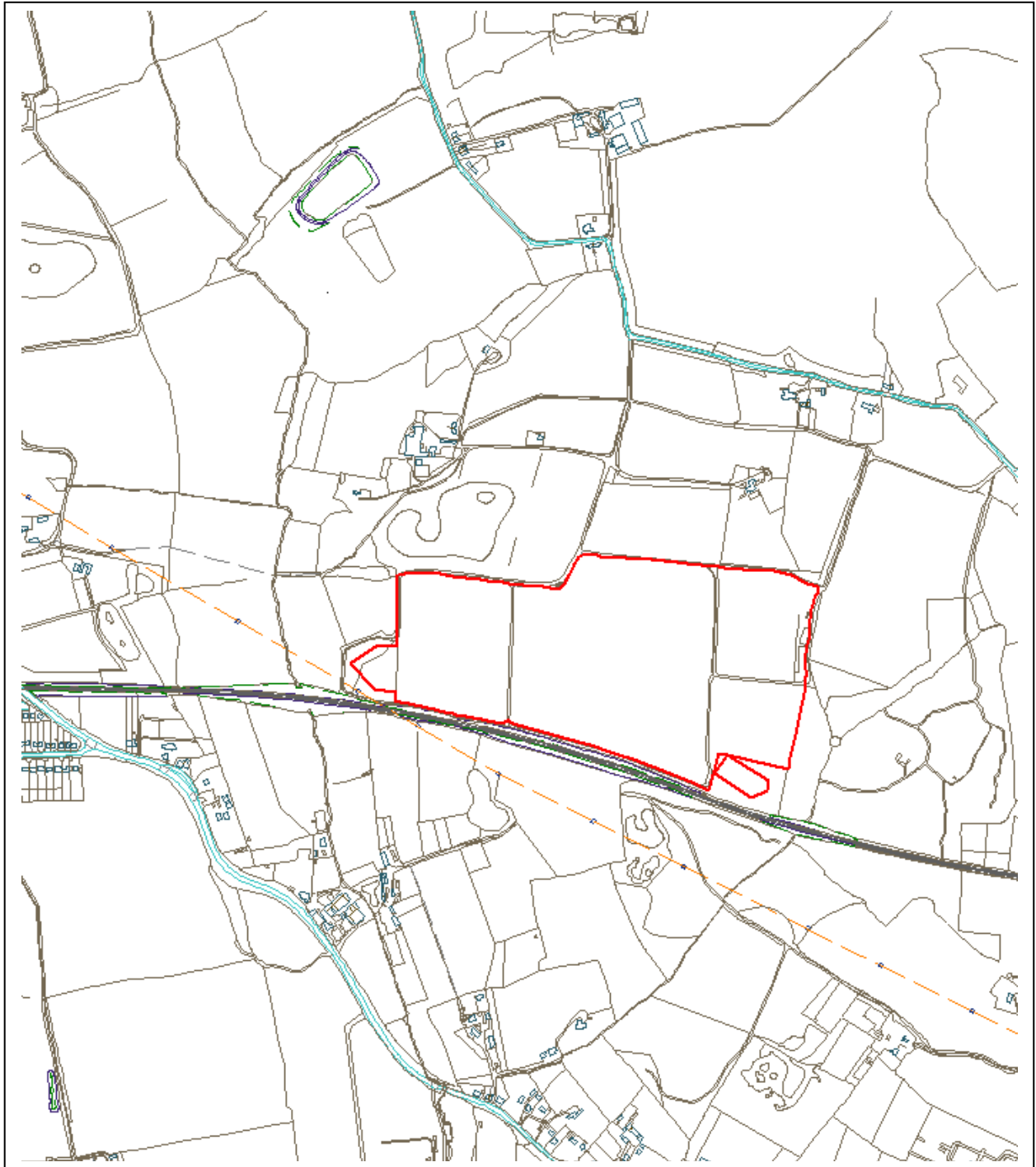


PLANNING COMMITTEE

3 JANUARY 2013

REPORT OF THE HEAD OF PLANNING

A.4 PLANNING APPLICATION - 12/00490/FUL - HOCKLEY FARM, CHURCH ROAD, FRATING, CO7 7HG



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Application:	12/00490/FUL	Town / Parish: Frating Parish Council
Applicant:	Anglia Salads Ltd	
Address:	Hockley Farm, Church Road, Frating, CO7 7HG	
Development:	Erection of polytunnels and construction of one agricultural reservoir (original submission was for the erection of polytunnels and two agricultural reservoirs).	

1. Executive Summary

- 1.1 This planning application was deferred from the meeting of the Planning Committee on 2 October 2012 for comments from the Environment Agency and Network Rail to be obtained and assessed in relation to the revised proposal (being the deletion of one agricultural reservoir from the proposal).
- 1.2 This application has been referred to the Planning Committee at the request of Councillor Nicholls on the basis that the proposal will have an adverse impact on the countryside.
- 1.3 The application site is part of an extensive farm operation based at Hockley Farm and Whitehouse Farm in Frating and Thorrington respectively. The area as shown on the application site extends to a total of 26.8 hectares. The land is otherwise open in a relatively isolated rural location. The fields are bordered on all sides by hedgerows and native field trees. The surrounding land is similarly used for agricultural purposes. A small scattering of residential properties are located in proximity of the application site.
- 1.4 The application site is located outside of any defined settlement boundary where development is usually restricted to that mainly associated with agriculture. Guidance set out in the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, and is committed to ensuring that the planning system does everything it can to support sustainable economic growth, and to promote a strong rural economy through supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. As a result, the proposed development sits comfortably with the overarching sentiments of the NPPF.
- 1.5 In rural locations, the visual impact on the landscape character of the countryside and biodiversity is an important consideration, but Local Plan policies recognise that agriculture is a vital part of the local economy with development that secures the continued viability of local farm holdings being supported in principle, and that planning permission for agricultural development may be permitted if the development is reasonably necessary for the purposes of agriculture within that unit, with any impact on landscape character or nature conservation interests considered, in addition to detailed matters of size, siting and design (including use of materials).
- 1.6 In addition, the Local Plan recognises that the Tendring Peninsula historically suffers from a low annual rainfall which can pose long-term problems in terms of water supply. Furthermore, irrigation requirements have, to a large extent, been met by groundwater abstraction. To help protect limited groundwater supplies for future needs, the Council will generally support the development of reservoirs in rural areas to serve the needs of agriculture, subject to there being no material adverse environmental impacts judged in relation to policy RA8, and those being, landscape characteristics; biodiversity; historic

environment; public rights of way; important nature conservation sites; floodplain and associated flood storage; and public safety.

1.7 It is acknowledged that the proposed polytunnels cover an extensive area and will clearly be seen within the landscape, however overall, the proposal would accord with the broad thrust of development plan policies, particularly when considered against Policies EN1, EN16 and RA8. Officers consider that the proposed development will not have a significant adverse impact on the landscape characteristics of the locality or residential amenity and a biodiversity compensation/mitigation plan secured by condition will soften the development and provide enhancement to the landscape and the local wildlife environment. Furthermore, the proposed development is not considered to have an adverse impact on the local highway network or public right of way. The scheme will also create employment opportunities and support the rural economy in accordance with the Council's corporate objectives.

1.8 It is therefore recommended that planning permission is granted subject to conditions.

Recommendation: Approve

Conditions:

1. Time Limit for commencement – three years
2. Development in accordance with the plans
3. Biodiversity compensation/mitigation scheme
4. Landscape scheme
5. No excavated materials to be exported from site
6. Details of warning signage adj to public right of way
7. Removal of polytunnels once useful economic life finished
8. No external lighting without permission
9. As required by key recommendations of habitat survey
10. Details of drainage to ensure any reservoir overflow and storm/surface water does not flow towards the railway

Reason for Granting Planning Permission:

The proposal for the erection of polytunnels and construction of one agricultural reservoir is considered to be in accordance with the provisions of Policies EN1, EN16 and RA8 of the Tendring District Local Plan 2007 and other development plan policies listed. In particular, the scale of the proposal would not have a significant adverse impact on the landscape characteristics of the locality or residential amenity and a biodiversity compensation/mitigation plan secured by condition will soften the development and provide enhancement to the landscape and the local wildlife environment. Furthermore, the proposed development is not considered to have an adverse impact on the local highway network or public right of way.

Informatives:

1. Highway Informative regarding public's right and ease of passage over the public footpath is maintained free and unobstructed at all times.

2. Planning Policy

National Policy:

National Planning Policy Framework

Regional Planning Policy:

East of England Plan 2009

- ENV3 Biodiversity and Earth Heritage
- ENV4 Agriculture, Land and Soils
- ENV7 Quality in the Built Environment

Local Plan Policy:

Tendring District Local Plan 2007

- QL7 Rural Regeneration
- QL9 Design of New Development
- QL10 Designing New Development to Meet Functional Needs
- QL11 Environmental Impacts and Compatibility of Uses
- EN1 Landscape Character
- EN6 Biodiversity
- EN16 Agricultural and Related Development
- TR1A Development Affecting Highways
- RA8 Agricultural Reservoirs

Tendring District Local Plan Proposed Submission Draft (Nov 2012)

- PRO15 The Rural Economy
- SD9 Design of New Development
- PLA5 The Countryside Landscape
- PLA4 Nature Conservation and Geo-Diversity
- COU6 Agricultural Buildings and Structures

3. Relevant Planning History

- 10/00330/FUL Continued stationing of 6 no. mobile homes (to provide accommodation for agricultural workers between April and October (inclusive) each year, as originally approved under planning permission 06/01738/FUL). Approved on 17 June 2010.

4. Consultations (on original proposal, being polytunnels and two reservoirs)

- 4.1 Frating Parish Council neither supports nor objects to this application, but raises the following points for consideration:

- The size and scale of Phase 1 is 'industrial agricultural farming' with details of the proposals in Phase 2 unknown.
- Polytunnels are not permanent build structures.
- The proposal is for permanent structures.
- Proposal is a material change and dramatic loss of the landscape characteristics to what is at present attractive open farm land.
- Loss of natural environment to users of the footpaths.
- Increase in productivity will have impact on vehicle movements on and off the farm and on Church Road.
- Night time vehicle movements of HGVs of particular concern to local residents.
- If permission given, new hedgerows and trees should be planted to act as a visual screen.
- New hedgerows and trees can create and support new habitats for wildlife.

4.2 Thorrington Parish Council – Objects for the following reasons:

- Impact on the footpath.
- Height of the structures will exceed the existing hedgerow.
- Permanent nature of the structure which seem not to be polytunnels.
- Lack of landscaping to mitigate the visual impact.
- Lack of detailed water extraction assessment.
- Overall size and extent of the structures.

Natural England:

- 4.3 Given the nature and scale of the proposal, they raise no objection to the proposal being carried out.
- 4.4 Natural England (Re-consultation following submission of phase 1 habitat survey) – Advises that a further survey is required in accordance with the Great Crested Newt mitigation guidelines and additional information is required from the applicant. If it is not provided, then the application should be refused.

Essex Wildlife Trust:

- 4.5 No objection providing the proposed mitigation plan is adhered to.

The Ramblers Association:

- 4.6 Object on the grounds that there is no mention of the footpath, or a map showing how this will be affected by the proposed development.

Essex Bridleways Association:

- 4.7 Objects on the grounds that the proposal would dramatically change the visual effect of the countryside and cause a detrimental effect on the environment. The development would interfere with the established rights of way.

Network Rail:

- 4.8 The application will see the erection of over 24 ha of poly tunnels adjacent to the Colchester to Clacton/Walton on the Naze railway line and the creation of a reservoir to the West of the poly tunnels to store excess water run off. Recently, adverse flooding in the north of England has seen significant disruption to the railway therefore where excess water can be

managed it is imperative that the railway is fully protected in order to continue its safe operation. Therefore the following condition in relation to the protection of the railway should be attached to the decision notice.

Protection of the railway

The reservoir overflow must be constructed in a manner in which overflow does not flow towards the railway. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied entirely at the applicants' expense.

Environment Agency:

- 4.9 From the Flood Risk Assessment provided, the scheme aims to capture rainwater that falls on the polytunnels and transfer this to the reservoir through a guttering system. With the removal of one of the reservoirs there will be a reduction in overall reservoir capacity for the rainwater. It is important that the remaining reservoir is of a sufficient volume to contain the anticipated rainwater from the guttering system. It may be appropriate for a mechanism to be designed into the guttering system to stop rainwater flowing into the reservoir should the reservoir be close to capacity. If the applicant decides not to include such a mechanism then it should be ensured that if the reservoir did fill that any overflow does not result in flooding off-site (i.e. off the applicant's land) including the road to the south of the reservoir (*although this is a railway line not a road*). If the land contours allow any overflow water to pool on the applicant's land then this would be acceptable given the agricultural use.

ECC Highways Dept:

- 4.10 No objection subject to conditions.

Regeneration:

- 4.11 Fully supports proposal as it seeks to diversify an existing operation to produce a specialist crop for which there is significant demand within the UK.

National Farmers Union:

- 4.12 Supports for the following reasons:
- Proposal is essential for applicant to grow and flourish.
 - Will not have an adverse impact on local residents.
 - Will create ten additional new jobs.
 - Visual impact addressed by new hedgerow planting.

Campaign to Protect Rural England:

- 4.13 Objects for following reasons:

- The use of the word polytunnels is disingenuous, the polytunnels to be used are neither lightweight nor temporary.
- The proposal is on an industrial scale.
- Concern over impact on landscape characteristics and bio-diversity.
- Impact on public right of way.
- Cost of removing the structures and restoring the land would be prohibitive.
- The proposal would blight the very pleasant rural location.

Consultations (on amended proposal, being polytunnels and one reservoir)

4.14 Frating Parish Council has no objections to this reservoir detailed in the amended plans subject to the risk assessment by Network Rail.

4.15 Thorrington Parish Council has no objection to the application.

Natural England:

4.16 Advises that advice provided in previous response applies equally to this amendment, in that a further survey is required in accordance with the Great Crested Newt mitigation guidelines and additional information is required from the applicant. If it is not provided, then the application should be refused. The proposed amendments to the original application relate to a change in description and unlikely to have significantly different impacts on the natural environment than the original proposal.

Natural England:

Further consultation response received on 14 December 2012 following submission of additional information by applicant. After assessing the great crested newt survey and the mitigation strategy, NE advises the authority to accept the findings and consider promoting biodiversity enhancements for great created newts.

Essex Wildlife Trust:

4.17 No further comments received.

The Ramblers Association:

4.18 No further comments received.

Essex Bridleways Association:

4.19 No further comments received.

Network Rail:

4.20 The reservoir overflow must be constructed in a manner in which overflow does not flow towards the railway. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation

of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied entirely at the applicants' expense.

Environment Agency:

- 4.21 The topographical survey information provides details of the contours of the land and specifies the flow path direction of any water on site to the reservoir on the Western side of the site. Drawing Number 12712 Revision C provides information on the reservoir design and also the spillway and overflow mechanisms that have been designed if the reservoir was to fill to a certain level. The spillway area is shown as the land directly to the North-West of the reservoir.

The capacity of the proposed reservoir is 5,000 cubic metres and from the plans provided appears to be an above ground storage reservoir. The proposed reservoir falls outside of The Reservoirs Act 1975 which applies to reservoirs that hold at least 25,000 cubic metres of water above natural ground level.

Based upon the information provided to date we have no objections to the planning application.

ECC Highways Dept:

- 4.22 No objection subject to conditions.

Regeneration:

- 4.23 No further comments received.

National Farmers Union:

- 4.24 No further comments received.

Campaign to Protect Rural England

- 4.25 No further comments received.

5. Representations

- 5.1 A total of 8 representations of objection have been received (including 5 from a planning agent representing 2 objectors). The salient points are as summarised below:

- Use of the word polytunnel is misleading. This is a permanent industrial development.
- Increase in large vehicular activity along Church Road.
- Visual and environmental impact on surrounding area.
- Impact on homeowners – outlook and devalue properties.
- Noise impact on residents, wildlife and walkers.
- Overdevelopment and out of proportion to the area.
- Existing screening insufficient.
- Adverse impact on local wildlife.
- Size of polytunnels excessive for lambs lettuce.
- Adverse impact on public right of way.
- Contrary to Local Plan policies and NPPF.
- Submitted location plan misleading and not clear.
- No ecology or protected species assessment submitted.

- No landscape mitigation or impact assessment submitted.
- No Statement of Community Involvement submitted.
- Lack of details as to why development is required.
- DAS does not justify the size and scale of development.
- Further development area of some 16 hectares - no indication why not included in current application – not possible to assess final scale of the development.
- No information on lighting submitted.
- Proposal would create significant disturbance through noise – wind and rain on polytunnels.
- Reservoir specification states surplus materials from extraction may be moved off site.
- Impact on water extraction has not been identified.
- Traffic impacts are not clearly explained.
- Economic arguments not clear.
- Proposal not essential for agriculture.
- If scheme fails, development left in place to go to ruin and harm the character of the area.

5.2 3 letters of support have been received from residents. Their comments are summarised below:

- Lead to more local employment.
- Farmer kept in business.
- Help to diversify into new products.
- Significant financial commitment to this area.

5.3 24 letters of support have been received from local and regional businesses, which support the proposal as it provides economic benefits to local businesses and the wider region.

5.4 Councillor Nicholls (Ward member for Thorrington, Frating, Elmstead and Great Bentley) – Objects for the following reasons:

- Polytunnels are moveable and temporary structures this application proposes permanent structures.
- If the project fails the site will be left to go to ruin visual eyesore.
- No agreement with regards to water usage and who should be agreeing it – Environment Agency or Anglian Water.
- Adverse visual impact on the countryside.
- Structures would affect the climate as the prevailing wind comes from the south-west and would have a dramatic effect on Hockley Wood.
- Ground water run off would contain various chemicals that would in time infiltrate into the stream and pond at Hockley Wood.
- The Tendring Moth Group should be consulted as the proposal is close to Hockley Wood.
- Where will workers come from, will they live on site, if so where, what condition etc.

6. **Assessment**

6.1 The main planning considerations are:

- Context and Background;
- Proposal;
- Policy Context;
- Need for the Development;

- Scale and Nature of Proposal;
- Impact on Biodiversity;
- Impact upon Amenity;
- Impact on Highways; and,
- Other Issues.

Context and Background

- 6.2 The application site is part of an extensive farm operation based at Hockley Farm and Whitehouse Farm in Frating and Thorrington respectively. This scheme involves 5 fields located to the south of the main farm operation located at Hockley Farm and extends up to the railway line. The area as shown on the application site extends to a total of 26.8 hectares. The land is generally level although there is a fall towards the west and again towards the railway line to the southeast corner. The western corner of the site comprises a series of pits formerly used for gravel extraction purposes and now largely overgrown with self-seeded trees and brambles. The land is otherwise open in a relatively isolated rural location. The fields are bordered on all sides by hedgerows and native field trees. The surrounding land is similarly used for agricultural purposes.
- 6.3 A public footpath runs alongside part of the northern edge of the field boundary and between the fields which intersects the site in a north/south direction.
- 6.4 The application site, by its nature, is located outside of any defined settlement boundary. To the west of the application site lays Hockley Farm Woods which is designated as a Local Wildlife Site, whilst Hockley Wood lies to the east of the application site which is also a Local Wildlife Site, but also designated as a County Wildlife Site and Ancient Woodland. A small scattering of residential properties are located in proximity of the application site.
- 6.5 Access to the site is from Church Road, an unclassified but publicly adopted highway.

Proposal

- 6.6 The proposal involves the erection of conjoined or multi-span tunnels over a 26.8 hectare site involving 5 fields, which have a varying length increasing from 140 metres on the smallest fields up to 360 metres on the largest field. Each row measures 9.6 metres wide with an eaves height of 4.5 metres and a maximum height of 6.4 metres. The framework would be metal and clad in polythene.
- 6.7 The applicant's agent has stated the height of the proposal in this case is a direct result of the experience with the polytunnels at Whitehouse Farm (approved under 11/01306/FUL). The nature of the tractor machinery including fitments will only just fit into the smaller tunnels at Whitehouse Farm. In addition, the higher tunnels would enable improved humidity while increased temperatures can be achieved.
- 6.8 One agricultural reservoir is also proposed. Reservoir 1 is proposed in the southwest corner of the site in an area formerly used for limited sand and gravel extraction. This reservoir is proposed to hold 5,000m³ of water.
- 6.9 A second reservoir (Reservoir 2), was initially proposed with a total capacity of 3,000m³, and to be located within a natural drop in the land towards the southeast corner of the site. Following concerns over Great Crested Newt habitat this part of the proposal has been deleted from the application.
- 6.10 The proposed development will provide additional employment with at least 6 full time, 3 part time and 5 seasonal staff, in addition the scheme will secure the existing operations at

Anglia Salads Ltd with the retention of the current 20 full time and 50 seasonal staff currently employed.

- 6.11 As the application site exceeds 1 hectare, a Flood Risk Assessment has been submitted with the application which covers surface water drainage.

Policy Context

- 6.11 The application site is located outside of any defined settlement boundary where development is usually restricted to that mainly associated with agriculture. Clearly this form of development meets this association. Guidance set out in the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, and is committed to ensuring that the planning system does everything it can to support sustainable economic growth, and to promote a strong rural economy through supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. As a result, the proposed development sits comfortably with the overarching sentiments of the NPPF.
- 6.12 The main Local Plan policy to assess this application against is considered to be EN16 'Agricultural and Related Development'. This policy recognises that agriculture is a vital part of the local economy with development that secures the continued viability of local farm holdings being supported in principle. The policy considers that proposal for agricultural buildings must be reasonably necessary for the purposes of agriculture within that unit with any impact on landscape character or nature conservation interests considered in addition to detailed matters of size, siting and design (including use of materials). These matters will be considered below.
- 6.13 In addition, the Local Plan recognises that the Tendring Peninsula historically suffers from a low annual rainfall which can pose long-term problems in terms of water supply. Furthermore, irrigation requirements have, to a large extent, been met by groundwater abstraction. To help protect limited groundwater supplies for future needs, the Council will generally support the development of reservoirs in rural areas to serve the needs of agriculture, subject to there being no material adverse environmental impacts judged in relation to policy RA8, and those being, landscape characteristics; biodiversity; historic environment; public rights of way; important nature conservation sites; floodplain and associated flood storage; and public safety.

Need for the Development

- 6.14 The application has been submitted by Anglia Salads Ltd as part of a long standing farming business that has operated within the area since 1929. The farming enterprise is based at two neighbouring farms, Whitehouse Farm in Thorrington and Hockley Farm in Frating. Anglia Salads Ltd is specifically devoted to the growing and marketing of speciality lettuce, endives and chicory for major processors and leading supermarkets. Anglia Salads now cultivates approx. 160 hectares, including 26.3 hectares at Whitehouse Farm and 117.3 hectares at Hockley Farm, and rented land in Great Bentley and elsewhere in Frating and Thorrington.
- 6.15 It is acknowledged that planning permission was granted last year for Anglia Salads Ltd to erect multi-span polytunnels extending to 1.8 hectares at Whitehouse Farm for the production of Lambs lettuce (11/01306/FUL). This form of lettuce is consumed mainly as a mix in salad bags. The present consumption in this country is estimated to be 7,800 tonnes per annum, 99% of which is imported from Europe. The applicant states that many growers have tried to cultivate this product in this country with only limited success. Currently there is only one grower producing a small quantity in Yorkshire, however due to the climate in

Tendring and following successful trials over the past three years, it has been shown that Lambs lettuce can be grown in this area.

- 6.16 As part of a joint venture with one of the applicant's major customers, the proposal is being developed following success of this venture and the applicant now needs to extend their operation with the erection of a further 40 hectares of polytunnels over the next two years. This current application is for the first phase of this venture and a further application for Phase B is intended to be undertaken next year with the submission of a further application.
- 6.17 It is considered that the proposed polytunnels are justified for the purposes of agriculture being carried out on the holding.
- 6.18 With regards to the proposed reservoir, it is acknowledged that with the need for extensive irrigation and having regard to the water supply difficulties within the region, a ready water supply is required. This scheme aims to capture the rainwater that falls on the extensive area of polytunnels and through a bespoke guttering system, the rain water will be transferred to the reservoir to be constructed specifically for this purpose.
- 6.19 It is considered that the proposed reservoir is justified for the purposes of agriculture being carried out on the holding.

Scale and Nature of Proposal

- 6.20 The Tendring District Landscape Character Assessment places the application site in area 7A Bromley Heaths, with key characteristics being exposed and windswept plateau corresponding to the highest part of the district. The plateau landscape can visually be sensitive as a result of its open and rural character and long views.
- 6.21 It is acknowledged that the proposed polytunnels cover an extensive area; covering 5 fields over 26.8 hectares, and measuring a maximum of 360 metres in length, 9.6 metres in width, and 6.4 metres in height. However, the proposal is for agricultural development in an agricultural setting. The land is not subject to any special designation, is relatively level and well contained, especially from views from the public highway, being Church Road.
- 6.22 The proposal will be seen from the public rights of way which surround the site. However, a minimum 16 metre clearance will be retained between polytunnels along the route of the footpath, and new hedgerows are proposed between the polytunnels and the footpaths.
- 6.23 As a result, it is considered the proposed polytunnels will not have a significant adverse visual impact on the landscape character of the area, and the submitted indicative hedgerow planting scheme will help soften the development and provide enhancement to the landscape character.
- 6.24 Equally, it is considered the proposed reservoir will not have an adverse visual impact on the landscape character of the area. The impact of the reservoir will be scarcely apparent in the wider landscape.

Impact on Biodiversity

- 6.25 Following comments raised by the Essex Wildlife Trust and Natural England, an ecologist has been commissioned by the applicant to address their concerns. The concerns were initially regarding a population of hazel dormice, a UK and Essex BAP species, and the lack of any enhancement to the biodiversity of the site in accordance with paragraph 118 of the NPPF.

- 6.26 An extended phase 1 habitat survey has also been prepared and submitted as part of the application, which found suitable nesting and foraging habitat for birds; an area of grassland likely to support low numbers of reptiles; and the southeast corner of the site likely to support low to moderate quality great crested newt habitat.
- 6.27 Following discussions between the ecologist and EWT, EWT have withdrawn their objection and confirm that dormice survey's are not required, given that the applicant is aware of the presence of dormice and the proposed development will not involve the destruction of any hedgerows or woodland.
- 6.28 Furthermore, the ecologist has provided additional information regarding the planting of new hedgerows (approx 1,600 metres in total length), wildflowers and wildlife ponds. EWT are happy with the proposed compensation/mitigation plans to enhance the habitat for dormice through the planting of additional species-rich hedgerows and the further enhancements for the benefit of wildlife involving the construction of ponds and the planting of a species-rich wildflower grassland around the irrigation reservoirs.
- 6.29 However, following the submission of a phase 1 habitat survey, Natural England has advised that a further survey is required in accordance with the Great Crested Newt mitigation guidelines and additional information is required from the applicant, as a detailed newt survey had not been carried out at the right time of year. If it is not provided, then the application should be refused.
- 6.30 Following additional information having been submitted by the applicant's ecologist on 28 November 2012, Natural England has been re-consulted. After re-assessing the additional information submitted, NE advises the authority to accept the findings and consider promoting biodiversity enhancements for great crested newts. The proposal includes the provision of two new newt ponds along side the proposed reservoir. Given that the key recommendations of the phase 1 habitat survey are carried out, it is concluded that the proposed development will not have an adverse impact on the nature conservation interests of the area.

Impact upon Amenity

- 6.31 There is a small scattering of residential properties in the locality of the application site. However, it is considered that the proposed development would not have an adverse impact on the amenities of neighbouring residential dwellings. It is acknowledged that the proposed polytunnels cover a large area, and concerns have been raised by local residents to the proposed development, however local residents do not have the right to a view, and the affect of the proposal on house values is not a material planning consideration. The proposed polytunnels, being a height of 6.4 metres, is not excessive in height in terms of agricultural buildings, and as addressed above, the polytunnels are considered to be acceptable in terms of its impact on the wider countryside setting.
- 6.32 A comment has been made with regards to significant disturbance to neighbouring residential amenity through the creation of noise by wind and rain on the polytunnels. The nearest residential property from the polytunnels is approx. 140 metres away. As a result, the creation of any noise by wind and rain on the polytunnels is not considered to result in any significant material harm to neighbouring residential amenities to justify refusing planning permission.

Impact on Highways

- 6.33 Concern has been raised with regards to impact on the local highway network through increased large vehicular movements along Church Road.

- 6.34 The applicant has stated that it is unlikely that any more than 1 additional vehicle will access the site per day as a result of the enhanced cultivation process, and that the land is currently available for cultivation and generates a number of vehicle movements in any event.
- 6.35 In addition, the proposed creation of the reservoir will not involve any excavated material being exported from the site.
- 6.36 The Highway Authority has been consulted, and raises no objection, subject to a condition requiring that no materials are excavated from the proposed reservoir being permitted to be exported from the development site.
- 6.37 Furthermore, as previously stated above, a minimum 16 metre clearance will be retained between polytunnels along the route of the footpath, and new hedgerows are proposed between the polytunnels and the footpaths. The Highway Authority do not oppose the application providing the public's right and ease of passage over the public footpath is maintained free and unobstructed at all times across the entire historic width. The protection of public rights of way falls outside of planning legislation, but an informative can be added to any planning permission making the applicant aware of his responsibilities, and a planning condition requiring details of warning signage adjacent to and along the public right of way to inform users of the development and the use of heavy earthmoving plant and machinery during the construction phase.
- 6.38 As a result, it is considered the proposed development will not have an adverse impact on the local highway network or public right of way.

Other Issues

- 6.39 Concern has been raised with regards to the description of the development, being the erection of polytunnels, and that this is misleading, as polytunnels generally mean a temporary structure held down with metal stakes, but this proposal is for multi-span greenhouses and are secured with permanent footings of a minimum 90 litres of concrete per post.
- 6.40 It is noted that the application form describes the proposed development as polytunnels, whilst the building specification document submitted with the application refers to multi-span greenhouse.
- 6.41 In answer to this, the definition of a polytunnel is not outlined in planning legislation, but generally it means 'a large plastic structure shaped like the top half of a tube that is used for growing plants that need protection from the weather'. The proposal would therefore appear to generally accord with this definition. In any event, it is noted that due to their size and permanency, in planning law they would be classed as 'buildings' and planning permission would be required for their erection.
- 6.42 With regards to this particular proposal, what is important is that the details submitted with the application are correct, for example details of their proposed location and permanency, and elevational details which show clearly their proposed height, length and width, which enables interested parties to be clear about what is being proposed.
- 6.43 These details would in turn inform the decision making process, i.e. allows members of the public and consultees to provide informed comments about what is being proposed, and allow the Local Planning Authority to have a clear understanding of the application, so an assessment on the impact of the development on the character and appearance of the countryside, for example, can be undertaken. As a result, it has not been necessary to amend the description of the development proposed.

- 6.44 Concern has been raised with regards to the size of the proposed polytunnels and the potential impact on the countryside should the farming enterprise fail and the polytunnels left to ruin. The polyethylene covering of the polytunnels is coextruded in three layers, for long life. Given the location of the site, next to public footpaths, this concern is understandable. Given the impact, such a scenario could have on the wider landscape, it is considered acceptable and meets the tests under Circular 10/95 'Use of conditions' to attach a condition requiring the removal of the polytunnels once their useful economic life has finished.
- 6.45 With regards to water abstraction, the applicant's agent has confirmed that there is no requirement for a water abstraction license to be obtained from the Environment Agency in this case.
- 6.46 Furthermore, the Environment Agency has commented on additional information which has been submitted following the previous deferral, which sets out the design of the reservoir and the drainage strategy, together with a topographical survey submitted by the applicant as additional information, which details the contours of the land and specifies the flow path direction of any water on site to the reservoir being proposed. They conclude that based on this information they have no objections to the planning application.
- 6.47 In addition, comments have been received from Network Rail, who request a condition to ensure any reservoir overflow and storm/surface water does not flow towards the railway. With regards to this point, it is understood that most of the land belonging to Network Rail is either in a cutting or draining to the south away from the application site. Only a small length of the line (which has an embankment in the south east corner of the site), has any drainage to the north. This amounts to no more than 0.1 of a hectare and drains straight into a small ditch and through a culvert under the railway line. As a result, it is considered that the proposal would not have an adverse impact on the adjacent railway line or railway safety, subject to the imposition of appropriate conditions, as requested by Network Rail.

Background Papers

None.