

Application Number:	2022/0208	Application Type:	Full
Proposal:	Construction of Polytunnel measuring 4.8m wide, 12.8m long and 2.4m high for growing of fruit and vegetables.	Location:	3 Halfway House Burnley Road Bacup Lancashire OL13 8QP
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	June 2022
Applicant:	Miss Susan Barber	Determination Expiry Date:	26 th July 2022
Agent:			

Contact Officer:	Caroline Callow	Telephone:	01706 252432
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	Yes
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That planning permission be granted subject to the conditions set out in the report.

APPLICATION DETAILS

2. SITE AND SURROUNDING AREA

The application site is located primarily within the urban boundary (but adjoining countryside) on land west of Burnley Road in Weir.

Version Number:	1	Page:	1 of 6
-----------------	---	-------	--------

The applicant lives at No.3 Halfway House, a dwelling located around 35m to the south of the site. Access to the site is to the north of that dwelling, through a gate into the field. The site is part of an open field, apparently in agricultural / grazing use. Public footpath 263 runs along an east / west axis to the south of the site. The site is within the Urban Boundary

3. RELEVANT PLANNING HISTORY

2022/0066 Lawful Development Certificate (Proposed): construction of polytunnel measuring 4.8m wide, 12.8m long and 2.4m high, to be used for agricultural purposes (growing crops).- Refused for the following reason:

Having regard to the scale and footprint of the proposed polytunnel, it is considered that it would have a significant degree of permanence and would constitute operational development. It has not been demonstrated that the polytunnel would benefit from any permitted development rights. As such, planning permission is required for the proposed polytunnel.

4. PROPOSAL

The application seeks Planning permission for the erection of a polytunnel (to be used for growing crops) measuring 4.8m wide, 12.8m long and 2.4m high. As submitted the proposal was to locate the polytunnel 15m from the rear boundaries of the residential properties 222-228 Burnley Road and 6.5m from the rear boundary of No. 220.and in excess of 37m from the house. The applicant has amended the proposal and the polytunnel is now proposed to be 20m from the rear gardens of the properties in Burnley Road.

The proposed polytunnel would not have any foundations, and would be instead secured to the ground by removable 38mm stainless steel tubes driven approximately 50cm into the ground. The tunnel would be covered by a FirstTunnels "Super Therm" translucent UV stable horticultural polythene film 200 microns (0.2mm) thick secured by a treated timber rail at the base of each side.

No permanent foundations are required. The proposal would have 8 semi-circular hoops, 1.82m apart. Access to/from the tunnel would be via treated timber framed doors with polythene panels Access would be via existing private pedestrian access. No additional means of enclosure or draining is proposed and no additional parking.

5. POLICY CONTEXT

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 6 Building a Strong, Competitive Economy
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well-Designed Places
- Section 15 Conserving and Enhancing the Natural Environment

Development Plan

Rossendale Local Plan 2019-2036

- SS Spatial Strategy
- SD2 Urban Boundary and Green Belt
- ENV1 High quality Development in the Borough
- ENV3 Landscape Character and Quality

6. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 27/04/22 and a site notice was posted near to the site on 27/04/22 Three representations have been received raising the following issues:

- Old building materials have been sited by the applicant. This could include asbestos and any ground disturbance in this part of the field would be a possible public health hazard.
- Landscape is boggy and has old mining shafts underneath so possible issues with subsidence as so near to properties.
- The tunnel could cast shadows and cause a loss of light and outlook to adjacent properties due to the height difference between the garden which sits approximately 2m lower than the base of the polytunnel as the sun will set directly behind.
- Other associated structures may appear such as water tanks, dung heaps and maintenance equipment causing an eyesore.
- Noise from flapping of the tunnel in high winds.
- Loss of privacy.
- This polytunnel is on boggy land and there may be a stream running down the field. Concern that polytunnel so near to a back garden - will increase flood levels as water running off roof has to go on land nearer my property.
- There are other flat areas that could be utilised for this project which have a natural shielding from the cottages.
- Location is actually to the rear of 224 Burnley Road and not at 3 Halfway House.

7. CONSULTATION RESPONSES

Lancashire County Council Highways - No objections
Environmental Health - No comments

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle
- 2) Visual Amenity
- 3) Residential Amenity
- 4) Access, Parking and Highway safety
- 5) Ecology
- 6) Drainage
- 7) Contamination

Principle

It is understood from the applicant that the site in question is an agricultural field, used for grazing and for taking a hay crop. As the proposed polytunnel would be used for agricultural purposes (growing crops), there is no change of use of the land proposed or facilitated by the polytunnel. The principle of a polytunnel for the growing of crops is considered acceptable in principle in this location.

Visual Amenity

The polytunnel is to be sited in a field currently possessing no buildings or polytunnels. It will be located where it is easily accessible from the field entrance. Due to its location and size (12.8m by 4.8m and 2.4m high) the proposed development will not detract to an unacceptable extent from the essentially open and rural character of the countryside.

Neighbour Amenity

The polytunnel will be 20m from the rear gardens of 222-228 Burnley Road and is made of specialised polythene which allows around 90% of light through (integral to its function for growing plants). It is considered that due to the distance from the dwellings and the height of only 2.4m, with the use of polythene, the proposal will not result in an undue impact on the light or outlook enjoyed by these properties.

The usage of the polytunnel will not be materially different from the usage of the broader vegetable plots and the applicant has advised the polytunnel is for private use and will not increase the number of people using the field. In addition, the planting of a hedge close to the boundary will help provide screening. It is therefore considered that the proposal will not impact on the privacy of the neighbouring residential properties.

Access, Parking and Highway Safety

The Highway Development Control Section of Lancashire County Council has no objections to the planning application. The proposal does not raise any significant highway issues and is therefore, considered acceptable in respect of highway safety.

Ecology

Policy ENV4 of the Rossendale Local Plan requires that:

All development proposals should seek to protect and enhance biodiversity, and will be requested to quantify any net gains and

“Where appropriate, development should incorporate habitat features of value to wildlife, especially priority species, within the development (including within building design)”.

The applicant proposes to plant a hedge of native species 20m in length and 2m from the rear of the properties in Burnley Road and an additional hedge 60m in length would be planted within the site. This would separate the area to be used for market gardening from the wider field, provide screening and improve water uptake. The hedge planting will enhance biodiversity and be in accordance with policy ENV4 of the Local Plan.

Drainage

The polytunnel represents a small fraction of the field area which will remain as a porous surface and used for the growing of fruit and vegetables. It is sufficiently set back from the houses and will not itself generate any additional waste water etc. There will be no net change at all to the volume of water currently moving underground. The shape of the tunnel means water will run off to the sides, so no water falling on the roof will be moved any closer to the houses than had it fallen on the ground.

Contamination

The applicant has advised that construction debris has been found on the site made up of steel reinforced concrete posts, welded steel mesh used for concrete reinforcement and wire chain link fencing and that they have been removing this. The site has an agricultural use and the proposal does not require any significant ground disturbance as it primarily places items over the ground so would not unearth anything that would not also be brought to the surface by the permitted proposed general use and maintenance (e.g. planting, strimming, etc).

9. CONCLUSION

The proposed development is appropriate in principle. The use for Market Gardening is in accordance with the agricultural use of the land. The polytunnel will be at a distance and scale such that it would not result in an undue loss of amenity to nearby residential properties. The planting of native hedging will enhance the biodiversity of the site and assist with screening of the polytunnel from the closest dwellings. It is considered that the proposed development accords with Policies SD2, ENV1 and ENV4 of the Council's adopted Local Plan 2019-2036.

10. RECOMMENDATION

That planning permission be granted subject to:

- a) The Conditions set out below.

11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with application form submitted on the 12.04.22; additional information received on the 26.04.22 and the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Revised Plan 11 th May Floor & Elevation Plans	TQRQM22115175915155	11.05.22 12.04.2022

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. Prior to the first use of the polytunnel, further details of species and method and timing of planting of the proposed hedges shall be submitted and agreed in writing by the Local Planning Authority and thereafter, the hedges shall be maintained for a minimum period of 10 years.

Reason: To provide adequate screening of the development and to enhance the biodiversity of the site.

12. INFORMATIVES

1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.