

**20/00536/FUM**

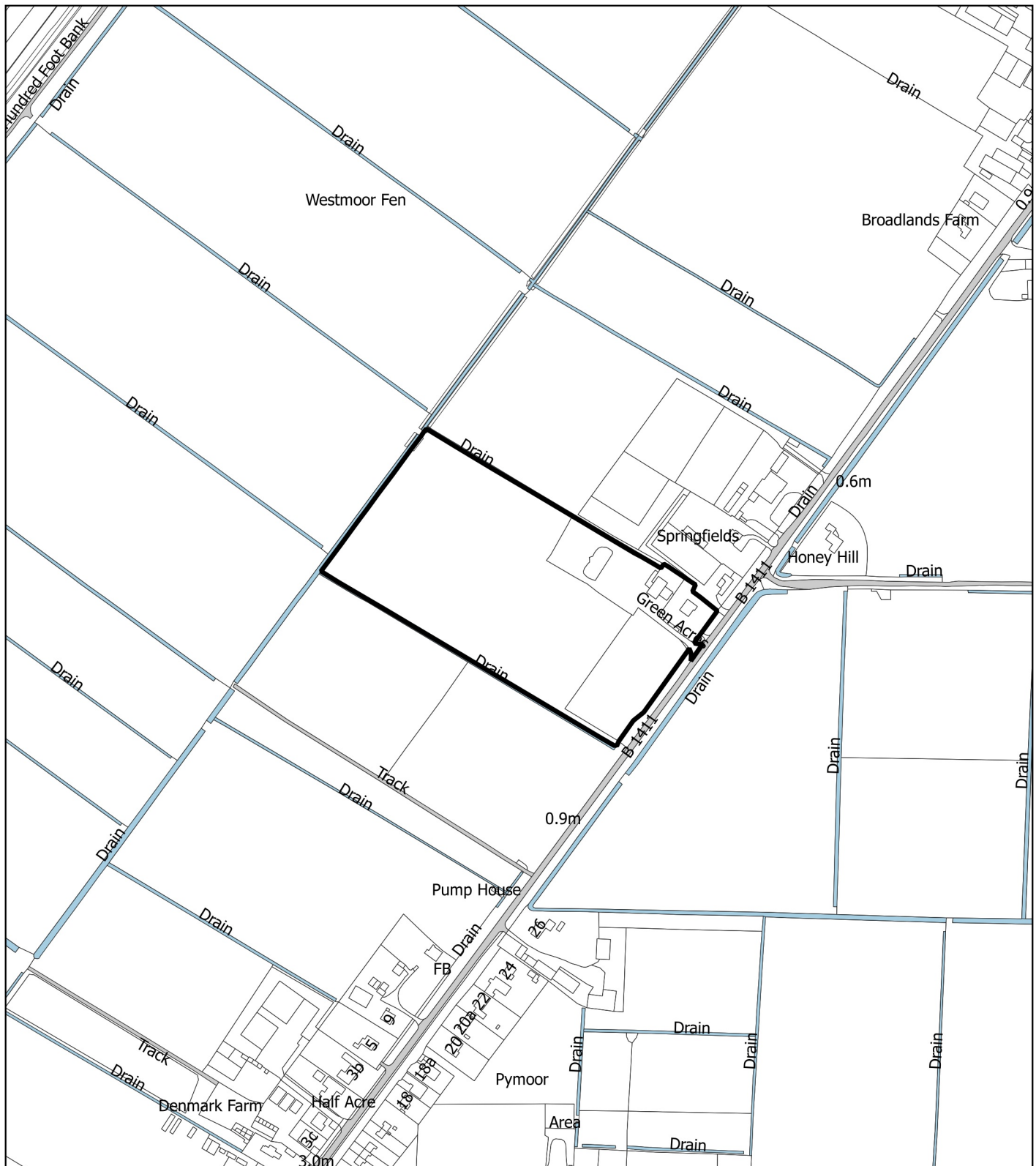
Green Acres  
Straight Furlong  
Pymoor  
Ely  
Cambridgeshire  
CB6 2EG

Construction of greenhouse for seed research and development, with small pump house and above ground water storage tanks

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<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q9GBMWGGK7Q00>





20/00536/FUM

Green Acres  
Straight Furlong  
Pymoor



East Cambridgeshire  
District Council

Date: 21/06/2021  
Scale: 1:5,000

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**MAIN CASE**

**Reference No:** 20/00536/FUM

**Proposal:** Construction of greenhouse for seed research and development, with small pump house and above ground water storage tanks

**Site Address:** Green Acres Straight Furlong Pymoor Ely Cambridgeshire CB6 2EG

**Applicant:** Mr Nye

**Case Officer:** Toni Hylton Senior Planning Officer

**Parish:** Little Downham

**Ward:** Downham  
Ward Councillor/s: Anna Bailey

**Date Received:** 27 April 2020      **Expiry Date:** 9<sup>th</sup> July 2021

**Report Number W33**

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1.0 **RECOMMENDATION**

1.1 Members are recommended to Approve subject to conditions listed below and attached in Appendix A.

1.2

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Reporting of unexpected contamination
- 4 Construction Environmental Management Plan (CEMP)
- 5 Piling foundations
- 6 Construction times - Standard hours
- 7 Flood Risk Assessment
- 8 Restrict development during the winter months
- 9 Development in accordance with the biodiversity plan
- 10 Biodiversity Improvements
- 11 Sample materials
- 12 No lights
- 13 Soft landscaping scheme
- 14 Sustainable development - Full
- 15 Specified use class
- 16 Tree protection measures
- 17 Surface water drainage plan

## 2.0 SUMMARY OF APPLICATION

2.1 The application proposes the erection of a seed research and development greenhouse, with water storage tanks and pump house. The current business operates in Pymoor, however is a growing business and needs to expand. The dimensions of the greenhouse and pump are shown in the table below:

Building	Height		Width		Length		Floor area	
	Metres	Feet	Metres	Feet	Metres	Feet	Metres	Feet
Greenhouse	7.2	24	105	344	119	390	12,495sqm	135,495sqft
Pump house	3.2	10	4.0	13	3.0	9.8	12sqm	39sqft

2.2 The greenhouse is to enable the plant breeding programme with the core business being herb, baby-leaf and oriental vegetable. The idea behind the greenhouse is to upscale the research and development programmes and increase in seed production.

2.3 The greenhouse will be constructed using a steel frame with a purpose film covering. The pump house will be clad using grey and olive green sheeting with the water tanks corrugated galvanised steel with a simple black roof covering. The pump will use the water from the tanks to water the plants.

2.4 The nature of the business does not require intense employment and currently employs 39, with an additional 5 employees through this proposal.

2.5 The scheme has not been amended since its submission in April 2020, however additional information and surveys were required as listed below:

- Potential noise from the pump house
- Mitigation with regard to flood risk
- Ecological bird surveys
- Show traffic movement within the site

2.6 The application is presented to the planning committee based upon its size in excess of 1,000 square metres and the limits set by the Local Planning Authority's constitution.

2.7 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

## 3.0 PLANNING HISTORY

3.1

17/01747/AGN

Steel portal framed building

30.10.2017

18/01122/AGN	Steel structure for straw bale storage		03.09.2018
82/00555/FUL	EXTENSION AND ALTERATIONS	Approved	07.10.1982
21/00296/FUL	To retain straw storage structure and clad with agricultural materials to roof and walls	To be determined	

#### 4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside of the development envelope for Little Downham and Pymoor and forms part of the Green Acres farm. The site consists of grazing land and houses a small agricultural storage building to the west of the existing access.
- 4.2 The site is approximately 4.8 hectares (11.8 acres) and is accessed from the B1411. To the north east of the site is Springfields which is a residential property, with paddocks and stables for horses. To the north west of the site approximately 700 metres (2297 feet) is the Ouse Washes (SSSI) and the New Bedford (Hundred Foot) River, within flood zone 3.
- 4.3 To the front of the site is a single storey dwelling which is within the ownership of the applicant. There are drains to the south east and south west of the site, which are under the control of the Internal Drainage Board. There are hedges to the boundaries of the site and a public byway (65/35) immediately opposite the site.

#### 5.0 RESPONSES FROM CONSULTEES

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.
- 5.2 A site notice was displayed at the site on 4th June 2020 and advertised in the press on 7th May 2020. 4 neighbouring properties were notified with 1 neighbour objecting on more than one occasion, their accumulated comments are made in brief below:
- Not a small-scale development
  - Fails to address other sites
  - Impact on wildlife
  - Landscaping and visually intrusive
  - Loss of privacy
  - Noise and disturbance during construction
  - Lack of traffic information.

#### **Little Downham Parish - 23 October 2020**

States "By a majority decision, Little Downham Parish Council had no concerns regarding this application.

The Parish Council acknowledges that a parishioner has concerns regarding the proposed development and its impact on local wildlife and the open countryside.”

**Little Downham Parish - 18 September 2020**

States “Little Downham Parish Council had no main concerns regarding this application's Surface Water Strategy, although there was confusion as to whether the 'storage pond' was set at ground level or another name for the above ground storage tanks.”

**Little Downham Parish - 17 July 2020**

States “Little Downham Parish Council had concerns regarding this application for the following reason:

Visual Impact in the open Countryside - The Parish Council considers that the amendment dated 23/06/2020, to increase the development by putting large water storage tanks above ground, will add to the visual impact of the development and be detrimental to the open countryside.

The Parish Council has been made aware that local parishioners are very concerned with the vast size of the development and its impact on local wildlife and the open countryside.”

**Little Downham Parish - 18 June 2020**

States “Little Downham Parish Council had no concerns regarding this application.”

**Little Downham Parish - 21 May 2020**

States “Little Downham Parish Council had no concerns regarding this application.”

**Ward Councillors - No Comments Received**

**Local Highways Authority - 5 March 2021**

States “I have no further comments”

**Local Highways Authority - 26 May 2020**

Whilst I have no objections to the principal of the development I am unable to fully highway access and internal manoeuvring area as these details have not been included within the application as far as I can see.

Should the planning authority grant permission they should ensure that there is sufficient parking, manoeuvring and loading area/s for such a development.

**Environmental Health - 24 June 2020**

States “I have no additional comments to make concerning these issues but I have read the neighbour response outlining their objections to the proposal. Part of this concerns the potential for noise and specifically the mechanical roof vents in the greenhouse. Section 20 of the Application does not list any Industrial or Commercial Processes and Machinery. Are we able to confirm from the applicant that the greenhouse will not contain noisy plant? I will wait on their response before making further comments on this element.

I take on board the comments regarding the potential for reversing alarms on vehicles/forklifts. I would recommend a condition which stipulates that reversing

alarms be broadband (white noise). I believe that Planning may have a standard condition they use for this but if you require assistance with the wording then please let me know."

**Environmental Health - 6 May 2020**

I've had a look at the pump house specifications and I have no issues to raise.

**Environmental Health - 30 April 2020**

States "Due to the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday

07:30 - 13:00 on Saturdays and

None on Sundays or Bank Holidays

The pump house should provide a degree of noise insulation but I would advise the applicant to specifically consider sound attenuation and incorporate it in to the structural design of the building. It will be more cost effective in the long run to ensure noise does not cause an issue to neighbouring properties now rather than retrofitting later. However, this is just advice at this time as when taking in to consideration the building enclosure, the approved application for the straw store to the northeast and the greenhouse itself I anticipate that there should be sufficient screening so as the noise from the pump does not cause a nuisance to nearby properties. However, the applicants should be advised that planning permission does not confer immunity from action under statutory nuisance. Either by local authority or a private individual.

No other points to raise at this time but please send out the environmental notes"

**The Ely Group Of Internal Drainage Board - 26 August 2020**

States "The surface water strategy states that there will be no discharge from this site. Therefore, no consent is required from the Board. No works can take place within nine metres of a Board's Main Drain without the prior consent of the Board. This needs to be obtained before works start on site."

**The Ely Group Of Internal Drainage Board - 7 July 2020**

States "In principle the Board have no objections to this proposal, subject to the following conditions:-

The consent of the Board will be required for the proposed surface water discharge from the site into our Main Drain. The Board's allowable greenfield run-off rate is 1:1 litres/sec/ha. This is based on the design capacity of our pumping stations. Anything over this would require the payment of a commuted sum to help with the maintenance of the Board's system.

Any works or structures erected within nine metres of the Board's Main Drain require the consent of this Board.

It should be noted that the granting of planning permission is separate from the Board's consenting process and does not guarantee the Board's consent."

**The Ely Group Of Internal Drainage Board - 12 May 2020**

States "As the site will harvest the surface water on site and there will be no structures within nine metres of the Board's Main Drain, we have no objections to this proposal"

**Environment Agency - 30 September 2020**

States" We have reviewed the additional surface water scheme and have no comments to add."

**Environment Agency - 27 August 2020**

States "We have no further comments to make after having reviewed the Surface Water Strategy."

**Environment Agency - 15 July 2020**

States "We have reviewed the additional information and have no further comments to add. Our previous comments remain pertinent.

We recommend that the LLFA be consulted on the surface water strategy.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters."

**Environment Agency - 18 May 2020**

No objection , although the Local Planning Authority should ensure it meets the Exceptions Test.

**Lead Local Flood Authority - 23 September 2020**

States "We have reviewed the following documents: -Surface Water Strategy, Ellingham Consulting Ltd, Ref: ECL0241-3, Dated: August 2020

Based on these, as Lead Local Flood Authority (LLFA) we can remove our objection to the proposed development. The above documents demonstrate that surface water from the proposed development can be managed through directing all surface water drainage to a storage pond for irrigation of the surrounding farm land. The basin is adequately sized to attenuate all storms up to and including the 1% Annual Exceedance Probability (AEP) storm event including an allowance for climate change. The pond will be run down before winter to ensure the capacity is there to receive the winter runoff events. It is demonstrated that the requirement for surface water is greater than the size of this basin.

We request the following condition is imposed:

**Condition**

No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

The scheme shall be based upon the principles within the agreed Surface Water Strategy prepared by Ellingham Consulting Ltd (ref: ECL0241-3) dated August 2020 and shall also include:

a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well



as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;

b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;

c) Full details of the proposed attenuation and flow control measures;

d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;

e) Full details of the maintenance/adoption of the surface water drainage system;

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

Reason

To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development”

#### **Lead Local Flood Authority - 26 August 2020**

States “At present we maintain our objection to the grant of planning permission for the following reasons:

##### **1. Attenuation Feature Clarity**

It is not clear how the proposed attenuation storage for re-use and irrigation will be built up and in what form it will be provided. In Figure 3, the attenuation is labelled as a storage pond, however in Appendix 1 it is indicated that attenuation will be provide with above ground tanks. Clarity around the way in which this attenuation is provided is required, with the facility ideally being an open basin.

##### **2. Flooding of the Site**

In the calculations submitted in Appendix 2, it can be seen that there is 15.5m<sup>3</sup> of flooding expected during the 1% Annual Exceedance Probability (AEP) storm event, including a 40% allowance for climate change. While it may not be feasible to manage all surface water during these high intensity storm events, any system exceedance should be as minimal as possible. It is not clear where this flooding occurs within the proposals. The calculations indicate the flooding is from node S1, this is not indicated on any of the layouts.

It must be demonstrated that the predicted flooding will not increase the flood risk to the proposed buildings on site, or any adjacent land. An exceedance plan should be submitted demonstrating where the flooding is occurring and to what depth. If this is near the proposed greenhouse, the finished floor levels should be raised to ensure the risk of flooding of the premises is reduced.

Informatives

##### **Pollution Control**

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.”

#### **Lead Local Flood Authority - 1 July 2020**

States “At present we object to the grant of planning permission for the following reasons:

## 1. Outfall Rate

As the site is greenfield the runoff rate should be no higher than the greenfield equivalent. It is accepted that this is not always feasible due to orifice sizes and risk of blockage, resulting in a larger orifice and slightly higher discharge rate. The greenfield runoff rate for the site is 3.8 l/s, whereas the proposals are to discharge at a rate of 5 l/s due to the risk of blockage. However, the orifice sizes have not been defined within the submitted information. The minimum orifice that should be proposed downstream of an open water body should be no lower than 75mm. Until it is demonstrated that the orifice required for the greenfield runoff rate could pose a risk to blockage by being less than 75mm diameter, we will not consider a lower discharge rate than the greenfield equivalent.

## 2. Hydraulic Calculations

The appended hydraulic calculations show inconsistencies compared to the described drainage strategy. The outfall rate from the site through the Hydrobrake is 6 l/s within the calculations which is higher than the proposed 5 l/s stated within the strategy. However, this may be required to be reduced depending on the outcome of point 1 above. The hydraulic calculations should be an accurate representation of the proposed drainage strategy, modelling how the system copes in different storm scenarios.”

### **Lead Local Flood Authority - 14 May 2020**

States “We have reviewed the following documents:

~ Flood Risk Assessment, Ellingham Consulting Ltd, Ref: ECL0241, Dated: April 2020

At present we object to the grant of planning permission for the following reasons:

#### 1. Surface Water Drainage Strategy

The submitted Flood Risk Assessment demonstrates that the site is within the defended Flood Zone and there are small patches of surface water flood risk on site. However, as the proposals are defined as major due to the site of the site boundary and internal dimensions of the greenhouse, a surface water drainage strategy must be submitted. This strategy must demonstrate how surface water will drain from the site, in line with principles set out in the CIRIA SuDS Manual (C753), Cambridgeshire Flood and Water Supplementary Planning Document and the Cambridgeshire Surface Water Drainage Guidance for Developers document. The surface water strategy must include:

- i. Existing impermeable area
  - ii. Proposed impermeable area / developable area
  - iii. Proposed method of surface water disposal
  - iv. Existing and proposed runoff rates (if discharging off-site)
  - v. Existing and proposed runoff volumes (if discharging off-site)
  - vi. Required volume of attenuation (m3 per m2 of impermeable area)
  - vii. Preliminary SuDS proposals
  - viii. Infiltration test results in accordance with BRE365 (or second viable option for surface water disposal if testing hasn't yet been undertaken)
  - ix. Drainage layout drawing and supporting hydraulic calculations
- Once the above information has been submitted we will look to review our comments.”

**Anglian Water Services Ltd - 30 April 2020**

States "We note that the developer is not proposing to connect to Anglian Water's Network, this is outside of Anglian Water's jurisdiction to comment."

**Natural England - 19 May 2020**

States "our authority, as Competent Authority under the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended), should be satisfied that the applicant has provided sufficient information to enable the Council to ascertain that development will not have an adverse effect on the integrity of the Ouse Washes internationally designated site through its Habitats Regulations Assessment."

**ECDC Trees Team - 24 September 2020**

States "Previous comments still valid - no tree related issues"

**ECDC Trees Team - 27 August 2020**

States "It looks like a mature Ash tree, while the proposed footprint doesn't impact upon the tree directly once scaffold and a working area are factored in the Ash may inadvertently be compromised. The location of the storm crate also needs to be considered as it may fall within the RPA of the Ash tree. Therefore this tree needs to be protected during the construction phase.

Again as the tree is not protected and ECDC wouldn't be serving a TPO on the tree I think an informative is more appropriate; To ensure the Ash identified on drawing number 02/2394/20 is not compromised during the development and installation of the storm crate it should be afforded protection during the construction phase and the storm crate located outside of the Root Protection area, guidance in BS 5837 2012 Trees in relation to Design, Demolitions and construction Recommendations' needs to be applied."

**Design Out Crime Officers - 5 May 2020**

States "Thank you for the opportunity to comment on this Application. I have taken some time to review documents and drawings in regards to any concerns regarding community safety and reducing vulnerability to crime.

This office is happy to support the application and my only comment would be to offer site specific security advice if required should planning approval be obtained.

No further comments at present."

**Royal Society for the Protection of Bird - 8 June 2021**

States "In light of the additional ecological information provided by the applicant, the Royal Society for the Protection of Birds (RSPB) and the Wildfowl and Wetlands Trust (WWT) withdraws their objection to this planning application, subject to the provision of conditions on consent, should the council be minded to grant permission.

**The RSPB**

Is a major landowner in the vicinity of the application site - we manage 1334 hectares of the Ouse Washes as the RSPB Ouse Washes Reserve. We also manage nature conservation land outside of the flood bank at Coveney and Manea.

#### The WWT

Owns and manages 462 ha of the Ouse Washes at Welney and Lady's Fen north west of the application site.

#### Ouse Washes Special Protection Area

Is designated for its internationally important wintering wildfowl assemblage, including large numbers of Bewicks's and Whooper swans, and internationally important numbers of breeding waders and ducks in the spring/summer.

#### Functionally-linked land

Although the application footprint is c500m away from the SPA, it is within the area of agricultural fields which are used by wintering swans for feeding. As such, any development which could impact on the feeding swans (through a reduction in the area available to the swans, or through disturbance/avoidance) could have an adverse effect on the integrity of the SPA. This is recognised through Natural England's 'Goose and Swan Functional Land' IRZ.

#### Conditions on Consent

Should permission be granted, we request that conditions are put on any consent to limit construction work outside of the wintering season (November to March inclusive) when disturbance could occur to wintering swans and geese. In addition we request that a condition is placed ensuring that external lighting is minimised and directional hoods used to ensure that there is no risk of light pollution affecting roosting birds on the Ouse Washes designated area."

#### **Royal Society for the Protection of Bird - 5 June 2020**

States "The Royal Society for the Protection of Birds (RSPB) objects to this planning application, subject to the provision of further information. We do not believe that the Biodiversity/Ecological Assessment provided by the applicant gives sufficient information to allow the Council to ascertain no adverse effect on the integrity of the Ouse Washes Special Protection Area (SPA).

#### The RSPB

Is a major landowner in the vicinity of the application site - we manage 1334 hectares of the Ouse Washes as the RSPB Ouse Washes Reserve. We also manage nature conservation land outside of the flood bank at Coveney and Manea.

#### Ouse Washes Special Protection Area

Is designated for its internationally important wintering wildfowl assemblage, including large numbers of Bewicks's and Whooper swans, and internationally important numbers of breeding waders and ducks in the spring/summer.

#### Functionally-linked land

Although the application footprint is c500m away from the SPA, it is within the area of agricultural fields which are used by wintering swans for feeding. As such, any development which could impact on the feeding swans (through a reduction in the area available to the swans, or through disturbance/avoidance) could have an adverse effect on the integrity of the SPA. This is recognised through Natural England's 'Goose and Swan Functional Land' IRZ.

#### Biodiversity/Ecological Assessment

The ecological assessment submitted with the planning application does not recognise the potential impact on wintering swans. No data has been provided (besides some basic old presence/absence data with 2km) to show whether this site or surrounding fields is important to feeding swans, and no assessment has been made to rule out the potential for adverse effect on the SPA.

As such, we do not believe that the applicant has provided sufficient information to allow the Council to undertake a Habitats Regulations Assessment which could conclude no adverse effect on the Ouse Washes SPA”

#### **Wildfowl & Wetlands Trust - 8 June 2021**

States “In light of the additional ecological information provided by the applicant, the Royal Society for the Protection of Birds (RSPB) and the Wildfowl and Wetlands Trust (WWT) withdraws their objection to this planning application, subject to the provision of conditions on consent, should the council be minded to grant permission.

#### The RSPB

Is a major landowner in the vicinity of the application site - we manage 1334 hectares of the Ouse Washes as the RSPB Ouse Washes Reserve. We also manage nature conservation land outside of the flood bank at Coveney and Manea.

#### The WWT

Owns and manages 462 ha of the Ouse Washes at Welney and Lady's Fen north west of the application site.

#### Ouse Washes Special Protection Area

Is designated for its internationally important wintering wildfowl assemblage, including large numbers of Bewicks's and Whooper swans, and internationally important numbers of breeding waders and ducks in the spring/summer.

#### Functionally-linked land

Although the application footprint is c500m away from the SPA, it is within the area of agricultural fields which are used by wintering swans for feeding. As such, any development which could impact on the feeding swans (through a reduction in the area available to the swans, or through disturbance/avoidance) could have an adverse effect on the integrity of the SPA. This is recognised through Natural England's 'Goose and Swan Functional Land' IRZ.

#### Conditions on Consent

Should permission be granted, we request that conditions are put on any consent to limit construction work outside of the wintering season (November to March inclusive) when disturbance could occur to wintering swans and geese. In addition we request that a condition is placed ensuring that external lighting is minimised and directional hoods used to ensure that there is no risk of light pollution affecting roosting birds on the Ouse Washes designated area.”

#### **Cambs Wildlife Trust - No Comments Received**

#### **Ramblers Association South - No Comments Received**

## **Asset Information Definitive Map Team - No Comments Received**

### **6.0     The Planning Policy Context**

#### **6.1     East Cambridgeshire Local Plan 2015**

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 6	Renewable energy development
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
EMP 2	Extensions to existing businesses in the countryside
EMP 3	New employment development in the countryside
COM 7	Transport impact
COM 8	Parking provision

#### **6.2     Supplementary Planning Documents**

Country Wildlife Sites  
Developer Contributions and Planning Obligations  
Design Guide  
Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated  
Flood and Water  
Natural Environment SPD  
Climate Change SPD

#### **6.3     National Planning Policy Framework 2019**

- 2   Achieving sustainable development
- 6   Building a strong competitive economy
- 11  Making effective use of land
- 12  Achieving well-designed places
- 13  Protecting Green Belt land
- 14  Meeting the challenge of climate change, flooding and coastal change

### **7.0     PLANNING COMMENTS**

#### **7.1     PRINCIPLE OF DEVELOPMENT**

The principle of development is encased within policies GROWTH 2, EMP2 and EMP3 of the East Cambridgeshire District Council Local Plan 2015.

- 7.1.1   Policy GROWTH 2 enables some business to be located within the open countryside on the basis that it meets the criteria of policies EMP2 and EMP3. However, the policy goes on to discuss that for development involving agricultural, horticulture and equine such developments are considered acceptable.

- 7.1.2 This proposal is for a form of both agriculture and horticulture but using scientific processes in order to enhance production, distribution of seeds and develop varieties. In its true form it is not agricultural, however it works with the agricultural industry and supports its growth. On this basis the proposal is considered to be acceptable in relation to GROWTH 2 of the East Cambridgeshire District Council Local Plan 2015.
- 7.1.3 Policy EMP2 relates to extension of existing businesses in the countryside. The applicant already owns the land where the greenhouse is proposed and the business operates in Pymoor, but needs to expand to maintain the future of the business. Policy EMP 2 requires that the proposal does not harm the character and appearance of any existing building; no significant impact on traffic; the extension is for an existing business; intensification will not detract from residential amenity. There would be no harm to existing buildings as this is primarily an open field and is in excess of 100 metres from the nearest residential properties. Whilst this proposal will enable the business to expand it would not be to the detriment of the rural area. It is considered the proposal can meet the objectives of policy EMP2 of the East Cambridgeshire District Council Local Plan 2015.
- 7.1.4 Policy EMP3 requires that development identifies that there are no other buildings within the settlement that could be used for the same purpose; it is close to an existing settlement; maintains character and amenities; does not increase traffic and can be accessed by foot or cycle.
- 7.1.5 The size of the building required cannot be found within an existing settlement and the site is within the ownership of the applicant and forms part of its operational site. The vast size of the greenhouse would not be found in a settlement and could realistically only be delivered in a rural area where there is space. The site is close to an existing settlement; Pymoor and whilst there are no existing foot or cycle ways there are a number of public rights of way in the area which link to the site. The proposal is not considered to increase traffic and the character and amenities can be maintained, (these are discussed later within the report).
- 7.1.6 The proposal is considered to meet the criteria set in policy EMP3, as well as securing the longevity and growth of an existing enterprise working within Pymoor.
- 7.1.7 It should be noted there is an outstanding application 21/00296/FUL for the retention of a straw barn adjacent to the proposed greenhouse. The barn proposed is for the storage of hay and is open at ground level, and open on 1 side. The height of the barn is 13.4 metres (43 feet), with a width of 36 (118 feet) metres and length of 25 metres (82 feet), covering approximately 900 square metres (9676 square feet). It is a steel frame with Box profile steel roof and Yorkshire Space Boarding to the sides.
- 7.1.8 In 2018 an application was made through the agricultural prior notification process for the erection of a barn. In order to comply with this, the barn proposed was to be 12 metres in height (39 feet), with a width of 36 (118 feet) metres and length of 25 metres (82 feet), covering approximately 900 square metres (9676 square feet). In 2021 the applicants began the construction of the barn and it was brought to the

attention of the Local Planning Authority that the height of the barn was not being built in accordance with the plans agreed to in 2018.

- 7.1.9 The proposed barn was being constructed to a height of 13.4 metres (43 feet), 1.4 metres (4 feet) above what was agreed in 2018. The proposal at the time of writing had not been determined by the Local Planning Authority, should that change in the meantime the officer will provide an update. It is considered that the 2 structures together, which are for use in conjunction of an operational agricultural use are considered acceptable.

## 7.2 USE

- 7.2.1 The proposed use would currently fall under class E (g) (ii) of the amended Use Classes Order, which would enable the conversion of the building in the future, without planning consent to a medical facility; indoor sports; retail; financial and or restaurant/café. These uses would not be considered acceptable in this location and would have a fundamental effect on the rural nature of the area and its intensification would be detrimental to the character of the area. These uses are likely to increase traffic; additional hardstanding for parking and generate noise to the detriment of the nearby neighbours. It is therefore recommended that a condition restricts the change of use to any other use without first requiring planning permission from the Local Planning Authority.

- 7.2.2 It is considered in applying a restrictive use condition it will comply with policies EMP2, EMP3, ENV1 and ENV2 of the East Cambridgeshire District Council Local Plan 2015. The restrictive condition will prevent the greenhouse being used outside of agriculture, horticulture or of Class E (g) (ii), which could lead to increased traffic and noise to the detriment of the rural character of the area.

## 7.3 HIGHWAY SAFETY

- 7.3.1 The proposal has been assessed by the Local Highway Authority and been considered to be acceptable. Confirmation was requested by the Local Highway Authority with regard to turning manoeuvring which was supplied and considered acceptable. There are some car parking spaces shown on the plan, however there is a large area of hardstanding that will be available for the parking of vehicles. The site has provided adequate space for turning and parking in accordance with policy COM8 of the East Cambridgeshire District Council Local Plan 2015.

- 7.3.2 The use is unlikely to generate significant amounts of traffic that would be detrimental to the highway network and no concerns have been raised by the Local Highway Authority. The site has adequate visibility and not give rise to highway safety concerns on this basis the proposal is considered to comply with policy COM7 of the East Cambridgeshire District Council Local Plan 2015.

## 7.4 FLOOD RISK

- 7.4.1 The site is within Flood Zone 3 as identified by the Environment Agency Flood Map for planning. Consultation was undertaken with the IDB, LLFA and the Environment Agency. Following the submission of amended information which included details relating to how surface water would be dealt with, through the provision of a surface water strategy. The external consultees considered that the scheme was acceptable.



and could meet the tests of policy ENV8 of the East Cambridgeshire District Council Local Plan 2015.

- 7.4.2 When a site is within a flood risk zone the Local Planning Authority are required to assess the sequential test and whether it meets the exceptions test. In applying the sequential test it is considered a 'less vulnerable use' and as such when applied to the matrix considers the development is appropriate.
- 7.4.3 On the basis that all of the mitigation measures proposed within the submitted Flood Risk Assessment, which would be way of condition the proposal is considered acceptable and to meet the Exceptions Test and policy ENV8 of the East Cambridgeshire District Council Local Plan 2015 and the NPPF.

## 7.5 CONTAMINATION

- 7.5.1 The use proposed is not vulnerable in terms of its risk from contamination, it would not be necessary to request a Phase I contamination report. It is recommended however, that a condition is attached so that if any contamination is found during construction that this is notified to the Scientific Officer for further investigation. The proposal is considered to meet policy ENV9 of the East Cambridgeshire District Council Local Plan 2015.

## 7.6 HERITAGE ASSETS

- 7.6.1 There are no known heritage assets in close proximity to the site. In 2018 the HET (Historic Environment Team) did request details of the proposal for the erection of the barn, and supplied, however no further information was required. It is considered that the proposal will have no impact on heritage assets in this location. On this basis the proposal complies with policy ENV14 of the East Cambridgeshire District Council Local Plan 2015 and NPPF.

## 7.7 LANDSCAPE

- 7.7.1 The application has been supported by a Landscape Impact Assessment. The conclusions of the report are copied below for information. It is considered that whilst the proposed building will be highly visible, it is not necessarily uncharacteristic along the Ouse Washes and planting can assist in assimilating the proposal into its surroundings.

### *“5.1 Scale and Significance of Effects*

*5.1.1 This assessment has indicated that the proposed development could be accommodated on this site without significant adverse effect. The proposed development sits to the north of the hamlet of Pymoor beyond the existing linear farm development along Straight Furlong. The form and orientation of the proposed development responds to and reflects the geometric landscape patterns of the fens and responds to the character of the area. The introduction of development on this site would extend built form closer to the Ouse Washes but it would not be uncharacteristic. The maturing mitigation will give rise to a more treed and enclosed character to the area and will filter views to the development over time.*

### *5.2 Conclusions*

*5.2.1 It is concluded that the proposed development comprising a greenhouse, reservoir and pump house would have a material but non-fundamental change to the landscape resource. In the longer term, maturing vegetation will result in an*

*immediate context which is more enclosed and vegetated. As a result the proposed development will, over time, become partially screened in views. Further landscape initiatives to deliver GI benefits could be implemented to help integrate development further and deliver net environmental gain.”*

7.7.2 It is considered that Local Planning Authority accepts the conclusions of the agents appointed Landscape Architect and that the development will not prove harmful to the landscape over time and measures can be placed to ensure for mitigation. It is accepted that the provision of a large greenhouse will change the visual appearance of the area, however greenhouses are an accepted form of development in rural areas. Greenhouses form part of the rural landscape, as they are significant in food production and the agricultural sector. There are many examples across the district and the country of such developments and they are not an incongruous feature in the landscape.

7.7.3 Whilst landscaping should not be relied upon to make a development acceptable, a landscaping scheme could enhance the setting of the greenhouse and provide enhanced biodiversity to the site. On this basis the proposal is considered to comply with policy ENV1 of the East Cambridgeshire District Council Local Plan 2015.

## 7.8 TREES AND ECOLOGY

7.8.1 In consultation with the Council's Tree Officer there were no concerns raised with the proposal. The proposed building is not located in close proximity to any trees or planting. An ash tree is in close proximity to the storm crate, it is recommended that a condition is applied to protect the tree during construction. However, it is still recommended that in accordance with the Natural Environment SPD and policy ENV7 of the East Cambridgeshire District Council Local Plan 2015, where developments need to ensure a net gain in biodiversity that a condition is applied not only for additional landscaping but also biodiversity features.

7.8.2 An objection was raised by the RSPB on basis, that this was an area important for wintering birds, swans and geese and the applicant was required to undertake further surveys. These were undertaken and submitted in May 2021 and reviewed by the RSPB and the Welney Wetlands Trust (WWT). It was considered that the development could be undertaken subject to all of the mitigation measures proposed within the submitted document, and which could lead to be an improvement for wildlife and habitats. There are a number of measures proposed which are listed below:

- Construction to take place between April and October
- Strategic planting, native planting
- 3 metre biodiversity zone
- No lighting
- Cover trenches
- Bins and skips to be sited away from watercourses
- Protect existing hedgerows
- Provision of barn owl box

7.8.3 It is considered subject to a condition ensuring all of the mitigation and enhancements are provided the proposal is acceptable and meets policy ENV7 of

the East Cambridgeshire District Council Local Plan 2015 and the Natural Environment SPD. This application was submitted prior to the adoption of the Natural Environment SPD, and as such we accept that a condition can be applied for the applicants to provide this information post the issue of a decision and it would be unreasonable to request the percentage net gain in this instance.

## 7.9 CLIMATE CHANGE

7.9.1 A development such as this will require to provide a renewable and sustainable energy strategy in accordance with policies ENV4 and ENV6 of the East Cambridgeshire District Council Local Plan 2015 and the Climate Change SPD. The site is using sustainability methods with regard to water, by storing it in tanks and then using it to water the plants/seedlings. Further enhancements could be made and these can be provided through a planning condition.

7.9.2 It is considered that subject to a condition requiring the energy strategy to be submitted the proposal is in accordance with local plan policy.

7.9.3 As per policies ENV4 and ENV6 of the East Cambridgeshire District Council Local Plan 2015, there is a requirement for developments in excess of 1,000 square metres to meet BREEAM guidelines. BREEAM is a set of sustainable guidelines in which to construct buildings. It is considered that as this relates to an agricultural use to ensure the long term of food production, it would seem unreasonable to request this for such a development. A condition requiring a sustainable energy strategy would seem reasonable.

## 7.10 NEIGHBOURS AMENITIES

7.10.1 The nearest neighbour to the proposal is Springfields, which is detached dwelling to the north west of the site, approximately 140 metres away (459 feet). The land to the rear is used as paddocks and stabling for horses. There have been concerns raised by the neighbour with regard to the loss of privacy and the noise and disturbance during construction. With regard to the noise and disturbance during construction, this is for a temporary period and conditions can be applied to limit these impacts. A condition for a CEMP (Construction Environmental Management Plan) can be applied, which requires those developing to submit a plan on how they are going to undertake the building works, this would also limit working hours, as well as any dust and noise issues and mitigation measures. It is considered that in this respect the proposal can be considered acceptable subject to conditions being applied.

7.10.2 With regard to the impact on the privacy of the neighbour, the proposed siting of the greenhouse, pump house and water storage tanks is in excess of 140 metres (459 feet) from the actual dwelling and so the impact on the neighbours privacy by way of overlooking is going to be minimal and unlikely to cause demonstrable harm to the current living conditions.

7.10.3 It is accepted that the occupiers of nearby properties will have a view of the proposed greenhouse, however it is not going to cause demonstrable harm to their overall amenities. It is considered that the proposal is in accordance with policy ENV2 of the East Cambridgeshire District Council Local Plan 2015.

## 8.0 CONCLUSION

8.1 The principle of development has been considered acceptable in respect of policies GROWTH 2, EMP2 and EMP3 of the East Cambridgeshire District Council Local Plan 2015. It can protect the business for the future, whilst expanding its business base. It should not lead to unacceptable levels of traffic and can maintain neighbours amenities. It is expected that mitigation and landscaping can support its assimilation into its surroundings and ensure a net biodiversity gain. On this basis the proposal is recommended for approval subject to conditions.

## 9.0 COSTS

9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

9.2 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

In this case members' attention is particularly drawn to the following points:

- External consultees have not objected to the scheme following the submission of additional information.

## 10 APPENDICES

### Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00536/FUM 17/01747/AGN 18/01122/AGN 82/00555/FUL 21/00296/FUL	Toni Hylton Room No. 011 The Grange Ely	Toni Hylton Senior Planning Officer 01353 665555 toni.hylton@eastcambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## APPENDIX 1 - 20/00536/FUM Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
Ecological Impact Assessment		7th May 2021
3485/20/1	D	4th January 2021
LVA		17th August 2020
3485/20/6	A	4th May 2020
Insulated sheets brochure		4th May 2020
Surface Water Strategy	Final	10th August 2020
Location Plan		27th April 2020
3485/20/2		27th April 2020
3485/20/3		27th April 2020
3485/20/4		27th April 2020
3485/20/5		27th April 2020
Flood Risk Assessment	Final	27th April 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 3 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 4 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.

- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 5 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.
- 5 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 6 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 6 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 7 The development permitted by this planning permission shall only be constructed in accordance with the approved Flood Risk Assessment (FRA) ECL0241 dated April 2020 and approved Surface Water Strategy ECL021-3 dated August 2020.
- 7 Reason: To reduce the impacts of flooding in extreme circumstances on future occupants, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.
- 8 Construction of the development hereby approved shall take place only within the months of April through to October. No development shall take place outside of these months.
- 8 Reason: To protect and enhance species, including wintering birds in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 9 The development permitted by this planning permission shall only be carried out in accordance with the approved Ecological Impact Assessment P3373.2.1 dated 23rd April 2021.
- 9 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 10 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.

- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 11 No above ground construction shall take place on site until details of the external materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 11 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 12 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and the Natural Environment SPD, 2020.
- 13 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant (including retained existing trees/hedgerows) is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
- 13 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 14 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 14 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015.
- 15 The Greenhouse, pump house and water storage tanks hereby permitted shall be used for purposes within arable agriculture, horticulture and Class E(g)(ii) of the Town and Country Planning (Use Classes) Order 2015 as amended, and for no other purpose or class usually permitted by the order.
- 15 Reason: The application has been assessed as acceptable and complying with policies GROWTH 2, EMP2 and EMP3 on this basis.

- 16 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained within the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 16 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 17 No above ground works shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

The scheme shall be based upon the principles within the agreed Surface Water Strategy prepared by Ellingham Consulting Ltd (ref: ECL0241-3) dated August 2020 and shall also include:

- a) Full results of the proposed drainage system modelling in the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
  - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
  - c) Full details of the proposed attenuation and flow control measures;
  - d) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
  - e) Full details of the maintenance/adoption of the surface water drainage system;
- The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG
- 17 Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development.