

Case Officer:	Geraldine Hardcastle		
Applicant:	Mr M Wills		
Proposal:	Erection of a single storey building and extension to provide covered working and welfare facilities for an established equine and pet crematorium; repositioning of the existing boundary fence and retention of existing incinerator.		
Ward:	Washington		
Councillors:	Cllr Peter Davies		
Reason for Referral:	Referred by Assistant Director For Planning and Economy for the following reasons: Locally Controversial		
Expiry Date:	20 November 2020	Committee Date:	3 rd December 2020

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

This application seeks consent for the erection of an extension to provide welfare facilities, a new single storey building to provide cover for working area and retention of perimeter fencing and extended hardstanding. The plans have been amended during the course of the application to reduce the scale of the built form and the description amended to include retention of existing incinerator.

Consultations

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

- Moreton Pinkney Parish Council

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

- SNC Licencing
- Environment Agency
- Crime Prevention Design Advisor

The following consultees have made **comments** on the application:

- SNC Environmental Protection
- SNC Ecology
- NCC Highways

The following consultees have **not responded** at the time of writing this report:

- Ramblers Association
- Northants and Beds Wildlife Trust
- NCC Rights of Way Team

31 letters of **objection** have been received and 51 letters of **support** have been received.

Conclusion

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

The key issues arising from the application details are:

- Principle of Development
- Impact of scale and design on character of surrounding open countryside
- Impact of Noise and Odour
- Highways Impact
- Impact on 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 is a Pet and Equine Crematorium located between the villages of Weston and Moreton Pinkney at the junction of Banbury Road and Weston Road. There is a public bridleway which runs along the front of the site. A large area of woodland is located to the east which is a designated local wildlife site. The surrounding countryside is fairly flat.
- 1.2. The application site has expanded over recent years to include pet cremations. A new incinerator has been installed which this application seeks to regularise. The site is bounded by palisade fencing. There is an earth bund along the south western boundary of the site with trees beyond, screening the site from the road.
- 1.3. The nearest building is over 500m away along Weston Road at Highlands Farm.

2. CONSTRAINTS

- 2.1. The application site is within open Countryside
- 2.2. Public Right of Way AV7 crosses the front of the site
- 2.3. The site is within 2km of Plumpton Pasture SSSI
- 2.4. The site is within 200m of Local Wildlife Site 'Grumblers Holt'
- 2.5. The site is Adjacent to Local Wildlife Site 'Banbury Lane'

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The proposal includes construction of a single storey extension to an existing building to provide welfare facilities and construction of a new building measuring 16.7m by 10.3m with a pitched roof to a height of 6.6m. The building would be constructed of tantalised castle boarding on concrete panels with a composite roof. The proposal also seeks to regularisation the existing incinerator, retention of existing perimeter fencing and extended hardstanding.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
S/2019/0754/FUL	Erection of single storey portal frame building as pet and equine crematorium	Refusal
S/2014/0823/FUL	Change of Use of land and building from agriculture to agriculture and animal incineration unit with associated works and infrastructure.	Approved

4.2. The planning history demonstrates that the principle of development for animal incineration on the site has been established with the 2014 approval.

5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Pre-App Ref.</u>	<u>Proposal</u>
P/2020/0013/PRM	Erection of a single storey portal frame building as a pet and equine crematorium.

5.2. The proposed building had been scaled down from the previous refusal and the scaled down building is now more akin to an agricultural building than an industrial unit. It will allow the main activities to be carried out under cover. The principle of animal incinerator business has been established with 2014 approval. A formal application should include a landscaping scheme along the north east and north western boundaries.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments was 4th November although comments received after this date and before finalising this report have also been taken into account.

6.2. 62 comments have been raised by third parties, 31 comments/letters of objection and 51 comments/letters of support. However, there are no immediate neighbours and many of the comments of support have been from further afield including local farmers, veterinary practices and also an employee.

6.3. The comments raised by third parties are summarised as follows:

Objections

- Unightly intrusion into open countryside, will increase the size of the building by 6/7 times, the existing building is already an eyesore, the expansion is inappropriate in its scale and impact, the building looks monstrous in this lovely rural location, will have a negative impact on Weston Lane,

- Contrary to NPPF and PPG 7 which seek to protect non-renewable and natural resources as will impact on the intrinsic character and beauty of the countryside,
- The ancient bridleway 'Old Drove Road' is a wildlife corridor, the first part of this corridor has been concreted over by the crematorium,
- Scale is overbearing, will impact on sense of place of people using this recreational space, existing building is already an eyesore, Looks like a huge industrial warehouse, this is the wrong location, only 1 mile from Morton Pinkney conservation area,
- Sensitive location along a Sustrans Cycle Route, *"a location of visual sensitivity for recreational receptors"*,
- Submission is inadequate, drawings partly unreadable, lack of clarity in terms of height, unclear why building needs to be that scale, building should be reduced by at least two thirds,
- Previous earth bunding and landscaping has failed, landscaping is vital and 5 year maintenance should be secured, existing vegetation should be retained,
- Whilst applicant states capacity will not increase, they currently don't work to full capacity, therefore there will be an increase in use, Plans indicate increase in numbers of public visiting and waiting, Suggestion of increase in employment suggests expansion,
- Business may be short term but will have a long term heritage impact,
- This is a beautiful picturesque area of countryside, views along Weston Road would be obscured will be a blot on the landscape, immediately adjacent to ancient bridleway enjoyed by walkers and ramblers, site of natural beauty, part of a network of footpaths which bring visitors to the village,
- Nearby woodland is of special wildlife interest, and protected landscape rich in flora and fauna, proposal will impact on wildlife
- The new bereavement area will lead to increased traffic with larger lorries, which will have difficulty passing, verges are unstable in winter, roads are dangerous as often used by cyclists, walkers and horse riders, Will the public arrive in cars, lorries or horse trailers?
- Currently no parking for public cars, proposed car park plan in full view of walkers etc. will completely change the rural character and environment to industrial feel, Commercialisation of site which no longer fits rural location,
- How many pets/animals will be cremated on a daily basis? How many cars are estimated?
- There is no refrigeration unit on the site, the smell of rotting flesh is strong, experience strong burning flesh smell at our dwelling,
- This is a narrow country lane, on a blind bend, which is already in bad condition and there are transport issues through Moreton Pinkney,

speeding cars, concerned about load bearing capacity which will degrade road surface, *“equine carcasses require large vehicles unsuitable for constrained access”*, will be used 24hours due to 24hr call out demands,

- Access is restricted to 2 country lanes with potholes and in need of repair both unfit for commercial vehicles, *“The life of villagers will be compromised by heavy vehicular traffic”*,
- Being on a bridleway will reduce public access, the access gate is often left open, the site is guarded by an aggressive dog, causing people to avoid walking past, previous incidents of a dog being attacked, Increased activity will mean increased and will reduce further access to bridleway.
- *“Proposal makes no reference to expansion of combustion capacity which must surely follow if the plant is to handle increased volumes required to provide a return on capital invested”*.
- Smell from incinerator often overpowering, walkers/riders shouldn't have to tolerate, find it difficult to breath when passing, fumes spreading over the open countryside, suggests poor maintenance, incinerator fronts the road and is not enclosed, smell will increase through increased use, Horses are terrified when passing the premises as can smell death.
- Have witnessed blood from lorries on the road, it is a public health and safety hazard,
- Question quality of drainage on the byway with discoloured pungent water sitting on the highway, if proposal goes ahead byway will become unusable for horses
- Have to close windows due to horrid smell when wind is blowing,
- A second larger incinerator has been installed without planning permission, the flues of both incinerators are above approved height, has been no comeback for existing breach of planning permission,
- *“2014 approval reported that the carcasses would be stored in freezers and incinerator burners ensured only a heat haze and no smell would be expelled from the chimney. In fact there is a pungent smell, uncertain if incinerator in use appeared on the original plans”*.
- The 2014 approval satisfied the needs for provide safe environment and protection of plant and workforce from the elements with the incinerator housed in the existing barn, the applicant without permission then installed a second industrial sized incinerator with a 38ft chimney, the applicants claims that the crematorium was established principally horses is inaccurate, it was for pets hence the smaller incinerator,
- Demand for equine cremation is already met in surrounding counties by businesses who collect the deceased. There is an existing pet crematorium at Eydon serving the local community
- Proposed building appears open sided which will not hide the smell or views of unpleasant procedures, can't remove an existing business, but shouldn't allow its expansion,
- Has previously been refused following lack of support from the parish,

- No evidence of investigation into potential environmental issues and contamination such as ground water, and air contamination. No environmental care in the past 6 years, so sceptic about tree planting,
- This type of use should be located in a more industrialised or remote area,
- The crematorium already causes distress in the village, concern about timing during lockdown is causing added stress on mental health,
- Will set a precedent for other industrial units to apply next to the site, must be other more appropriate vacant industrial sites better served by appropriate facilities,
- Objections received are from local people, whereas support is mainly from further afield,

Comments of support

- Necessary for rural life, many pets/horses homed within locality, business already exists and will continue to run, it is not on anyone's doorstep, Have used their services which are invaluable, would provide privacy and dignity for horses and their owners at a difficult time, Provides valuable service of removing animals from public places on behalf of the police. The absence of such a facility would be a serious public health issue,
- *"Provides an essential, professional and caring service to the equine community, The proposed building will protect equipment, improve privacy and working conditions for personnel, enhance the look of the site so helping it to blend into the landscape; traffic movements will be unchanged. The proposed building can only be an improvement to this small local business employing local people and as such should be supported"*.
- The barn would make the site more attractive, tidying up the façade, would look in place with the surrounding countryside. Will provide security, will reduce vermin, will be a positive allowing post mortems to take place under cover, aiding equine welfare, will protect expensive equipment allowing cost of services not to increase,
- They have existing vehicles equipped to transport horses, won't incur increased traffic that objectors are talking about,
- It's isolated and secluded from human habitation, doesn't cause distress, has no impact on landscape, looks like a modern barn with trees to screen it.
- As an employee this would greatly improve working conditions,
- Never heard complaints of smell, walk along the road regularly, it causes no offence, it is essential to have a covered work area,
- No other providers of this service, extra space vital for business, Many equine events couldn't take place without the service. Applicant is an expert in his field with high standards,
- There have been no complaints it feeds back into the local economy and is of considerable importance to horse-loving community, will allow the horses to be delivered out of sight with the vehicle entering the building, and will therefore benefit the public by hiding what they don't want to see,

- Our horses would have suffered greatly if had to wait for a vet, it provides a sensitive well respected professional service to the local community. Building is required for security and business growth, the business provides much needed employment to locals.
- Building will not be detrimental to the countryside, will improve visual impact as will cover the incinerator and working area, it is not expansion,
- Unlikely to increase traffic as not a business that general public drive to, Existing capacity of 50kg cannot be increased,
- Inaccurate objections put forward by people who don't understand farming and rural life, live a mile away and don't experience smells,
- End of life service/support is important. Better facilities will allow a more satisfactory, professional and sympathetic service that owners require,
- Building is practical and sympathetic with low elevation, more in-keeping excellent plans for tree/shrub planting which will increase privacy
- Applicant could plough up adjacent field and be entitled to erect a bigger barn, whereas proposal will allow it to remain as a nature reserve, Will reduce exposure to birds of prey,

6.4. 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 COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. MORETON PINKNEY PARISH COUNCIL: A virtual public meeting was held where the majority **objected** (2 councillors in favour and 4 against) on the following grounds; This is a major extension, some seven times bigger than the existing facility. It would in effect plant an industrial- scale building in the open countryside. A similar scheme was refused in 2019. Concerns raised regarding operational issues, current and perceived future expansion, additional traffic on the narrow single track access road and environmental concerns. Issues of unpleasant smells experienced by villagers and some Councillors. A more detailed Environmental Impact Assessment and a Design Access Statement is requested.

7.3. COUNCILLOR PETER DAVIES: a large majority of local residents remain opposed to this application, because of the damage to the open countryside and to the local environment that would be caused by this industrial scale development.

CONSULTEES

7.4. NCC HIGHWAYS: **no objections** as there will be no intensification of use or staffing levels. The applicant should however be mindful of the PROW in the vicinity of the site.

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

7.5. NCC RIGHTS OF WAY: No comments received at the time of writing this report

7.6. SNC ENVIRONMENTAL PROTECTION: This application seeks to regularise the use of low capacity equine and pet cremator. (SUREFIRE Manual Load SA50/3) The Furnace replaces an older style equine only furnace. The equine furnace has a secondary burn chamber which the pet cremator furnaces also feed into before being released to atmosphere which ensures all gases are heated to a minimum of 850°C for a minimum of 2 seconds. The unit is designed to burn animal remains.

After removing ash from the cool chamber each morning, the plant will be cycled through a Pre-heat period. During this period the afterburner operates, to elevate the secondary chamber to temperature in excess of 850°C. Once this has been achieved, after about 20 minutes, and recognised by the control system the plant automatically cycles into a Burn Period. Horse/pet carcasses are then introduced into the separate primary chambers via the interlocked main load door.

With the animal remains deposited on the flat hearth of the chamber, ignition will be provided by 5 diesel/kerosene fired burners positioned to ensure efficient coverage of the hearth. Combustion air will also be provided in the form of high pressure, high velocity air, to strategic areas of the fire bed and secondary chamber.

The products of combustion from the primary chamber will exhaust into the secondary chamber located directly above the primary chamber for treatment. Within the secondary chamber additional heat and air are added to promote combustion in the gaseous phase. These gases will reside within the chamber at a minimum temperature of 850°C thus ensuring complete combustion of the volatile and solid particulate. Treated gases will exit the secondary chamber, directly into the secondary chamber mounted exhaust chimney.

This process is carried out throughout the day, until the last charge has been introduced. Once introduced, the operator may select Cool Down cycle. This function automatically ensures completion of the incineration process and cycles the unit through a controlled cooling and shut down process to enable safe removal of the ash the following morning, prior to start up.

The whole system is controlled and policed by a central PLC based or relay logic control system, which controls loading, combustion air levels and fuel input to enable the burn to be as efficient as possible.

The approval of this application will enable the business to improve the ground facilities serving the site. The applicant provides the service of removing and disposing fallen livestock/horses and pets. Currently the handling of the dead animals is undertaken outside. The application seeks to improve the facilities and working environment on site rather than significantly intensify the existing use. The Environmental Protection team have not received any complaints regarding the site in terms of noise, odour or smoke but understands that the benefit of containing the work within the building proposed which will aid the applicant to minimise any fugitive emissions from odours, minimise the attraction to pests and will also help keep the site clean and tidy to minimise the impact to those using the bridle path adjacent to the site.

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

7.7. SNC LICENSING: **No objection** and no comment to make on this application.

- 7.8. ENVIRONMENT AGENCY: **No objection** No comments to make as not major development connecting to non-mains drainage.
- 7.9. SNC ECOLOGY: The ecology report follows the appropriate national and industry standards, it is appropriate and fit for purpose. The proposed new building will be integrated into the current building on site, the current building was assessed as part of the ecology survey and was considered to offer negligible suitability to support roosting bats, therefore in line with national guidelines no further surveys are required at this time and no mitigation is required in this respect.

The proposals are mainly within a currently developed site with little wildlife habitats present, the plans show that the surrounding hedgerows will be retained, therefore there will be minimal change in habitats and will therefore have no significant impact on wildlife present. Non-statutory designated site of Banbury Lane (S380) Local Wildlife Site (LWS) is located adjacent to the south eastern site boundary, the LWS should be protected during construction phase to prevent incursions and damage to the habitats. Section 5 of the ecology report details suitable measures to ensure the protection of the LWS including no construction vehicles including deliveries and/or machinery to operate on the LWS, no off loading or storing of materials on the LWS and use of designated access point for construction vehicles and machinery into the development site.

The proposals should not increase current lighting levels on site or the light spill into adjoining habitats for example the adjoining hedgerows and the Local Wildlife Site (LWS). This is to ensure that impacts on protected species e.g. Bats and other light sensitive species which may use the hedgerows and surrounding habitats for foraging and commuting corridors is minimised.

Section 5 of the ecology report details appropriate mitigation measures in regards to lighting specifications. If the recommendations detailed in the submitted ecology report are followed successfully then it is not thought that the development proposals will have a significant impact on protected species and habitats.

In line with NPPF to ensure biodiversity net gain it is detailed in the ecology report and on the submitted landscape plans that native tree and shrub planting will be carried out around the perimeters. I would recommend two changes to the species mix proposed on the landscape plan, removal of the two *Alnus glutinosa* (AG) as these are species more associated with wetland habitats and replace with additional Silver Birch or Field Maple and the removal of *Sambucus nigra* from the tree/shrub mix and replacing with Hazel .Planting stock should be UK grown and sourced seed from Forestry Commission Region of provenance and native seed zone 402.

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

- 7.10. NORTHANTS AND BEDS WILDLIFE TRUST: No comments received at the time of writing this report.
- 7.11. CRIME PREVENTION DESIGN ADVISOR: **No objection** would recommend that the building being used as bereavement area has security rated doors and windows to reduce opportunities for forced entry when the site is closed. Although reference is made to a 'security fence' a palisade fence is far from a secure and easily breached which requires the building shell to be secure.
- 7.12. RAMBLERS ASSOCIATION: No comments received at the time of writing this report.

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 Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, and the recently adopted South Northamptonshire Local Plan (Part 2). The relevant planning policies of South Northamptonshire's statutory Development Plan are set out below:

WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY 2014 (JCS 2014)

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- E1 Existing Employment Areas
- R2 Rural Economy

SOUTH NORTHAMPTONSHIRE PART 2 LOCAL PLAN (Part 2 LP)

- SS1 Settlement Hierarchy
- SS2 General Development and Design Principles
- EMP2 Existing Employment Sites

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- 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")
- Clean Air Act
- Equalities Act 2010 ("EA")
- SNC Corporate Priorities - to ensure the District is "Protected, Green & Clean", is a place which supports "Thriving Communities & Wellbeing", and is a District of "Opportunity & Growth".

9. APPRAISAL

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

- Principle of development
- Impact of Scale and Design on the character of the area
- Environmental Impact
- Residential amenity
- Highways Impact
- Ecology impact

Principle of Development

Policy Context

- 9.2. The adopted Local Plan Part 2 for South Northamptonshire 2020 and the West Northamptonshire Joint Core Strategy (JCS 2014).
- 9.3. Policy EMP2 of the Local Plan Part 2 which seeks to protect existing commercial sites. It states that “*employment generating development including intensification will normally be permitted within the existing curtilage or through appropriate extensions subject to compliance with other policies in the plan and other material considerations*”.
- 9.4. Policy R2 of the JCS follows the same advice supporting the expansion of existing rural businesses in their existing locations, where they are of an appropriate scale for their location and respect the local rural character of both the site and the surrounding area and environmental quality of the locality.
- 9.5. Paragraph 80 of the NPPF states that planning policies and decisions should help support existing businesses by helping to create the conditions that allow businesses to invest in expansion and adaptation. Paragraphs 82-83 recognises the need to support existing businesses within the rural economy especially those with specific locational requirements and allow them to grow and expand sustainably through the conversion of existing buildings and well-designed new buildings.

Assessment

- 9.6. The site is located within open countryside and is an existing equine cremation business where the use was approved with the 2014 approval. This is a unique use with specific locational requirements. The service offered is a 24 hour service collecting animal carcasses including on behalf of the police following road traffic accidents. The new building is proposed to provide a covered area, to provide a suitable environment for working personnel, and weather protection to the operational plant and provide safe working. The proposed single storey extension is to provide welfare facilities for the pet side of the business.
- 9.7. In terms of policy this is an existing rural business and due to the nature of the business, requires a rural location near to many of the farms and potential users of the facility and away from residential properties. The proposed development will allow for the existing use to continue and allow services for equine and local pet cremations. The proposed development is therefore considered to be in accordance with Policy EMP2 of the LPP2 and paragraph 82-83 of the NPPF.
- 9.8. Whilst the applicant has intensified the use since the original granting of consent in 2014 by carrying out pet cremations, the number of horse cremations has not increased. The applicant is now looking to provide welfare facilities to compliment the pet cremation service. A new incinerator plant was installed last year to replace the outdated incinerator. This new plant includes two additional pet chambers which feed into the main chamber and main chimney. This proposal seeks to regularise the new incinerator and improve working conditions by enclosing the machinery and plant and working areas and provide protection from the weather.

Conclusion

- 9.9. The proposal is consistent with advice in policy EMP2 of the Local Plan Part 2 and R2 of the Joint Core Strategy in that it will improve the facilities for an existing business and an established use. Whilst the curtilage of the site may have extended over the years, this proposal would constrain and restrict further

enlargement of the site by housing the existing working area and machinery within a secure contained site. The proposal is therefore acceptable in principle.

Impact of scale and design on character of surrounding open countryside

Policy Context

- 9.10. Policy SS2 of the Local Plan Part 2 sets out that the key development principles which development must comply with and will normally be permitted. Of particular relevance to this applications is b) design led approach to integrate with the surroundings; c) be accessible safe and inclusive and increase personal safety; d) incorporate suitable landscape treatment as an integral part of the development; f) not harm the amenities of adjoining neighbours and residents; g) have appropriate regard to its effect on air quality.

Assessment

- 9.11. The design of the proposed building has been amended since the previous refusal and reduced significantly. The amendments to the roof orientation reduce the overall massing and the proposal is now for two separate buildings, one being an extension to the existing building to provide the welfare facilities and the second being a reduced building to cover the main working area and machinery.
- 9.12. The building has been designed to appear as a modern agricultural building. In its reduced scale it is now more akin to an agricultural building than the previous industrial sized building.
- 9.13. The plans also incorporate planting and screening along the boundaries. A new Hawthorn hedge is proposed to the northern and western boundaries and additional planting to the existing hedgerow along the boundary with Banbury Road which already screens the site well.

Conclusion

- 9.14. In its revised form the proposal is consistent with policy advice given in policy SS2 of the Local Plan Part 2. With a condition attached to secure the proposed planting and boundary screening is maintained, the proposal is considered acceptable and would appear within its surroundings as an agricultural building. The existing unsightly activities and ancillary skips and machinery would be enclosed.

Environmental Impact

Policy context

- 9.15. Policy SS2 of the Local Plan Part 2(g) seeks to ensure that appropriate regard is had to a proposals effect on air quality.
- 9.16. 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

- 9.17. An incinerator was approved on the site in 2014. The capacity of this incinerator fell under the permitting regime. The owner has installed a new incinerator last year to replace the old one which was dated and no longer viable for the equine usage. Environmental Protection have been consulted. The new incinerator requires a permit and must comply with the Clean Air Act 1990.
- 9.18. A letter has been received from DEFRA confirming that the information they have received about the incinerator meets their approval for Controls on Low Capacity Animal Carcase Incineration Plants. Confirmation has also been received confirming that the incinerator and its capacity meets the Animal and Plant Health Agency approval.
- 9.19. The Environmental Protection Team have confirmed that no complaints about noise, odour or smoke have been received. They have also confirmed that the new incinerator complies with the Clean Air Act and that there would be environmental benefits to enclosing the machinery and working area by minimising emissions and odours.

Conclusion

- 9.20. The continued use of the site as an animal crematorium will not cause unacceptable harm in relation to odour and noise due to the distance separation between the site and unrelated buildings and is considered to be in accordance with Local Plan Part 2 Policy SS2(g) and paragraph 183 of the NPPF.

Residential amenity

- 9.21. Policy SS2(f) of the Local Plan Part 2 seeks to ensure that new proposals will not unacceptably harm the amenity of occupiers and users of nearby properties in relation to noise and odour.
- 9.22. Whilst there have been a high number of responses received there are no immediate neighbours. The nearest residential property is over 500m away. Most of the comments received are from people using the adjacent roads and public footpath networks. Under the present use there are odours emanating from the site. Objections have been received from local villagers on the grounds of odour and anticipated increase in odours, omission, intensity of use, unsightly activities. It is not anticipated that the number of animals incinerated at the site would be increased, therefore the degree of odour is unlikely to be intensified. SNC Environmental Health Officer was consulted and has confirmed that the new incinerator complies with the Clean Air Act and the proposed new building and improvements to the site will allow the business to continue whilst minimising odours and ensure the site is kept tidy. The Environmental Protection team have not received any complaints regarding the site in terms of noise, odour or smoke and have not objected to the proposed development.

Conclusion

- 9.23. The continued use of the site as an animal crematorium will not cause unacceptable harm in relation to odour and noise due to the distance separation between the site and unrelated buildings and is considered to be in accordance with Local Plan Part 2 policy SS2(f).

Highways Impact

- 9.24. Policy SS2(j) of the Local Plan Part 2 seeks to ensure that all new development includes a safe and suitable means of access for all.

9.25. The site is located at the junction of Banbury Road and Weston Road. There is an existing access to the existing use which would be used. All parking would be maintained within the site. The existing site is secured by high palisade fencing. NCC Highways have been consulted and consider that the anticipated vehicles entering the site on a daily basis would be acceptable and would not have an adverse impact on highways safety.

9.26. The proposed development served by an existing access which is consider suitable and is in accordance with Local Plan Part 2 Policy SS2(j).

Ecology Impact

Legislative context

9.27. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.

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

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

Policy Context

9.29. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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

- 9.31. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.32. Policy NE3 of the Part 2 LP seeks to conserve and wherever possible enhance green infrastructure . Policy NE4 seeks to protect and integrate existing trees and hedgerows wherever possible and requires new planting schemes to use native or similar species and varieties to maximise benefits to the local landscape and wildlife. Policy NE5 requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 9.33. Policy BN2 of the JCS 2014 states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

Assessment

- 9.34. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. , The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site does not contain buildings of traditional construction, it is close to a wildlife corridor which aligns the public bridleway which runs directly across the front of the site. There are mature trees and hedgerows adjacent to the site which need to be retained as they provide vital screening. They have the potential to be suitable habitat for a variety of species including EPS; such as bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.35. In order to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 the LPA must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.36. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

9.37. The application is supported by a detailed protected species survey which concluded that measures need to be taken to protect the adjacent Banbury Lane Wildlife Site in the form of recommendations to restrict construction traffic and machinery to within the site via the designated access point with no waiting of vehicles or unloading of materials outside the site on Banbury Lane.

Conclusion

9.38. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any EPS found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

HUMAN RIGHTS AND EQUALITIES

9.39. Due regard has been taken to South Northamptonshire Council's equality duty as contained within the Equalities Act 2010.

9.40. There may be implications under Article 8 and Article 1 of the First Protocol of the Human Rights Act 1998 regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

10. COMMUNITY INFRASTRUCTURE LEVY

10.1 The CIL is a set charge that must be paid if planning permission is granted for a new house (or houses) or for a home extension or retail development of over 100 sqm. The CIL helps to fund a range of infrastructure that is needed as a result of new development (e.g. road schemes, schools and community facilities). Reliefs and exemptions are available.

10.2 This development, if approved, would not be liable to pay the CIL because no retail or residential floorspace is being created.

10.3 For further information relating to CIL please visit:
<http://www.southnorthants.gov.uk/7143.htm>).

11. PLANNING BALANCE AND CONCLUSION

11.1. The proposed development complies with the relevant Development Plan policies and guidance listed at section 8 of this report. The proposed development would bring environmental improvements by housing unsightly activities and machinery and would improve the visual amenity of the area. The new incinerator would improve emissions. The development would create one new job. 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)

CONDITIONS

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. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing No's 5441.20 B Block Plan; 5441.21 A Proposed Plans; 5441.22 A Proposed Elevations; received 13th October 2020; Incinerator Details received 6th October 2020 and GMP 02 Landscaping Proposals received 16th November.

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.

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

Roof Materials

3. Samples of the materials to be used in the covering of the roof of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

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 SS2 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

Elevation Materials

4. Samples of the external elevation materials including colour finish to be used in the construction of the walls of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

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 SS2 of the South Northamptonshire Local Plan and Government guidance contained within the National Planning Policy Framework.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

Landscape Scheme Implementation

5. All planting, seeding or turfing comprised in the approved details being Landscaping Proposals Drawing No. GMP 02 shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

Ecology Impact

6. The development hereby permitted shall be carried out in accordance with the recommendations set out in the recommendations of the Ecological Impact Statement Bishopstone Moreton Pinkney by Griffin Ecology Ltd received 7th May 2020 unless otherwise agreed in writing by the Local Planning Authority.

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

Contaminated Land

7. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy SS2 of the South Northamptonshire Local Plan.