

# Planning Committee

15 September 2021



<b>Application No.</b>	21/00388/FUL and 20/01533/FUL		
<b>Site Address</b>	Laleham Farm, Shepperton Road, Laleham, Staines-upon-Thames TW18 1SJ		
<b>Applicant</b>	Mr T Chambers on behalf W. B Chambers Farms Ltd		
<b>Proposal</b>	<p><u>21/00388/FUL</u> - Retrospective application for the erection of polytunnels, temporary screens, drainage works and landscaping.</p> <p><u>20/01533/FUL</u> - Stationing of 6 No. agricultural workers caravans on the land for a temporary period of 5 years.</p>		
<b>Officer</b>	Kelly Walker		
<b>Ward</b>	Laleham and Shepperton Green		
<b>Call in details</b>	N/A		
<b>Application Dates</b>	Valid: 16.12.2020 08.03.2021	Expiry: 16.04.2021 05.08.2021	Target: Extension of time agreed
<b>Executive Summary</b>	<p>These two planning applications relate to Laleham Farm, which is located on the southern side of Shepperton Road. Both applications are retrospective and have already commenced. The planning applications are retrospective and seek consent for the erection of polytunnels across 21.19 hectares of the application site for the growing of raspberries, together with temporary screening, drainage, and landscaping works. The polytunnels will be covered in polythene sheeting from March to November each year.</p> <p>In addition, the proposals seek consent for the siting of one caravan for security/farm worker accommodation and the siting of five caravans for seasonal worker accommodation. The security/farm worker caravan will provide accommodation for three agricultural workers to live on-site full time and provide security and carry out farm work during the winter months. The five caravans will be used as seasonal worker accommodation during the months of March to December and be stored on the land unused and unoccupied for the rest of the year. The proposals are for a temporary five year period.</p> <p>The applications are considered to pay due regard to the design, scale and character of the area, and are for an agricultural use on an existing farm. The proposals are not inappropriate development in the Green Belt and will have an acceptable impact on the amenity of neighbouring</p>		

	properties, the Laleham Conservation Area and will not affect the setting of the listed building at Laleham Abbey. The applications are acceptable.
<b>Recommended Decisions</b>	The applications are both recommended for approval subject to conditions.

## MAIN REPORT

### 1. Development Plan

1.1 The following policies in the Council's Core Strategy and Policies DPD 2009 are considered relevant to this proposal:

- SP6 (Maintaining and Improving the Environment)
- EN1 (Design of New Development)
- EN5 (Listed buildings)
- EN6 (Conservation Areas)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN15 (Development on Land Affected by Contamination)
- SP7 (Climate Change and Transport)
- CC2 (Sustainable Travel)
- CC3 (Parking Provision)
- LO1 (Flooding)

1.2 Also relevant is the following saved policy from the Spelthorne Borough Local Plan 2001:

- Saved Local Plan Policy GB1

1.3 The advice contained within the National Planning Policy Framework (NPPF) 2021 is also relevant.

### 2. Planning History

2.1	11/00407/FUL	Continued use of one caravan to house security/farm operative for a temporary period of five years.	Grant 12.08.2011
	03/00022/FUL	Continued siting of one caravan to house security/farm operative for temporary period of 5 years	Grant 11.04.2003
	97/00530/EXT	Continued use of land for stationing of one residential caravan to house security/farm operative for temporary period of 5 years.	Grant 12.11.1997

92/00297/EXT	Continued use of land for stationing of one residential caravan to house security/farm operative for temporary period of 5 years.	Grant 22.07.1992
SP/EXT/92/0297	Continued use of land for stationing of one residential caravan to house security/farm operative for temporary period of 5 years.	Grant 22.07.1992
SPE/FUL/87/242	Continued use of one caravan to house security/farm operative for temporary period of 5 years.	Grant 01.07.1987
PLAN S/EXT/78/937	Continued use of one caravan for a temporary period of 3 years to house a security/farm operative.	Grant 17.01.1979
PLAN S/EXT/75/635	Parking and residential use of one caravan for a limited period of 3 years to house a security/farm operative.	Grant 22.09.1975

There are also some historical applications in relation to gravel extraction and restoration.

### **3. Description of Current Proposal**

- 3.1 The application site is located on the southern side of Shepperton Road Laleham and is known as Laleham Farm. To the north, on the opposite side of the road is also farmland, part of which is subject to the Shepperton Studios expansion site. To the west is Laleham Park and Laleham Abbey (residential). To the south is Littleton Lane industrial area and lake, and to the east, on the opposite side of Littleton Lane, are residential properties located along Milton Drive. The site is located in the Green Belt, and within the flood zone, part 1 in 20, 1 in 100 and 1 in 1000 year chance of flooding, and also within a pipeline consultation zone. Laleham Farm extends to 47 hectares (116 acres). The site was a former gravel pit but the land has been restored and was previously used for arable crop production. The site also has several farm style storage buildings and static caravans located close to the entrance along Shepperton Road. There is also a lake running parallel to the road and the site has vegetation around the boundaries, screening views into the site, on Shepperton Road and Littleton Lane in particular.
- 3.2 Both applications are retrospective and have already commenced. Following a visit from the Council's Planning Enforcement Team, the planning applications were submitted. It is important to note that a retrospective planning application must be considered and determined in the same manner as one that has not commenced, and no weight can be given to the fact that what is proposed is already in existence or has commenced.

- 3.3 Application ref 21/00388/FUL is for the erection of polytunnels across 21.19 hectares of the application site for the growing of raspberries in two areas (noted as Fields A and B), together with temporary screening, drainage, and landscaping works. The proposed polytunnels are each a ‘hoop’ shaped tubular steel frame, 8m wide and 4.25m high, with a 300mm gap between each tunnel. The applicant proposes that the tunnels will be covered in polythene sheeting from the beginning of March through to November each year and the covering will be rolled back and stored alongside the frames or stored on the farm during the winter period.
- 3.4 Application 20/01533/FUL proposes the siting of one caravan for security/farm worker accommodation and the siting of five caravans for seasonal worker accommodation for a temporary five year period. The security/farm worker caravan will provide accommodation for three agricultural workers to live on site full time and provide security and carry out farm work during the winter months. The five other caravans will be used as seasonal worker accommodation. They will provide accommodation for workers during March to December and be stored on the land unused and unoccupied from the end of December to the end of February each year.
- 3.5 The two planning applications are linked to one another, as the caravans proposed would house seasonal workers maintaining and picking raspberries growing in the proposed polytunnels. All produce is to be transported off site following harvest and placed in cold storage, quality checked, packed and distributed to supermarkets and the wholesale market from Oakdene Farm, Langley, Maidstone (owned by the Applicant).
- 3.6 It is important to note that caravans can be sited under permitted development for this purpose under Part 5, Class A, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to allow summer accommodation for seasonal workers such as fruit pickers in association with crop growing. In light of this, originally the applicant had submitted this application purely for the overwinter storage of the caravans, given the rest of the year they could be located on site, under permitted development, without the need for planning permission. However, officers advised that by leaving the caravans on site and not removing them over winter the permitted development criteria was exceeded and therefore, planning permission was required. The description was amended to reflect this.
- 3.7. The proposed indicative site layout and plans are provided as an Appendix.

#### **4 Consultations**

- 4.1 The following table shows those bodies consulted and their response.

<b>Consultee</b>	<b>Comment</b>
County Highway Authority	No objection recommends conditions
Agricultural Advisor	Concludes the proposals are reasonably necessary for the purposes of agriculture

Environment Agency	No objection recommends condition
Tree Officer	No objection
Esso Pipeline	No objection recommends an informative
Surrey Wildlife Trust	Replied to advise no ecological constraints, proposal will provide a benefit at the field margins.
Natural England	Replied to advise no comment to make
Environmental Health Officer (Contamination)	No objection

## 5. Public Consultation

5.1 A total of 62 properties were notified of the planning application. Furthermore, a statutory site notice was displayed, and the applications were advertised in the local press. A total of 3 letters of objection have been received from Shepperton Residents Association, Laleham Residents Association, and Spelthorne Natural History Society. The following issues were raised: -

- Retrospective
- Green Belt land
- Flooding/drainage
- Caravan refuse and sewerage
- Previous permissions
- Should be subject to conditions restriction use/applicant etc.
- Traffic movements
- Queries regarding rainwater, where will other staff come from
- Little ecological information
- Little benefit to local community
- Landscape plan deficient

## 6. Planning Issues

- Principle of the development
- Green Belt
- Design and appearance
- Highway issues
- Flooding
- Trees/Ecology
- Air quality/contaminated land

## 7. Planning Considerations

### Principle of the development

#### 7.1 National Planning Policy Guidance for development in the countryside and farms is set out in the National Planning Policy Framework 2021 (NPPF)

Section 4 of the NPPF is concerned with 'decision Making' and paragraph 38 notes:

*“Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

#### 7.2 Section 5 of the NPPF is concerned with 'Delivering a sufficient supply of homes' and at paragraph 80 it notes:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;”*

#### 7.3 National Planning Practice Guidance 'Housing Needs of Different Groups' (July 2019) provides some guidance relevant to paragraph 80 of the NPPF in the section 'How can the need for isolated homes in the countryside for essential rural workers be assessed'?

These include:

- *“Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);*
- *The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.*
- *Whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process.*
- *Whether the need could be met through improvements to existing accommodation on the site; providing such improvements are appropriate taking into account their scale, appearance and the local context; and*
- *In the case of new enterprises whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.”*

It further notes that: *“Employment on an assembly or food packing line, or the need to accommodate seasonal workers, will generally not be sufficient to justify building isolated rural dwellings”*

- 7.4 Paragraph 84 of the NPPF ‘Supporting a prosperous rural economy’ notes:  
*“Planning policies and decisions should enable:*
- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
  - b) The development and diversification of agricultural and other land-based businesses;*
  - c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
  - d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sport venues, open space, cultural buildings, public houses and places of worship”*
- 7.5 The above national policy supports development that is sustainable and improves the economic, social and environmental conditions of the area and says such development should be approved. Specially it refers to providing homes for rural workers, particularly on farms, to allow workers to live permanently at or near their place of work” (this is discussed in more detail in the Green Belt section below) The NPPF specifically refers to the need to support a prosperous rural economy by, *‘sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and ‘The development and diversification of agricultural and other land-based businesses;’*  
As such the proposals are considered to comply with the above national policy providing diversification and sustainable growth of an existing farm and the principle of such development is acceptable.

### Green Belt

- 7.6 The National Planning Policy Framework states in relation to proposals affecting the Green Belt that, *‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.’* It notes in paragraph 148 that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.7. In paragraph 149, it sets out some exceptions that are not inappropriate: -  
*‘A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include*  
*(a) buildings for agriculture and forestry’*

7.8 Policy GB1 of the Spelthorne Borough Local Plan 2001 deals with Development Proposals within the Green Belt and states:

*“The Green Belt shown on the Proposals Map will be permanent and within it development will not be permitted which would conflict with the purposes of the Green Belt and maintaining its openness. Subject to the above, development will not be permitted except for uses appropriate to the Green Belt, comprising:-*

- a) agriculture and forestry {officer emphasis}
- b) *essential facilities for outdoor sport and recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it*
- c) *limited extension, alteration or replacement of existing dwellings appropriate re-use of buildings (see also Policy GB4)*
- d) *appropriate engineering and other operations”*

7.9 As noted above, in both the NPPF and Saved Local Plan Policy GB1, development proposals in the Green Belt involving agricultural and forestry are exceptions and are not considered to be inappropriate development. However, this would be subject to the agricultural assessment.

7.10 Further advice was sought from an agricultural advisor in relation to the proposals and their merits as ‘agricultural’ development in the Green Belt. The proposals are discussed further below: -.

7.11 Siting of Polytunnels

Section 336 of the Town and Country Planning Act 1990 defines ‘agriculture’ as including:

- *“horticulture, fruit growing, seed growing, dairy farming;*
- *the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or 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 or nursery grounds; and*
- *the use of land for woodlands where the use is ancillary to the farming of land for other agricultural purposes.”*

7.12 The agricultural advisor notes that, ‘...*The proposed polytunnels are typical structures seen in a rural location and commonly used in horticultural and agricultural production. They would be considered to support the needs of agriculture on the applicant’s holding in compliance with Local Policy GB1.*’<sup>\*</sup>

7.13 The applicant will be growing raspberries in the 21.19 hectares of polytunnels and will create a new area of planting for the applicant, supporting a well-established horticultural business. The development at Laleham Farm will enable the applicant to continue to meet an expanding market and customer

demand for British high quality soft fruit. The agricultural advisor notes that these crops can be readily grown in polytunnels in the UK and that it is generally accepted that the set up costs for the erection of polytunnels is a cheaper alternative to the erection of greenhouses which are a more permanent building. The advisor notes it is generally accepted that polytunnels retain more heat than an unheated greenhouse so can be used to extend the growing season of crops and plants. This extended growing season is a feature of the applicant's proposal with the polytunnels being covered from March to November each year. The polytunnels also protect growing crops from the elements of the weather, in particular high value and sensitive crops from rain, wind, snow and hail.

7.10 Siting of single caravan for Five Year Period

The agricultural advisor considers the siting of a caravan for a temporary period of five years and the overwinter storage of five caravans are appropriate in the Green Belt as an agricultural (horticultural) use of the land and complies with national and local planning policy.

7.11 The planning history of the site shows that there has been a caravan on site for a number of years, with the first application for such approved in 1975.

7.12 The primary test set out in the NPPF is an assessment as to whether it is essential for a rural worker to live at, or near, their place of work. In order to demonstrate that there is an essential need for a worker to live on site, it is necessary to consider whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.

7.13. The agricultural advisor notes that an assessment of the essential need for a rural worker to live at or near their place of work requires:-

- an evaluation of the risks involved;
- the frequency and type of out-of-hours emergency that might arise;
- the scale and loss that could be incurred should that emergency situation occur;
- the potential for an on-site worker to identify any problem; and
- the ability of that resident worker to rectify the problem effectively and expeditiously.

7.14 In addition, the National Planning Policy Guidance (NPPG) details the assessment of isolated homes in the countryside as including *“Evidence of the necessity for a rural worker to live at or in close proximity to their place of work to ensure the effective operation of agricultural, forestry or similar land-based rural enterprise (for instance where farm animals or agricultural processes require on-site attendance 24 hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)”*.

7.15 The agricultural advisor notes she would consider in this case that the essential need for a rural worker to be on-site, '... relates to the management and production of fruit within the polytunnels and is concerned with the planting, growing and caring for the raspberry plants and harvesting the fruit.' The advisor explains that changing weather conditions will require the polytunnels to be covered or uncovered manually by staff and issues with

automatic irrigation and ventilation system, could, potentially, reduce or stunt growth, reduce quality causing significant financial losses. She also notes other reasons include immediate response to changing weather and that whilst alarms could be installed, they only provide warnings, which takes time to respond to if located off site and could result in damage to crops.

- 7.16 The agricultural advisor also refers to the Agricultural Budgeting & Costing book (91<sup>st</sup> Edition) November 2020 which details labour requirement per hectare for types of crops/cultivation and that the number of staff and therefore caravans required for the amount of polytunnels proposed is relative.
- 7.17 As such the agricultural advisor considers that the provision of the caravan to be sited for a temporary period of five years is acceptable in reference to the NPPF and NPPG. The caravan will provide accommodation for three workers who will reside on site meeting the essential need of the raspberry plants and also provide an element of security for the site during the winter months.
- 7.18 Siting of five caravans for seasonal worker accommodation and overwinter storage  
The agricultural advisor notes that the seasonal siting for the accommodation falls under Part 5 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and The Caravan Sites and Control of Development Act 1960.
- 7.19 She also notes that seasonal workers are an accepted and vital component of agricultural and horticultural businesses across the UK particularly in the soft fruit growing areas in South East England, and without them these rural sectors would be at risk of not being able to compete with the international markets.
- 7.20 The agricultural advisor also notes it is their experience is that it would be unlikely that local residents would wish to work for a rate close to national minimum wage, in horticulture, with very early starts with planting and harvesting, at weekends, and in hot or extremes of weather. This was evidenced in 2020 with the low number of local workers employed despite the increasing unemployment and calls from various organisations for labour in the agricultural/horticultural sector. In addition, it is accepted that for such horticultural enterprises there is great organisational, time and cost efficiency for employees and employers in having the labour force resident on site, as staff are reliably on hand for the early work starts.
- 7.21 The agricultural advisor concludes that, '*...the storage of these caravans is considered acceptable on the condition that they remain unoccupied for the out of season months of January and February each year.*'
- 7.22 In conclusion, the proposals are accepted to be an agricultural use and these are not inappropriate development within the Green Belt. As such, subject to conditions to restrict time frames and also the occupation of the seasonal worker caravans over the winter, the applications are considered to be acceptable in relation to the NPPF and Saved Local Plan Policy GB1 in regard to development in the Green Belt. However, we still need to consider

the other planning issues associated with this development and these are addressed below.

Design and appearance

- 7.23 Policy EN1a of the CS & P DPD states that *“the Council will require a high standard in the design and layout of new development. Proposals for new development should demonstrate that they will: create buildings and places that are attractive with their own distinct identity; they should respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land.”*
- 7.24 The NPPF in section 12 set out policies to ‘achieve well-designed places’. Paragraph 126 refers to good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 7.25 Paragraph 130 notes that planning policies and decisions should ensure that developments:
- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- 7.26 Application 20/01533/FUL proposes the siting of six caravans for security/farm worker accommodation for a temporary five year period. and the siting of five caravans for seasonal worker accommodation. Although 5 of these caravans would remain unoccupied from the end of December to the end of February each year, the caravans would remain present on the site. As noted previously, there has been at least one caravan on the site for a number of years. The proposed caravans are located close to the entrance of the site, running parallel with Shepperton Road, and close to other buildings and hardstanding already present at the farm site. They are relatively small in scale, with a single storey in nature and each have a limited footprint. Although they will have some impact on visual amenity of the site, given their location close to other buildings near the boundary of the site and their temporary nature and size, this will be limited. In addition, the site is well screened with vegetation along the boundaries, including Shepperton Road although there are some gaps in this boundary including the entrances where visibility into the site is greater. However, the caravans will have a limited impact on the visual amenity of the location and are acceptable in terms of design and appearance.

- 7.27 Application ref 21/00388/FUL is for the erection of polytunnels across 21.19 hectares of the application site for the growing of raspberries in two areas (Fields A and B), together with temporary screening. The proposed polytunnels are each a 'hoop' shaped tubular steel frame, 8m wide and 4.25m high, with a 300mm gap between each tunnel. The tunnels are located parallel to one another in a north south direction, running the length of fields A and B and have small gaps between each line, set in from the field margins by approx. 5-8m. The applicant proposes that the tunnels will be covered in polythene sheeting from the beginning of March through to November each year and the covering will then be rolled back and stored alongside the frames or stored on the farm during the winter period. In addition, the proposal includes a number of temporary mesh screens which are located next to the northern boundary of the site and also near to the farm entrance to help screen and break up any views of the polytunnels from views outside of the site from Shepperton Road. The screens are approximately 4 metres high and are made up of a number of timber/metal poles and a close texture mesh screen which is fixed to the poles.
- 7.28 Although the polytunnels are of a temporary nature and can be removed, and in addition have a gap between each tunnel, given the large area covered by the tunnels, they are viewed as one continuous structure, and can be reflective during the summer due to the polythene covering. However, they are relatively low in height of 4.25m and have been located on fields A and B which are set in from the side boundaries of the farm site from Laleham Park and Abbey and Littleton Lane. In addition, they are not an uncommon feature seen in fields and on farms and given the flat nature of the site and surrounding area, views of the entire site are not possible. Although they will have an impact on visual amenity of the site, given their location central to the site, away from the side boundaries, as well as their temporary nature and size, this will be limited. In addition, as noted above, the site is well screened with vegetation along the boundaries, including Shepperton Road although there are some gaps in this boundary including the entrances where visibility into the site is greater. The screening provided does also help in restricting views of the polytunnels. However, the polytunnels will have a limited impact on the visual amenity of the location on an existing farm and are acceptable on design and appearance.
- 7.29 The applicants have submitted a landscape plan to provide some additional native planting where there are currently gaps in the boundary vegetation. This will help to provide for better screening of the site, although it is acknowledged that views into the site are easier during the winter months when much of the vegetation loses its leaves. As such the proposed siting of the caravans and polytunnels for a temporary period of 5 years is considered to be acceptable in design terms and conforms to policy EN1. Laleham Abbey which is located to the west of the application site is a Listed Building and is also located within the Laleham Conservation Area. However, given the scale of the proposal and distance from the building, the proposal is not considered to have any impact on the setting of the listed building and will continue to preserve and enhance the Conservation Area, conforming to Policies EN5 and EN6. Therefore the proposals accord with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on neighbouring residential properties

7.30 Policy EN1b of the CS & P DPD states that:

*“New development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or overbearing effect due to bulk and proximity or outlook.”*

7.31 The nearest residential properties to the application site are those on the opposite side of Littleton Lane at Milton Drive (over 250m away from field A polytunnels) and also Laleham Abbey to the west (over 280m to field B polytunnels). The proposal includes polytunnels set well in from the side boundaries of the application site, and as such are located too far from these dwellings to have any impact on their amenity. In addition, the caravans are located adjacent to Shepperton Road, away from residential development. As such the scale of the development and proximity to the existing properties is considered to be acceptable and there will be no adverse impact on the amenity of existing neighbouring residential properties, conforming to Policy EN1.

Highway and parking provision

7.32 Strategic Policy SP7 of the CS & P DPD states that:

*“The Council will reduce the impact of development in contributing to climate change by ensuring development is located in a way that reduced the need to travel and encourages alternatives to car use. It will also support initiatives, including travel plans, to encourage non-car-based travel.”*

7.33 Policy CC2 of the CS & P DPD states that:

*“The Council will seek to secure more sustainable travel patterns by: ... (d) only permitting traffic generating development where it is or can be made compatible with the transport infrastructure in the area taking into account: (i) number and nature of additional traffic movements, including servicing needs; (ii) capacity of the local transport network; (iii) cumulative impact including other proposed development; (iv) access and egress to the public highway; and (v) highway safety.”*

7.34 Policy CC3 (Parking Provision) of the CS & P DPD states that the Council will require appropriate provision to be made for off-street parking in development proposals in accordance with its maximum parking standards.

7.35 The applicant has noted in the Planning Statement that the production of soft fruit (raspberries) on the land under the polytunnels will generate a number of traffic movements. Vehicle movements are spread out throughout the entire year with a larger number of movements in the months from April to November, when there will be an average of 10 van/car movements and 2 to 6 HGV/Bus movements per day. The applicant goes on to note that, ‘ *whilst the number vehicle movements generated by the production of fruit under polytunnels through increased yield is greater than more traditional growing methods, the overall increase in traffic movements directly associated with*

*this proposal will be relatively low and will not give rise to a serve impact on the local roads, particularly bearing in mind that the greater number of the movements will be spread out from April to November.'*

- 7.36 The County Highway Authority (CHA) was consulted on the planning application and has raised no objection to the proposal noting that, '*... It is considered possible that the proposal could result in a very minor increase in trip generation due to the heightened output potential of the farm and any required maintenance. This is likely to be a small number, and in any case no safety concerns have been identified with the site access.'*
- 7.37 Therefore the CHA has raised no objection to the proposed scheme on highway safety grounds or parking provision. As such it is considered that the scheme is acceptable in terms of policies CC2 and CC3 on highway and parking issues.

#### Flooding

- 7.38 Policy LO1 of the CS & P DPD states that the Council will seek to reduce flood risk and its adverse effects on people and property in Spelthorne by not requiring all development proposal within Zones 2, 3a and 3b and development outside the area (Zone1) on sites of 0.5ha or of 10 dwellings or 1000sqm of non-residential development or more, to be supported by an appropriate Flood Risk Assessment (FRA).
- 7.39 The site is located within Flood Zone 2, and 3a and b. The applicant has submitted a Flood Risk Assessment, as is required by Policy LO1 of the CS & P DPD.
- 7.40 The Environment Agency (EA) has been consulted and originally raised an objection to the polytunnel scheme and the siting of the caravans. However, with the amended FRA the EA noted it proposes that polytunnels will be excluded from Flood Zone 3b. The revised FRA now includes a topographic survey of the site to allow the flood extents and flood depths to be determined. The proposal is for polytunnels, which will only be present between the months of March to November and they are floodable structures. In relation to the siting of the caravans the EA has noted that based on the information in the FRA the objection on fluvial flood risk grounds can be removed ,subject to a condition requiring all caravans to continue to be raised above ground level by 700mm and allow free flow of water beneath them. The EA has subsequently withdrawn the objections, subject to the imposition of condition. None of the caravans are located in the high risk flood zone and given the temporary nature of the permission, they are considered to be acceptable on flooding grounds. Accordingly, the application complies with the requirements of Policy LO1 of the CS & P DPD.

#### Trees/Landscaping

- 7.41 As noted above, the applicant has submitted a landscape plan to provide some additional native planting where there are currently gaps in the boundary vegetation. This will help to provide for better screening of the site. The Council's Tree Officer has been consulted and raises no objection.

### Biodiversity/Ecology

- 7.42 The proposal is for agricultural development on an existing farm. Polytunnels have been installed on existing crop fields and the proposal also includes additional planting along the boundaries which will help to improve the biodiversity and ecology of the site. Surrey Wildlife Trust has been consulted and note from the documents submitted there does not appear to be ecological constraints with regard to the proposals and the applicant will be seeding the field margins with a native grass mixture, providing a benefit at the field margins. Natural England has responded to say they make no comments about the application. It is considered that the proposal will have an acceptable impact in regard to ecology.

### Contaminated Land

- 7.43 The Council's Pollution Control Officer has raised no objection but has noted that the application site is on a landfill site (Littleton Lane Lavenders) and is close to another (Home Farm landfill). As a result, the officer has noted a concern about the depth of the polytunnel fixtures in relation to the depth of the existing capping layer and in addition, ventilation in regard to gas protection. The EHO states that, *'... if the mobile unit is sited directly onto the ground or has any blocked voids (for example through use of 'skirts'), basic gas protection might be required. I would recommend that they are simply not placed directly onto the ground and no vents are blocked'*. The applications are retrospective, however an informative to this accord can be attached to any consent given. The proposal is considered acceptable in accordance with Policy EN15 and the NPPF.

### Equality Act 2010

- 7.44 This planning application has been considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.45 The question in every case is whether the decision maker has in substance had due regard to the relevant statutory need, to see whether the duty has been performed.
- 7.46 The Council's obligation is to have due regard to the need to achieve these goals in making its decisions. Due regard means to have such regard as is appropriate in all the circumstances.

- 7.47 Person with protected characteristics may be affected by the scheme in terms of using the local roads and passing the site, however these impacts will be limited and the regard has been given to this issue.

#### Human Rights Act 1998

- 7.48 This planning application has been considered against the provisions of the Human Rights Act 1998.
- 7.49 Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.
- 7.50 Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, i.e., peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.
- 7.51 In taking account of the Council policy as set out in the Spelthorne Local Plan and the NPPF and all material planning considerations, officers have concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by the refusal of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

#### Financial Considerations

- 7.52 Under S155 of the Housing and Planning Act 2016, Local Planning Authorities are now required to ensure that potential financial benefits of certain development proposals are made public when a Local Planning Authority is considering whether or not to grant planning permission for planning applications which are being determined by the Council's Planning Committee. A financial benefit must be recorded regardless of whether it is material to the Local Planning Authority's decision on a planning application, but planning officers are required to indicate their opinion as to whether the benefit is material to the application or not. The proposal will generate Business rates payments which is not a material consideration in the determination of this proposal.

#### Conclusion

- 7.53 The proposals are considered to pay due regard to the design, scale and character of the area, and will have an acceptable impact on the visual amenity of the rural location.. The proposal is for an agricultural use on an existing farm and is not inappropriate development in the Green Belt. The proposals will have an acceptable impact on the amenity of neighbouring properties and are considered to be acceptable. The applications are recommended for approval.

## 8. Recommendation

21/00388/FUL - Part retrospective application for the erection of polytunnels, temporary screens, drainage works and landscaping

### 8.1 GRANT subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings

DHR-15141\_01, 02, 03, 04 and 05 received on 8 March 2021 and 10 received on 16 December 2020

Reason: - For the avoidance of doubt and in the interest of proper planning

2. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) entitled Land at Laleham Farm, Staines, Surrey, Flood Risk Assessment & Drainage Proposals, Evans & Langford LLP, Rev D, June 2021; and the following mitigation measures it details:

- There shall be no polytunnels located in Flood Zone 3b as detailed on Figure 2 of the FRA (FRA Section 8.5);
- The polytunnels shall only be in place during the period between March and October inclusive each year. At all other times (being the typically wetter winter months) the tunnel sheeting is to be removed so the land will return to open fields as existing, with no impedance to flood flows compared to the present situation (FRA Sections 6.8 and 8.1);
- In accordance with Environment Agency guidance on Flood Openings, the polytunnels should not have fixed plastic sheeting below specific levels, for each field shown in Figure 2 of the FRA, for a 1 metre opening in every 5 metres length of wall on all sides of the polytunnel. Within Field G the lowest sheeting level at the openings should be 13.43metres Above Ordnance Datum (mAOD), and in Fields H & I the lowest sheeting level at the openings should be 13.03mAOD. As such, any flood water can flow below the tunnels in a very similar pattern to the existing situation (FRA Section 6.8);
- Polytunnels shall be of a type consistent with that illustrated on sketch DHA/15141/05 dated Nov 2020 which shows the typical arrangement of the polytunnel construction. These mitigation measures shall be fully implemented when the polytunnel sheeting is deployed. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by maintaining floodplain storage and conveyance. This condition is supported by Policy LO1: Flooding of the Spelthorne Core Strategy and Policies DPD, February 2009.

3. That this permission be for a limited period of 5 years only, expiring on 15 September 2026 when the use hereby permitted shall be discontinued and the polytunnels and works carried out under this permission removed and the land reinstated.

Reason: - In the interest of visual amenity of this rural location, to safeguard the Council's Green Belt and flooding policies in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Policies EN1 and LO1 of the Core Strategy and Policies DPD 2009.

4. The trees and shrubs shall be planted on the site in accordance with the approved plan DHR-15141\_10 received on 16 December 2020, within a period of 6 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees/shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: - To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

### Informatives

1) The Council's Pollution Control Officer has noted that there may be concerns about the depth of the polytunnel fixtures in relation to the depth of the existing capping layer which should not be penetrated given the previous use of the land for gravel extraction..

2) Land within the application site is proposed for the construction and operation of the Southampton to London Pipeline (SLP) project, a nationally significant infrastructure project. The Council strongly advises the Applicant to liaise closely with Esso Petroleum Company, Limited over the timing and detailed implementation of the application proposals and the SLP project, to seek to agree a detailed approach that avoids or reduces conflicts between the two development proposals, and that seeks to mitigate any impacts arising.

20/01533/FUL - Stationing of 6 No. agricultural workers caravans on the land for a temporary period of 5 years. (retrospective)

### 8.2 GRANT subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings

DHR-15141\_01, 02 and 10 received on 16 December 2020

Reason: - For the avoidance of doubt and in the interest of proper planning

2. That this permission be for a limited period of 5 years only, expiring on 15 September 2026 when the use hereby permitted shall be discontinued and the caravans and works carried out under this permission removed and the land reinstated.

Reason: - In the interest of visual amenity of this rural location, to safeguard the Council's Green Belt and flooding policies in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001 and Policies EN1 and LO1 of the Core Strategy and Policies DPD 2009..

3. The occupation of the caravans shall be limited to persons solely employed to work at the application site in agriculture as defined in Section 336 of the Town and Country Planning Act, 1990.

Reason:- To safeguard the Council's Green Belt policy in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001.

4. The 5 caravans for seasonal workers accommodation, as shown on approved plan number DHR-15141\_10 received on 16 December 2020 shall only be occupied during the months March until December, with the rest of the year remaining unoccupied.

Reason:- To safeguard the Council's Green Belt policy in accordance with Saved Policy GB1 of the Spelthorne Borough Local Plan 2001

5. The trees and shrubs shall be planted on the site in accordance with the approved plan DHR-15141\_10 received on 16 December 2020, within a period of 6 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season, whichever is the sooner, of any trees/shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: - To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development. In accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

6. The development shall continue to be carried out in accordance with the submitted flood risk assessment Flood Risk Assessment and drainage proposals caravan scheme at land at Laleham Farm dated April 2021 ref 15451, produced by Evans and Langford LLP and the following mitigation measures it details: - The FRA states that all

caravans will be raised above ground level by 700mm and allowing free flow of water beneath them. This is then above the appropriate climate change level. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

### Informative

1. The Council's Pollution Control Officer has noted that there may be concerns about ventilation in regard to gas protection. If the mobile unit is sited directly onto the ground or has any blocked voids (for example through use of 'skirts'), basic gas protection might be required. It is recommended that the caravans are not placed directly onto the ground and no vents are blocked'
2. Land within the application site is proposed for the construction and operation of the Southampton to London Pipeline (SLP) project, a nationally significant infrastructure project. The Council strongly advises the Applicant to liaise closely with Esso Petroleum Company, Limited over the timing and detailed implementation of the application proposals and the SLP project, to seek to agree a detailed approach that avoids or reduces conflicts between the two development proposals, and that seeks to mitigate any impacts arising.

