

MEETING:	PLANNING COMMITTEE
DATE:	12 JANUARY 2011
TITLE OF REPORT:	<p>DMN/102045/F - CONTINUE TO ERECT, TAKE DOWN AND RE ERECT POLYTUNNELS ROTATED AROUND FIELDS AS REQUIRED (RETROSPECTIVE) AT LAND AT OAKCHURCH FARM, CHURCH ROAD, STAUNTON ON WYE, HEREFORDSHIRE, HR4 7NE</p> <p>For: Mr Price per Mr Antony Aspbury, Unit 20 Park Lane Business Centre, Park Lane, Basford, Nottingham, NG6 0DW</p>

Date Received: 9 August 2010

Ward: Castle

Grid Ref: 337345,244877

Expiry Date: 19 January 2011

Local Member: Councillor JW Hope

1. Introduction

- 1.1 This application forms one of four applications (by the applicants) to 'continue to erect, take down re-erect polytunnels on a rotational basis around fields as required (retrospective)'.
- 1.2 The Council operated a voluntary code of practice for soft fruit producers between 2003 and 2006, under which growers, including the applicants, agreed to submit annual checklists and plans indicating the areas where polytunnels would be used.
- 1.3 As a result of a High Court appeal (Hall Hunter Partnership versus first Secretary of State and Waverley Borough Council and Tuesday Farm Campaign/Residents Group (Queen Bench Division, Administrative Court, Sullivan J, 15 December 2006) (2006), EWHC 3482 (Admin), the voluntary code of practice was discontinued and the Council has encouraged growers to regularise their polytunnel developments by means of formal planning applications.
- 1.4 In the case of this proposal and the other three applications within close vicinity of the site subject to this application, the proposed development has been subject to extensive pre-application negotiations between the applicants, their representatives and officers of the Council. Consequently, the applicants submitted to the Council a request for a Screening Opinion under Environmental Impact Assessment (EIA) (England and Wales), Regulations 1999 to which the Council in its EIA Screening Opinion, dated 18 January 2010, confirmed that in its opinion the proposed development required an Environmental Statement to accompany it for formal planning consideration.
- 1.5 The applicants appealed this decision under Regulation 5 (6) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1994 (S. I. 1999/293 to the Secretary of State, Government Office for the West Midlands), who in their

Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

decision dated 10 June 2010 concluded that the proposed development was not 'EIA development' within the meanings of the 1999 Regulations.

- 1.6 The four applications made by the applicants for the continuation of polytunnel development equate to a land area of some 210 hectares, of which the applicants have indicated that up to 80 hectares will be under 'polytunnel development' at any one time (the applicants also grow fruit which does not require polytunnel development in the form of gooseberries). It was the cumulative impact on the surrounding landscape and drainage issues of this development that formed the main basis for the Council's decision that the proposal needed to be subject to EIA.

2. Site Description and Proposal

- 2.1 The land area subject to this application is for 23 hectares and the site area is located to the north of the A438 Hereford – Brecon/Kington public highway within close proximity to the village of Staunton-on-Wye where the applicants main farm holding is situated (Oakchurch Farm) and, therefore, it is this application site that forms the hub for the other three sites as all fruit is transported back on a daily basis to Oakchurch Farm and prepared for despatch mainly to Man of Ross Ltd which is situated near to Ross-on-Wye. Most of the seasonal fruit pickers employed by the applicants reside during the fruit picking season in caravans situated on a site adjacent to Oakchurch Farm and these do have the benefit of planning permission.
- 2.2 The land proposed for polytunnel development is mainly situated to the east of the main core of Staunton-on-Wye on land that surrounds the main farm holding known as Oakchurch Farm.
- 2.3 Within this area is the Grade I listed church of St Mary. The proposed polytunnel area being mainly to the west and north east of the church (the land to the west being separated from the church by an unclassified public highway that connects the A438 to Staunton-on-Wye village, as well as various dwellings outside of the control of the applicants, and land within their control (land not proposed for polytunnel development). To the north of the application site there is a scheduled ancient monument in the form of a 'moated' site.
- 2.4 The topography of the land is basically such that it rises slightly from the A438 (to the south), in a northerly direction and the fields subject to the polytunnel development are mainly surrounded by natural hedgerows, many of which have been allowed to grow taller (than the average) in order to provide some screening to the relevant field use.
- 2.5 The applicant proposes raspberry and strawberry production on this site on a 'seasonal rotational basis' where the fruit is grown directly in the ground over a cycle of years (depending on the fruit grown – raspberries having a longer life cycle than strawberries) in a 'spanish type' polytunnel which has a height of between 2.0 and 2.7 metres. Spanish tunnels consist of a tubular steel galvanised framework make-up of 'Y' shaped legs of 1.5 to 2.0 metres length, with fluted ends which are wound by machine into the ground to a depth of 0.5 to 0.75 metres, semi-circular hoops slot over the legs and these form blocks of tunnels several bays wide, situated in multiple parallel rows.
- 2.6 The clear polythene coverings are placed over the metal frames for the duration of the growing season of the specific crop under cover, usually during the period April to November. Once the particular crop harvesting season is over, the polythene coverings are removed and if the particular crop is to remain in situ for the following season 'Y' posts and hoops are left in place over the winter period in readiness for covering under polythene for the following 'fruit season'.
- 2.7 Information submitted in support of the application indicates the polythene has an average life of 3 years at the end of which it is baled and sent to a recycling plant (Landscape and Visual Impact Assessment, page 17, paragraph 4.8).

- 2.8 The application is accompanied by a Design and Access Statement, separate appraisals for Ecology and Nature Conservation, Landscape and Visual Impact Assessment, Archaeological Assessment, Transport Statement, Irrigation Water Usage Evaluation, Drainage Appraisal, Agricultural and Financial Appraisal, Statement of Community Involvement, set of suggested 10-year rotation plans, site area plans and polytunnel sectional plan. The applicants also submitted additional archaeological information in the form of an addendum, in relationship to impacts of the proposed development on the conservation area within close proximity to the application site, and a scheduled ancient monument located to the north of the application site.
- 2.9 In compliance with the provisions of the Conservation of Habitats and Species Regulations 2010, Habitats Regulations Assessment, a screening report has been completed for the application site. Natural England were consulted on the screening report and have confirmed that they are in agreement with the findings of 'no likely significant effect' upon the River Wye SAC.

3. Policies

3.1 Central Government Advice of Relevance

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 4 – Planning for Sustainable Economic Growth

Planning Policy Statement 5 – Planning for the Historic Environment

Planning Policy Statement 7 – Sustainable Development in Rural Areas

Planning Policy Statement 9 – Biodiversity and Geological Conservation

Planning Policy Guidance 13 – Transport

Planning Policy Statement 25 – Development and Flood Risk

3.2 Regional Planning Guidance

The Regional Spatial Strategy for the West Midlands

3.3 Herefordshire Unitary Development Plan Policies

S1	-	Sustainable Development
S2	-	Development Requirements
S4	-	Employment
S6	-	Transport
S7	-	Natural and Historic Heritage
DR1	-	Design
DR2	-	Land Use and Activity
DR3	-	Movement
DR4	-	Environment
DR6	-	Water Resources
DR7	-	Flood Risk
DR13	-	Noise
E11	-	Employment in the Smaller Settlements and Open Countryside
E12	-	Diversification
E13	-	Agricultural and Forestry Development
T6	-	Walking
LA2	-	Landscape Character and Areas Least Resilient to Change

LA3	-	Setting of Settlements
LA4	-	Protection of Historic Parks and Gardens
LA5	-	Protection of Trees, Woodlands and Hedgerows
LA6	-	Landscaping Schemes
NC1	-	Biodiversity and Development
NC2	-	Sites of International Importance
NC3	-	Sites of National Importance
NC4	-	Sites of Local Importance
NC5	-	European and Nationally Protected Species
NC6	-	Biodiversity Action Plan Priority Habitats and Species
NC7	-	Compensation for Loss of Biodiversity
NC8	-	Habitat Creation, Restoration and Enhancement
NC9	-	Management of Features of the Landscape Important for Fauna and Flora
HBA4	-	Setting of Listed Buildings
ARCH1	-	Archaeological Assessments and Field Evaluations
ARCH3	-	Scheduled Ancient Monuments

3.4 Herefordshire Supplementary Planning Guidance/Documents

SPG	-	Landscape Character Assessment (up-dated 2009)
SPD	-	Biodiversity (Interim 2005)
SPD	-	Polytunnels 2008

4. **Planning History**

- 4.1 None identified. However, the other three applications currently under planning consideration have some relevance. These namely are:
- 4.2 N/102046/F – Land at Hinton and Norton Farms, Norton Canon.
- 4.3 N/102047/F – Land at Bishopstone Court Farm, Bishopstone and Bridge Sollars.
- 4.4 N/102048/F – Land at Brobury Farm, Brobury with Monington.

5. **Consultation Summary**

- 5.1 Environment Agency raise no objections. However they state due to the scale and cumulative size of the proposed development that they consider there is potential for significant impact on the surface water drainage regime in the area. Comment is made that the development is considered appropriate for Flood Zone 1, (EA flood zone low probability based on EA indicative flood zone maps). The findings of the applicants flood risk assessment are considered acceptable in that polytunnel drainage is an agricultural drainage issue and not an urban drainage issue and that the proposed 'leg row' drainage method will control surface water run-off and mitigate soil erosion. However they consider it essential that leg row channels/swales are constructed in accordance with the dimension set out in the flood risk assessment and recommend a condition with regards to the scheme for the provision and implementation of a surface water regulations system, as described in the flood risk assessment submitted in support of the application being attached to any approval notice issued.
- 5.2 English Heritage recommends that any potential detrimental effect of the proposed development be mitigated by removal of areas of land considered likely to have an impact on Scheduled Ancient Monuments, setting of Listed Buildings (St Mary's church) and Conservation Areas.

- 5.3 Natural England recommends conditions or planning obligations to be used to mitigate the harmful aspects of the development.

Internal Council Advice

- 5.4 The Archaeological Adviser recommends that no polytunnels be permitted within at least 100 metres of the Staunton-on-Wye moated site. (A Scheduled Ancient Monument).
- 5.5 The Environmental Health Manager recommends a note be attached to any approval notice issued reminding the applicants with regards to a number of areas of 'unknown litter ground' which could be associated with potentially contaminative materials and seeking specialist advice should any be encountered.
- 5.6 The Transportation Manager raises no objections. In a further memo received on 26 November 2010 in response to further negotiations between the applicant and Case Officer, in response to concerns about the impact on 'Field Cottage' adjacent to the western fringe of the application site and improved access and parking on site from the adjacent A438, the Transportation Manager recommends conditions with regards to visibility be attached to any approval notice.
- 5.7 Public Rights of Way Manager recommends a corridor of at least 5 metres is allowed adjacent to the footpath which runs west to east across the application site and that the legal line of the footpath must not be obstructed at any time.
- 5.8 The Conservation Manager states in consideration of Staunton-on-Wye Church:

The essence of the present setting is that the churchyard is elevated and open on three sides with low buildings of traditional type on the west boundary only. In addition, the land rises to the north, which will give additional prominence to any structures there. The nature of polytunnels is that they are very eye catching, and their presence so close to the church would, in my opinion, detract from the openness and visual quality of the setting of the church and churchyard. The rise in the ground to the north, which peaks there, suggests that it might be possible for tunnels to be sited further to the north and not be seen from the churchyard. This could be established by observation of a vertical staff on site.

- 5.9 Land Drainage Manager has responded to the application with no comments provided the works detailed in the drainage appraisal are carried out.
- 5.10 The Landscape Manager has responded to the application concluding:

The landscape at Oakchurch can assimilate the proposed polytunnels at this site without overwhelming or destroying the inherent character and view. The relevant landscape policies and SPD recommendations have been fully considered in the application. There is no objection on landscape matters, providing that a condition with regards a detailed landscaping scheme is attached to any approval notice issued.

- 5.11 The Planning Ecologist has responded stating she welcomes proposals for hedgerow enhancement and management, however further details are required regarding these proposals and that the proposals and their implementation can be secured through appropriately worded conditions to any approval notice. Concerns are raised about water usage on site stating there is potential for 113% increase water usage on site, and that this could have a potential for problems upon flows of the River Wye. Comment is made that the use of leg row swales as a method of surface water drainage is welcome, provided that they are to the satisfaction of the EA, and a recommendation is made that a condition with regards to surface water drainage be attached to any approval notice issued.

- 5.12 The Economic Development Manager supports the proposed development stating that soft fruit production in Herefordshire helps maintain employment levels and spend in the rural economy.
- 5.13 The County Land Agent considers the proposal reasonable, considering the business is financially viable and acknowledged that the polytunnels are necessary for the financial security of the business.
- 5.14 The Forward Planning Manager has responded stating that the policy position is as set out in the Supplementary Planning Document: 'Polytunnels' and that the application must be assessed in consideration of the economic benefits and landscape impact.
- 5.15 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

6. Representations

- 6.1 Staunton-on-Wye Parish Council supports the application subject to the applicant adhering to all relevant legislation.
- 6.2 Campaign for the Protection of Rural England state that between 50 and 60 per cent of the land identified in the application is either in or on the edge of the village, thus creating an intrusive element into the landscape setting of the settlement in which there is an important conservation area. Concerns are also raised about the impact on the parish church of St Mary and surrounding public highway network in consideration of the fact that this application site forms the hub of the business for the other three sites also under planning consideration.
- 6.3 The National Farmers Union (Herefordshire) recommends approval stating *the practice of using Spanish polytunnels is a well recognised and accepted method of ensuring the quality and standard of the produce that is produced for the eventual consumption of the British public. The use of these polytunnels in the current market conditions is vital for the continued economic viability of British agriculture as a whole, and as such the farming community in Herefordshire.*
- 6.4 Several letters of support have been received from businesses who have a connection to the development subject to this application. Also six letters of support from residents within Herefordshire have been received. The letters mainly indicate the importance of the fruit business to the economic prosperity of Herefordshire, a number of the letters from businesses indicating their business connection and the importance of 'Oakchurch Fruit Farm' to their future prosperity.
- 6.5 One letter of objection has been received. However, this letter was subsequently withdrawn, as a result of further negotiation between the applicant and objector (in this instance the Case Officer considered the objection received to be very relevant in consideration of relevant planning policies) to the application and was also involved in the further discussions.
- 6.6 The full text of these letters can be inspected at Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Committee meeting.

7. Officer's Appraisal

- 7.1 When considering applications for polytunnel development in relationship to 'fruit production' consideration has to be given to balancing the economic benefits against the environmental impacts, which is mainly the visual impact.

7.2 The key issues in relationship to this application are:

- Economic benefits
- Landscape impact (including cumulative and visual)
- Ecological issues
- Residential amenity
- Public Highway issues
- Historic impact
- Surface water drainage

Economic Benefits

7.3 There is no doubt that polytunnels enable greater quantity and quality of soft fruit production than those grown in open conditions that can be subject to variation of the British weather climate.

7.4 The applicants have indicated that the business would not be viable without the use of polytunnels as national supermarkets expect a consistent volume and quality of fruit over the fruit production season.

7.5 Information submitted in support of the application indicates the Oakchurch Fruit Farm business spends some £1.4 million each year within Herefordshire. Clearly, a large amount of this is as a result of the better quality and quantity of fruit produced under polythene.

7.6 Planning policy at both national and local level recognises the importance of the agricultural sector in both the national and local economy.

7.7 Polytunnels have two main benefits:

- They protect developing fruit from rain damage and thus reducing losses and greater consistency in picking intervals in consideration of extreme weather conditions.
- They extend the overall growing season.

7.8 Government Policy supports more production of 'home grown' soft fruit and thus reducing food miles. Home produced fruit is therefore more sustainable and thus making a positive contribution to reduction in global warming.

7.9 It is accepted that the majority of the seasonal fruit pickers employed by Oakchurch are from Eastern Europe (some 218 persons over the four separate application sites). However, these do make a positive contribution to the local economy, shops/public houses/restaurants etc and help off-set other economic benefits to local businesses/services who supply Oakchurch Fruit Farm with various products etc, as pointed out in some of the letters in support of the application.

7.10 Therefore it is concluded on the first issue that the benefits of polytunnels, in enabling the production of increased qualities and quantities of soft fruit has a sustainable benefit in reducing food miles, while making a positive economic contribution towards the rural economy.

Landscape Impacts (including both visual and cumulative)

7.11 Polytunnel development must not be allowed at any environmental costs, as all of the various planning considerations need to be balanced.

7.12 The application proposes a rotational plan for the fruit production and it is this that is considered the key environmental consideration in respect of this application, as the

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application proposes 23 hectares of fruit production on a 30 hectare holding, in a location which has no nominal landscape designations.

- 7.13 The applicants have indicated their willingness to sign a Section 106 agreement under the Town and Country Planning act 1990 restriction fruit production over four separate application sites to 80 hectares at any one time over a total area of approximately 210 hectares. (See Draft Heads of Terms attached to this report).
- 7.14 The landscape and visual impact assessment in support of the proposal identifies what is considered the most relevant viewpoints, and it is acknowledged that there will be a high visual impact from some of the public rights of way running within or adjacent to the site. It is considered that there are few direct views from within the settlement of Staunton-on-Wye onto polytunnels themselves as many of the direct views onto the polytunnel areas are screened by existing high hedges as well as the surrounding natural topography.
- 7.15 The church of St Mary which is Grade I listed, is located on the eastern fringe of the village and separated from Staunton-on-Wye village itself by Oakchurch Farm and farmyard and whilst it is acknowledged that from the church there will be a high visual impact onto the application site, the applicants have indicated that they propose not to construct polytunnels on the field to the north of the church, and with appropriate conditions attached to any approval notice providing exclusion zones the visual impact overall is considered low to moderate and therefore acceptable on this issue.
- 7.16 As mentioned earlier the site at Oakchurch Farm itself is the hub of the operations for fruit growing of all four separate application sites' fruit growing areas, and therefore, has a connection to all four and visually there is a cumulative impact between the three sites at Oakchurch, Brobury and Hinton.
- 7.17 All sites have been considered with regards 'cumulative impact' with regard to the capacity of the landscape to accommodate the polytunnel development. Account has been taken of surrounding topography, existing tree and hedgerow cover, surrounding land uses, additional planting as proposed by the applicants and the indicative polytunnel rotational plans submitted in support of the application, and it is considered that on balance with carefully worded conditions attached to any approval notice, with regard to amount of land under polytunnel development being restricted to 17 hectares at any one time and submission of yearly rotation plans, that the proposal is acceptable in consideration of cumulative impact.
- 7.18 It is noted that the Landscape Manager's response to the proposal indicates that the relevant landscape policies and SPD on polytunnel recommendations have been considered, and that no objections are raised subject to a satisfactory condition with regards to a detailed landscaping scheme being attached to any approval notice issued, and that these views are also echoed by Natural England in their response to the proposal. Therefore the proposal on landscape issues is considered acceptable with the above taken into consideration.

Ecological Issues

- 7.19 It is noted that the Planning Ecologist raises no issues of concern in respect of ecological issues, in respect of habitat protection and management, recommending a condition to be attached to any approval notice with regards to habitat protection, enhancement and management scheme. This advice is considered necessary and it is recommended that a condition be attached to any approval notice issued to reflect this issue. The Planning Ecologist raises concerns about water drainage, this issue is considered later in this report in the section on surface water drainage.

Residential Amenity

- 7.20 As mentioned earlier the site is within close proximity to the settlement of Staunton-on-Wye.
- 7.21 In response to officer concerns, the applicants submitted amended plans indicating a reduction in polytunnel area around the property located adjacent to the western boundary known as 'Field Cottage'.
- 7.22 With appropriate conditions attached with regards to buffer exclusion zones, the proposal is considered acceptable and in accordance with SPD on polytunnels with regards to residential amenity.

Public Highway Issues

- 7.23 The surrounding public highways serving Oakchurch Farm site are considered relatively good (mainly the A438 and unclassified 90401 public highway), and whilst it is acknowledged that the Oakchurch site is the 'hub site' from where fruit pickers are transported to all the fruit picking sites and to where fruit picked is delivered and prepared for despatch, the surrounding public highway in recognition of highway matters in consideration of the development with appropriate conditions attached in consideration of the access to 'Field Cottage' alongside the western boundary of the site, (existing access used as access to a residential property as well as access to fields with polytunnels), is considered acceptable and it is noted the Transportation Manager raises no objections considering the analysis as contained in the Transport Assessment submitted in support of the application acceptable.

Historic Impact

- 7.24 The application site abuts St Mary's Church, a Grade I listed building and within close proximity (but not adjoining) is a small Conservation Area within the settlement of Staunton-on-Wye. To the north of the site is a scheduled ancient monument in the form of a moated site.
- 7.25 CPRE in their response to the application raise concerns about no 'buffer zone' between the church and its northern side adjacent to the application site.
- 7.26 The Conservation Manager and English Heritage both note potential detrimental impacts on the setting of adjacent Listed Buildings/Scheduled Ancient Monument and the designated Conservation Area.
- 7.27 The applicants have indicated on landscape strategy amended plan number DLA/290/04b the field to the north of the church as a 'Polytunnel Exclusion Zone' and a field to the east with strengthening to the existing field hedgerow boundary on the western side of the field nearest to the churchyard. This is considered acceptable in consideration of impact on the setting of the church and its surrounding yard.
- 7.28 The Conservation Area is contained within a small section of the village, mainly around the current village school and has no boundaries with existing or proposed polytunnel development. The applicants propose strengthening of hedgerows nearest to the Conservation Area. The Archaeological addendum submitted in support of the application by the applicants, as a result of concerns raised by English Heritage indicate that there will be no significant detrimental impact on the character of the Conservation Area with mitigation, in the form of additional hedgerow strengthening planting. These findings are considered acceptable and English Heritage have raised no objections to the additional information provided.
- 7.29 The Council's Archaeology Manager recommends in consideration of the registered scheduled ancient monument that a buffer zone be established preventing polytunnel development within

100 metres of the monument site. This is considered acceptable and it is recommended that a condition be attached to any approval notice addressing this issue.

- 7.30 With the above taken into consideration, the proposal is considered acceptable on Conservation and historic issues.

Surface Water Drainage

- 7.31 Both the Environment Agency, (EA), and the Planning Ecologist, whilst not objecting to the proposal, do indicate concerns about surface water drainage, recommending a condition be attached to any approval notice with regard to a scheme for the provision and implementation of a surface water regulation system, in accordance with a recommendation as set out in the applicants drainage assessment submitted in support of their application. The applicants use a method of leg row/swales as their method of surface water drainage to which both the EA and Planning Ecologist raise no objections.
- 7.32 The Planning Ecologist also made comment with regard to surface water run off in relationship to water resource requirements.
- 7.33 Water is supplied from a borehole and winter storage reservoirs, to which water is supplied by extraction from the River Wye, and the Planning Ecologist raises concerns that water usage on site could increase by up to 113%, although she acknowledges that this could be controlled by flow restrictions from the EA, if considered necessary. The applicants use a method of 'trickle' water irrigation for their crops and this method is currently exempt from abstraction licensing as pointed out by the Environment Agency in their response to the application.
- 7.34 It is considered that the proposal is acceptable on surface water drainage issues, with the attachment to any approval notice issued a condition with regards surface water drainage, as recommended by the Environment Agency, as such a condition can control the long-term maintenance of whatever system/structure is installed. It is noted that the Planning Ecologist recommends advice be taken and applied with from the Environment Agency on this issue. The Council's Land Drainage Manager raises no concerns in relationship to the application, provided the works described in the drainage appraisal in support of the application are carried out on site. The issue with regards to water resources and management is considered acceptable in consideration of the 'trickle' method of water irrigation used in consideration of current EA legislation. Any approval notice issued with a suitably worded condition with regards to cumulative polytunnel coverage will also help to control this issue.

Conclusions

- 7.35 Whilst it is recognised that polytunnel development on site does have sustainable economic benefits, it is also recognised that the installation of polytunnels on this site can have a significant detrimental impact on the landscape character and its historic setting, and in particular the setting of the listed Grade I St Mary's Church.
- 7.36 However, the economic benefits outweigh these concerns with mitigation and appropriate conditions attached to any approval notice with regards buffer exclusion zones controlling the proposed rotation system, and consequential polytunnel development, with these issues adequately addressed, the proposal is considered acceptable in respect of landscape and historic issues.
- 7.37 It is considered that there are no adverse impacts in respect of highway matters and concerns raised about surface water drainage can be mitigated by the imposition of a condition with regards to surface water drainage, as recommended by the Environment Agency. Water abstraction issues are also considered acceptable with current Environment Agency legislation and conditions attached to any approval notice controlling amount of polytunnel coverage at

any one time. Furthermore, the applicants have offered a Draft Heads of Terms to form a Section 106 Agreement, under the Town and Country Planning Act 1990, that no more than 80 hectares of land over all four application sites will be under polytunnel development at any one time.

RECOMMENDATION

- 1. The Head of Legal and Democratic Services be authorised to complete the planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms (attached as annex).**
- 2. Upon completion of the above-mentioned planning obligation Officers named in the Scheme of Delegation be authorised to issue planning permission subject to the following conditions:-**

- 1. The scheme for the provision and implementation of a surface water regulation system as described in the Flood Risk Assessment (Envireau Water 8/08/10) must be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. Such a scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority prior to the construction of any impermeable surfaces draining to the system.**

Reason: To prevent the increase in flooding caused by additional surface water run-off from the polytunnel development and to comply with Policy DR7 of the Herefordshire Unitary Development Plan.

- 2. The recommendations set out in the ecologist's reports dated June 2009 and June 2010 will be followed, unless otherwise agreed in writing by the Local Planning Authority with an agreed timetable within 3 months of the date of this decision notice, and the works shall be implemented as approved. A habitat protection, enhancement and management scheme based upon the recommendations in the above reports shall be submitted to the Local Planning Authority within three months of the date of this decision notice. This shall be implemented as approved with the agreed timetable thereafter. The results of monitoring surveys will be submitted to the Local Planning Authority by 31st December in any year that they are undertaken. A qualified and experienced Clerk of Works will be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation and enhancement work.**

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, Policies NC1, NC6, NC7, NC8 and NC9 of the Herefordshire Unitary Development Plan and Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 3. Prior to the 1st February in each calendar year following the date of this permission, a plan to a metric scale of at least 1:7,500 shall be submitted to the Local Planning Authority indicating the hectares (maximum) of land to be covered with polytunnels and these polytunnels will be distributed in fields throughout the application site, in accordance with the field plans on the indicative plans reference (TBC) submitted in support of the application.**

Reason: In order to ensure that the Local Planning Authority can monitor the visual impact of the development hereby approved and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

4. No polytunnel or associated development will be situated within 30 metres of the boundary of any residential curtilage of any dwelling house that is located outside the contours of the application site. This land shall not be used in connection to fruit production on site, such as for storage, servicing or for staff congregating area.

Reason: To safeguard the amenities of the occupiers of dwelling houses within the immediate vicinity and to comply with Policy DR2 of the Herefordshire Development Plan.

5. No polytunnel will exceed 3.9 metres in height above existing ground level.

Reason: To control the visual impact of the development in consideration of the surrounding landscape and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

6. In the event of any polytunnel hereby permitted becoming redundant for the growing of soft fruit upon the application site, the polytunnel which includes the supporting structure shall be removed off site within a period of 6 months of it being last used for soft fruit production.

Reason: To ensure that any structure that becomes redundant for fruit production does not remain on site and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

7. None of the polytunnels hereby permitted shall be covered with polythene from 15th November until 31st December in any calendar year or for the whole of the months of January and February in any calendar year.

Reason: To ensure that the visual impact of the development hereby permitted is limited to the growing season and to comply with Policy LA2 of the Herefordshire Unitary Development Plan.

8. No more than 17 hectares of the application site shall be covered with polytunnels (including the metal structure) at any one time.

Reason: To ensure that the cumulative visual impact of the development within the surrounding landscape is satisfactorily controlled and to comply with Policy DR2 of the Herefordshire Unitary Development Plan.

9. None of the polytunnels hereby permitted or the field they are located within shall be lit with artificial lighting unless agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenity and to comply with Policies DR2 and DR4 of the Herefordshire Unitary Development Plan.

10. A detailed landscaping scheme to include specification, method, density and location of all proposed planting will be submitted to the Local Planning Authority within three months of the date of this decision notice. The plan will clearly identify the location of existing hedgerows and ancient/veteran trees to be permanently retained. The heights at which boundary hedges will be maintained will be identified. A timetable for all landscape work will also be provided.

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

11. **A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the date of this planning approval. The landscape management plan shall be carried out in accordance with the agreed timetable.**

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

12. **Within 3 months of the date of this decision notice detail and a timetable for works to be completed on site will be submitted and approved in writing by the Local Planning Authority in consideration of the public highway vehicular access from the A438 to the property known as Field Cottage in respect of visibility splays which shall be provided from a point 0.6 metres above ground level at the centre of the access to the application site and 2.4 metres back from the nearside edge of the adjoining carriageway (measured perpendicularly) for a distance of 215 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

13. **Any new access gates in relationship to works as indicated in condition number 12 above shall be set back 20 metres from the adjoining carriageway edge and shall be made to open inwards only.**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of the Herefordshire Unitary Development Plan.

14. **A corridor of at least 5 metres wide will be maintained for public footpaths running through the site. (From side to side with footpath in the middle).**

Reason: To ensure that public footpaths remain free of debris and obstruction at all times and to comply with Policy T6 of the Herefordshire Unitary Development Plan.

15. **No polytunnels will be erected on land within 100 metres of the scheduled ancient monument number SAM28877 (Staunton-on-Wye Moated site).**

Reason: In the interests of the historic setting of the scheduled ancient monument and to comply with Policy ARCH3 of the Herefordshire Unitary Development Plan.

INFORMATIVES:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 – Avoidance of doubt – Approved Plans**
3. **I 30 - N11A Wildlife and Countryside Act 1981 (as amended) - Bird**
4. **The application site may includes a number of areas of 'unknown filled ground' which can be associated with potentially contaminative material and as such it is possible that unforeseen contamination may be present on the site. Consideration should be given to the possibility of encountering contamination on the site as a result of its former uses and specialist advice be sought should any be encountered during the development."**

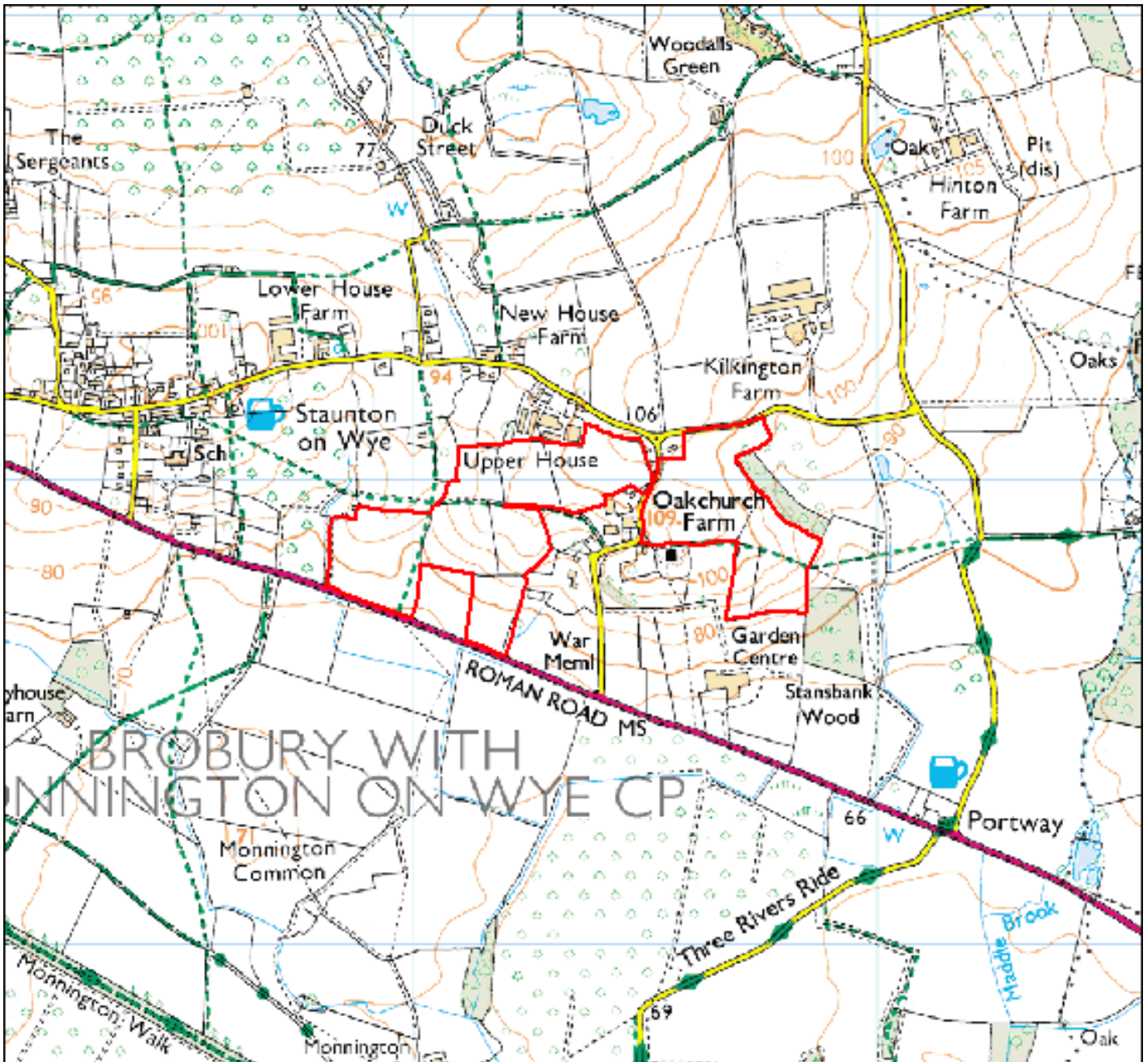
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DMN/102045/F

SITE ADDRESS : LAND AT OAKCHURCH FARM, CHURCH ROAD, STAUNTON ON WYE,
HEREFORDSHIRE, HR4 7NE

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Further information on the subject of this report is available from Mr P Mullineux on 01432 261808

DRAFT HEADS OF TERMS

PROPOSED PLANNING OBLIGATION AGREEMENT

Section 106 Town and Country Planning Act 1990

Planning Applications - DMN/102045/F
- DMN/102046/F
- DMN/102047/F
- DMN/102048/F

Continue to erect, take down and re erect polytunnels rotated around fields as required (Retrospective) on land at Oakchurch Farm, Staunton-on-Wye, land at Upper Norton and Hinton Farm, Norton Canon, land at Bishopstone, forming part of Bishops Court, Bishopstone/Bridge Sollars, and land at Brobury Farm, Brobury, Monnington on Wye.

1. The owners hereby covenant with Herefordshire Council, on behalf of themselves and their successors in title not to erect cause or permit to be erected more than 80 hectares of polytunnels on the land subject to the four above-mentioned applications at any one time.
2. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.

Philip Mullineux – 29th December 2010