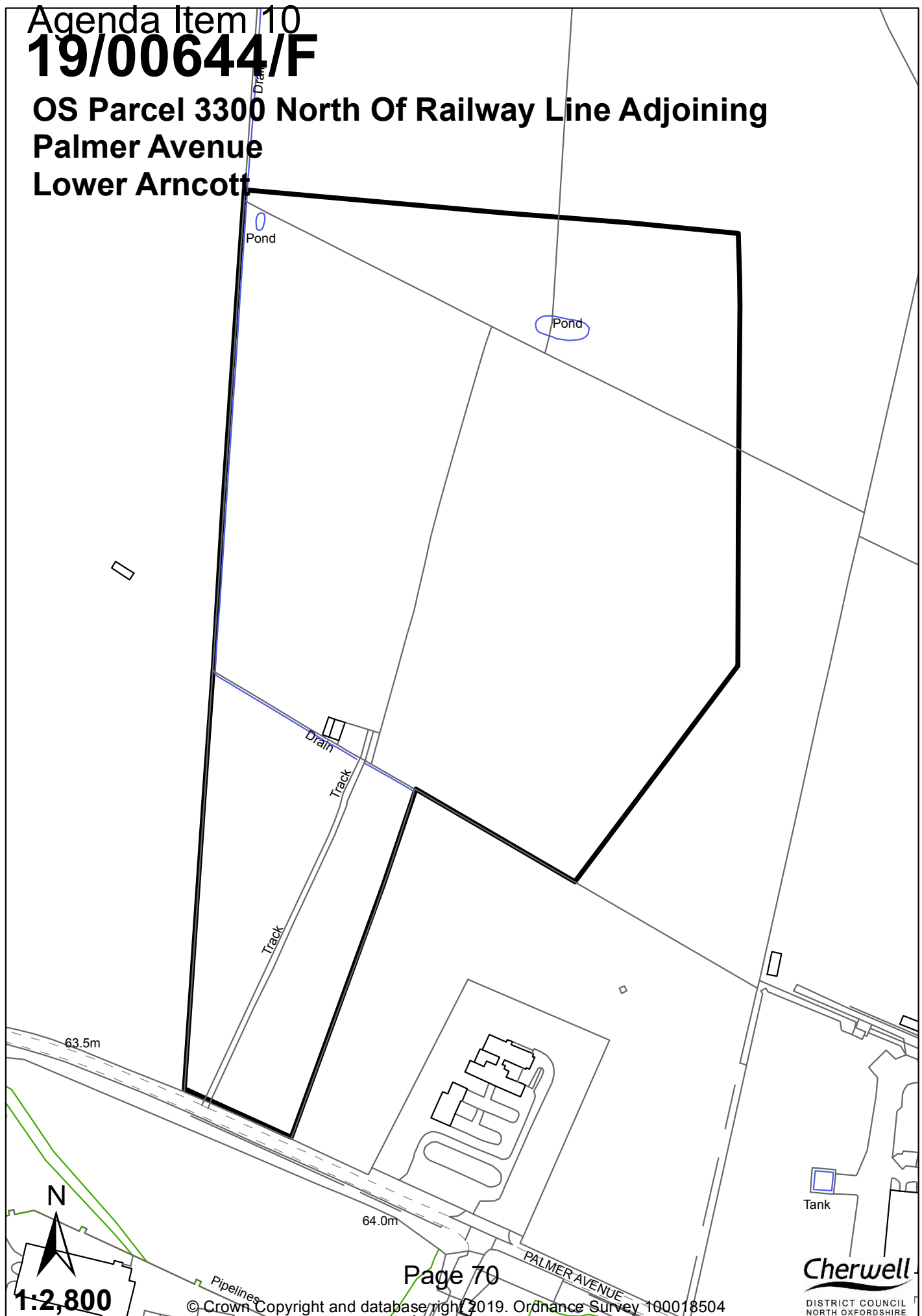


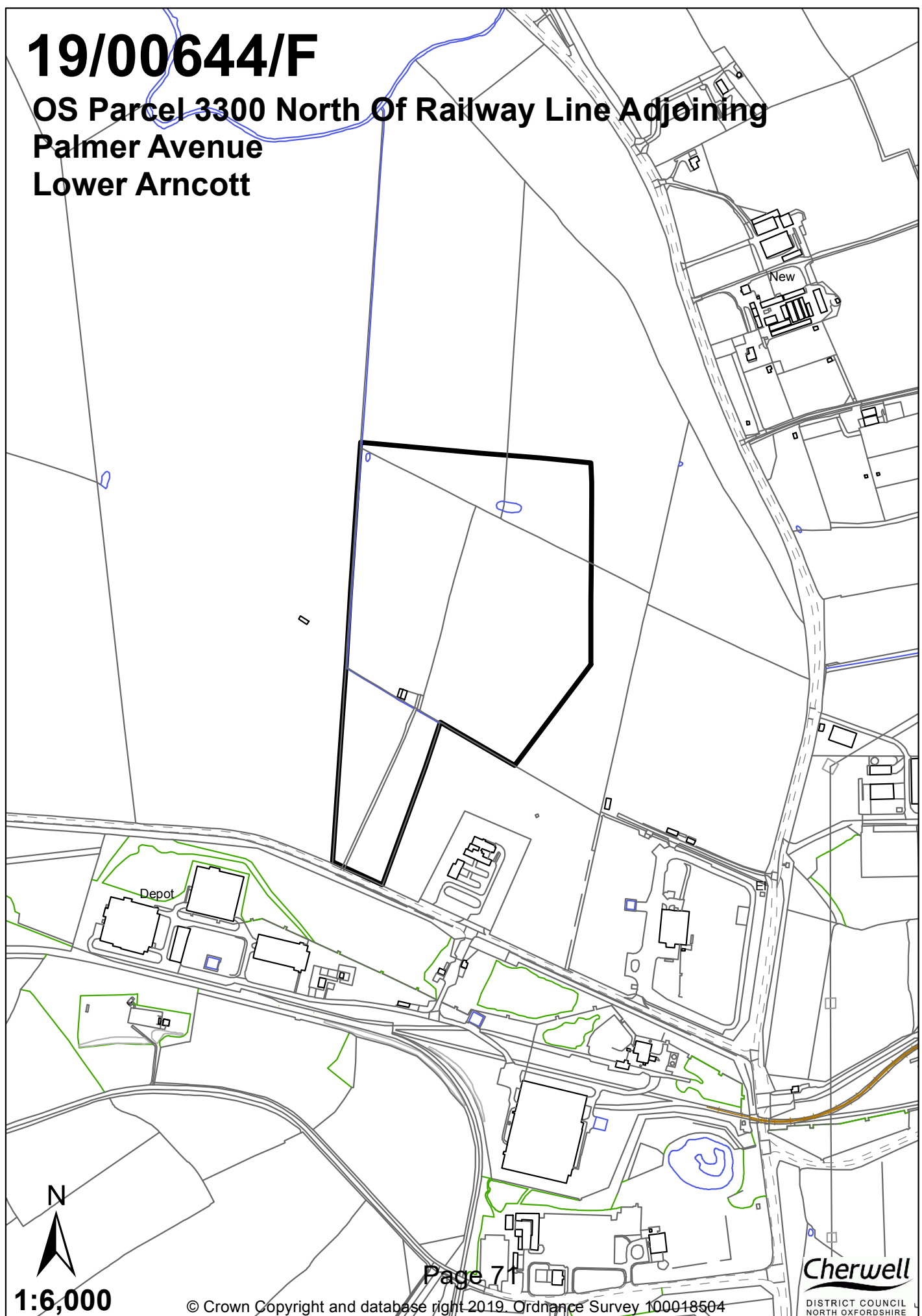
# Agenda Item 10 19/00644/F

## OS Parcel 3300 North Of Railway Line Adjoining Palmer Avenue Lower Arccott



# 19/00644/F

OS Parcel 3300 North Of Railway Line Adjoining  
Palmer Avenue  
Lower Arccott



N  
1:6,000

**Case Officer:** Bob Neville

**Applicant:** W Potters And Sons (Poultry) Ltd

**Proposal:** Erection of a free range egg production unit, gatehouse and agricultural workers dwelling including all associated works

**Ward:** Launton and Otmoor

**Councillors:** Cllr Timothy Hallchurch MBE  
Cllr Simon Holland  
Cllr David Hughes

**Reason for Referral:** Major development

**Expiry Date:** 30 August 2019

**Committee Date:** 30 August 2019

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

### **RECOMMENDATION: REFUSE PERMISSION**

#### **Proposal**

The application seeks planning permission for the erection of a new free-range egg production unit, with associated gatehouse, agricultural workers dwelling with detached garage, new access track and access onto Palmers Avenue.

The proposed poultry building would be a profiled metal clad building measuring 159m (l) x 35m (w) x 7.96m (h) with 8 no. feed hoppers, 22 roof mounted extract fans and which would house 59,000 birds.

The proposed gatehouse would be constructed of timber cladding walls and juniper green box profile metal sheeting roof measuring 10m (l) x 7.5m (w) x 4.07m (h).

The proposed dwelling would be a 2 storey 3-bedroom constructed with a brick finish under a tiled roof with a proposed footprint of approximately 130sqm and overall ridge height of 7.36m. The associated domestic garage would be a double-garage, again of brick and tile construction, measuring 6m (l) x 6m (w) x 4.75m (h).

#### **Consultations**

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

- Arccott Parish Council, Blackthorn Parish Council, Piddington Parish Council, Ambrosden Parish Council, Agricultural Consultant, Berks, Bucks and Oxon Wildlife Trust (BBOWT), CDC Ecology, OCC Drainage

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

- CDC Environmental Protection, CDC Licensing, Environment Agency, Natural England, OCC Highways, Thames Water

52 letters of objection have been received and no letters of support have been received.

#### **Planning Policy and Constraints**

The site sits relatively centrally in relation to a number of villages; being approximately 1km from the villages of Lower and Upper Arccott which lie to the west and south-west of

the site respectively, Blackthorn ~840m to the north, with the village of Piddington ~1.5km to the east and Ambrosden ~1.8km to the north-west. The River Ray flows across land to the north of the site at a distance of ~410m at its closest point to the application boundary. The site is partially within an area of high flood risk (Flood Zones 2 & 3). The majority of the site is within the Ray Conservation Target Area. The Field South of River Ray Local Wildlife Site (LWS) lies to the west/north-west of the site approximately 340m away and Meadow Farm Meadows LWS lies approximately 440m to the north/north-east. A Public Right of Way (PRoW) (ref. Footpath 110/1/10) crosses land west/north of the site.

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

### **Conclusion**

The key issues arising from the application details are:

- Principle of the Development
- Landscape and Visual Impact
- Environmental Pollution and Nuisance
- Residential Amenity
- Ecological & Biodiversity
- Highways Safety
- Flooding Risk & Drainage

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. Proposals represent unjustified sporadic new residential development within open countryside;
2. Adverse visual harm;
3. Ecological Impacts and lack of nett Biodiversity gain;
4. Drainage and flood-risk issues.

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

## **MAIN REPORT**

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

- 1.1. The application site is an area of agricultural land to the north of Palmer Avenue located approximately 1km east of the village of Lower Arccott. The surrounding area of land is typically characterised by open agricultural fields with hedgerow boundaries, with no significant variation in land levels across the site. In terms of built form there is an existing single store structure within the site and a further small single storey building immediately adjacent the site to the west of the site. There is a group of single storey structures adjacent to the east of the site bounded by mature hedgerows and trees enclosing the site. Palmer Avenue bounds the site to the south, with the B4011 running parallel to the east of the site; with views available from these highways across the site.
- 1.2. The site sits relatively centrally in relation to a number of villages; being approximately 1km from the villages of Lower and Upper Arnott which lie to the west and south-west of the site respectively, Blackthorn ~840m to the north, with the village of Piddington ~1.5km to the east and Ambrosden ~1.8km to the north-west. To the east and south of the site are existing MOD facilities. Bullingdon Prison lies approximately 540m south of the site.

### **2. CONSTRAINTS**

- 2.1. In terms of site constraints, the application site sits in open countryside with typical agricultural field hedgerows bounding the site. The River Ray flows across land to the north of the site at a distance of ~410m at its closest point to the application boundary. The northern and north-west corner of the site lies within an area of high flood risk (Flood Zone 2 & 3), and there are records of two ponds being within the site. The Ray Conservation Target Area washes over the majority of the site. The Field South of River Ray Local Wildlife Site (LWS) lies to the west/north-west of the site approximately 340m away and Meadow Farm Meadows LWS lies approximately 440m to the north/north-east. Arccott Bridge Meadows SSSI lies ~1.2km to the west of the site. A Public Right of Way (PRoW) (ref. Footpath 110/1/10) crosses land west/north of the site.

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

- 3.1. The application seeks planning permission for the erection of a free-range egg production unit, with associated gatehouse, agricultural workers dwelling with detached garage, new access track and access onto Palmers Avenue.
- 3.2. The proposed poultry building would be a profiled metal clad building measuring 159m (l) x 35m (w) x 7.96m (h) with 8 no. feed hoppers, 22 roof mounted extract fans and which would house 59,000 birds.
- 3.3. The proposed gatehouse would be constructed of timber cladding walls and juniper green box profile metal sheeting roof measuring 10m (l) x 7.5m (w) x 4.07m (h).
- 3.4. The proposed dwelling is contended to be necessary for the running of the business and is proposed to be a 2 storey 3-bedroom property constructed with a brick finish under a tiled roof, with a proposed footprint of approximately 130 sq m and overall ridge height of 7.36m. The associated domestic garage would be a double-garage, again of brick and tile construction, measuring 6m (l) x 6m (w) x 4.75m (h).
- 3.5. In terms of the operation of the business the applicant indicates that the birds are brought in as young laying stock and remain in the egg production unit for some 14

months. After this time the flock is removed and the whole building fully cleaned down internally and the new flock introduced to restart the egg production cycle. The birds would have direct access from the east and west elevations of the building to dedicated pasture which would be electric fenced (1.2m high fencing) to keep out predators. The proposed poultry farm would require bulk food delivered to the farm by six or eight-wheeler HGVs 3 times a month and stored in the silos on site. The applicant further indicates that the proposed farm business has a provisional contract with a company to supply the free-range eggs, and which would collect the eggs in a 7.5 tonne lorry three times a week. Waste from the hens is proposed to be cleared out by way of a conveyor belt system, which would be operated every 10 days, removing approximately 14 tonnes from the internal conveyor belt systems via an external conveyor belt into a parked trailer outside the building.

- 3.6. The applicant has supplied amended and additional information during the course of the application, in response to officer and consultee comments in relation to the lack of detailed supporting information and inconsistencies and errors with the submitted documentation. Officers have given the applicants the opportunity to address deficiencies in the submission, with the unfortunate result that the application has gone beyond its original statutory determination target date. An extension of the determination period was subsequently agreed with the applicant via their agent.
- 3.7. BBOWT requested a meeting with the applicants to further discuss their concerns and look at potential biodiversity enhancements going forward. Whilst the applicants have agreed to meet with BBOWT, officers are not aware at the time of the preparation of this report whether the meeting had taken place, or the outcomes of any such meeting. The applicant requested a further extension of the determination period to allow for that meeting to take place. Officers considered that a further extension of time was not appropriate in this instance as the meeting was unlikely to resolve all the issues relating to the application, and it was not in anyone's best interests for the application to remain unresolved.
- 3.8. Given the nature and scale of the proposed development the application has been screened in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017. Whilst the proposal is Schedule 2 development by virtue of being an 'Intensive livestock installation' with a floor area greater than 500 sq m, which exceeds the relevant threshold and therefore falls under category 1(c) of the schedule, it was considered that the proposal would not have more than local importance. It was therefore concluded that given the nature of the development with the proposals being an above ground installation, unlikely resulting in significant production of waste, pollution, nuisances or detrimental impacts on human health, with regard to EIA development regulations and not producing significant traffic movements or emissions, it is unlikely to give rise to complex, long term or irreversible impacts and did not, therefore, require the submission of an Environmental Statement (ES).

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. There is no planning history directly relevant to the proposal.

#### **5. PRE-APPLICATION DISCUSSIONS**

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

#### **6. RESPONSE TO PUBLICITY**

- 6.1. 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. A further consultation exercise was undertaken following the submission of additional information during the application. Whilst comments have been received and duly considered during the application prior to the preparation of this report, given the additional consultation exercise undertaken, the final date for comments is not until 06/08/2019; any comments received after the preparation of this report and before the committee meeting will be appropriately reported in a written update on the application.

6.2. 52 letters of objection have been received during the application. The comments raised by third parties received to date are summarised as follows:

- Increased air pollution (including dust and ammonia deposition) having a detrimental impact on health and wellbeing and general living environment; including impacts on nearby residents, prison, business offices, workshops, MOD offices, hotel and schools;
- Ground pollution because of chemicals used at the site and waste from the chickens, and the potential contamination of surface water run-off leaking into the water table;
- Odour issues resulting from proposed development impacting on surrounding properties including the nearby prison and further afield Graven Hill and Bicester Village;
- Potential detrimental noise impacts, because of additional vehicular movements, extract fans, and noise generated by the chickens;
- Potential health and nuisance issues arising from increased infestation of insects and vermin;
- The Council should undertake their own independent odour impact assessment;
- Detrimental visual impacts on valued rural landscape and the Conservation Target Area;
- Detrimental ecological impacts; including impacts on LWS, Nature Reserve and surrounding flora and fauna from ammonia deposition;
- Impacts on electricity and water utilities;
- The site is in an area of high flood risk and prone to regular flooding, and there is the potential for chicken faeces to filter into the river, contaminating the water, which provides a source of drinking water for livestock and wildlife;
- Highway safety issues resulting from increased traffic associated with the development;
- There is a need for an Environmental Impact Assessment;
- There is a lack of adequate supporting information with the application; in respect of noise impact; odour impact; transport; landscape impact and mitigation; ecology and manure disposal;

- There are a number of inconsistencies and inaccuracies within the supporting information (including how much waste will be produced and also the distance to the closest residential property);
- The proposals do not protect and enhance the biodiversity of our natural environment and is not a sustainable development with no links to existing residential areas;
- Potential impacts on existing live, work and training activities and future expansion of MOD operations on neighbouring site. Further MOD military training exercises have the potential of startling birds;
- There is limited benefit arising from the proposals, and no need for addition poultry units given that there are already three existing units within the area;
- There has been too much development in the general Bicester area, and the Arcott area has seen a number of unwelcome and unwanted projects;
- Property devaluation.

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

## 7. RESPONSE TO CONSULTATION

7.1. 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

7.2. AMBROSDEN PARISH COUNCIL: **Objects**; commenting on: a lack of information and inconsistencies in submitted documents as to how waste will be managed; potential pollution risk to the River Ray; dissatisfaction with odour and noise filtration and that the proposed dwelling should be located nearer the proposed building.

7.3. ARNCOTT PARISH COUNCIL: **Objects** on the grounds of the potential detrimental impacts on the health and wellbeing of villagers through: odour impact, reduced air quality, increased vehicle movements, health risks from dust and further the potential for chicken faeces having detrimental impacts on the surrounding environment and leaching into the surrounding land areas, ditches and hedgerows during times of rainfall.

7.4. BLACKTHORN PARISH COUNCIL: **Objects** on the grounds of odour impact.

7.5. PIDDINGTON PARISH COUNCIL: **Objects** on the same grounds as Arcott PC above.

### CONSULTEES

7.6. AGRICULTURAL CONSULTANT: **Objects**, commenting on the general lack of information in relation to the operation of the business (including: who will the eggs be produced for and quantum of manure that would be produced and how it would be managed) and further information and justification supporting the need for the agricultural workers dwelling.



- 7.7. BERKS, BUCKS AND OXON WILDLIFE TRUST (BBOWT): **Objects** on the following grounds:
- *Impact on the wildlife of Meadow Farm Local Wildlife Site and BBOWT nature reserve, and other designated sites and BBOWT reserves in the Upper Ray Meadows area.*
  - *Potential impact on staff and volunteers based at Meadow Farm, and on visitors to the site, and therefore on our office, reserve, educational and visitor operations carried out at the site.*
  - *Potential hydrological and flooding impacts, particularly in relation to Arcott Bridge SSSI, Field South of the River Ray LWS and the River Ray itself.*
  - *Insufficient information*
  - *Further details required regarding Net Biodiversity Gain*
- 7.8. BUILDING CONTROL (CDC): **No objections** or comments to make.
- 7.9. ECOLOGY (CDC): **Objects**, commenting that further information is required to demonstrate that impacts on biodiversity on site will be mitigated fully and importantly that there will be an overall net gain for biodiversity at the site. With further concerns with regards to potential off-site impacts on the nearest Local Wildlife Sites and Upper Ray Meadows in general.
- 7.10. ENVIRONMENT AGENCY: **No objections**, subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment. Further comments on the need for an environmental permit.
- 7.11. ENVIRONMENTAL HEALTH (CDC): **No objections**, subject to conditions securing details in relation to dust and odour management as submitted during the application and appropriate details in respect of the proposed ventilation fans.
- 7.12. LANDSCAPE SERVICES (CDC): **Objects**, on the grounds of visual and landscape impact.
- 7.13. LICENSING (CDC): No comments to make.
- 7.14. LOCAL DRAINAGE AUTHORITY OCC (LDA): **Objects**, on the grounds that: The Flood Risk Assessment is inadequate given that the site is within Flood Zones 2 & 3; The site is at risk of Surface water flooding/overland flow; potential Groundwater issues not investigated, and it has not been demonstrated water quality will be maintained post development.
- 7.15. LOCAL HIGHWAYS AUTHORITY OCC (LHA): **No objections**, subject to standard conditions in respect of width of the access, surfacing, drainage and visibility splays and protection of visibility splays going forward; and further the need for a S278 agreement for the development of the bell-mouth junction at the access.
- 7.16. NATURAL ENGLAND: **No objection** but recommends that officers seek further information from the Berks, Bucks and Oxon Wildlife Trust to ensure the Council has sufficient information to fully understand the impact of the proposal on LWSs before determining the application.
- 7.17. PLANNING POLICY (CDC): No formal comments received.
- 7.18. THAMES VALLEY POLICE: No formal comments received.

7.19. THAMES WATER: **No objections, subject to a condition** requiring that: no properties are occupied until confirmation has been provided that either: - all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. This condition is considered necessary by Thames Water as they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal.

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

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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
- SLE4: Improved Transport and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- 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
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Villages 1: Village Categorisation
- INF1: Infrastructure

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

- H18: New dwellings in open countryside
- 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

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010
- Noise Policy Statement for England 2010 (NPSE)
- Cherwell Countryside Design Summary (1998)
- Oxfordshire Wildlife & Landscape Study (OWLS)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)

### 8.4. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

## 9. APPRAISAL

### 9.1. The key issues for consideration in this case are:

- Principle of the Development
- Landscape and Visual Impact
- Environmental Pollution and Nuisance
- Residential Amenity
- Ecological & Biodiversity
- Highway Safety
- Flooding Risk & Drainage

### Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996 as well as a number of Adopted Neighbourhood Plans (although none of which are relevant to the application site in this instance).

### *Policy Context*

- 9.3. 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.
- 9.4. Whilst considered as a whole, the proposals include a number of distinct elements including both agricultural development and residential development.
- 9.5. In terms of the agricultural elements, 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.
- 9.6. 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.
- 9.7. In terms of assessing new residential development, Cherwell District Council can demonstrate a five-year supply of deliverable housing sites. In addition to this, the Written Ministerial Statement of 12th September 2018 provides for a temporary change to housing land supply policies as they apply in Oxfordshire. Until the adoption of the Joint Statutory Spatial Plan, the Oxfordshire Authorities are required to demonstrate a 3-year supply of deliverable housing sites (as well as meeting their requirements in respect of the Housing Delivery Test). As such, policies for determining the application are only to be considered out of date (in accordance with paragraph 11d – footnote 7 of the NPPF) where a 3-year supply of deliverable sites cannot be demonstrated. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.8. In respect of the proposed new residential dwelling, as the site is located on agricultural land in the middle of open countryside the proposals for new residential development therefore stands to be assessed against Saved Policy H18 of the Cherwell Local Plan 1996.
- 9.9. Policy H18 of the Cherwell Local Plan 1996 sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. Paragraph 79 of the NPPF echoes these provisions.

### *Assessment*

- 9.10. As noted above the proposals include several distinct elements including both agricultural development and residential development; with the applicant contending the proposed dwelling is necessary for the operational needs of the proposed new egg production business. Given the nature of the proposals the Council has sought advice from an independent agricultural consultant (AC) in respect of the proposed scheme.
- 9.11. The application is supported by an Assessment of Need & Design and Access Statement, which sets out a limited overview of the business, a description of the proposals, a statement with regards to the functional need and drawing a conclusion. This document has been updated during the application process to correct inconsistencies and to add further information in response to comments made by the Council's AC and officers with regard to the lack of information.
- 9.12. However, whilst the document has been updated, the AC remains of the opinion that there is a lack of information in respect of the new business enterprise that would allow for a conclusive opinion to be formed that the business would be sustainable going forward, or that there is an essential need for a new residential dwelling to support any such business, or that any such need could not be met by an existing dwelling within the nearby villages. Officers see no reason to reach a different conclusion to that of the AC.
- 9.13. The applicant has provided detailed accounts for their existing business, W Potters & Sons (Poultry Ltd), and the AC confirms that the last three years' trading accounts are positive and show an economically viable business with a strong asset base. And further in addition, a cash flow document has been provided showing that after initial investment the business will trade profitably.
- 9.14. However, the AC notes that the stand-alone unit at Lower Arccott is to be run as a separate trading account which, he was informed at his site meeting with the applicant, would shortly be set up and would be known as 'W Potters & Sons (Poultry Ltd) No2 Retirement Benefits Scheme'; however, from the information submitted to date the AC remains unclear as to how the Lower Arccott site would be run and accounted for in practice, commenting that, *'If the Lower Arccott site is to be run separate and apart from W Potters & Sons (Poultry Ltd) then it will effectively be a new business with no trading history'*.
- 9.15. Being an isolated rural site, the site is not considered a sustainable location for new residential development with no links to existing residential areas or access to public transport; and future occupants would be highly reliant of on the use of a car for basic needs. However, such concerns have to be weighed up against whether there is an essential need for a new dwelling in such rural locations.
- 9.16. In terms of the policy context with regard to demonstrating an essential need for a new dwelling, the supporting text to saved Policy H18 states:

*“‘Essential’ will normally be interpreted as a proven necessity for a worker to live at or very close to the site of their work i.e. it is necessary for the proper functioning of the enterprise for a new dwelling to be occupied by a worker in connection with it. Sufficient details should be provided to enable an assessment of the size, nature and viability of the existing or proposed enterprise together with details of the number and tenure of existing dwellings related to the holding or estate. Where there is any doubt that a dwelling is required for the proper functioning of an enterprise, or where a new business is being proposed, it will be necessary to supply adequate financial information to demonstrate that the proposals are sound.*

*In particular the Council will wish to be satisfied that such need as might exist could not be reasonably secured in a nearby settlement”.*

- 9.17. As to whether an essential need is demonstrated in this instance for a new residence to support the new egg production business in this application: The applicants contend that there are a number of operational needs, including animal welfare, vermin control, disease and illness monitoring, emergencies and security. However, officers are not satisfied that it has been satisfactorily demonstrated that other options have been explored and reasonably discounted, e.g. operatives living in a nearby local village, use of a night-watchman at times when the site is not manned and the use of automated systems, that would negate the need for a permanent new dwelling in this location. Or that the location of the dwelling some 330 metres away from the poultry building with proposed landscaping on intervening land would be effective in providing adequate monitoring of the poultry enterprise.
- 9.18. Further to the above it is considered that insufficient information has been supplied that demonstrates that the proposals are based on a sound business plan or that this would be a sustainable business enterprise going forward; with the potential that, should permission be granted and dwelling constructed, and the business then fail, one would simply be left with a residential dwelling in an unsustainable location contrary to District’s rural housing strategy and local and national policy guidance in relation to isolated new dwellings.
- 9.19. The applicant has provided several extracts from appeal decisions (for similar types of development and need for an essential dwelling) to support the current application. Whilst these decisions reflect a snap shot of decisions made by Planning Inspectors, and their assessment of the issues in relation to the relevant individual applications, planning law requires that each application must be assessed on its own merits and in the context in which it is set. The context of the applications on which the Inspector comments are made may have very different circumstances (and it is noted that some of the comments relate to applications for temporary dwellings, which this application is not) to those of the current application and as such officers have given little weight to the consideration of the appeal decision extracts in reaching their conclusion with regard to whether an essential need is demonstrated.

#### *Conclusion*

- 9.20. Whilst it is considered that there is general policy support for new agricultural buildings and rural businesses in many situations and rural locations, in this instance there are significant concerns with regards to the environmental impacts of the proposed development, both physical and perceptual. In addition, it has not been satisfactorily demonstrated that an essential need exists for a new permanent dwelling in this location. The proposals would see a substantial new agricultural building, associated development and a new residential dwelling being introduced on what is currently a greenfield site in open countryside. As the proposed dwelling cannot be justified based on an identified essential need, and it is considered that the overall development would result in undue environmental harm, in part through intrusion into the valued rural landscape, the proposals significantly conflict with the provisions of the Development Plan policies identified above (discussed further below) and are therefore considered by officers to be unacceptable in principle.

#### Landscape and Visual Impact

### *Policy Context*

- 9.21. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 9.22. 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.
- 9.23. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.24. 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.

### *Assessment*

- 9.25. The landscape around the site is located within both the Alluvial Lowlands character type and the Wooded Farmland character type within the Oxfordshire Wildlife & Landscape Study (OWLS) 2004.
- 9.26. The OWLS note that the Alluvial Lowlands is characterised by a regular pattern of medium-sized hedged fields with permanent pasture and arable cropping. Broad alluvial plains. The OWLS set out that the key characteristics comprise of a mixed farming pattern with regular fields with both arable cropping and pasture; densely scattered hedgerow trees of ash and willow; dense willow corridors bordering a large number of ditches and is sparsely settled.
- 9.27. The OWLS note in relation to the nearby Local Wildlife Site (LWS) 'Field south of River Ray' notes that: *'This field of wet pasture is used for cattle grazing. The field has not been agriculturally improved through the use of fertilizers or herbicides or through ploughing and reseeded. Meadows such as this are a nature conservation priority in the UK. This field lies next to another County Wildlife Site which together form a much larger continuous area of this habitat. The field has a distinct ridge and furrow pattern which is a sign of medieval ploughing'*.
- 9.28. The OWLS states that the Woodland Farmlands is characterised by a mosaic of woodland, enclosed pasture, arable fields as well as scattered farms and settlements. The OWLS set out that the key characteristics comprise of large blocks of ancient woodland and a large number of plantations; a varied field pattern of arable land and pasture enclosed by woodland and hedges; species rich

hedgerows with many hedgerow trees and dispersed settlement pattern with settlements and scattered farms.

- 9.29. The Council's Countryside Design Summary (1998) encourages sensitive and appropriate development across the District and sets out specific advice relevant to this case. This divides the Cherwell District into four broad areas and this site is identified as lying within the Clay Vale of Otmoor area. The landscape of the area is described as generally flat, low-lying area crossed by the meandering Rivers Ray and Cherwell, which drain into the Thames at Oxford. The Design Summary also sets out that arable farming is the primary agricultural land use of the area, and that the wider Otmoor area is of significant ecological importance. The Countryside Design Summary sets out that new development should look to prevent damage to ecologically important habitats and to maintain its capacity to take floodwater; new development will not normally be acceptable within the floodplain. Further that Loss of hedgerows should be avoided, as this will damage landscape character by creating monotonous exposed plains.
- 9.30. The application is supported by a Landscape and Visual Impact Assessment (LVIA), submitted during the application, which has considered the potential impacts on the landscape character and amenity of the site and surrounding area. The visual assessment was carried out by Viento Environmental Limited; fieldwork was undertaken to identify several viewpoints (six) in the immediate and wider setting of the site.
- 9.31. The Council's Landscape Officer (LO) has reviewed the documentation and, whilst it is considered to be of sufficient detail for a development of this scale, it is considered that the LVIA does not accurately reflect the likely potential visual impacts of the proposed development.
- 9.32. Regarding the landscape impacts, the LVIA considers that there is medium landscape character sensitivity and that, when considering the scale and nature of the development changes would result in moderate/minor or minor impacts on landscape character; concluding that: *'In landscape character and visual amenity terms, in combination with the landscape enhancement proposals, the proposed development would be a suitable fit within the context of its immediate surroundings and would result in limited changes to views and landscape character within the local area...'*. Unfortunately, Officers do not agree that the level of landscape effect would be minor.
- 9.33. From visiting the site, officers consider that the site and surrounding land is more typical of the Alluvial Lowlands character type, given the level, openness and the large-scale arable fields with long distance views across the site. The LO shares this view and notes the landscape in the vicinity is very flat with low hedges and very scattered trees, which do not provide much screening.
- 9.34. The proposed poultry building is sited in an isolated position in the middle of open countryside. The applicant has stated that: *'The building is sited within a natural hollow of the landscape and does not affect long distance views from amenity areas therefore minimising the impact of the building on the landscape, in addition to this there is a proposed landscaping planting scheme'*. Whilst the proposed poultry building would be sited in a slight natural depression, both the LO and the case officer consider this would not be sufficient to screen what would be a substantial new building.
- 9.35. In terms of the proposed landscaping scheme there is little detail submitted at this stage and it is considered that what mitigation is proposed is inadequate. A few trees scattered at random is not considered to provide adequate screening of the



poultry building. No species are given and further there is no clarity on how any new planting would be protected from the hens destroying the tree roots. Viewpoint 4 (VP4) of the LVIA from the PRow is impacted the most yet there is no difference between the treatment on the north-western side of the building as shown in the submitted photo-montage; however, this would appear to conflict with the detail of the proposed landscaping plan Figure LV1 of the LVIA. There is an existing small single storey structure that sits in the field adjacent the site and is markedly visually prominent when viewed from the adjacent highways to the south and north-east; officers consider that similar viewpoints would be experienced of the proposed poultry building.

- 9.36. The proposed dwelling would be sited some 42m north of the adjacent highway with detached double garage on intervening land. The proposed dwelling would be screened from the highway by the introduction of a new tree belt. This is not considered to be good practice and would be contrary the Alluvial Landscape Character Type within which the majority site sits.
- 9.37. The proposed gate house would sit in a similar open position as the existing single storey structure in the adjacent field to the west of the site and would likely have similar level of prominence in the open landscape.
- 9.38. The Landscape Strategy as expressed within OWLS looks to maintain the tranquil nature of the landscape and promote the restoration and enhancement of hedgerows, hedgerow trees and tree-lined watercourses. Including:
- Strengthening the field pattern by planting up gappy hedges using locally characteristic species such as hawthorn, and hedgerow trees such as oak and ash.
  - Promoting environmentally-sensitive maintenance of hedgerows, including coppicing and layering when necessary, to maintain a height and width appropriate to the landscape type.
  - Enhancing and strengthening the character of tree-lined watercourses by planting willows and ash and, where appropriate, pollarding willows.
  - Conserve the surviving areas of permanent pasture and promote arable reversion to grassland, particularly on land adjacent to watercourses.
- 9.39. The proposals, with potentially significant new tree planting and removal of hedgerows required to facilitate the construction of the proposed poultry building, would appear to be in direct conflict with the OWLS landscape strategy which looks to protect and sustain the character and appearance of the valued rural landscape.

### *Conclusion*

- 9.40. The proposals would result in a substantial new poultry building, gatehouse and new dwelling being introduced on an area of open countryside; and it is considered that it has not been demonstrated that the impacts of such development could be successfully mitigated through an appropriate landscaping scheme. It is considered that the proposals would cause undue visual intrusion into the open countryside and be to the detriment of the general character and appearance of the surrounding valued rural landscape; thereby demonstrating significant conflict with the provisions and aims of the Development Plan policies identified above and are therefore considered by officers to be unacceptable in terms of landscape and visual impacts.

### Environmental Pollution and Nuisance

#### *Policy Context*

- 9.41. 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.
- 9.42. Policy ESD8 states that: *'Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted'*.
- 9.43. Policy ESD15 of the Cherwell Local Plan (2011-2031) 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'*.
- 9.44. 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.
- 9.45. 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.
- 9.46. Paragraph 183 of the NPPF states that: *"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities."*

#### *Assessment*

- 9.47. The applicant has indicated that they will require an Environmental Permit, as the proposed number of birds exceeds the threshold limit of 40,000. The Environment Agency (EA) stated that as part of the application the applicant will have to prove there will be no detrimental impact from ammonia releases on sensitive receptors as well as having an odour management, manure management and pest control management plans agreed before the permit is granted or have agreed to improvement conditions stipulating such works/targets would be achieved within a specified time period. The IPPC permit covers issues such as on-site noise, emissions (including odour) and waste generated on site and their management as well as issues of concern in relation to the surrounding environment. Notwithstanding the above the Local Planning Authority will need to be satisfied that the proposed use can be regulated effectively, without undue environmental harm.
- 9.48. 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 residential dwellings and commercial buildings in relation the application site boundary are at:

- Wild Meadow, approximately 250 metres to the north-west of the boundary of the application site;
- Bridge Farm approximately 420 metres to the north-west of the boundary of the application site;
- Meadow Farm, approximately 500 metres to the north-west of the boundary of the application site;
- MOD facilities to the east and south of the site.
- Bullingdon Prison approximately 540m south of the site.
- Those within the surround settlements of Lower and Upper Arnott which lie to the west and south-west of the site respectively, Blackthorn ~840m to the north, with the village of Piddington ~1.5km to the east and Ambrosden ~1.8km to the north-west.

9.49. Further sites of ecological importance also have the potential to be affected by the proposed development.

- The Field South of River Ray Local Wildlife Site (LWS) approximately 340m west/north-west of the site;
- Meadow Farm Meadows LWS approximately 440m to the north/north-east of the site.
- Arncott Bridge Meadows SSSI approximately 1.2km to the west of the site.

#### *Assessment of Noise*

9.50. A Noise Impact Assessment (NIA) prepared by 'Matrix Acoustic Design Consultants', which reviews plant (for example ventilation) and transport noise (for example manoeuvring, unloading and loading) generated from the proposed development, has been submitted during the application in response to the Council's Environmental Protection Officer (EPO) and Third Party comments. The submitted NIA alongside the application has been conducted in accordance of BS4142:2014 'Methods for Rating and Assessing Industrial and Commercial Sound', to determine the typical background noise levels at the nearest dwellings to the proposed development.

9.51. It is noted that the proposed fans have yet to be confirmed, but for the purpose of the assessment typical units used in free-range egg units have been assumed, (namely Big Dutcham FF091-6DT units). 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) would typically only be triggered when the external temperature exceeds 23°; this therefore is only expected to occur during the daytime period (07:00 – 20:00hrs), and that during the evening and night this temperature is not expected to be exceeded (20:00-07:00).

9.52. In addition, the NIA states that the majority of transport movements, for example egg collections, will only occur during the working day (07:00 – 20:00hrs). The NIA concludes that the nearest residential receptors would experience, at worst, very low to negligible levels of noise as a result of the transport activities.

9.53. The NIA concludes that: *'On the basis that the proposed development (assessed using typical extract fans and assumed very low background noise levels) will not result in an adverse noise impact at the nearest dwellings, we conclude that on noise grounds it is acceptable'*. The Council's Environmental Protection Officer has reviewed the NIA and considers it appropriate in terms of method of assessment and the conclusions reached; raising no objections on the grounds of potential noise impacts. Officers see no reason to reach a different conclusion than that of the EPO.

- 9.54. 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.

*Assessment of Odour*

- 9.55. The applicants have submitted Odour Impact Assessment (OIA) ('Dispersion Modelling Study of the Impact of Odour' report) and 'Odour Management Plan' during the application in response to officer and third-party concerns.
- 9.56. The OIA identifies that the main source of odour from the proposed poultry house would be from the chimneys of the ridge/roof mounted fans, and in hot weather, from the gable end fans, with some further emissions from open pop holes. The chickens would have access to daytime ranging areas outside of the house and some odour would arise from the manure deposited on the ranging areas.
- 9.57. The Odour Impact Assessment uses computer modelling to assess the impact of odour emissions from the proposed poultry building. 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.
- 9.58. The Odour Impact Assessment concludes that the result of the modelling indicate that the 98th percentile hourly mean odour concentration at all nearby residential properties and commercial businesses would be below the Environment Agency's benchmark for moderately offensive odours. Thus, based on this, such odours should not give rise to a significant proportion of complaints when referring to research by UK Water Industry Research (UKWIR).
- 9.59. Concerns have been raised by third parties regarding the storage of manure created by the proposal in terms of odour and the potential issues this may create in terms of pests. The applicant states that the method of disposal of the poultry manure produced by the development is through export from the application site and spreading on land owned by the operator (thus the manure is not to be stored on the application site). The OIA indicates that the manure is proposed to be disposed of by way of a conveyor belt system which would be operated every 5 - 7 days removing approximately 16 tonnes from the internal conveyor belt systems via an external conveyor belt into a parked trailer outside the building.
- 9.60. It is worth noting that the spreading of manure as a sustainable fertilizer is controlled by the Nitrate Pollution Prevention Regulations 2015, and the DEFRA Code – Protecting our Water, Soil and Air: A Code of Good Agricultural Practice (CoGAP); further that exporting manure to other farmers is an acceptable practice under the NVZ and Environmental Permitting Regulations.
- 9.61. The Council's Environmental Protection Officer has reviewed the detailed Odour Impact Assessment (OIA) and Odour Management Plan (OMP) and has raised no objections in relation to odour pollution, subject to the OMP being implemented and secured going forward. The EPO has indicated that the OIA sufficiently establishes that the odour at the nearest sensitive receptors will be within the applicable guidelines.
- 9.62. Whilst there is potential for odour, officers see no reason to disagree with this assessment from the EPO. Officers are also aware that the Environmental Permit

will ensure that odour and waste arising from the proposal is controlled by the EA to statutory standards and this is a significant consideration. Thus, Officers are satisfied that the proposed poultry unit can be regulated effectively, without causing materially detrimental levels of odour pollution to nearby receptors.

- 9.63. Whilst it is acknowledged that third parties have raised concerns with the use of this modelling to represent the odour impacts of the proposal and that the Council should undertake its own independent assessment, Officers consider the submitted evidence to be robust. Furthermore, no alternative technical evidence of harm has been provided to counter the applicant's submission.
- 9.64. As with a previous recent application 19/00423/F for proposed poultry units at Mixbury, Officers again consider it appropriate to refer Members to an appeal within the district from 2017 for a similar sized poultry unit (see 16/01706/F and APP/C3105/W/17/3166498). Modelling was utilised when formulating the Odour Impact Assessment, and this outlined that the proposal would not cause materially detrimental levels of odour pollution to nearby receptors. The Council's Environmental Protection Officer did not object to the application on this matter. However, the application was refused by the Council in relation to odour emissions. The appeal was subsequently allowed as the Inspector was satisfied with the submitted Odour Impact Assessment. The Inspector was also mindful of the advice within paragraph 183 of the NPPF in that the operation of the enterprise and any emissions would be tightly controlled by an Environmental Permit that has been issued by the Environment Agency. Costs were also awarded to the appellant as it was considered that the Council's failure to produce evidence to substantiate this reason for refusal amounted to unreasonable behaviour.
- 9.65. Concerns have been raised from third parties regarding fly infestation and vermin. During the assessment of previous applications, it has been noted that fly infestation is not a problem associated with modern poultry units; as flies breed in damp litter, and new modern poultry houses with biomass heating systems maintain dry litter conditions. There is no storage of used litter outside the houses at any time, litter is transported in covered trailers, fly infestation would not be in the best interests of the proposed business.
- 9.66. Concerns have also been raised from third parties regarding vermin. The proposed development is required to operate a pest control protocol and have formal pest control contracts in place. Dead birds would be collected by an approved contractor of the National Fallen Stock Disposal Scheme prior to this they will be stored in a secure container in line with the animal by-products Regulations 2003. Pest control for rats would be carried out by an approved agency. Preventative measures would be used to control flies to include fly screens and fly controls replaced periodically to prevent the flies entering the building from the outside. Furthermore, the submission notes that the design of the development includes sealed buildings which are vermin proof and enclosed feeding systems with no external storage of feedstuffs which could attract vermin.

#### *Assessment of Air Quality and Dust*

- 9.67. Concerns have been raised in relation to dust pollution and the potential for poor air quality. The assessment of dust from poultry farms formed part of a DEFRA research project. The results of DEFRA project AC0104 confirmed with research that dust was diluted over short distances of 100m to normal background levels. As there are no receptors within 100 metres it is considered that the proposal does not pose a risk of public health issues in this respect.

#### *Assessment of Pollution to Watercourses & Ponds*

- 9.68. The River Ray flows across land north of the approximately 410m site and a large area of the application site falls with the flood plain of this main river.
- 9.69. There is conflicting information within the application as to how the site would be drained and how surface water run-off will be dealt with. The submitted FRA presents a surface water management plan for the site based on attenuation, with runoff from the main impermeable surfaces to be routed to an attenuation basin (which it is noted would appear to be located within Flood Zones 2 & 3); however, the Design and Access Statement (DAS) indicates the use of underground storage tanks for both clean surface water and dirty water primarily arising from the washing down process.
- 9.70. As note above the proposals would require an IPPC permit which requires that dirty water is contained within an approved containment system and further that 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 DAS notes that at the end of each cleaning process, the dirty water tank is to be emptied by vacuum tanker.
- 9.71. The County Council's Drainage Officer raises objections to the application considering the FRA to be inadequate and that there has not been sufficient consideration of potential ground water and pollution issues within the application and how such could be mitigated against; with the potential existing for pollutants arising from the site potential seeping into the nearby watercourse and water-table, particularly in times of flooding which are known to occur, thereby detrimentally impacting on water resources. In this respect such potential is identified in Section 7. Off Site Impacts of the FRA, stating that: *'Also, in the event the attenuation basin cannot cope with a certain rainfall event, exceedance runoff will naturally flow north towards River Ray'*.
- 9.72. Given the lack of robust detail of the proposed drainage of the site and lack of assessment of potential ground water issues, officers consider that it has not been demonstrated that the development could take place without it causing materially detrimental levels of pollution to watercourses and ponds.

#### *Assessment of Lighting*

- 9.73. The application is supported by a 'Lighting Design Report', which indicates that the proposed poultry installation means that some light sources will be required to allow safe and effective activities within the site to take place.
- 9.74. Whilst the proposals would see the introduction of a light source where currently none exists, it is proposed at a level that would be consistent with such typical agricultural installations and is at a level that would unlikely result in any significant impacts on visual amenity or ecology in this instance.

#### *Conclusion*

- 9.75. Whilst the proposals could be considered acceptable in terms of noise, odour, air quality and lighting, it is considered that it has not been demonstrated that the proposed development could be undertaken without it causing materially detrimental levels of pollution to watercourses and ponds, contrary to the provisions and aims of development plan policies identified above and guidance within the NPPF.

#### Residential Amenity

### *Policy Context*

- 9.76. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which 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*'.

### *Assessment*

- 9.77. The potential impacts on residential amenity of the proposed development in terms of odour, noise, air quality and light are assessed above, and are considered acceptable in these regards.
- 9.78. In respect of the proposed new dwelling, given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposed development of new dwelling on the site on the residential amenity of neighbours.
- 9.79. The proposed poultry building would be a significant structure in the open countryside, however given its relatively remote location and relationship with neighbouring properties it is considered that the building would not result in any direct impacts on residential amenity.

### *Conclusion*

- 9.80. It is considered that given the context of the site and its relationship with neighbouring properties that it is unlikely there would be any significant impact on neighbour amenity in terms of loss of light, loss of privacy or over domination as a result of the proposed development, further that the proposed dwelling would provide for an acceptable living environment. The proposals are therefore considered acceptable in terms of residential amenity.

### Ecology & Biodiversity

#### *Legislative context*

- 9.81. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species' (EPS), and the adaptation of planning and other controls for the protection of European Sites.
- 9.82. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.83. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur,

the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.84. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.85. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

9.86. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.87. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.88. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.



- 9.89. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.90. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.91. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.92. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.93. Natural England's Standing Advice states that a Local Planning Authority (LPA) only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.
- 9.94. It also states that LPAs can also ask for a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').
- 9.95. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard there are mature trees and hedgerows within and adjacent the site, which therefore has the potential to be suitable habitat for bats and breeding birds.
- 9.96. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.97. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/very likely that Natural England (NE) will not grant a licence then the Council should refuse planning permission; conversely, if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

- 9.98. The application is supported by an Extended Phase One Habitat Survey (EPOHS) including a Protected Species assessment, which sets out to establish the baseline ecological condition of the site and to identify and evaluate any potential impacts which the scheme may have, taking account of any mitigation and enhancement to the ecology which the scheme can offer. The EPOHS acknowledges that the proposed change of land-use would have implications for habitats and species of ecological significance, including the loss of a 50m section of hedgerow, thus necessitating an assessment of the ecological value of the site; however, considers the majority of the site to consist of improved grassland of minimal ecological value.
- 9.99. An assessment of wider impacts has been made through a Modelling of the Dispersion and Deposition of Ammonia report. This has considered ammonia deposition on protected and notable sites in the vicinity and concludes that they are sufficiently far away for level to be below the Environment Agency's threshold. Natural England has reviewed the ammonia report and is content that the proposed development would not damage or destroy the interest features for which the nearest SSSI (Arncott Bridge Meadows) and therefore has no objection.
- 9.100. BBOWT and the Council's Ecologist (CE) have both sustained objections to the proposals from the outset and subsequent to the receipt of additional information submitted during the application. There remain concerns with regard to the lack of assessment of the potential impacts on the LWSs in proximity to the site, in particular regard of ammonia emissions and sources of pollution arising from chicken faeces.
- 9.101. The CE considers the submitted ecological report and its conclusions is acceptable with regards to protected species which are not a particular constraint on site (with the exception of nesting birds and lighting issues for bats). However, she notes that the report omits to say that the site is within the Ray Conservation Target Area (CTA). The report makes some suggestions for ecological enhancement which may be beneficial in this location and fit in with the general aims of the CTA (pond restoration, hedgerow management etc.); however, very little reference is made within the report to the inevitable impacts of ammonia on the vegetation on site and off site; concerns echoed by BBOWT.
- 9.102. The applicant's have submitted a proposed landscaping plan (as part of the LVIA) during the application, which shows proposed planting of native trees; however, there is no detailed species or planting information to support this plan. It is acknowledged that the proposed trees are likely to have some biodiversity value it is unclear as to why they have chosen these in this location and how and to what extent this will mitigate for impacts. A new tree belt or belts would have the potential for assisting in mitigating potential ammonia emissions, but this requires careful consideration about the types of trees and their positioning in relation to the proposed source of the emissions; something that appears lacking from the current submission with a somewhat random pattern of tree planting shown on the submitted landscaping plan.
- 9.103. NE indicates that the area provides habitat for a number of wading birds and bat species including the rare Bechstein's bat. No mitigation has been proposed for farmland birds. The CE considers that more information is needed to demonstrate that impacts on biodiversity on site will be mitigated fully and importantly that there will be an overall net gain for biodiversity as required by policy, in particular a net gain which is within the aims of the CTA in which the site is situated.

### *Conclusions*

- 9.104. The NPPF (Conserving and enhancing the natural environment) and Policies ESD 10 and ESD 11 of the CLP 2031 requires that a net gain in biodiversity is sought in new development. This is achieved by protecting, managing, enhancing and extending existing resources, and by creating new resources. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, or if such development would prevent the aims of a Conservation Target Area being achieved, then development will not be permitted.
- 9.105. As noted above there are concerns with regard to potential for pollutants to find their way into the nearby River Ray and also seeping into the water-table; which could potentially have wider impacts on the nearby Local Wildlife Sites identified above and surrounding agricultural land. Notwithstanding the relatively low ecological value of the site itself, the proposals include elements that would be to the detriment of ecological and biodiversity value for which there appears to be very little detail of mitigation or compensatory measures of such impacts.
- 9.106. Officers consider that it has not been adequately demonstrated that the proposed development would not result in detrimental impacts on the ecological and biodiversity at the site and nearby designated Local Wildlife Sites and further would not provide a nett gain in biodiversity opportunities. The proposals are therefore considered to be contrary to the provision and aims of both national and local development plan policies identified above and unacceptable in this regard.

#### Highway Safety

##### *Policy Context*

- 9.107. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.108. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - safe and suitable access to the site can be achieved for all users; and
  - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.109. Policy ESD15 of the CLP 2031 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.”*
- 9.110. Policy SLE4 of the CLP 2031 states that: *“New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.”* Policy SLE4 also states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling...Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”*

9.111. Saved Policy TR7 of the CLP 1996 states that: *“Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.”*

9.112. Saved Policy TR10 of the CLP 1996 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.”*

#### *Assessment*

9.113. The Management Plan supporting this application states that: *‘Proposed poultry farm will once in use need bulk food delivered to the farm by six or eight-wheeler HGVs, the usual sized vehicle for agricultural use in this rural area. The feed will be delivered 3 times a month and stored in the silos on site. The farm business has a provisional contract with a company to supply the free-range eggs, which will collect the eggs in a 7.5 tonne lorry three times a week’*. Further movements would be required in relation to the disposal of manure from the site. Access would be taken directly from Palmers Avenue via an improved access point into the site.

9.114. The LHA has assessed the proposals and raise no objections, subject to conditions requiring details of the proposed access to be approved and vision splays being created and maintained going forward; and further that a Section 278 agreement will be necessary to create the bell-mouth access from the highway.

9.115. Palmer Avenue is a busy road used by cars and HGVs. The LHA considers that, notwithstanding that the number of potential employees is unclear (14.8 no. equivalent full-time employees suggested in the needs assessment, whilst only 2 no. indicated on the application forms), the vehicle movements associated with the operation of the site would likely have a negligible impact on the highway network. Further that the vision splays are acceptable to and from the site.

9.116. In relation to parking and turning areas on the site, officers are content that there is adequate space on the site for parking and manoeuvring.

9.117. Taking all transport matters into account officers see no reason not to agree with the opinion of the LHA do not consider that the proposal would unduly impact upon the safe and efficient operation of the surrounding road network.

#### *Conclusion*

9.118. Subject to conditions and a Section 278 agreement, it is considered that the proposal would not cause significant detrimental harm to the safety and convenience of highway users and is therefore considered acceptable in terms of highway safety.

#### Flooding Risk & Drainage

##### *Policy Context*

9.119. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.120. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

*Assessment*

- 9.121. A site-specific Flood Risk Assessment (FRA) with associated Surface Water Management Plan (SWMP) has been submitted alongside the application. The Environment Agency's flood maps indicate that whilst the main poultry building, gatehouse and dwelling is not within a higher risk flood zone and is within Flood Zone 1, the northern end and north-west corner of the site including the proposed access track, is within Flood Zones 2 & 3. The FRA and its recommendations are subsequently based on the development as being only being in flood zone 1 only.
- 9.122. Whilst the Environment Agency (EA) raises no objection to the proposals subject to the development being carried out in accordance with the submitted FRA, the County Council's Drainage Team have sustained an objection based on an inadequate flood risk assessment with further concerns relating to potential groundwater issues not having been investigated or it being satisfactorily demonstrated that water quality would be maintained post development. As noted above the case officer and ecologist share these concerns.
- 9.123. The FRA indicates that flood risk from all sources is low at the site excepting surface water and fluvial. Further that Surface Water (SW) risks derive from the poorly draining clay-dominated soils which exist on the site. The soils at the site are characterised by a low permeability which therefore indicates that infiltration is not a viable method of surface water management. A single attenuation basin is therefore proposed for managing the surface water runoff from the roof drainage, concrete apron surrounding the building and the access track, discharging into an existing ditch and end in River Ray.
- 9.124. As noted above (in the Assessment of Pollution to Watercourses & Ponds) there is conflicting information within the application with regards to how the site would be drained and it remains unclear as to which strategy would be implemented.
- 9.125. Policy ESD 7 requires that where a site-specific Flood Risk Assessment is required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. Given that the FRA has not been based on the correct flood zone classification for the site, it is considered that appropriate SuDS compliant drainage cannot be properly assessed, to ensure that development would allow for satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property.
- 9.126. Thames Water (TW) raise no objections to the proposals on drainage grounds as the application indicates that both surface water and foul sewage would not be discharge into existing public systems and therefore would not impact on existing capacity. TW does, however, raise concerns with regards to an identified inability of the existing water network infrastructure to accommodate the needs of this development proposal. TW has contacted the developer in an attempt to agree a position on water networks but has been unable to do so in the time available and as such requests a condition requiring confirmation to have been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed or a housing and infrastructure phasing plan has been agreed with TW to allow additional properties to be occupied. Should the Council resolve to grant planning permission, such matters would need to be addressed through an appropriate condition to ensure that

sufficient capacity is made available to accommodate additional demand anticipated from the new development.

### *Conclusion*

- 9.127. It is considered that the applicants have failed to demonstrate that the proposals would not increase the flooding risk on the site or elsewhere and therefore does not accord with Policies ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1.

### Other matters:

- 9.128. Third party comments are made with regards to the area seeing a number of unwanted developments coming forward in the past. Each application must be assessed on its own merits at the time of application and needs to be assessed in the context in which it sits. Previous development is not considered to materially affect the acceptability or otherwise of the application assessed above.
- 9.129. Third parties have also raised concerns with regard to devaluation of property. This does not constitute a material planning consideration and therefore has not been assessed within the context of the application.
- 9.130. The MOD raises concerns that the proposals might affect future expansion of MOD facilities and further that MOD live training may result in the startling of birds. Officers are not aware of any detailed proposals for MOD facility expansion at this time, and as such this cannot be considered in the context of this application. With regards the potential for birds to be startled by MOD operations, this is something for the applicant to consider in whether the site is appropriate or not going forward; and not something that would constitute a reason to withhold the granting of planning permission in this instance.

### Human Rights and Equalities

- 9.131. The Human Rights Act 1998 (“HRA”) sets out fundamental freedoms which have been laid out by the European Convention on Human Rights (“ECHR”). In making any decisions, Cherwell District Council (“the Council”) should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.132. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

### *Article 6*

- 9.133. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

*Article 8 and Article 1 of the First Protocol*

- 9.134. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.
- 9.135. Officers have considered that, in the event that the application is granted planning permission, there will not be any discrimination (or potential discrimination) on neighbours.

*Duty under The Equalities Act 2010*

- 9.136. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.137. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

**10. PLANNING BALANCE AND CONCLUSION**

- 10.1. 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.
- 10.2. Given the above assessment in the light of current guiding national and local policy context, it is considered that proposals represent an inappropriate form of development, including new residential development beyond the built-up limits of the village, for which no essential or identified need has been demonstrated. Whilst the proposals are considered acceptable in terms of residential amenity and highway safety it is considered that they fail to preserve the overriding character and appearance of the area and would result in significant environmental impacts.
- 10.3. The addition of this sizeable new building and associated infrastructure would result in a detrimental upon the rural character and appearance of the landscape. Officers consider that the proposal would cause significant harm to the landscape character of the area. In addition, officers consider that there would be significant harm to the immediate locality and harm to the enjoyment of users of the nearby Public Rights of Way.
- 10.4. In addition to the above, it is considered that insufficient information has been submitted in relation to ecology and biodiversity, flood risk, drainage and pollution control to enable the LPA to properly consider and assess these matters and conclude that the development would be acceptable in these respects.
- 10.5. However, there remains a need to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable

development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.

- 10.6. The proposed development would create new employment on the site 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. In terms of social benefits, the proposal would contribute in meeting national food security.
- 10.7. Officers consider that the economic and social benefits identified above are not sufficient to outweigh the significant identified harm in this instance. It is considered that there would be significant adverse impacts to the natural environment, through intrusive development which fails to reflect or reinforce the local distinctiveness, which further conflicts with the environmental and sustainability policies of the Development Plan. As such it is considered the harm and conflict with development plan policy clearly outweighs any benefits in this case.
- 10.8. The proposals are therefore considered contrary to the above-mentioned policies and as such the application is therefore recommended for refusal for the reasons set out below.

## **11. RECOMMENDATION**

### **RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW**

1. The proposed dwelling constitutes sporadic residential development in the open countryside, beyond the built-up limits of the nearest settlement, for which it has not been demonstrated that there is an essential need. In its proposed location the dwelling would therefore be an unjustified and unsustainable form of development. As such the proposal is considered to be contrary to saved Policies C8 and H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. By virtue of its scale and siting, the proposed development would result in significant and demonstrable harm to the character and appearance of the area, and harm to the landscape character of the area, the enjoyment of users of the nearby Public Right of Way, and this harm significantly and demonstrably outweighs the need for the proposal and the benefits arising from the proposal, including the production of affordable food. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies AG2, C8 and C28 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.
3. The applicants have failed to adequately demonstrate that the proposed development would not result in detrimental impacts on the ecological and biodiversity at the site and nearby designated Local Wildlife Sites, and further would not provide a nett gain in biodiversity opportunities at the site. The proposals would also prevent the aims of the Ray Conservation Target Area being achieved. The proposal is therefore contrary to Policies ESD10 and ESD11 of the Cherwell Local Plan 2011-2031 Part 1 and government



guidance in the National Planning Policy Framework with regards to 'Conserving and enhancing the natural environment'.

4. The applicants have failed to demonstrate that the proposed development could be undertaken without it causing materially detrimental levels of pollution to the River Ray and ponds within the vicinity of the site. The proposal is therefore contrary to Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies AG3, AG4 and ENV1 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.
5. By virtue of an inadequate Flood Risk Assessment and lack of clear drainage proposals, the applicants have failed to demonstrate that the proposed development would not increase the flooding risk on the site or elsewhere and therefore does not accord with Policies ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1.

CASE OFFICER: Bob Neville

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