

**The Nursery Furtherafield
Evenley Road
Mixbury
Brackley
NN13 5YR**

17/02429/F

Applicant: Absolute Taste Limited

Proposal: Erection of glasshouses

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: *Major Application*

Expiry Date: 9 May 2018

Committee Date: 12 April 2018

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a field located to the north of the main built up part of the village of Mixbury. The site is located in a dip in the land and access to with site is provided from Evenley Road to the east.
- 1.2. The site was previously used as a plant nursery and contained a number of structures including polytunnels and sheds. However, there is no formal planning history for this and this use appeared to cease around 2015 and the buildings were cleared from the land.
- 1.3. A public footpath exists opposite the access to the site and extends north east from Evenley Road. The site is also located within a medium area of archaeological potential.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks permission to erect 2 large glasshouses on the site. These would have small brick wall around the base and a series of pitched roofs. They would have an overall height of 4 metres.
- 2.2. The glass houses would be used to grow food on the site. This would be in connection with the applicants businesses which provide catering for hospitality, weddings, cafes and restaurants. The applicant has stated that the only activity that will take place on the site is the growing of vegetables.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 05.04.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

STATUTORY CONSULTEES

- 6.2. OCC HIGHWAYS: **Requests further information.** A Transport Statement is required detailing the existing and proposed site usage. Depending on the level of intensification improvements to the access may be required. A drainage condition is also recommended.
- 6.3. ANGLIAN WATER: **No comments to make.** There is no connection proposed to the network.

NON-STATUTORY CONSULTEES

- 6.4. OCC ARCHEOLOGY: **No objections.** The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 6.5. CDC LANDSCAPE: **COMMENTS.** The residential receptors of dwellings on Evenly Road, to the southeast of the development will experience a degree of visual harm due the increase in scale from the previous use of the site. Without wanting to over-shade the glasshouse it is recommended the planting of groups of native silver birch near to the existing hedgerow on the south-eastern boundary. This tree creates dappled shade and should not impact the light levels to the glass houses. There to be negligible visual harm to visual receptors on the PRow (route refs 303/22/10 and 303/6/10) located northeast of the site due to intervening trees and hedgerows.
- 6.6. The southerly and westerly views of the site from Mixbury Road are successfully obscured by intervening trees and hedges. The development will be screen with only fleeting views through this vegetation from Evenly Road. Therefore, this structural vegetation must be retained to ensure that this development is successfully mitigated from the highway.
- 6.7. A landscape scheme is required to indicate the aforementioned retained structural vegetation and the tree planting to the south-eastern boundary. The tree planting and their future maintenance is to be in accordance with RHS guidelines.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic Development
- AG2 – The Construction of Farm Buildings

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highways

Principle

- 8.2. The NPPF advises that significant weight should be placed on the need to support economic growth through the planning system and that planning policies should support economic growth in rural areas in order to create jobs and prosperity. This includes supporting the sustainable expansion of all types of business and promoting development of land based rural businesses.
- 8.3. The applicant has stated that the proposed green houses would solely be used for the growing of vegetables and food in connection with their existing catering business. No food preparation or other activities would be undertaken at the site. In light of this officers consider that the proposed development would fall under the definition of agriculture outlined in the Town and Country Planning Act 1990 (as amended). As such no change of use is proposed under this application and the use of the land for the purposes sought is considered to be acceptable.
- 8.4. Furthermore subject to other considerations outlined below the principle of new buildings to support the use of the land for agriculture is considered to be acceptable.

- 8.5. It is noted that the site previously operated as a plant nursery and this use was also likely to fall under the definition of agriculture outlined above.
- 8.6. Impact on character and appearance of the area
- 8.7. Policy ESD13 of the Cherwell Local Plan Part 1 states development will be expected to respect and enhance local landscape character and that proposals will not be permitted if they cause undue visual intrusion into the open countryside. Saved Policy AG2 states that buildings and associated structures that require planning permission should normally be sited so they do not intrude into the landscape or residential areas. Where appropriate landscaping should be included as part of the planning application.
- 8.8. The proposed new glass houses are located in a similar position to the buildings which previously existed on the site in association with the plant nursery however the proposed glasshouse are considerably larger in footprint.
- 8.9. The site itself is relatively flat, though in the immediate landscape setting the site lies at a lower point than some of its surrounds. This alongside the height of the glass houses, the vegetation around the site, including established planting on the eastern and southern boundary of the site means that the site is relatively well contained in the wider landscape. Views from the properties to the north-west of the site are largely filtered through existing vegetation and topography. Whilst some filtered views would be available from the properties to the south of the site given the distance between the proposals and these properties this is not considered to be significant and the landscape officer has requested some additional planting on this boundary to further screen these views.
- 8.10. The views from the public rights of way to the west of the site are also well screened by existing topography and screening as are views from the footpaths to the east of the site. Whilst the proposed development would have some urbanising impact on the site itself this needs to be weighed against the benefits of the scheme in supporting a rural based enterprise. Furthermore the design of the buildings is functional and reflects the agricultural use of the building which is suitable is considered appropriate given the landscape setting.
- 8.11. The site is located within a rural landscape and officers did raise concerns with the applicants' agent that lighting within the green houses during night time hours would lead to further harm to the amenity of the locality. They have stated that any lighting of the glass houses would only operate between 0800 – 1800hrs, and it is considered that provided lighting was not operated outside of these hours of operation the proposal would not cause light pollution.
- 8.12. Overall, it is considered that the application site is relatively well contained by the topography and planting and there would be limited visual impact on the wider character and appearance of the locality. Therefore the impact of the development on the character and appearance of the area is considered to be acceptable subject to a landscaping condition.

Residential amenity

- 8.13. Policy ESD 15 of the CLP 2031 (Part 1) requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, and natural lighting. Furthermore, Paragraph 17 of the Framework states that planning should “always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”.

- 8.14. The proposed development is considered to be a sufficient distance from any of the neighbouring properties to ensure that it would not result in significant amenity issues. It is noted that Mixbury Hall whose garden would be the most significantly impacted upon by the proposals is within the ownership of the applicant.

Highway safety

- 8.15. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”* Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”* The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
- 8.16. The Highway Authority (the LHA) has requested further information on the application which has now been received and the LHA has been re-consulted.
- 8.17. The applicant has confirmed that the building will not be open to the public and will solely be used for the growing of produce. The applicants have indicated that the existing grounds staff at Mixbury Hall will undertake some of the work however an additional 2 part time staff may be employed. Therefore vehicles movements associated with staff are likely to be relatively limited.
- 8.18. In relation to other deliveries the applicant has stated that would be a maximum of 2 light goods vehicles a day moving produce to a warehouse in Bicester and there would be infrequent deliveries of products (approx. once a month).
- 8.19. In all it would appear that the level of activity associated with the use is likely to be relatively limited however comments from the LHA will be updated to the Committee.

Other matters

- 8.20. The proposed development is not considered to significantly impact on the ecological value of the site which appears to be low consisting of mown grass and gravel tracks. There will be no impact on the boundary vegetation.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposed development would support a rural land based business and lead to some modest economic benefits associated with increasing employment. The site is well screened in the immediate landscape and, subject to conditions, is considered not to result in any significant visual or landscape impacts. Overall the development is considered to constitute a sustainable form of rural development and, subject to the comments from the local highway authority, it is recommended that planning consent be granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, drawing numbers V17-152-SLP02 A, V17-152-P01 Rev A, V17-152-P02, V17-152-P03 Rev A

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the first use of the building hereby permitted the approved surface water drainage scheme shall be carried out in accordance with the approved details.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. Prior to the first use of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include details of new landscaping to the boundaries of the site and shall include:-

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
- b) details of the existing trees and hedgerows to be retained as well as those to be felled
- c) A management and maintenance scheme for the establishing the landscaping.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan (2011 - 2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the first use of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the

current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan (2011 - 2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Unless otherwise agreed in writing by the local planning authority, any lighting on the inside or outside of the glasshouses hereby permitted shall only operate between the hours of 0800 and 1800.

Reason: To protect the character and appearance of the locality in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 2015 and advice in the NPPF.

CASE OFFICER: James Kirkham

TEL: 01295 221896