

**Stourwell Barn
Swalcliffe
Banbury
OX15 5EX**

18/01555/F

Applicant: Mr & Mrs Taylor

Proposal: New agricultural building, extension to silage clamp, works to existing bund and screen planting - re-submission of 18/00189/F

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr George Reynolds
Cllr Douglas Webb
Cllr Phil Chapman

Reason for Referral: The proposals constitute major development

Expiry Date: 28 November 2018 **Committee Date:** 25 October 2018

Recommendation: Approval subject to conditions

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

The site is an area of agricultural land adjacent an existing anaerobic digester plant located on the single track road between Swalcliffe and Tadmarton Heath within open countryside.

The application seeks planning permission for the extension of a silage clamp which serves the existing anaerobic digester plant and further for a new agricultural building to serve existing farming operations within the area, with associated hardstanding and landscaping.

Consultations

No objections have been raised by any statutory or non-statutory consultees

(No comments have been received from Swalcliffe Parish Council at the time of preparation of this report)

No comments have been raised by third parties.

Planning Policy

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Visual amenity, and impact on the character of the area
- Residential amenity

- Highway safety
- Ecology and Biodiversity

The report looks into the key planning issues in detail, and officers conclude that, subject to conditions, the scheme meets the requirements of relevant CDC Development Plan policies and therefore that the proposals are acceptable.

RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is an area of agricultural land adjacent an existing anaerobic digester plant located on the road between Swalcliffe and Tadmarton Heath within open countryside. The site is located in a natural depression within the topography of the surrounding landscape, with the area characterised by extensive rolling arable fields. To north-west is Stourwell Barn a residence also in the applicant's ownership.
- 1.2. In terms of site constraints, Public Rights of Way cross land north (Footpath 374/6/20) and east of the site (Bridleway 374/7/40); with further routes within the wider area. The site sits partially within a buffer zone surrounding an area of potentially contaminated land and an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the extension of a silage clamp which serves the existing anaerobic digester plant and further for the erection of a new agricultural building to serve existing farming operations within the area, with associated hardstanding and landscaping.
- 2.2. The proposed silage clamp would be extended by 25 metres in a northerly direction continuing the levels and form of the existing storage area.
- 2.3. The proposed new agricultural building would of a typical modern agricultural design measuring 24m x 48.8m with an overall height to the ridge of ~10.6m, providing some 1175 sq m of general agricultural storage floor space, replacing existing facilities no longer available to the applicant. The proposed building would be of a modern agricultural style with concrete and corrugated panel walls under a corrugated sheet roof, with roller shutter doors.
- 2.4. The current application follows the withdrawal of an earlier application (18/00189/F) for the same development, withdrawn to allow for a more detailed landscape and visual impact assessment to be prepared, which has been submitted with this current application.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
10/00318/AGN	Proposed Grain store with a lean to on side for parking equipment	Prior Approval Not Required
12/01588/F	Proposed on-farm anaerobic digestion facility	Application Permitted
13/00902/DISC	Discharge of Conditions 3 (Landscaping), 6 (Bat and Bird Boxes), 8 (Written Scheme of Archaeological Investigation), 9 (Archaeological Evaluation and Mitigation) & 12 (Construction Traffic Management Plan) of 12/01588/F	Application Permitted
17/00989/F	Erection of building to provide new timber stable	Application Permitted
18/00189/F	New agricultural building, extension to silage clamp, works to existing bund and screen planting	Application Withdrawn

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice 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. The final date for comments was 11.10.2018.
- 5.2. No comments have been raised by third parties.

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 AND NEIGHBOURHOOD FORUMS

- 6.2. SWALCLIFFE PARISH COUNCIL: **No comments received.**

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections.**
- 6.4. LOCAL DRAINAGE AUTHORITY: **No objections**, subject to a condition requiring the submission and approval of a surface water drainage strategy.

NON-STATUTORY CONSULTEES

- 6.5. BUILDING CONTROL: **No objections.**
- 6.6. ENVIRONMENTAL PROTECTION: **No objections.**

- 6.7. LANDSCAPE SERVICES: **No objections**, subject to conditions in relation to the submission and approval of a detailed landscaping scheme.

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)

- PSD1: Presumption in Favour of Sustainable Development
- ESD 6: Sustainable Flood Risk Management
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG2: Construction of farm buildings
- C28: Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations

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

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:

- Principle of development
- Visual amenity, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology and Biodiversity

Principle of development:

- 8.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental.
- 8.3. The NPPF advocates the support of 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.

- 8.4. Saved Policy AG2 of the CLP 1996 is similarly supportive of the principle of farm buildings in the countryside, in that it supports new farm buildings where they are designed and sited such that they do not intrude into the landscape or residential areas.
- 8.5. The applicant indicates that the extension to the silage clamp is required to support the on-going operations, and expansion of, of the existing anaerobic digester plant, and would provide additional storage capacity in this respect.
- 8.6. The applicant has indicated that the proposed building is to support the existing farming operations (a holding of some 480 hectares) and would replace buildings previously occupied at Swalcliffe Grange, which are no longer available due to a change in ownership. Officers have no evidence to suggest otherwise and are satisfied that there is a genuine agricultural need for a building in the location proposed.
- 8.7. As a consequence, the principle of the erection of a new farm building in this rural location is considered acceptable in general sustainability terms provided that it is sympathetic to its rural setting and subject to further considerations discussed below.

Visual Amenity, and Impact on the Character of the Area:

- 8.8. 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.
- 8.9. As noted above, Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.
- 8.10. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.11. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally 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, or impact on areas judged to have a high level of tranquillity.
- 8.12. The site is located in a natural depression in the undulating rural landscape. The existing site is largely screened to views from the north by an established woodland area adjacent the site and from the east by existing land levels. Views of the existing site are experienced from the adjacent lane west of the site and also from the south. There is more recent landscape planting (previously approved in relation to the anaerobic digester plant under 13/00902/DISC) which would look to further screen the site along its eastern and southern boundaries once established. However, at the time of the site visit this planting had yet to sufficiently establish its potential as an effective natural screen.
- 8.13. The proposed extension to the existing silage clamp would be of the same form as existing and it is considered that the proposal would not result in any significant

detrimental visual impacts given the topography of the surrounding landscape and existing buildings.

- 8.14. The proposed new agricultural building is of utilitarian modern agricultural style with bays divided by regularly spaced steel stanchions to support a corrugated sheet roof, with concrete and corrugated panel walls and roller shutter doors. Whilst the building is relatively large at close to 10.6m in height to its ridge and close to 49m in length, it would sit adjacent the existing anaerobic digester plant and associated similarly modern agricultural buildings and structures; and views of the new-build would be framed in the context and back-drop of these existing buildings and structures, which are relatively commonplace within the countryside.
- 8.15. The proposals would in part be located on the site of approved landscaping for the existing development on the site (refs. 12/01588/F and 13/00902/DISC). As a consequence new planting is proposed as part of the scheme which would look to provide a natural boundary to the southern and eastern boundaries once established; with a 10m wide landscape buffer proposed as part of the Landscape and Visual Appraisal report. This proposed landscaping would not only have the effect of screening the proposed new development but also provide a more effective screen than is currently in place; potentially to the betterment of the wider site.
- 8.16. The Council's Landscape Officer raises no objections to the proposal, but notes that the existing new planting has not established and suggests that any proposed planting plan comprises of larger standard trees. It is considered that the required details and planting specifications could be secured through an appropriately worded condition attached to any such permission.
- 8.17. Given the proposed building's siting against the backdrop of the similar existing farm buildings and behind an embankment, it is considered that subject to the implementation of an appropriate landscaping scheme, and appropriate finish materials, the proposed building would not be visually intrusive within the landscape or in any way incongruous when seen either from the public realm from the adjacent lane. The siting and agricultural style of the proposed building ensures that it is visually appropriate to its rural setting in accordance with the aforementioned Development Plan policies and Government Guidance.

Residential Amenity:

- 8.18. Policy ESD15 of the CLP 2031 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 8.19. Given the rural context of the site and that it is not located in close proximity to any residential properties (Stourwell Barn, also in the applicant's ownership, being the closest some 90m north-west) it is considered that there would be no significant harm resulting from the proposals on the residential amenity of neighbours.

Highway Safety:

- 8.20. The LHA has assessed the proposals and raises no objections on highway safety grounds, and officers see no reason not to agree with this opinion. The site is served by an existing access which would not be affected by the proposals and would be appropriate in terms of its geometry in handling large agricultural vehicles.
- 8.21. Given that the proposed building would be supporting existing agricultural operations on surrounding land and would be effectively replacing existing facilities, and the extension to the silage clamp would serve the existing anaerobic digester plant, it is considered that the proposals are unlikely to give rise to significant vehicle movements above those currently experienced.
- 8.22. It is therefore considered that the proposed development would not result in any significant impact on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

Ecology and Biodiversity:

- 8.23. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.
- 8.24. The site is not within an ecologically sensitive location and there are no significant features of ecological value that would be directly affected by the proposals. The proposals include significant further natural planting within the proposed boundary landscaping, and the use of appropriate native species of plants that would encourage wildlife and biodiversity could be secured through any proposed landscaping scheme and planting schedule; to ensure that that the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

Other Matters:

- 8.25. The site is not located within an area known to be at a high risk of flooding. The proposals would result an increase in the built form at the site and as such a reduction in permeable surfaces for percolation of rain water into the ground. The application form indicates that a soak-away is proposed to provide surface water drainage, however insufficient details are provided at this stage of its size and location to be able to conclude that it is acceptable. The County Council as Local Drainage Authority consider that whilst the application is deficient in drainage information at this stage that an appropriate strategy could likely be developed and further details could be secured by condition. Consequently a condition is recommended requiring the submission and approval of details of surface water drainage measures prior to commencement of development.
- 8.26. The site within a buffer zone surrounding an area of potentially contaminated land associated with a former quarry use within the area and the use of the adjacent anaerobic digester plant. The application is supported by a detailed Environmental Desk Study and Preliminary Risk Assessment report which concludes that the risk of contamination is low and that no further investigation is required. The Council's Environmental Protection Team has reviewed the report and raises no objections to the proposals. It is considered unlikely that contamination would affect the development, and that any unsuspected contamination encountered during construction, should such occur, could be appropriately dealt with by way of condition attached to any permission requiring approval of an acceptable remediation strategy; to ensure that it does not pose an unacceptable risk to workers, ground water or surface water.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposal would not adversely affect residential amenity or local highway safety, and further subject to approval of further details being secured in relation ecology and biodiversity and surface water drainage, the proposals would not be to the detriment of such matters. Having regard to the scale and form of the proposals, they are considered to be sympathetic to the rural context and subject to conditions

regarding materials and landscaping, the proposals would not significantly adversely affect the character of the site or its setting within the wider landscape.

- 9.3. The proposals would provide social and economic benefits by supporting both the existing anaerobic digester plant operations and existing agricultural operations within the area. The proposals are not considered to be of any significant detriment to the environment, and in some respects would potentially provide betterment of the site, once the proposed landscaping is fully established.
- 9.4. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposals represent an appropriate form of development at the site, which would be broadly consistent district's Development Plan policies, which look to support agricultural enterprise and promote new forms of sustainable development. The application is therefore recommended for approval as set out below.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

Time Limit

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

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

Compliance with Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Planning Design and Access Statement (dated August 2018), Environmental Desk Study and Preliminary Risk Assessment report prepared by Apple Environmental (dated April 2018), Landscape and Visual Appraisal report prepared by Crestwood Environmental Ltd (dated 28 August 2018) and drawings numbered: 3210-S1, 3210-A.02.6, 3210-A.02.7, 3210-A.02.9 and 3210-A.02.10.

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

Surface Water Drainage Scheme

3. No development shall take place until a full surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate and future management plan. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010. The development shall be carried out in accordance with the approved details prior to the first use of the development hereby approved

and shall be maintained in accordance with the management plan thereafter.

Reason: To ensure the proper provision for surface water drainage and to ensure flooding is not exacerbated in the locality and to comply with Policies ESD 6 and ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Schedule of Materials for the building

4. Notwithstanding the details submitted, prior to the commencement of the development hereby approved above slab level, a schedule of materials and finishes for the external walls and roof of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Submission of Landscaping Scheme

5. Notwithstanding the details submitted, prior to the first use of the development hereby approved, a detailed 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.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. 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 visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Contamination found during development

7. 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. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. 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.

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