
MAIN CASE

Reference No: 18/00528/FUM

Proposal: Erection of 6 Additional mushroom growing tunnels, store room and service corridor

Site Address: May Farm White House Road Littleport Ely Cambridgeshire CB7 4TF

Applicant: Littleport Mushroom Farms LLP

Case Officer: Andrew Phillips Senior Planning Officer

Parish: Littleport

Ward: Littleport East
Ward Councillor/s: Councillor David Ambrose-Smith
Councillor Jo Webber

Date Received: 8 May 2018 **Expiry Date:** 1 October 2018

[T100]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve the application subject to the following conditions:
1. Approved Plans
 2. Time Limit
 3. Construction times
 4. No external lights
 5. Surface water
 6. Materials
 7. Biodiversity improvements
 8. Delivery and collection times
 9. Mushroom compost
 10. Working hour
 11. Biodiversity protection
 12. Lighting

2.0 **SUMMARY OF APPLICATION**

- 2.1 The application has been brought to committee due to the development proposing in excess of 1,000 sqm and the Council's Constitution. While agricultural buildings do not normally come to committee, due to the overall size of the farm/operation and that the proposal is not traditional agriculture and the original application was

determined by committee; it was considered the best course of action to have this determined in a public forum.

- 2.2 The application was screened and considered to not require an Environmental Statement, due to the proposals scale and location.
- 2.3 The proposal has been amended during the application process to include additional drainage information and a number of revisions. The revised proposal removed the extension to the plant room but adds a store room, reduced the number of tunnels from 7 to 6 but added a service corridor and made the tunnels the same height as the existing ones on site.
- 2.4 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/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

3.0 PLANNING HISTORY

3.1

11/00447/FUM	Erection of mushroom farm and anaerobic digestion plant, alterations to vehicular access arrangements to White House Road and Mildenhall Road and associated drainage works along with associated landscaping, parking and servicing.	Approved	05.10.2011
17/00874/VARM	To vary conditions 7, 14, 19 of previously approved 11/00447/FUM for the erection of mushroom farm and anaerobic digestion plant, alterations to vehicular access arrangements to White House Road and Mildenhall Road and associated drainage works along with associated landscaping, parking and servicing.	Withdrawn	12.07.2017
	Condition Number(s): Seven, Fourteen, Nineteen		
	Conditions(s) Removal:		

Working hours need to change in order to increase output and meet customer demand.

Working hours to change from 06:00 - 22:00 to 24hour operation (in the Packhouse only).

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The proposed development is at the back of the existing mushroom farm, which has mushroom tunnels and metal clad sheds. The most noticeable buildings are to the east, which are the anaerobic digesters. The site is surrounded by countryside.

5.0 RESPONSES FROM CONSULTEES

5.1 The full responses are available on the Council's web site.

Littleport Parish Council – (5 June 2018) No concerns or comments.

(17 July 2018) No strong objections to this proposal but does state that the public highway does need upgrading as it is believed to be below standard.

Cllr David Ambrose Smith – (14 May 2018) Welcomes the application but states that the condition of the Little Ouse road will soon be unusable. Seeks remedial work to be carried out, as part of this application due to the increased amount of traffic.

Design Out Crime Officer – (22 May 2018) Supports this application.

Local Highways Authority (including Transport Team) – (25 May 2018) No objection in principle to this development.

Environment Agency – (31 May 2018) The proposed development is within floodzone 3 and it is for the Local Planning Authority to determine if the applications passes the Sequential Test.

No objection to the proposal but strongly recommends that the mitigation measures proposed by the developer are adhered to.

The Internal Drainage Board should be consulted as part of this application.

It recommends that flood resilience measures are incorporated into the design of the development.

Also provides standard advice in regards to surface water and prevention of contamination.

Lead Local Flood Authority – (31 May 2018) It objects to the granting of planning permission, as it seeks a full surface water drainage condition (including 40% climate change allowance).

(25 June 2018) It has no objection in principle. The developer has demonstrated that water discharge would be 1.1 liters per second per hectare.

It recommends a pre-commencement condition in order to ensure a suitable drainage system is brought forward and another condition to ensure it is maintained.

(19 July 2018) No additional comments to amendment.

Burnt Fen Internal Drainage Board – (29 May 2018) It has no objections from a drainage point of view.

Environmental Health – (30 May 2018) Agrees with developer that a condition should be added regarding construction noise. Also recommends conditions in regards to burning of waste and flood lights.

Does point out that planning permission does not confer immunity from action under statutory nuisance.

(10 July 2018) No additional comments on the amendment.

5.2 Neighbours – 10 neighbouring properties were notified, a site notice put up on the 20 June 2018 a notice put in the press on the 28 June 2018. There were no responses received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

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

6.2 Supplementary Planning Documents Design Guide Cambridgeshire Flood and Water

Developer Contributions
Contamination

6.3 National Planning Policy Framework 2018

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment

6.4 Submitted Local Plan 2017

- LP1 A presumption in Favour of Sustainable Development
- LP2 Level and Distribution of Growth
- LP3 The Settlement Hierarchy and the Countryside
- LP8 Delivering prosperity and Jobs
- LP17 Creating a Sustainable, Efficient and Resilient Transport Network
- LP18 Improving Cycle Provision
- LP20 Delivering Green Infrastructure, Trees and Woodland
- LP22 Achieving Design Excellence
- LP23 Water Efficiency
- LP24 Renewable and Low Carbon Energy Development
- LP25 Managing Water Resources and Flood Risk
- LP26 Pollution and Land Contamination
- LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views
- LP30 Conserving and Enhancing Biodiversity and Geodiversity

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The proposed development is outside of the village framework. However, the proposals main aim is the production of food and this is supported outside village frameworks by GROWTH 2 of the Adopted Local Plan 2015. In addition the proposal is a relatively small extension (and suitable scale) to the existing business that will not have a detrimental impact on the road network/safety or residential amenity; it therefore complies with policy EMP2 of the Adopted Local Plan 2015. This is backed up in policy LP3 of the Submitted Local Plan 2017.

7.3 The proposed development is considered to be acceptable in principle.

7.4 Residential Amenity

7.5 The proposal is located to the rear of the site and a significant distance from any neighbour so will not cause any loss of privacy or light and will have no overbearing impact.

- 7.6 The conditions suggested by the Environmental Health Officer in regards to hours of construction work and external lighting are considered reasonable and can be added to any approval. The lighting condition is primarily for the protection of the rural character, as light pollution leads to the damage of the rural night sky and the original permission included lighting conditions.
- 7.7 It is also considered reasonable to add similar conditions to those that are on the main mushroom farm in regards to delivery/collection times, hours of work and the moving of compost. This is in order to ensure that the entire farm works under the same constraints.
- 7.8 The proposal is considered to comply with policies ENV2 and ENV9 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7.9 Visual Amenity
- 7.10 The proposed mushroom tunnels are approximately 5.6m tall, which is about 1m lower than the surrounding buildings. With the existing buildings surrounding the proposed development to the south and west it is likely that the proposal will remain un-viewed by members of the public for most of its life.
- 7.11 The mushroom tunnels will be of very similar appearance to those existing on site.
- 7.12 The proposal is considered to be in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7.13 Highways
- 7.14 The developer has stated that the number of 2 way vehicle movements a week will increase from 450 to 546. However, the main difference in vehicle movements is because of the company seeking a workforce with permanent contracts; this leads to less busses but significantly more private vehicles. The proposed development is, therefore, not leading to a substantial change in traffic movements but the change in work practice on the entire site is.
- 7.15 The original permission had 60 parking spaces and 3 spaces for busses. There is no additional parking spaces to be provided on site, but again it is considered that the demand in parking will be more down to change in employment practices than the additional mushroom tunnels.
- 7.16 Adopted public road maintenance is not a matter of any private developer or landowner, as this is County Council duty. It would, therefore, be unreasonable to require the developer to maintain the public highway.
- 7.17 The comments of the Local Highways Authority including Transport Team are accepted by the Case Officer. The proposal will not have a detrimental impact upon the public highway. The proposal, therefore, complies with COM7 and COM8 in the adopted Local Plan 2015 and LP17 in the Submitted Local Plan 2017.
- 7.18 Ecology

- 7.19 The developers ecology report states that construction work should be undertaken during the day and any external lighting should be carefully erected, as well as other general guidance.
- 7.20 The developer is not offering as part of their application any biodiversity enhancement measures. With the size of the development some biodiversity measures is considered to be required, this might be bird/bat or insect box on the side of the proposed store room. Subject to this the proposal is considered to be in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 7.21 Flood Risk and Drainage
- 7.22 While the site is within Floodzone 3, so is the entire farm. It would not be possible for the developer to site their proposal in an area less at risk of flooding on their compound. It would also be impractical for the developer to find a site in Floodzones 1 or 2 for this proposal, as it is tied to the main farm complex. The proposal for these reasons passes the Sequential Test.
- 7.23 With the nature of the proposal the mitigation measures will need to be through careful water management.
- 7.24 If the application was to be approved a surface water condition as requested by the Lead Local Flood Authority should be added in order to ensure that the proposal suitably manages water flow on and off site.
- 7.25 Energy Sustainability
- 7.26 With the overall site already having anaerobic digesters to produce energy and due to the nature of this proposal, it is not considered necessary to require additional energy improvements for this development.
- 7.27 Planning Balance
- 7.28 The proposed mushroom growing tunnels are at the rear of an existing and significantly larger mushroom farm complex. It is for this reason that the impact of the development on residential amenity and visual impact will be very minimal if suitable conditions are added as detailed above.
- 7.29 The Local Highways Authority provide no objection to this development and the Lead Local Flood Authority accept the proposal if a surface water condition is added.
- 7.30 There is no foreseeable reason to withhold planning permission for this development and on this basis it is recommended for approval.
- 8.0 COSTS
- 8.1 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.

8.2 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.

8.3 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.

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

- The existing size and operation of the May Farm
- No objection from a statutory consultee

9.0 APPENDICES

9.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00528/FUM	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
11/00447/FUM 17/00874/VARM	Ely	01353 665555 andrew.phillips@ea stcambs.gov.uk

National Planning Policy Framework -

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 - 18/00528/FUM Conditions

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

Plan Reference	Version No	Date Received
LMFLLP-EL	V4	27th June 2018
LMFLLP-GA	V4	27th June 2018
LMFLLP-GA	V3A	27th June 2018

- 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 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours 08:00 – 18:00 each day Monday-Friday, 08:00 – 13:30 Saturdays and none on Sundays or Bank Holidays/Public Holidays.
- 3 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 4 No external lights shall be erected within the site (either freestanding or building-mounted) other than those expressly authorised within this application.
- 4 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 5 No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment prepared by Hennock International has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to first use and thereafter maintained in perpetuity.
- 5 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 6 The materials to be used in the construction of the external surfaces shall be as specified on the application form. All works shall be carried out in accordance with the approved details.

- 6 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7 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.
- 7 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 8 Delivery and collection times shall be limited to 07:00 - 21:00 each day Monday to Friday and 08:00 - 18:00 Saturday, Sunday and Bank Holidays.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 9 On delivery, mushroom compost shall be transferred immediately into the growing rooms.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 10 Working hours for the mushroom farm shall take place only between the hours of 06:00 - 22:00 Monday to Friday and 07:00 - 20:00 Saturday, Sundays and Bank Holidays.

The only activities permitted on site outside of these hours are for access by employees and contractors for purposes of security and undertaking emergency maintenance and repair.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 11 During the entire construction period the recommendations contained within Preliminary Ecological Appraisal (6th March 2018) shall be complied with.
- 11 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017.
- 12 All lighting, excluding security lighting, shall be switched off between the hours of 22:00 – 06:00. A map indicating which lights will be operating for what times including identifying security lighting shall be submitted, agreed in writing with the Local Planning Authority and fully implemented prior to the commencement of use of the site.

- 12 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.