

9 DCCW2008/0302/F - RETENTION OF POLYTUNNELS AT BROOK FARM, MARDEN, HEREFORD, HEREFORDSHIRE, HR1 3ET

For: S & A Davies per White Young Green, Ropemaker Court, 12 Lower Park Row, Bristol, BS1 5BN

Date Received: 6 February 2008

Ward: Sutton Walls Grid Ref: 52227, 48722

Expiry Date: 7 May 2008

Local Member: Councillor KS Guthrie

1. Site Description and Proposal

- 1.1 Brook Farm is located on the east side of the C1120 road some 200 metres to the north of the village of Marden.
- 1.2 The proposal is to retain an area of polytunnels covering approximately 7 hectares located to the north of Brook Farm. This field has recently been used to grow raspberries under polythene.
- 1.3 The land rises gently from south up to north and the mature boundary hedges have been maintained at a height of approximately 4 metres.
- 1.4 No public rights of way cross the site.

2. Policies

2.1 National Guidance:

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|-------|---|--|
| PPS7 | - | Sustainable Development in Rural Areas |
| PPS25 | - | Development and Flood Risk |

2.2 Herefordshire Unitary Development Plan 2007:

- | | | |
|-------------|---|--|
| Policy S1 | - | Sustainable Development |
| Policy S4 | - | Employment |
| Policy S7 | - | Natural and Historic Heritage |
| Policy DR2 | - | Land Use and Activity |
| Policy DR3 | - | Movement |
| Policy DR4 | - | Environment |
| Policy DR6 | - | Water Resources |
| Policy DR7 | - | Flood Risk |
| Policy DR11 | - | Soil Quality |
| Policy DR13 | - | Noise |
| Policy E6 | - | Expansion of Existing Businesses |
| Policy E8 | - | Design Standards for Employment Sites |
| Policy E10 | - | Employment Proposals Within or Adjacent to Main Villages |
| Policy E13 | - | Agricultural and Forestry Development |
| Policy T6 | - | Walking |

Policy LA2	-	Landscape Character and Areas Least Resilient to Change
Policy LA3	-	Setting of Settlements
Policy LA5	-	Protection of Trees, Woodlands and Hedgerows
Policy LA6	-	Landscape Schemes
Policy NC1	-	Biodiversity and Development
Policy NC5	-	European and Nationally Protected Species
Policy NC6	-	Biodiversity Action Plan Priority Habitats and Species
Policy NC7	-	Compensation for Loss of Biodiversity
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy NC9	-	Management of Features of the Landscape Important for Fauna and Flora
Policy HBA4	-	Setting of Listed Buildings

2.3 Supplementary Planning Document:

Polytunnels (Draft)

3. Planning History

- 3.1 CW2002/1208/F Use of winter storage reservoir for fishing. Approved 4 September 2003.
- 3.2 CW2004/0804/F Proposed erection of permanent polytunnels. Withdrawn 18 January 2005.
- 3.3 DCCW2005/0698/F Siting of polytunnels in connection with raised strawberry production. Withdrawn 18 August 2005.
- 3.4 DCCW2007/2689/F Retention of polytunnels. Refused 21 November 2007.

Adjoining Site to South

- 3.5 DCCW2006/2534/F Retention of polytunnels in connection with raised bed strawberry production. Refused 24 October 2006. Appeal dismissed 3 April 2008.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: No objection on the basis that the development is carried out in accordance with the Drainage Appraisal dated January 2008 including the amendment thereto dated 26 March 2008 and condition to control surface water run-off.

Internal Council Advice

- 4.2 Traffic Manager: Awaited.
- 4.3 Head of Environmental Health & Trading Standards: Awaited.
- 4.4 Public Rights of Way Manager: No objection.

- 4.5 Conservation Manager (Ecology): I have visited the site and received the accompanying ecological report "Extended Phase 1 Habitat Survey Assessment" by White Young Green (June 07). I am satisfied with the assessment of the habitats on the site and the potential impact of the poly tunnels upon them. I have also seen the EA response that has no objection to approval of this application subject to the inclusion of planning conditions to ensure sustainable disposal of surface water run-off.

In 2005, a small population of great crested newts was recorded in ditches and ponds on the farm. I appreciate that the "raised-bed" growing regime could also have positive benefits for great crested newts. Any management of the ditch that runs along the southern boundary of the site should be avoided, but if essential, should be done under the supervision of a licensed ecologist and at an appropriate time of year. A buffer strip should be retained along this ditch.

I support the recommendation of the landscape officer with regard to the planting of a new hedgerow sub-dividing the field along what was previously a field boundary. This also complies with UDP policy NC8 regarding creation and enhancement of biodiversity features and habitat networks.

- 4.6 Conservation Manager (Landscape): Brook Farm is located on the north-western edge of Marden. This area is described as Principal Settled Farmlands in the Landscape Character Assessment. The application site comprises a field that slopes down from north to south, to a small watercourse that runs along its southern edge. The field is bounded to the north by the minor road to The Vault and to the west by the Bodenham - Marden minor road. There are tall hedgerows along both of these roadside boundaries. There is a small area of woodland to the east of the field. Footpath MR21 is to the east of this area of woodland, running from the minor road to The Vault, southwards to Marden and Burmarsh.

My comments remain the same as those made in relation to this site, in my memo dated 31st October 2007, which related to the previous application, DCCW2007/2689/F. With regard to the Landscape Assessment (August 2007) by the Cooper Partnership, I consider that their identification of representative views towards this field is comprehensive and that their assessment of the visibility of the site from the identified viewpoints is accurate. It does not appear that there are views of polytunnels on this field from private properties in the vicinity of the site.

Turning to the impact on the surrounding landscape character, I am in agreement with the principal findings of the Landscape Assessment. Where there are long distance views, such as from Dinmore Hill, the polytunnels on this north-west field do not have significantly more impact than the existing polytunnels in the central part of the landholding at Brook Farm. With regard to short-distance views, from the adjacent minor roads, views are restricted by the field hedgerows, which have now grown tall enough to screen the polytunnels. There are only glimpsed views of the polytunnels through gateways. Views from the public right of way MR21 are screened by the area of woodland with only a glimpsed view through a gateway at the northern end of the footpath.

With regard to the landscape enhancement and mitigation proposals: retention and management of existing trees and hedgerows, creation of an enhanced landscape corridor along public right of way MR20 and managing existing hedgerows to grow to 4 metres high, these are appropriate to the landscape type Principal Settled Farmlands and would help to reduce the adverse impact of the polytunnels. One further measure

that would be very beneficial, in terms of breaking down the scale of the polytunnels, would be to plant a new hedgerow running north-south, to sub-divide the application site into two fields. The Tithe Map for Marden (1844) shows that there was formerly a dividing hedgerow that has been lost at some time in the past, due to the intensification of agriculture. Re-establishing this hedgerow would ensure that the following aspiration set out in the Landscape Assessment is met: 'the suggested overall strategy is therefore to conserve and enhance the unity of the small to medium-scale hedged fields'.

I conclude that the retention of polytunnels on this site would be acceptable, providing that the landscape enhancement and mitigation is undertaken. As noted above, it would also be preferable if additional landscape enhancement works are undertaken - re-establishing the dividing hedgerow, in order to strengthen the character of Principal Settled Farmlands.

5. Representations

5.1 Marden Parish Council: At a recent meeting, Marden Parish Council resolved to make the following comments on this application.

1. It is assumed that the application is for permanent retention of polytunnels.
2. The Parish Council has no difficulties with the application given it is relatively remote from the village and sheltered from view, but the Parish Council would like to see a time limit placed on any permission. Concerns have been expressed by nearby residents about the visual impact of the polytunnels, the possibility of mud on the roads and the impact of permanent polytunnels on house prices. If approval is given, the Parish Council would like to see a condition allowing access by farm and personnel vehicles only from within the farm and not from public roads.
3. Given that a previous application for the site was refused by the Central Area Planning Sub Committee, the Parish Council would like to see this application referred to the Committee.

5.2 Sixteen letters have been received, the main points are:-

1. Marden is totally unsuitable for the industrial complex that S & A Produce have created.
2. Road surfaces and drainage have been badly affected by the constant impact of heavy traffic.
3. Fields covered with plastic causes village roads to be flooded during period of heavy rain.
4. Drainage becomes blocked and the River Lugg polluted.
5. Workers toilets and weighing machines are placed on the land.
6. No further expansion of S & A Produce should be allowed.

7. Water extraction from the River Lugg, a Site of Special Scientific Interest, much been impacted upon by the enormous amount of water that it takes to irrigate the produce.
 8. Appears to be much less wildlife, particularly insects and birds.
 9. Damage to the high grade soil.
 10. Whilst farms are encouraged to diversify, it should not be to the detriment of the whole local community.
 11. The applications should be considered in their totality and not separate.
 12. Local Government are telling people not to pave over front gardens and waste water yet S & A can cover areas of fields in plastic with the resultant excessive run-off of water.
 13. This proposal formed part of a large planning application last year which was refused and therefore this planning application should be refused on the same grounds.
 14. The supporting information does not justify why planning permission should be granted. The comparison that because polytunnels were there previously (albeit without planning permission) this is the baseline to assess the proposal is ludicrous. The approach needs to be that of open farmland to polytunnel coverage.
 15. This field is still visible from the viewpoint on Dinmore Hill and if other polytunnels are removed it will become more dominant.
 16. The polytunnels detract from the beauty of the countryside which the Council's policies seek to protect.
 17. Despite the planning application stating no water is required, this need through assessment from the Environment Agency.
 18. The retention of polytunnels will require labour, the accommodation for which has been refused.
 19. The water run-off management is considered inadequate given recent weather.
 20. Marden was a peaceful village with a pleasant rural outlook with a number of local farms. However this is now considered secondary.
 21. The planning process of dealing with just one field fails to take an integrated approach of what is being achieved or damaged.
 22. There is no request for a limited number of years and therefore as a permanent proposal it should be refused on this basis alone.
- 5.3 One letter of support has been received from the owner of the Marden Mini Supermarket stating that he runs the international shop in the village. Many of the

workers for S & A Davies use the premises which was previously empty and unused for some considerable time.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This proposal has been submitted following investigation by the Council's Enforcement Team and the refusal of planning permission which included this site and an additional seven hectares last year. The planning application was refused for the following reason:

The retention of the polytunnels is considered unacceptable due to their detrimental visual impact on the landscape quality of the area and when taken cumulatively with the existing polytunnels at Brook Farm, the setting of the village of Marden. Accordingly the development is contrary to Policies S2, S7, DR1, DR2, DR4, E6, E10, E13, LA2 and LA3 of the Herefordshire Unitary Development Plan 2007 and the guiding principles of PPS7 - Sustainable Development in Rural Areas.

- 6.2 The previous application was for two distinctly different sites and the most contentious and visible site near Nine Wells and the village does not form part of the revised planning application. In addition Members will be aware of the recent appeal decision for tabletop strawberry growing which was dismissed. The Secretary of State and Inspector's comments have informed the appraisal of this planning application together with the observations submitted on this planning application. Accordingly the planning application has been assessed under the following issues.

1. Principle of Development
2. Visual Impact
3. Traffic Impact
4. Drainage and Flooding
5. Ecology
6. Footpaths and Amenity
7. Cumulative Impact

Principle of Development

- 6.3 The polytunnels are being used to cultivate raspberries in seven litre grow bags. PPS7 recognises the important and varied roles of agriculture, including the maintenance and management of the countryside. It also acknowledges that policies should support development that enables farming and farms to:-
1. Become more competitive and sustainable.
 2. Adapt to new and changing markets.
 3. Comply with changing legislation and associated guidance.
 4. Diversity into agriculture applications.
 5. Broaden their operations to 'add value' to their primary product.
- 6.4 This proposal seeks to deliver these policies through the expansion of the business into different crops to meet the market demand and improve the quality and quantity of

fruit delivered through this form of operation. The crop has previously been experimental but due to its success a permanent provision is required.

- 6.5 In the recently dismissed appeal the Secretary of State concurred with the Inspector's comments that operations at Brook farm are a very substantial part of the local agricultural economy and that the proposed concentrated form of agricultural activity is not out of place.

Visual Impact

- 6.6 The Council's Landscape Officer has fully assessed the proposal and the comments are included within the report. No significant concerns are raised partly due to no footpaths crossing the field. Furthermore the landscape assessment submitted with the planning application is considered to be sufficiently robust and represents a comprehensive visual assessment.
- 6.7 In addition the enhancement and mitigation proposed which incorporates an enhanced landscape corridor to the east alongside the Public Right of Way MR20 are appropriate for this type of landscape and reduce the adverse impact of the polytunnels.

Traffic Impact

- 6.8 The Traffic Manager's comments are still awaited, however on the previous application no objections were received and subject to all HGV movements passing through the main Brook Farm access. The agent has confirmed that all access to these fields will be by means of internal farm tracks.

Drainage and Flooding

- 6.9 The drainage and flooding aspects of this proposal have been fully assessed by the Environment Agency and Members will note that they raise no objections to the method of irrigation and the drainage regime employed subject to a suitable condition concerning control of surface water run-off.
- 6.10 The concerns of local residents are noted, however this particular site is well constrained by the existing topography.

Ecology

- 6.11 A habitat survey has been submitted with the planning application which has been assessed by the Council's Ecologist. The conclusion identifies that no mitigation or further survey work is required and there is no objection to the proposal in ecological terms.

Footpaths and Amenity

- 6.12 There are no Public Rights of Way (PROW) that cross the site, however Public Footpath MR21 runs along the eastern boundary of the site.
- 6.13 Members will note that the PROW Manager raises no objection and in addition additional landscape is proposed to mitigate the impact of the Polytunnels. Considerable weight was given to the views from PROW by the Secretary of State and

Inspector into the dismissed appeal, however given the limited impact and proposed mitigation the proposal is considered acceptable.

- 6.14 There are no dwellings nearby that would be impacted by the activities associated with soft fruit growing similar to other sites in Marden and which have been raised by local residents.

Cumulative Impact

- 6.15 At the present time no Polytunnels around Marden have the benefit of planning permission. Discussions are ongoing regarding a 'whole farm' planning application and action being taken for removal of polytunnels. However this site is well contained within the landscape and has no detrimental impact on residential amenity. The agent has also confirmed that this field will form a significant part of the whole farm proposal. In addition it complies with the criteria used by the Secretary of State and Inspector into the recent dismissed appeal.

Conclusion

- 6.16 The landscape and drainage aspects of this proposal have been fully assessed and subject to conditions found to be acceptable. Landscape mitigation will limit impact on the PROW and there is no impact on residential amenity. There are no ecological issues. The proposal is therefore compliant with the Herefordshire Unitary Development Plan and sustain a thriving agricultural activity without detriment to local residents. This conclusion is reached on the basis of the application site and not the other polytunnels sited around Marden.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. The polythene shall be removed by 31st October each year and not replaced until or after 1st March in the following year.**

Reason: In order to protect the visual amenity of the area.

- 2. G04 (Protection of trees/hedgerows that are to be retained).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

- 3. G05 (Pre-development tree work).**

Reason: To safeguard the amenity of the area and to ensure that the development conforms with Policies DR1 and LA5 of Herefordshire Unitary Development Plan.

- 4. G11 (Landscaping scheme – implementation).**

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

5. All access to and from the field subject of this permission shall be by means of internal roads at Brook Farm, Marden and not direct from the public highway.

Reason: In the interests of highway safety.

6. All surface water shall be limited to the relevant Greenfield run-off rate, with attenuation for the 1% plus climate change storm event, in accordance with the Drainage Strategy dated January 2008 and revised drainage appraisal dated March 2008, unless agreed in writing by the local planning authority.

Reason: To prevent flood risk and ensure sustainable disposal of surface water run-off.

7. In the event of the polytunnels hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnels which includes the supporting structure shall be removed from the application site within a period of 12 months.

Reason: To ensure that the buildings/structures that are redundant for agricultural purposes do not remain in the landscape unnecessarily.

8. The recommendations set out in the ecologist's report dated June 2007 should be followed unless otherwise agreed in writing with the Local Planning Authority.

A habitat management strategy for hedgerows, trees and ditches shall be submitted to the local planning authority, and implemented and maintained thereafter as approved.

A monitoring and management strategy for the protection of great crested newts and their habitat shall be submitted to the local planning authority, and implemented as approved.

Reason: To conserve and enhance biodiversity and BAP habitats, and to maintain the foraging area for protected species in compliance with UDP Policies NC6, NC7, NC8 & NC9 and PPS9.

To comply with UDP policy NC5 and Circular 06/2005 (paragraph 98) with regard to development proposals that may have an adverse effect upon species protected by Schedules 1,5 or 8 of the Wildlife and Countryside Act (1981) and the Conservation (Natural Habitats &c) Regulations (as amended) 1994, which includes great crested newts.

9. The polytunnels shall be laid out in accordance with Plan no. 94.448.C20-1A and shall not be re-configured without the written consent of the local planning authority.

Reason: In order to clarify the terms of this planning permission.

Informatives:

1. N19 - Avoidance of doubt - Approved Plans.

2. N15 - Reason(s) for the Grant of PP/LBC/CAC.

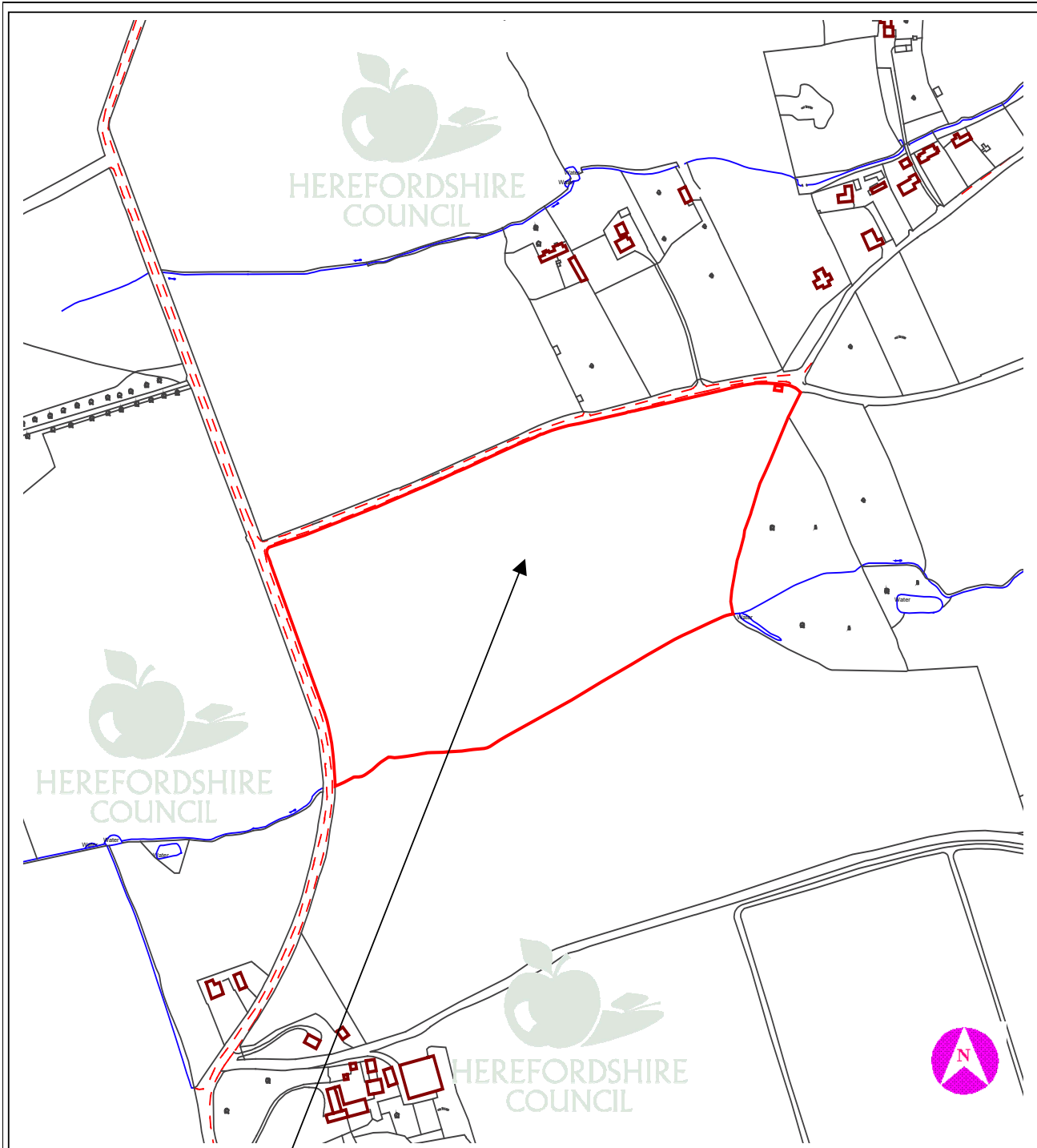
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2008/0302/F

SCALE : 1 : 4500

SITE ADDRESS : Brook Farm, Marden, Hereford, Herefordshire, HR1 3ET

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