fields, but again the spreading of waste is regulated under the IPPC permit.
- 8.66 The proposal would generate dirty water as a result of the washing out process for the sheds. The WMP states that the IPPC permit requires that this is contained within an approved containment system. The effluent of containment system must conform to the requirements of Schedule 2 of 'The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. The dirty water is proposed to be collected in two dedicated underground tanks. The WMP notes that at the end of each cleaning process, the dirty water tanks are to be emptied by vacuum tanker and the dirty water is spread to land in accordance with the provisions of the Nitrate Pollution Prevention Regulations 2015.
- 8.67 The Council's Environmental Protection Officer has reviewed the submitted Odour Impact Assessment and has raised no objections in relation to odour pollution. The Environmental Protection Officer has also acknowledged that the Environment permit will ensure that odour and waste arising from the proposal is controlled by the Environment Agency to statutory standards.
- 8.68 Whilst there is the potential for odour, given the above, officers are satisfied that that the proposed poultry unit can be regulated effectively, without causing materially detrimental levels of odour pollution, as well as pollution to watercourses and ponds.
- 8.69 In relation to noise pollution, concerns have been raised by third parties. The Noise Impact Assessment (NIA) submitted alongside the application has been conducted to determine the typical background noise levels at the nearest dwellings to the proposed broiler units. The NIA assesses the potential noise from the extraction system on the buildings and from transport (i.e. vehicles arriving/departing on the access road, manoeuvring and loading/unloading).
- 8.70 The NIA states that the fans are to be thermostatically controlled, with the total number of fans operating at any one time dependent on the bird's ventilation requirements. The document states the high stage (100% ridge extract fans operating) will typically only be triggered when the external temperature exceeds 23° and that during the evening and night, this temperature is not expected to be exceeded. The NIA concludes that the nearest residential receptors would experience, at worst, low to negligible levels of noise as a result of the extractor fans.
- 8.71 The NIA goes on to state that the loading/unloading area will be fully acoustically shielded from the nearest residential properties by the proposed unit itself. The NIA states that the majority of transport movements will only occur between 7AM and 8PM. The NIA concludes

that the nearest residential receptors would experience, at worst, low to negligible levels of noise as a result of the transport activities.

- 8.72 The Council's Environmental Protection Officer has reviewed the NIA and has raised no objections in relation to noise pollution. However, the Council's Environmental Protection Officer has recommended providing further shielding and/or reduced sound output for the relevant sources to reduce the impact further, as there is an obstructed path between extract terminations and the nearest residential receptors. However, given that the nearest receptors would experience an impact ranging from negligible to low, at worst, officers do not consider that this is necessary should planning permission be granted.
- 8.73 It is worth noting that the IPPC permit covers that matter of noise pollution beyond the installation boundary. Given the above, officers consider that proposed poultry unit can be regulated effectively, without producing materially detrimental levels of noise pollution.
- 8.74 Third parties have noted that the proposal would have a negative impact upon the Heathfield Care Home business, the Heathfield driving range business and the restaurant in the service station, by virtue of environmental pollution. However, given the above, officers consider that the proposal could be regulated effectively, without cause materially detrimental levels of odour and noise pollution and therefore do not consider that the proposal would have a significant negative impact upon these nearby businesses.
- 8.75 Detailing about lighting is limited and concerns have been raised in relation to light pollution. Officers are confident that such a scheme could be implemented without causing material detrimental levels of light pollution. Thus, should permission be granted, it is recommended a condition is attached requesting full details of the external lighting. Care will need to be taken to ensure that the level of lighting is not excessive.

#### Ecological Implications

- 8.76 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.
- 8.77 Paragraph 109 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible."*
- 8.78 The application is accompanied by a Phase 1 Ecological Survey conducted by a qualified ecologist. The site and the immediate surroundings were surveyed for their ecological interest and two ponds (one of these being on the site) were assessed for their habitat suitability for Great Crested Newts. The Ecological Survey notes that the site contains a substantial area of unimproved grassland of ecological interest on the north, east and south edges of the site and the ponds have been categorised as good (on-site) and excellent (off-site) for Great Crested Newts. The report recommends that the unimproved grassland is fenced off to protect it from damage and/or disturbance during the construction phase of the project and that a permanent

buffer zone of approximately 1 hectare is size be established between the pond on the site and the proposed development as an undisturbed terrestrial foraging area for any Great Crested Newts and any other amphibians that potentially may use the site.

- 8.79 The report also recommends creating new wildlife habitats in area that are appropriate to the site's context, including 'wild' corners, five bird nest bokes and five bat roosting boxes on trees around the periphery of the site. The report concludes that providing that the recommendations are fully implemented there are no obvious ecological counter indications to the proposed project.
- 8.80 Comments have not been received from the Council's Ecology Officer during the consultation process. However, comments have been received from Natural England who have raised no objection to the proposal, but have not assessed this application for impacts on protected species.
- 8.81 In the absence of evidence to the contrary from the Council's Ecology Officer, and having regard to standard advice on protected species protected species, the case officer has no reason to doubt the findings and recommendations of the Survey. An Ecology Management Plan has been recommended as a condition, alongside the Landscape Manage Plan, to set out in detail biodiversity enhancement measure to achieve net gains in biodiversity.

#### Flooding Risk and Drainage

- 8.82 The majority of the site lies within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding. However, the proposed access track to the unit is proposed to run through Flood Zone 2/3, which is land which has a 1 in 100 or greater annual probability of river flooding. A Flood Risk Assessment (FRA) has been submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the NPPF.
- 8.83 Policy ESD7 of the Cherwell Local Plan Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 8.84 The FRA submitted with the application concludes that there is a low risk of surface water flooding on the eastern and southern boundaries of the site, corresponding to shallow depressions in the topography, which are not part of the proposed developed area. The FRA goes on to note that published soil mapping shows that the site is located on soils described as 'slowly permeable.' It is stated that the percentage runoff is likely to be greater than 30%, therefore it is considered unlikely that surface water runoff could be managed using a system on infiltration. A 1,600m<sup>2</sup> attenuation pond has therefore been recommended, from which outflow is limited to below the greenfield runoff rate using an 0.075m diameter orifice and discharging into the Gollos Brook one field (140 m) to the east of the site.
- 8.85 The Environment Agency has raised no objections to the proposal. OCC Local Highways Authority has raised no objections to this in principle, but note that the recommendations as set out in the FRA with regard to the maintenance of the SuDS proposals should be incorporated into a SuDS Management and Maintenance Plan for the development, that will give assurance that these recommendations will be carried forward so that the system operates as designed. Thus, such a condition has been attached.

### Potentially Contaminated Land

- 8.86 The site is on land which is potentially contaminated, but the Council's Environmental Protection Officer has raised no objections to the proposal. It is therefore considered that the proposal is unlikely to cause public health risks to future users, workers, neighbours and other site receptors.

### Sustainability and Energy Efficiency

- 8.87 Policy ESD1 of the Cherwell Local Plan Part 1 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the Cherwell Local Plan Part 1 seeks to achieve carbon emission reductions. Policy ESD3 of the Cherwell Local Plan Part 1 encourages sustainable construction and states that all non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect. Policy ESD4 of the Cherwell Local Plan Part 1 states decentralised energy systems are encouraged in all new developments and that all applications for non-domestic developments above 1000m<sup>2</sup> floor space will require a feasibility assessment for decentralised energy systems. Policy ESD5 of the Cherwell Local Plan Part 1 states that a feasibility assessment of the potential for significant on site renewable energy provision will be required for all applications for non-domestic developments above 1000m<sup>2</sup> floor space. Policy ESD5 goes on to note that where feasibility assessments demonstrate that on site renewable energy provision is deliverable and viable, this will be required as part of the development unless an alternative solution would deliver the same or increase benefit.
- 8.88 The application has not been accompanied by a Sustainability and Energy Statement and sustainability should be built into the proposal and it should be demonstrated how the proposal complies with Policies ESD1-5 of the Cherwell Local Plan Part 1. This is a matter that could be addressed by condition should planning permission be granted.

### Other Matters

- 8.89 Concerns have been raised by third parties in relation to the devaluation of property prices, but this is not a material planning consideration.

## **9. CONCLUSION**

- 9.1 The overall purpose of the planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 9.2 The proposal seeks permission for a large poultry unit within an isolated rural location within the Oxford Green Belt. The proposal would lead to the diversification and expansion of an established agricultural business within a rural area and it is considered that the proposed development could be acceptable in principle. Furthermore, the proposal is considered to constitute acceptable development within the Green Belt.
- 9.3 In terms of the environmental dimension, it is considered that the proposed addition of this sizeable poultry unit and associated infrastructure would cause moderate harm to the landscape character of the area and significant visual harm to the immediate locality. In addition to this, it is considered that there would be some additional harm upon the tranquillity

of the area. Furthermore, in terms of the social dimension, it is considered that the proposal would cause some harm to the enjoyment of users of the nearby Public Rights of Way.

- 9.4 That said, in terms of the economic dimension, officers consider that there is sufficient justification for the need to diversify the current agricultural business and that the proposed poultry unit is likely to ensure that the agricultural business remains viable and sustainable in the long term, and is therefore reasonable for the purposes of agriculture. As a consequence, the proposal would also be in line with Paragraph 28 of the NPPF which states that Local Planning Authorities should support economic growth in rural areas by supporting the growth and expansion of all types of business in rural areas and promoting the development and diversification of agricultural businesses. In addition, the proposed development would create additional employment on the site of two full time jobs and would support jobs within the associated services industry within the poultry sector, for example, haulage contractors, chick suppliers, poultry feed suppliers, veterinary and medicine, cleaning contractors and pest control contractors. New development also provides some construction opportunities.
- 9.5 Cumulatively, officers consider that the environmental and social impacts identified above are significant. However, officers hold the view that the economic benefits identified above are considerable and outweigh these environmental and social impacts. It is therefore concluded that the proposal constitutes sustainable development and the application is recommended for approval.

## 9. RECOMMENDATION

That permission is **granted**, subject to:

a) The applicants entering into a Section 278 agreement in relation to the access to the site and the passing lanes on the un-named highway between the B4027 and the site (known as Dolly's Lane); and

b) the following conditions:

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.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:

- Application Form submitted with the application;
- Design, Access & Planning Statement by Ian Pick dated August 2016 submitted with the application;
- Tree Report and Impact Assessment by ACD Environmental dated 15<sup>th</sup> August 2016;
- Drawing Numbers: 18250-01; 18250-02; IP/AJW/02; IP/AJW/03; IP/AJW/03A; IP/AJW/04; IP/AJW/05; IP/AJW/06; IP/AJW/07; IP/AJW/08; IP/AJW/09; and

IP/AJW/10;

- Environmental Statement prepared by Ian Pick dated August 2016 submitted with the application along with the following appendices:
  - Noise Impact Assessment by Matrix Acoustic Design Consultants dated 20<sup>th</sup> July 2016;
  - Odour Impact Assessment by Steve Smith dated 16<sup>th</sup> April 2016;
  - Landscape And Visual Impact Assessment by ACD Environmental dated August 2016;
  - Ecological Survey by Craig Emms dated June 2016;
  - Flood Risk Assessment by Hydro-Logic Services dated 8<sup>th</sup> August 2016;
  - Transport Statement by David Tucker Associates dated 8<sup>th</sup> August 2016;
  - Archaeological Evaluation Report by Allen Archaeology dated July 2016; and
  - Phase 1 Contamination Assessment by Land Drainage Consultancy Ltd dated August 2016;
- Soft Landscaping Plan by ACD Environmental dated August 2016 submitted with the application;
- Waste Management Plan by Ian Pick dated September 2016 submitted with the application; and
- Drawing Number IP/AJW/01 Revision A received from the applicant's agent by e-mail on 14<sup>th</sup> October 2016.

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

3. The development shall be carried out in accordance with the 'Recommendations for Mitigation and Further Survey' section of the Ecological Survey by Craig Emms dated June 2016 submitted with the application.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) for a minimum period of 15 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting 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.

Reason - In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development, to protect habitats of importance to biodiversity conservation from any loss or damage and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement and timetable for enhancing the



biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and/or off site drainage works required in relation to the development and including maintenance and management of SuDS features, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason - To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development, and notwithstanding the details shown on Drawing Number IPA20673-11 submitted with the application, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
- 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,
- c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps;
- d) full details of the water tank to the west of the poultry buildings, including height appearance and materials; and
- e) full details of the 6 No. gas tanks to the east of the poultry buildings including height, appearance and materials.

Thereafter, the development shall be carried out in accordance with the approved landscaping scheme.

Reason - In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in

the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and 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 current/next planting season with others of similar size and species.

Reason - In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved, a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved TPP and AMS.

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 ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, a Sustainability and Energy Statement, outlining how sustainability will be built in the approved development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of this poultry unit, these sustainability measures will be implemented in accordance with the approved details.

Reason - To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of development hereby approved, a Routing Strategy for HGVs shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of the development, the Routing Strategy shall be implemented in accordance with the approved details.

Reason - In the interests of highway safety, to mitigate the impact of HGVs on the surrounding highway network and road infrastructure and local residents, and in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details and prior to the first occupation, the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, full details of 4 No. passing places on the unnamed road (known as Dolly's Lane) between the B4027 and the site including, position, layout, construction, surfacing and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of the development, the 4 No. passing places shall be provided on the site in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

14. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with Government guidance contained within the National Planning Policy Framework.

15. Following the approval of the Written Scheme of Investigation referred to in condition 14, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

16. That full details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason - In order to safeguard the amenities of the area in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies ENV1 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. All hard standing areas within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

18. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **PLANNING NOTES**

1. In relation to condition 7 (Landscaping Scheme) Bletchington Footpath 12 runs on the eastern edge of the site and this will need to be displayed correctly on the Landscaping Scheme.
2. In relation to condition 12 (details of access) details should indicate the extent of the vision splays, from carriageway edge to the centre of the access on both sides.
3. The Environment Agency has noted that the development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. Further details and guidance are available on: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
4. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or

recklessly disturb, harm or kill bats or destroy their resting places.

5. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
6. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
7. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
8. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.