

Application No: 12/3873M

Location: WOODEND NURSERY, STOCKS LANE, OVER PEOVER, KNUTSFORD, CHESHIRE, WA16 9EZ

Proposal: Erection of Glasshouse for Tomato Production with Associated Hard Standing , Fresh Water Tank , Heat Storage Tank, Package Treatment Plant and Landscaping.

Applicant: C Rudd, Frank Rudd & Sons

Expiry Date: 22-Apr-2013

**Date Report Prepared** 19<sup>th</sup> March 2013

**SUMMARY RECOMMENDATION:** Refuse

**MAIN ISSUES**

- Principle of the development
- Impact upon the openness and character of the Green Belt and surrounding countryside
- Highways safety
- Impact upon protected species

**REASON FOR REPORT**

The Councils scheme of delegation requires proposals over 10,000sqm to be determined by the Strategic Planning Board.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is some 10.9 acres of agricultural land located directly adjacent to Woodend Nursery and to the east of Radbroke Hall, which is designated within the Local Plan as a major development site. To the north and north east of the site is open countryside and to the east, approx 45m away is Rose Cottage. Public Footpath No.27 Peover Superior runs parallel to the western boundary of the site. The site is generally flat with trees and hedging surrounding the site. Access to the site is gained via a field gate and track, which is served off Stocks Lane.

This site is identified within the Macclesfield Borough Local Plan as forming part of the Cheshire Green Belt.

**DETAILS OF PROPOSAL**

Full planning permission is sought for a large glasshouse measuring 145m X 148m covering a footprint of approx 21,460sqm, associated hard standing as well as water and heat storage

facilities. A small plant/boiler room office, toilets and canteen for workers are also proposed within the glasshouse .

The proposal will form an extension to the existing facilities at Woodend Nursery; an existing and established horticultural business, which specialises in the cultivation of tomato plants.

The proposed development will provide facilities for a hydroponics method of growing by way of enriched solutions, without soil in raised trays above the ground and protected from the elements by the glasshouses structure.

## **RELEVANT HISTORY**

There is no relevant planning history for this particular site, but Members may be interested in the recent planning history for Woodend Nursery to which this development relates:

- |          |                                                                                                                                    |
|----------|------------------------------------------------------------------------------------------------------------------------------------|
| 08/0834P | Erection of a Glasshouse<br>Approved 20 <sup>th</sup> June 2008                                                                    |
| 07/0069P | Agricultural workers dwelling (reserved Matters) – Approved 1 <sup>st</sup> March 2007                                             |
| 05/1134P | Agricultural Workers Dwelling (outline)<br>Refused, 11 <sup>th</sup> October 2005, Allowed at Appeal 27 <sup>th</sup> October 2006 |
| 36593P   | Glass house production of horticultural crops<br>Approved 29 <sup>th</sup> March 1984                                              |

## **POLICIES**

National Planning Policy Framework (NPPF)

In particular chapters:

1. Building a strong competitive economy
1. Supporting a prosperous rural economy
9. Protecting Green Belt Land
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

## **North West Regional Spatial Strategy**

- DP1 (Spatial Principles)
- DP 3 (Promote Sustainable Economic Development)
- DP 4 (Make the Best Use of Existing Resources and Infrastructure)
- DP 7 (Promote Environmental Quality)
- DP 8 (Mainstreaming Rural Issues)
- RDF 2 (Rural Areas)
- RDF 4 (Green Belts)
- W 1 (Strengthening the Regional Economy)
- EM 1 (Integrated Enhancement and Protection of the Region's Environmental Assets)

## **Macclesfield Borough Local Plan Policy**

BE1 (Design guidance)  
GC1 (New buildings)  
DC1 (New build)  
DC3 and DC38 (Residential Amenity)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC13 and DC14 (Noise)  
DC17, DC18 and DC20 (Water Resources)  
DC28 (Agricultural Buildings)  
DC64 (floodlighting)

### **Other material considerations**

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

The Cheshire Landscape Character Assessment (2009)

## **CONSULTATIONS (External to Planning)**

**Highways:-** No Objections subject to conditions.

**Public Rights of Way Officer-** advises that the proposed development is unlikely to affect the public right of way. It is therefore requested that an advice note be added to any planning consent to ensure that developers are aware of their obligations not to obstruct the public right of way.

**Countryside Access Development Officer** – advises that, in line with the Council's published Rights of Way Improvement plan, this particular footpath would benefit from the installation of a pedestrian gate where the stile currently is. The continuation of the path already has kissing gates and it is thought that pedestrians currently use the open track as there is no need to use the stile. It appears that the footpath/access track is to be separated from the site entrance by a new hedge, but it isn't clear what width will be retained and if the entrance will remain open or be gated. More information on this point would be appreciated.

**Environment Agency** – The package treatment is for sewage not trade effluent. Therefore no objections are raised.

**Flood Risk Management Officer-** advises that no detail has been included as to how surface water will be managed for the site. It is noted that there is a plan to outfall into the ordinary watercourse, which is the responsibility of Cheshire East Council as Lead Local Flood Authority (LLFA). Further downstream the watercourse becomes main river. The applicant should demonstrate that additional discharges do not exacerbate flooding problems.

**Environmental Health** – The Environmental Health Department have raised no objections to the development subject to the following conditions: Hours of construction to be limited to between 08.00 to 18:00 hrs Mondays to Fridays, 09:00 to 14:00 hrs on Saturdays and Nil on Sundays and Bank Holidays

A condition restricting noise generation from all fixed plant and machinery associated with this development when operating simultaneously, shall not exceed the background noise level ( $L_{A90,T}$ ) by more than -5dB at any time when measured at the nearest noise sensitive premises.

Both conditions are advised to protect the residential amenities of nearby residential properties.

#### **VIEWS OF THE PARISH / TOWN COUNCIL**

Peover Superior Parish Council has no comments to make.

#### **OTHER REPRESENTATIONS-** None received

#### **APPLICANT'S SUPPORTING INFORMATION**

In support of this application, the applicant has submitted a Design and Access Statement and Horticultural Appraisal that outlines the context of the Tomato growing industry, the existing horticultural business at Woodend Nursery and the requirement for expansion. Both statements can be read in full on the Council on line planning system. However, the most relevant parts are as follows:

*Tomatoes are a warm season vegetable crop. Almost all tomatoes in Britain are now grown in glass houses during the natural season and harvested between March and November. British tomato growers can claim outstanding achievements in environmental protection. These achievements are based on:*

- *A substantial reduction in energy use for heating glasshouses.*
- *The almost complete elimination of pesticide use.*
- *Major reductions in the use of fertilisers and their loss into the environment.*
- *Highly efficient use of water, an increasingly scarce resource.*
- *Substitution for imports with their associated "food miles" and lower environment*

*There is about 200 hectares (500 acres) of glasshouses used to produce tomatoes in Britain. (Para 6.10 Design and Access statement)*

*There is increasing demand for tomatoes and premium tomatoes, such as tomatoes on the vine, are driving growth in the market. Vine tomatoes now account for half of the UK tomato production area. Woodend Nursery currently grow four varieties of tomatoes: Vine, standard round, mini plum and mini plum on the vine. There is huge demand for the mini plum on the vine crops. These are high value and require more labour input. It is anticipated that the new glasshouse will be used to produce more of this high value product. (Para 6.11 Design and Access statement).*

*The Nursery currently supplies fruit to a number of outlets including Ever sham Vale Growers who are a major supplier to Sainsbury , but also supply the Co operative,*

*Morrison's and Somerfield's. They also supply local wholesalers and have significant retail sales direct from the nursery site.(Para 6.1 horticultural Appraisal)*

*There is no room to expand at Woodend Nursery on the south side of Stocks Lane or on land adjoining Woodend Nursery. Permission was granted in 2008 to infill the last remaining area suitable for glass house production. The business has successfully negotiated the purchase of land on the north side of Stocks Lane. The proposal is to site a single glass house block on this land with associated plant room and two external water tanks for storing borehole water for irrigation and as a heat storage tank to store water heated during the day as a by product of CO2 production which is then used at night time to maintain the correct temperature in the glass house. For maximum efficiency the glass house must operate as a single block with a central access corridor. It would be operated in association with existing operations/ facilities at Woodend which includes the dwellings for key managers, the main yard area for deliveries, packing shed, cold store and main offices. The glass house would have its own boiler plant and treated water supply, but the fully automated computer system would be linked to the alarm system connected to the dwellings at Woodend Nursery. This is another reason why production needs to be planned and delivered in this location. (Para 1.4 Design and Access Statment)*

The proposed development would bring the total amount of glass house floorspace at Woodend Nursury up to approx 34,000sqm.

*The average UK size of a glass house is 55 000 sq m. In 2006 the former Macclesfield Council granted permission for a 14, 480 sq m (3.62 acres) glass house extension for another tomato grower in the same green belt at Woodhouse Nurseries, Field House Lane, Alderley Edge (LPA ref 06/2235p) adjoining the Alderley By Pass. They now have 56 000 sq me of glass house on a 5.2 hectares (12 acre) site. (paragraph 6.5 Design and Access Statment)*

## **OFFICER APPRAISAL**

The main issues with this application are as follows:

- Principle of the development within this location;
- Impact upon openness and character of the Green Belt and surrounding countryside;
- Highway safety;
- Impact upon protected species;
- Residential amenity.

## **Principle of Development**

The application site is situated within the Green Belt. Policy GC1 of the Macclesfield Borough Local Plan advises that approval will not be given, except in Very Special Circumstances, for the construction of new buildings within the Green Belt. A list of exceptions to this policy is set out, which includes the provision of agricultural buildings. This advice is repeated within paragraph 89 of the NPPF (Green Belts).

Within Section 336 of the Town and Country Planning Act (TCPA) agriculture is defined as:

*“includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins of fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of woodlands where the use is ancillary to the farming of land for other agricultural purposes, and agriculture shall be construed accordingly”*

The applicant advises that the proposed glasshouse is for horticultural purposes, required for the production and control of an artificial growing environment for tomato plants and would form an extension to an existing and established agricultural business. The proposed development would fall within the exception criteria as a “*building for agricultural*” purposes and therefore, comply with Policy GC1 of the Macclesfield Borough Local Plan.

At the heart of the NPPF is the presumption in favour of sustainable development. The framework also however places a strong emphasis on supporting sustainable economic growth.

Paragraph 28 of the NPPF states that policies should support economic growth in rural areas, in order to create jobs and prosperity, by taking a positive approach to sustainable new development. The framework promotes strong rural economies and advises that:

- support should be made for the sustainable growth and expansion of all types of business and enterprises in rural area,
- The development and diversification of agricultural and other land based rural business should be promoted.

The application site is located within a ribbon of development, which makes up the settlement area of Over Peover. The site is located approx 2.8 miles southeast of Knutsford Town Centre in a rural location. Whilst, there are limited services to this site, the applicant states that the 27a bus service from Macclesfield to Knutsford runs past this site which can be accessed on a “hail and ride” basis and is already used by existing staff working at Woodend Nursery.

The Agricultural Appraisal advises that in order to maintain the glass houses development should be:

- Of a sufficient size to accommodate a development of a viable size
- As flat as possible
- Within immediate or good access to an arterial road system for efficient transport and distribution with minimum vehicular disturbance to minor roads
- With adjacent services such as gas, water and electricity supplies
- Preferably in an established horticultural area where support services, specialist suppliers and skilled staff are available.

The applicant states that there is no space within the existing farm complex to accommodate a glasshouse of this scale and it is advised that the expansion is required in order to remain competitive and continue to maintain supplies to the major supermarkets. This application site is located within very close proximity of the existing Woodend Nursery business (directly adjacent on the north side of Stocks Lane). The location of the glasshouse is therefore considered to be the most suitable as it will be within close proximity of the existing business

to utilise existing facilities and support services (such as packaging), which is to be carried out in existing packing facilities as well as provide 24 hours surveillance and supervision of the crop.

Having regard to the nature of the proposal and the individual merits of the site, it is considered that the application site is convenient and will provide a sustainable expansion of a long time established rural business. The applicant advises that the proposed development will create approx 11.6 Full Time Employees, including two additional on the existing Nursery site. The proposed development will offer a small contribution to the growth of the local rural economy and is therefore considered to comply with the objectives set within paragraph 28 of the NPPF.

### **Impact upon the openness and Character of the Green Belt and surrounding Countryside**

#### Impact upon the character of the surrounding countryside

Policy DC28 of the Macclesfield Borough Local Plan set out the criteria for agricultural buildings. Of relevance to this application, this policy requires the siting, design, scale, materials to harmonise within the existing landscape and there should not be significant adverse impact upon residential amenity.

The application site is currently agricultural land, forming part of a larger field that slopes down to Red Brook further to the north. A hedgerow and hedgerow trees form the boundary along Stocks Lane. Footpath 27 Peover Superior is located along the western boundary of the application site, along a north to south alignment from Stocks Lane. Located to the west of the application site is Radbroke Hall, and to the north is agricultural land.

The Cheshire Landscape Character Assessment (2009) identifies that the application site is within Landscape Character Type 10: Lower Farms and Woods, and more specifically the Marthall Character Area: LFW1. This identifies the area as being of low, undulating character and as a medium scale landscape of mixed arable and pastoral farmland with some enlarged fields that offer extensive views.

The proposed glass house measures 145 x 148m and would occupy a footprint measuring 21,460 sq m. The proposed development will measure approximately 5.8m high to eaves and 6.5m high to the apex. The glass house would have a profile aluminium frame which is to be supported by concrete plinths. The proposed structure would stand on bare earth with very little need for any hardstanding. The applicant proposes a concrete yard area proposed for delivery vehicles between the proposed glasshouse and Stocks Lane.

The design of the glasshouse is considered to be appropriate and in keeping with the general style of agricultural/nursery structures within this particular area. The two external water and heating tanks required are to be positioned to the east of the site, set back 100m from the road. The hot water tank is cylindrical with a 11.8m diameter and 11.5m high. A separate water storage tank for the storage of bore hole water would be 17.3m in diameter and 3.18m high. Both would be constructed in corrugated steel sheets air grey in colour.

With the exception of the new access, all existing hedging is to be retained. The applicant proposes to add additional planting to the boundaries of the site with native trees to be added to the existing Stocks Lane frontage and a new hawthorn hedge is proposed to run along the eastern side of the footpath (27 Peover Superior).

The proposed building would be visible in part from public vantage points with glimpses from Stocks Lane located to the south of the site and from the public footpath. However, it is not considered that the proposed building would introduce an incongruous addition to the existing landscape as this particular part of Stocks Lane is characterised by substantial buildings relating to agricultural/nursery holdings, as well as Radbrook Hall, which is sited to the west of the site and consist of a series of buildings. With existing and proposed planting as well as the existing relatively flat topography of land, it is considered that the proposed building will be screened in most parts, from public view.

The Council's Landscape Officer has been consulted on this application and considers that the proposed development will not result in any significant visual impact upon the character of the surrounding area. A landscaping condition requesting further details on the landscaping proposal is advised.

The proposal is therefore considered to comply with Local Plan policies BE1, DC1 and DC28.

#### Impact upon the Openness of the Green Belt

Paragraph 79 of the NPPF states that an essential characteristic of the Green Belt is its openness and permanence. The proposed glasshouses, by virtue of its scale, will inevitably have some impact upon the openness of the Green Belt. The applicant advises that no hard standing will be proposed for the footprint of the building and therefore, due to the buildings relatively modest height and the fact that the building will be constructed wholly in glass, it will be lightweight and temporary in appearance. As such, it is considered that the impact upon openness is likely to be limited.

#### **Highways**

The proposed development seeks to widen the existing vehicular access on to Stocks Lane. The main entrance will be positioned approximately 2m to the east of the existing field track/footpath, which runs parallel to the western boundary of the site and will be approximately 6m in width. Gates are proposed across this access, but limited details of design and height have been provided within this application.

Access to the existing field track/footpath is to be left open in order to allow walkers and tractors to access the fields located to the rear of the application site.

The Council's Strategic Highways and Transport Manager has been consulted on this application and raises no objections. He considers that traffic movements will be low, and involve movements between the two sites and deliveries in/out mainly westwards to the A50. As a result, there should be no material increase in traffic through Over Peover village. The required visibility at the site access are also considered achievable.

The original field access will need to be widened to permit HGV movements without the over-running of highway verges. This will require its widening, constructional upgrading and



surfacing in sealed materials. Also any gates, if normally kept closed during the working day, will need to be set a sufficient distance back to avoid vehicles stopping on the highway.

Accordingly, they recommend that the following conditions be applied:

- 1) *No development shall take place until detailed drawings outlining the site's access arrangements and visibility splays of 2.4m X 120m minimum have been submitted to and approved by the LPA/HA, and no development shall be occupied until the access has been constructed in accordance with the approved drawings and to CEC specification.*
- 2) *Any gates should be set back a minimum of 7 metres from the edge of the adopted highway and open inwards.*

### **Ecology**

A ecological 'walkover survey' has been undertaken on the site. The Council's Nature Conservation Officer has been consulted and raises the following concerns:

*"A great crested newt survey is outstanding in respect of this application. A survey of this type can be completed around mid May at the earliest.*

*Great crested newts are known to occur within the same 1km square as the development and there are 13 ponds within 250m of the proposed development. My view therefore is that the presence of newts on this site is reasonably likely. Based on the proposed development's type, scale and location the applicant's initial ecological appraisal concluded that if great crested newts were present on site an offence under the habitat regulations would be 'Highly Likely' following their application of Natural England's risk assessment tool. The risk of an offence mainly relates to the loss of terrestrial habitat and a minor risk of a direct impact on individual animals (disturbance, killing, injuring). A full assessment of the impacts of the development cannot however be made in the absence of a full detailed survey.*

*On the basis that Newts are a European protected species and are likely to be both present and directly affected by the development it is advised that a survey is required to enable the Council to determine the application in accordance with both statutory and policy obligations.*

*In addition, it must be ensured that the hedgerows surrounding the site should be retained. This is particularly important in respect of the hedgerow fronting Stocks lane as this has been identified as potentially being important under the hedgerow regulations.*

In the absence of this further survey work, there is insufficient information to demonstrate that Great Crested Newts would be unaffected by the proposal. Since they are a protected species, the application is recommended for refusal on the grounds of insufficient information and potential harm to them.

## **Amenity**

There are a number of residential properties located and adjacent to the site on the south side of Stocks Lane and Rose Cottage to the east. However, these properties are located some distance from the proposed glasshouse and whilst the glasshouse may be visible from these properties, it is not considered that the proposed building would result in a significant detrimental impact on the residential amenity of nearby occupiers in term of noise, disturbance and nuisance. No objections have been received concerning this proposal

Environmental Health have raised no objections to the proposal subject to conditions regarding hours of construction and a condition restricting noise so as not to exceed the background noise level ( $L_{A90,T}$ ) by more than -5dB at any time.

The proposal is considered to comply with Local Plan policy DC3.

## **Other matters**

Public rights of way - The applicant has confirmed that the footpath is to be retained at a 4m width. The field will not be used for the keeping of livestock. Therefore, as the access shall be left open, a gate/stile to this path is no considered necessary. The Countryside Access Development Officer therefore raises no objections.

Renewable Energy - The Design and Access Statement advises that there are a number of renewable energy technologies, which could be incorporated into the development such as anaerobic digestion or a wind turbine. The Design and Access Statement states that the applicant is currently investigating incorporating combined heat and power (chp), which is a renewable energy technology that would involve the combustion of primary fuels to generate electricity. At present, the applicant relies on gas and coal to fuel their heating plant. The existing boilers are currently used to heat water, which is then circulated through the glasshouse at night time to regulate temperatures within the glass house. The applicant advises however that the use of Chp technology would extract carbon dioxide from the combustion gases, which would be used to supplement the glasshouse atmosphere, in turn, enhancing photosynthesis and providing a more energy efficient operation. Although, these proposals do not form part of the current application, if implemented in the future, the proposed development does have the potential to be carbon natural.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposal represents an appropriate form of development in the Green Belt though it would have some impact on openness.

The visual impact of the proposal on the character and appearance of the area is considered acceptable and there would be no significant adverse impact on the amenity of nearby properties.

Access and parking arrangements are acceptable subject to conditions.

Although the proposed development would support the growth of the existing rural business, further survey work is still however, required in order to ensure that the proposal would not adversely impact on Great Crested Newts, a European protected species. In the absence of

this information, it has not been possible to demonstrate that the proposal would not have an unacceptable impact on protected species. A recommendation for refusal is therefore advised.

**Reasons for Recommendation:**

**Insufficient information has been submitted with the application relating to protected species in order to assess adequately the impact of the proposed development having regard to Great Crested Newts. In the absence of this information, it has not been possible to demonstrate that the proposal would not result in adverse impact on Great Crested Newts which are a European protected species and comply with Macclesfield Borough Local Plan Policy NE11 and the policies contained within Chapter 12 of the National Planning Policy Framework.**

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