

Case Officer:	William Anstey	
Applicant:	South Northamptonshire Council	
Proposal:	Demolition of existing storage shed and erection of a new steel framed storage shed	
Ward:	Middleton Cheney	
Councillors:	Cllr Val Furniss & Councillor Jonathan Riley	
Reason for Referral:	SNC is the planning applicant	
Expiry Date:	15 April 2019	Committee Date: 11 April 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The application seeks consent to demolish an existing storage barn at the Farthinghoe Reuse and Recycling Centre and construct a smaller replacement building serving the same purpose.

Consultations

The following consultees have raised no objections or comments to the application:

- Middleton Cheney Parish Council, Kings Sutton Parish Council, NCC Archaeology, SNC Building Control, SNC Tree Officer, SNC Environmental Protection, NCC Minerals and Waste Authority, SNC Ecology Officer

The following consultees are in support of the application:

- Farthinghoe Parish Council

No third party representations have been received and no objections have been received from any consultees.

Planning Policy and Constraints

The application site lies in the open countryside and is within a Special Landscape Area. The site is a historic landfill site and is in an area of archaeological interest. The site lies within 2km of six Local Wildlife sites including Farthinghoe Reserve which abuts the south and western edges of the site.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Design, and impact on the character of the area including Special Landscape Area
- Impact on archaeological assets
- Impact on residential amenity
- Impact on safety and convenience of the highway

- Drainage
- Impact on ecology and protected species

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

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises Farthinghoe Recycling and Reuse Centre which is owned and operated by South Northamptonshire Council. The site lies to the west of the A422, approximately 1.4km north west of Farthinghoe village.
- 1.2. The site is long and narrow in form, occupying the route of a former railway line, and is bound by trees and hedging on all sides. Within the site is a substantial barn like structure of concrete frame construction clad in asbestos sheeting. This building is used to store items for reuse and is open to the public. To the east of this structure is a modest single storey brick office and welfare facility. Much of the site is laid to hardstanding and there are also several shipping containers and recycling containers on the site.
- 1.3. The wider landscape slopes from north down to south. Beyond the tree belt to the north of the site is farmland, whilst to the south and west is Farthinghoe Nature Reserve and Pocket Park. To the east of the site is the vehicle access leading onto the A422.

2. CONSTRAINTS

- 2.1. The application site is within the open countryside
- 2.2. The application site is within a Special Landscape Area
- 2.3. The application site is a historic landfill site
- 2.4. The application site lies within an area of archaeological interest
- 2.5. The application site lies within the Middleton Cheney designated Neighbourhood Plan Area
- 2.6. The application site lies within 2km of six Local Wildlife Sites, including Farthinghoe Reserve which abuts the southern and western edges of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent to demolish the existing storage barn and construct a replacement barn to serve the same purpose. The proposed building measures 10.3m wide by 23.8m deep with eaves height of 3.5m and a ridge height of 6.6m. Vehicle and personnel doors are shown in the east elevation with a fire escape in the south elevation. No other openings are proposed.

3.2. As submitted the scheme included exposed blockwork walls under a corrugated aluminium roof. During the course of the application the wall finish has been amended to corrugated sheeting. A larger bat grill has also been included as part of the ecological mitigation strategy.

4. RELEVANT PLANNING HISTORY

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

- S/2008/0074/P - Alteration of Condition 5 on S/2000/0884/P to revise opening hours, April - September 09.00hrs - 18.00hrs and October - March 09.00hrs - 16.30hrs, seven days a week - Approved
- S/2002/0160/P - Installation of green waste shredder machine and a cardboard compactor machine – Approval
- S/2000/0884/P - Use of Site as Recycling And Re-Use Of Materials Centre – Approval
- S/1989/1217/PCC - Continued Use as Waste Recycling Centre – Approval
- S/1984/0889/PC - Reconstruction of existing waste recycling centre and continued use for an additional 5 year period - Neighbouring Authority
- S/1982/0872/PC - Use of existing building as refuse transfer station - Neighbouring Authority
- S/1978/1537/P - Extension to existing permission to include piping of unpulverised waste - No Observations

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 and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **25 February 2019** although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

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. MIDDLETON CHENEY PARISH COUNCIL: **No comments or objections**

7.3. KINGS SUTTON PARISH COUNCIL: **No objection**

7.4. FARTHINGHOE PARISH COUNCIL: **Unanimously supports application**

CONSULTEES

7.5. NCC ARCHAEOLOGY: **No comments** to make on the proposal.

- 7.6. SNC BUILDING CONTROL: **No objection** – all surface water to soak away, radon protection required
- 7.7. SNC TREE OFFICER: **No objection** - No significant trees should be affected by the proposed development. All trees shown to be retained should be protected in accordance with the tree protection plan included as Appendix 4 of the submitted Arboricultural Impact Assessment, dated 10/10/2018.
- 7.8. SNC ENVIRONMENTAL PROTECTION: **No adverse comments** with respect to the proposed development on this site. The responsibility for the safe development and secure occupancy of the site rests with the developer/applicant.
- 7.9. NCC MINERALS AND WASTE AUTHORITY: Given the nature and location of the development, and the proximity to sensitive receptors it would appear that the proposed development would not conflict with and (as applicable) would meet the policy requirements in respect of managing the potential impacts of waste development set out in Policies 18, 20 and 21 of the MWLP. Consequently the development appears to comply with the MWLP and **no objections are raised**.
- 7.10. SNC ECOLOGY: The submitted **Ecological Impact Assessment Report is appropriate and fit for purpose**. The existing building contains active bat roosts for common and rare species, a swarming site of rarer species and a hibernation roost for common species. The proposal will result in the destruction of a number of roosts however a detailed mitigation strategy is proposed. If the mitigation and compensation measures detailed are carried out fully and successfully then the development proposals are not thought to have a significant impact on protected species or habitats. Conditions to secure mitigation strategy are recommended.
- 7.11. Responses have not been received from the following consultees: Northants and Beds Wildlife Trust, SNC Waste and Recycling

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 West Northamptonshire Joint Core Strategy Local Plan (Part 1) was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and provides the strategic planning policy framework for the District to 2029. The Joint Core Strategy replaced a number of the 'saved' policies of the adopted South Northamptonshire Local Plan 1997 though many of its policies are retained and remain part of the development plan. The relevant planning policies of South Northamptonshire's statutory Development Plan are set out below:

WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY 2014 (JCS 2014)

- Policy SA – Presumption in favour of sustainable development
- Policy S1 – The distribution of development
- Policy S10 – Sustainable development principles
- Policy S11 – Low carbon and renewable energy
- Policy E1 – Existing employment areas
- Policy BN2 – Biodiversity
- Policy BN7 – Flood risk
- Policy BN7A – Water supply, quality and wastewater infrastructure
- Policy BN9 – Planning for pollution control
- Policy R1 – Spatial strategy for the rural areas

- Policy R2 – Rural economy

SOUTH NORTHANTS LOCAL PLAN 1997 SAVED POLICIES (SNLP 1997)

- Policy G3 – General
- Policy E3 – Intensification of existing employment uses
- Policy E7 – Industrial and commercial development in rural areas
- Policy EV1 – Design
- Policy EV2 – Development in open countryside
- Policy EV7 – Special Landscape Areas
- Policy EV19 – Trees and woodlands
- Policy EV21 – Hedgerows, ponds and other landscape features
- Policy EV24 – Species protection
- Policy EV25 – Wildlife corridors, rivers and waterways

NORTHAMPTONSHIRE MINERALS AND WASTE LOCAL PLAN

- Policy 10 – Northamptonshire’s waste management capacity
- Policy 11 – Spatial strategy for waste management
- Policy 12 – Development criteria for waste management facilities (non-inert and hazardous)
- Policy 16 – Development criteria for inert waste disposal and recovery
- Policy 18 – Addressing the impact of proposed minerals and waste development
- Policy 19 – Encouraging sustainable transport
- Policy 20 – Natural assets and resources
- Policy 21 – Landscape character
- Policy 23 – Layout and design quality
- Policy 25 – Implementation
- Policy 26 – Sustainable design and use of resources

DRAFT SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (Part 2 LP)

The draft South Northamptonshire Part 2 Local Plan was submitted to the Planning Inspectorate for Examination on 22nd January 2019. An inspector has been appointed and the examination is due to be held during the two weeks commencing 10th and 17th June 2019. In accordance with Paragraph 48 of the National Planning Policy Framework (NPPF) the Council may now give weight to relevant policies in the draft Plan according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

As the Plan was submitted prior to 24th January 2019, in accordance with Paragraph 214 of the NPPF consistency should be tested against the previous Framework published in March 2012. The following draft Policies are considered relevant:

- Policy SS1 – The settlement hierarchy

- Policy SS2 – General development principles
- Policy EMP2 – Existing commercial sites
- Policy SDP1 – Design principles
- Policy NE4 – Trees, woodlands and hedgerows
- Policy NE5 – Biodiversity and geodiversity

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case the application site lies within the designated Middleton Cheney Neighbourhood Plan Area however a plan has not been submitted for examination or referendum.

8.4. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
 - Section 2 (Achieving sustainable development)
 - Section 4 (Decision-making)
 - Section 6 (Building a strong competitive economy)
 - Section 9 (Promoting sustainable transport)
 - Section 11 (Making effective use of land)
 - Section 12 (Achieving well-designed places)
 - Section 14 (Meeting the challenge of climate change, flooding and coastal change)
 - Section 15 (Conserving and enhancing the natural environment)
- National Planning Policy for Waste
- Planning Practice Guidance (PPG)
- 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 (“EA”)
- SPG: Light pollution; Nature Conservation; Planning out crime
- SPD: Energy and development; Energy efficiency;
- South Northamptonshire Design Guide

8.5. Council Corporate Priorities

South Northamptonshire 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 “Protected, Green & Clean”, is a place which 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) delivery innovative and effective housing schemes; and (9) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals.

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

Procedural Matters

9.1. As this application concerns a waste development ordinarily, under the County Matters Regulations 2003, it should be submitted to and determined by the Waste and Minerals Planning Authority, in this case Northamptonshire County Council. However Regulation 3 of the Town and County Planning General Regulations 1992 [TCPGR 1992] states that *'subject to regulations 4 and 4A, an application for planning permission by an interested planning authority to develop any land of that authority, or for development of any land by an interested planning authority or by an interested planning authority jointly with any other person, shall be determined by the authority concerned'*. In this case SNC own and operate the site, and intend to undertake the proposed development. As such SNC are entitled to determine this application.

9.2. However, Regulation 10 of the TCPGR 1992 states that:

"Notwithstanding anything in section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities) no application for planning permission for development to which regulation 3 applies may be determined-

(a) by a committee or sub-committee of the interested planning authority concerned if that committee or subcommittee is responsible (wholly or partly) for the management of any land or buildings to which the application relates; or

(b) by an officer of the interested planning authority concerned if his responsibilities include any aspect of the management of any land or buildings to which the application relates."

9.3. In this case the Council's Planning Committee has no interest in the management of the land in question and is therefore able to determine the application.

9.4. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area including Special Landscape Area
- Impact on archaeological assets
- Impact on residential amenity
- Impact on safety and convenience of the highway
- Drainage
- Impact on ecology and protected species

Principle of Development

Policy Context

- 9.5. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the saved policies of the 1997 Local Plan, the policies of the West Northants Joint Core Strategy and the Northamptonshire Waste and Minerals Local Plan. The NPPF (2019) is a material consideration along with the emerging policies of the South Northamptonshire Local Plan Part 2.
- 9.6. The application site lies outside any defined settlement boundaries and therefore in planning policy terms lies within the open countryside. Saved policy EV2 of the Local Plan seeks to restrain new development in the open countryside and whilst exceptions are listed, none are relevant to the current proposal. Saved policy E7 specifically considers industrial and commercial development in the countryside and again seeks to resist such development outside established settlements.
- 9.7. Saved policy E3 however provides support for the extension or intensification of an existing industrial or commercial use within the reasonable curtilage of the site and saved policy E4 seeks to retain existing industrial and commercial uses for employment purposes.
- 9.8. Turning to the Joint Core Strategy, policy S1 sets out the spatial strategy for West Northamptonshire. The policy seeks to steer development to the existing settlements with new development in the rural areas being limited but may include facilitating access to jobs and services whilst policy S10 seeks to '*maximise opportunities for reuse and recycling*'. Policy E1 seeks to retain existing employment sites whilst policy R1 supports the expansion of existing businesses in their existing locations.
- 9.9. The Northamptonshire Minerals and Waste Local Plan [NMWLP] sets out the waste strategy for Northamptonshire. Policy 10 explains that provision for waste management will come from a mix of extensions, intensification or redevelopment of existing sites and new sites whilst Policy 11 identifies that local facilities in rural areas play a role in waste management within the county.
- 9.10. Paragraph 204 of the NPPF highlights the important contribution recycled materials can make to the supply of materials whilst the National Planning Policy for Waste encourages the reuse and recycling of waste above other recovery methods and disposal.
- 9.11. Within the emerging Part 2 Local Plan policy SS1 seeks to steer development to the most sustainable locations whilst policy EMP2 seeks to retain sites and land in commercial uses for employment uses.

Assessment and Conclusion

- 9.12. The proposal is to replace the existing outworn storage building with a replacement structure to serve the same purpose. The existing building has a floor area of 287sqm whereas the proposed building has a floor area of 240sqm and therefore represents a slight reduction in floor space.
- 9.13. Northamptonshire County Council have raised no objection to the proposal and have concluded that it appears to comply with the Minerals and Waste Local Plan. In respect of the saved policies of the South Northamptonshire Local Plan and the

West Northants Joint Core Strategy, the proposal lies within an established waste management site and ensures the ongoing operation of the site with the associated benefits for local residents, provision of employment and waste management. Officers are therefore of the opinion that as the proposal accords with the spatial strategy set out in the Development Plan and the emerging Part 2 Local Plan, the principle of development can be supported.

Impact on character and appearance of site and surrounding area including Special Landscape Area

Policy Context

- 9.14. Saved policy G3(A) of the Local Plan sets out that development will normally be permitted where it *'is compatible in terms of type, scale, siting, design and materials with the existing character of the locality'*. Saved policy EV1 expands on saved policy G3(A) and explains that:

Proposals for new development will be expected to pay particular attention to the following elements of design;

- (i) Existing site characteristics including landscape features and levels;*
- (ii) The relationship with adjoining land and buildings;*
- (iii) The scale, density, layout, height, massing, landscape and materials in relation to the site and its surroundings;*
- (iv) The appearance and treatment of the spaces between and around buildings.*

The site also lies within a Special Landscape Area. Saved policy EV7 only permits development within SLAs where they do not have a detrimental impact on their character and appearance.

- 9.15. Policy 23 of the MWLP requires waste management facilities to be compatible with the surrounding area and utilise local building materials as appropriate. Policy S10 of the JCS requires that proposals *'protect, conserve and enhance the natural and built environment'*.
- 9.16. Section 12 of the NPPF emphasises the importance of good design and well-designed places with paragraph 124 stating that *'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve'*. Paragraph 130 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 9.17. Within the emerging Local Plan Part 2 policy SS2 seeks development that maintains the individual identity of towns and villages and uses a design led approach. Policy SDP1 stipulates that new development will be required to present high quality design that positively contributes to the built and natural environment, complements the distinctive local character, respects, enhances or improves visual amenity and makes appropriate use of local materials and architectural features.

Assessment and Conclusion

- 9.18. The existing building is a large unsightly structure in poor condition and as such Officers have no objection to its demolition.

- 9.19. Far reaching views into the site are limited by the vegetation enclosing the perimeter of the site however the site is readily visible from the adjoining pocket park, especially in winter, and glimpses of the existing building are possible from the site entrance. The wider landscape is agrarian in nature with gently rolling fields interspersed with hedges, trees and farmsteads.
- 9.20. The proposed building is notably smaller than the existing structure, with a floor space of 240sqm compared to 287sqm. Further it has a ridge height of 6.7m and eaves height of 3.5m. By comparison the existing building has a ridge height varying between 10.4m and 6.7m and an eaves height ranging between 9.8m and 5.9m. As such the visual mass of the proposed building is significantly less than the existing.
- 9.21. As submitted the proposed building had exposed blockwork walls under a corrugated sheet metal roof. At the request of Officers, the walls have now been clad in corrugated sheet metal finished in green to emulate an agricultural building typical in style and appearance of others in the area, and to avoid the somewhat unfinished appearance of exposed blockwork.
- 9.22. Taken altogether, the proposed building is inherently functional in nature and as such it is difficult to suggest it is a positive addition to the wider landscape. It is however a significant improvement compared to the existing building, being notably smaller and finished in materials which are more reflective of the locality. As such Officers consider the proposed building represents an enhancement to the appearance of the site compared to the existing situation and therefore do not consider that it is harmful to the character and appearance of the area, being mindful of its designation as a Special Landscape Area. A condition requiring details of the external finishes of the walls and roof is recommended to ensure the finished building is compatible with the locality.

Impact on archaeological assets

Policy Context

- 9.23. Saved policy G3(K) of the Local Plan explains that planning permission will normally be granted where proposals will not adversely affect sites of archaeological importance. Policy BN5 of the JCS states that designated and non-designated heritage assets and their settings will be conserved and enhanced.
- 9.24. The above policies are consistent with the importance placed on heritage assets by section 16 of the NPPF. Paragraph 189 explains that *'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*
- 9.25. Within the emerging Local Plan Part 2, policy SS2(o) states that planning permission will be granted where a proposal will not adversely affect sites of archaeological importance. Policy HE2 builds on this and explains that development which would harm archaeological remains will not be permitted except in wholly exceptional circumstances where convincing justification can be given and there is a public benefit.

Assessment and Conclusion

- 9.26. The site lies within an area of archaeological interest however NCC Archaeology have confirmed they have no comments on the proposal. Given the proposed building will occupy the site of the existing building it seems unlikely that any

undisturbed archaeological assets would be affected by the development therefore Officers have no reason to question NCC Archaeology's position. As such no archaeological investigations are considered necessary.

Impact on residential amenity

Policy context

- 9.27. Saved policy G3(D) of the Local Plan requires that proposals do not '*unacceptably harm the amenities of any neighbouring properties*'. Paragraph 127 of the NPPF explains that planning decisions should create places that have a high standard of amenity for existing and future users. Within the emerging Local Plan Part 2 policy SS2(g) requires that proposals will not unacceptably harm the amenity of occupiers and users of neighbouring properties.

Assessment and Conclusion

- 9.28. The proposal replaces an existing building with a smaller building to serve the same purpose. The nearest residential property is approximately 200m to the west and lies within an established farm. As such it is not considered that the proposed building will have an adverse impact on residential amenity.
- 9.29. Given the proposed development does not change the established use of the site and the proposed building will be put to the same use as the existing building, it is not considered that it is likely to alter the impacts of the current use in terms of noise, disturbance and other emissions.

Impact on safety and convenience of the highway

Policy Context

- 9.30. Saved policy G3(B) of the Local Plan requires that a proposal '*possesses a satisfactory means of access and provides adequate parking, servicing and turning facilities, including for the disabled*' whilst paragraph 109 of the NPPF explains that '*development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network are severe*'. Policy C2 of the JCS requires new development to mitigate its effects on the highway network. Policy SS2(j) of the emerging Local Plan Part 2 requires new development to possess a safe and satisfactory means of access for all road users.

Assessment and Conclusion

- 9.31. The proposal includes slight changes to the parking layout on the site however no alterations to the established vehicle access off the A422 are proposed. Given the proposed building is smaller than the existing building it is not considered that the development is likely to give rise to a more intensive use of the site. As such, improvements to the existing site access are not considered necessary.
- 9.32. With regard to parking, the proposal increases the number of marked parking spaces from 6 to 11. There is also additional informal parking throughout the site but the proposed development does not impinge on this space. Given, as reasoned above, the proposal is unlikely to intensify use of the site, more marked spaces are to be provided and the scheme doesn't compromise informal parking on the site, it is not considered that the proposal will be harmful to highway safety.

Drainage

Policy Context

- 9.33. Saved policy G3(M) requires that proposals provide for satisfactory foul and surface water drainage whilst policies S10 and BN7A of the JCS requires that proposals promote sustainable drainage. Paragraph 163 of the NPPF explains that Local Planning Authorities should ensure that flood risk is not increased elsewhere. Paragraph 165 advises that major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Within the emerging Local Plan Part 2, policy SS2(m) requires that development provides for satisfactory foul and surface water drainage.

Assessment and Conclusion

- 9.34. The submitted application form states that surface water will be handled by way of a sustainable drainage system. No details of the system have been provided however it is considered that this information can reasonably be secured by planning condition, as detailed below. Given there is ample space on site, Officers have no reason to believe suitable surface water drainage could not be provided.

Impact on ecology

Policy context

- 9.35. Policy G3 of the Adopted Local Plan seeks to avoid harm to sites of nature conservation value, whilst policy EV24 seeks to promote the interests of nature conservation and protect sites of local nature conservation interest, ensuring that these sites are protected and enhanced. Policy EV25 similarly seeks to ensure development does not affect nature conservation, waterways or watercourses and policy EV21 deals with hedgerows, ponds and other landscape features, requiring development proposals to retain, wherever possible, or failing that, replace, trees, hedgerows, ponds or other such features where they make an important contribution to the character of the area.
- 9.36. Policies S10 (Sustainable Development Principles) and BN2 (Biodiversity) within the JCS require, inter alia, that development should, where possible, deliver net gains in the overall biodiversity of the area. These development plan policies are supported by national policy in the NPPF. Also, under Regulation 43 of the Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place.
- 9.37. Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that *“every public authority must, in exercising its functions, have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”*.
- 9.38. Natural England’s Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it’s likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion
 - affected by the development

It also states that LPA's 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')

9.39. Following on from the above, the Government's Planning Practice Guidance (PPG) states that an ecological survey will be necessary in advance of a planning application, if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. It also advises that ecological surveys should only be required where clearly justified, for example if there is a reasonable likelihood of a protected species being present.

9.40. The PPG also explains that if development is likely to have a negative effect on European protected species, the Local Planning Authority must be confident that Natural England is likely to grant a licence before granting planning permission. The 3 legal tests that must be satisfied are:

1. the activity is for a certain purpose, for example it's in the public interest to build a new hospital
2. there's no satisfactory alternative that will cause less harm to the species
3. the activity doesn't harm the long-term conservation status of the species

Assessment and Conclusion

9.41. The application proposes demolition of the existing barn on the site. The application is supported by an Ecological Impact Assessment which identifies that *'the existing barn supports day roosts of five bat species; is likely to be used as a swarming site for at least one Myotis sp.; and supports a small Pipistrellus sp. hibernation roost. As such, a mitigation licence from Natural England will be sought'*.

9.42. To mitigate the harm to these protected species that will be caused by the demolition of the building a mitigation strategy has been presented including:

- Dismantling the existing building under supervision at a time when bats are least likely to be present.
- Fitting the proposed building with a bat access grille to allow bats to continue to use the interior for swarming.
- Five interior and five exterior bat boxes
- Monitoring of the bat boxes for two years following construction

9.43. The Council's Ecology Officer has confirmed that the submitted report is appropriate and fit for purpose. However, the Ecology Officer has advised that no new lighting should be included in or around the building that could disrupt the bats, that any permission should be conditioned to ensure that the mitigation strategy presented in the appraisal is followed and a further condition is imposed requiring that development does not commence until a licence has been obtained from Natural England. Officers consider these requirements are reasonable in order to fulfil the Council's responsibilities towards protected species.

- 9.44. As noted above, it is also necessary to assess the proposal against the three tests to establish whether it is likely that Natural England would grant a licence. Taking the first test, in this case the existing building is outworn and no longer suitable for its waste management function. It also contains asbestos and is visually unappealing. Officers therefore consider that the proposal is for a clear purpose and is in the public interest.
- 9.45. Turning to the second test, in Officers view, given the existing building is no longer weather tight and is in poor condition, the only alternative to demolition would be to remove all of the external cladding and replace it. This would result in a temporary loss of habitat, similar to construction of the proposed building, and therefore does not appear to be a preferable alternative. Further when compared with the current proposal it would necessitate considerable additional work cladding a building which is larger than is required.
- 9.46. The only other alternative would be to retain the existing building and build a new structure elsewhere on site. This would however take up valuable space on site which could compromise the valuable waste management function of the site and there would be no financial benefit in continuing to maintain the existing building whilst its continued deterioration could cause harm if fragmentation of the asbestos cladding were to occur. As such it is not considered that there are any satisfactory alternatives.
- 9.47. In respect of the third and final test, given the Conclusion in the submitted Ecological Impact Assessment and the comments from the Council's Ecology Officer, Officers have no reason to believe that, subject to the recommended mitigation measures being implemented, the proposed works would be detrimental to the long term conservation of the species. It is therefore concluded that it is likely that Natural England would grant a licence.
- 9.48. In addition to considering the impact of the development on protected species, it is also necessary to consider the impact on trees. The application has been supported by an arboricultural impact assessment which concludes that aside from a self-set hawthorn, no trees will need to be removed though a number of trees will need to be cut back. Detailed tree protection measures are proposed. Subject to the recommended mitigation measures being implemented, which can be secured by condition, Officers are satisfied that the proposal adopts a best practice approach towards retention of the surrounding trees.

10. COMMUNITY INFRASTRUCTURE LEVY

- 10.1 The proposal does not result in a net gain in floor space and is not for residential or retail use, and is not therefore CIL liable.

11. PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. There are no other material considerations that dictate otherwise, and so in accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

12. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. The development shall not be carried out otherwise than in complete accordance with the approved plans and documents:

Document Name/Plan Number	Date Received by Local Planning Authority
Site Location Plan J90-BRP-00-00-DR-A-0100-P02	15 January 2019
Existing Site Plan and Elevations J90-BRP-00-ZZ-DR-A-0101-P02	15 January 2019
Site Plan as proposed J90-BRP-00-00-DR-A-0102-P03	15 January 2019
Design and Access Statement Rev B January 2019	15 January 2019
Arboricultural Impact Assessment at Farthinghoe Recycling Centre dated 10 October 2018 by AT Coombes Associated Ltd	15 January 2019
Ecological Impact Assessment Report 776725-MLM-ZZ-XX-RP-J-0003 Rev C01 dated 14/03/2019	26 March 2019
Plans and Elevations – As Proposed J90-BRP-00-ZZ-DR-A-0200-P04	26 March 2019

unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

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

Compliance with Ecological Impact Assessment

3. The development hereby permitted shall be carried out in accordance with the recommendations and mitigation measures set out in Section 7 of the Ecological Impact Assessment Report of 14 March 2019 by MLM Consulting Engineers unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation

from significant harm in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

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

Protected Species

4. Where an offence under Regulation 43 of the Conservation of Habitats & Species Regulations 2017 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy and the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Tree Protection

5. No development shall take place until the existing tree(s) to be retained as detailed in the 'Arboricultural Impact Assessment at Farthinghoe Recycling Centre' dated 10 October 2018 by AT Coombes Associated Ltd have been protected in the manner described in that report. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development or demolition and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies G3(A) and EV21 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

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

External Materials

6. A detailed schedule of materials and finishes to be used in the external walls and roof of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies G3(A) and EV1 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

Drainage

7. Prior to commencement of the foundations of the building hereby permitted a scheme for the provision and implementation of surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of the building hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy G3(M) of the South Northamptonshire Local Plan Policy BN7 and BN9 of the West Northamptonshire Joint Core Strategy and Government advice in the National Planning Policy Framework.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Lighting

8. No external lighting shall be installed on the building hereby permitted without the prior express planning permission of the Local Planning Authority.

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