

Application Ref: 20/02906/FUL

Address: Land North Of Allens Hill Pinvin

Proposal: Provision of Mushroom Growing facility (51,637 sqm), including six agricultural growing blocks (81 poly tunnels); central building including Manager's Office, cold room, canteen, toilets, showers & changing facilities; cold store and packaging building; Workshop and Machinery Storage; Farm Managers essential rural workers accommodation; floor mounted PV panels (0.227 ha); 6x Dock Levellers; Water Treatment Plant; 2no. Water Tanks; security gatehouse; provision of 122 parking spaces; balancing pond incorporating wetland habitat; associated hard and soft landscaping (including landscape bunds); security fencing, and associated infrastructure. Vehicular access will be taken from the A44. Application to involve the diversion of public footpaths (515C and 502C).

Letter of objection on behalf of Pinvin Parish Council

By

AddisonRees Planning Consultancy

Introduction:

- 1.1 AddisonRees Planning Consultancy have been instructed to prepare an objection letter on behalf of Pinvin Parish Council for the development on land off the north of Allen's Hill, Pinvin.
- 1.2 The Parish Council have already submitted an objection to this application. Therefore, this letter is in addition to the initial consultation response.
- 1.3 The application proposed by Walsh Mushrooms is a vast development stretching over 13ha of open agricultural land. The proposal includes over 51,000 sqm of new growing facilities. The development entails the following:
- Six agricultural growing blocks (81 poly tunnels) – 7m in height;
 - Central connecting building including Manager's Office, cold room, canteen, toilets, showers & changing facilities – 8.5m in height;
 - Cold store and packaging building – 8.5m in height;
 - Workshop and Machinery Storage – 8.5m in height;
 - Farm Managers essential rural workers accommodation;
 - Provision of floor and roof mounted PV panels (0.227 ha);
 - 6x Dock Levellers;
 - Water Treatment Plant;
 - 2no. Water Tanks – 7m in height;
 - Security gatehouse;
 - Provision of 122 parking spaces;
 - Balancing pond incorporating wetland habitat;
 - Associated hard and soft landscaping (including landscape bunds);
 - Security fencing;
 - Associated signage; and,
 - Associated infrastructure.
- 1.4 This application is not your stereotypical modest scale agricultural development you commonly see around the District. This is a massive and intensive agri-industrial development on the edge of a rural village.

Principle of Development:

- 2.1 Part 38 (6) of the Planning Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 2.2 The Planning Statement confirms that the application site lies outside of any defined development boundary and is not allocated for employment purposes. Therefore, the

application automatically conflicts with Policy SWDP2(C), which seeks to strictly control development within the open countryside, unless in accordance with other policies in the plan.

- 2.3 SWDP2(F) also outlines that *“Development proposals should be of an appropriate scale and type with regard to the size of the settlement, local landscape character (see SWDP 25), location and the availability of infrastructure”*.
- 2.4 This application covers in excess of 13ha in area. The scheme will deliver over 51,000 sqm of new build growing facilities at 7m in height. The proposal includes 4 large scale steel portal buildings for various packaging/processing/office/growing/workshop uses all measuring at 8.5m in height.
- 2.5 A parking area for 122 vehicles and 0.23ha of ground mounted solar panels are proposed. A new managers dwelling, attenuation pond, service yard area; water treatment plant and water tanks (7m high) are also provided.
- 2.6 The scale of development is vast, and its use is not comparable with anything in the village of Pinvin. The adjoining residential properties and schools would be dwarfed by the development proposed. The application is of an industrial scale on the edge of a rural village.
- 2.7 The proposal would be totally out of scale with the existing settlement and would cause a significant adverse impact upon the surrounding landscape character. The scheme is therefore contrary to the provisions of Policy SWDP2. This conflict is a significant one, which carries substantial weight in the overall planning balance.
- 2.8 It is also worth noting that the application is not allocated in the emerging SWDP review. According to the evidence contained on the South Worcestershire Development Plan website, the land was never submitted in the call for sites by the applicant as an employment site.
- 2.9 Paragraph E of policy SWDP 8 (Providing the Right Land and Buildings for Jobs) outlines that *“In addition to the sites allocated specifically for employment uses, the provision of employment land and the conversion of existing buildings to support job creation throughout south Worcestershire will be supported providing the development supports an existing business or new enterprise of a scale appropriate to the location...”*.
- 2.10 It is accepted that the applicants already operate their business from Vale Park in Evesham. Therefore, this application is advanced by the applicants as a development which supports an existing business.
- 2.11 Notwithstanding this, the proposed site is approximately 10 miles away from Vale Park in Evesham. The site would contain the growing, packing and processing facilities to operate

independently from the Vale Park site. No planning controls can be imposed on the development to ensure that the site can only be operated by Walsh Mushrooms. There would also likely be significant vehicular movements between the two sites in terms of employees; deliveries and produce.

2.12 Therefore, the application can be classed as a new enterprise for the purposes of Policy SWDP8(E). This means that a new enterprise needs to be of an appropriate scale to the location. As per the above, the Parish Council consider this development to be wholly out of scale with the village.

2.13 The National Planning Policy Framework is a material planning consideration but does not change the statutory status of the Development Plan as the starting point for decision making.

2.14 Paragraphs 2 and 12 of the Framework confirm:

“2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements”.

“12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.

2.15 The Framework places a strong emphasis on supporting economic growth and in particular within rural areas in paragraphs 80 and 83.

2.16 The Parish Council accept that the development will generate significant economic benefits to the surrounding rural economy.

2.17 However, as outlined above, the proposed application by reason of its location in the open countryside; its vast size, scale and massing would be completely out of character with the village of Pinvin and would cause significant adverse impacts upon the surrounding rural landscape character.

2.18 The proposal would therefore be unacceptable in principle by reason of its conflict with Policies SWDP2 and SWDP8, and this carries substantial weight.

Alternative Sites:

- 3.1 The applicants have provided evidence within their submission that there were no appropriate alternatives to the application site.
- 3.2 The Parish Council would query whether the applicant's have fully explored Vale Park in Evesham as a suitable location for the 'expansion' to the business.
- 3.3 As outlined in the SWDP Preferred Options Consultation Document, Vale Park benefits from a proposed reallocation of land for 34ha as shown below.

Table 22: SWDP Employment Reallocations

Preferred Options Reference	Settlement	Site	Site Area (ha)	SWDP / Planning Ref.
SWDP REALLOCATE 44	Droitwich Spa	Stonebridge Cross Business Park	10	SWDP 49/3
SWDP REALLOCATE 45	Evesham	Vale Industrial Park	34	SWDP 51/3
		TOTAL	44	

- 3.4 Vale Park would be a much more suitable site for the proposed development. The scale of the proposal would reflect that of the existing development on the park. The site would also benefit from very good access to major road and transport networks.

Design, Visual Impact and Landscape:

- 4.1 SWDP 21 (Design) states that *"A. All development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets and their settings"*.
- 4.2 There are a number of key aspects outlined within Policy SWD21, which determine whether a development represents high quality design.
- 4.3 In terms of siting and layout, the proposal would not reflect the characteristics of this open agricultural field in terms of its appearance and function. The provision of this vast agricultural/commercial development would be completely at odds with the existing village.
- 4.4 The relationship of the site to the surrounding development would fail to complement the character of this rural village. The scheme by reason of its size, scale and massing would fail

to respond to surrounding buildings and distinctive features or qualities that contribute to the visual interest of the village and landscape quality of the local area.

- 4.5 The distinct character of the site is one of an open agricultural field on the edge of a rural village. An industrial sized development like this would be at odds with the identity and character of Pinvin.
- 4.6 The scale, height and massing of the development would also be incongruous and dominate the surrounding rural grain and density of the village.
- 4.7 Overall, the proposal will not represent high quality design as defined in Policy SWDP21.
- 4.8 Policy SWDP25 (Landscape Character) outlines that:

“A. Development proposals and their associated landscaping schemes must demonstrate the following:

- i. That they take into account the latest Landscape Character Assessment(52) and its guidelines; and*
- ii. That they are appropriate to, and integrate with, the character of the landscape setting; and*
- iii. That they conserve, and where appropriate, enhance the primary characteristics defined in character assessments and important features of the Land Cover Parcel, and have taken any available opportunity to enhance the landscape.*

B. A Landscape and Visual Impact Assessment (LVIA)(53) will be required for all major development proposals and for other proposals where they are likely to have a detrimental impact upon:

- i. A significant landscape attribute;*
- ii. An irreplaceable landscape feature; or*
- iii. The landscape as a resource.*

The Landscape and Visual Impact Assessment should include proposals to protect and conserve key landscape features and attributes and, where appropriate, enhance landscape quality”.

- 4.9 The Council’s Landscape Officer has raised concerns over the proposal in terms of its impact upon landscape. In their initial consultation response, the following comments were raised:

“...in that local landscape (particularly in consideration of views from the public footpaths and highway in close proximity to the site) the scale of the visual effects would be moderate substantial, as advised in the LVIA, at least until such time as the mitigative landscaping

proposed becomes sufficiently established (10 years plus). The enjoyment of the public rights of way (the routes of two to be realigned) in the local landscape would be reduced – as the currently open aspect of these routes would become more contained in views towards the site, and views of open agricultural land would be replaced by views of large scale development (albeit softened by maturing vegetation over time in all views except those from the west)”.

- 4.10 A further consultation response was provided in which the Landscape Officer reaffirmed their concerns, stating that:

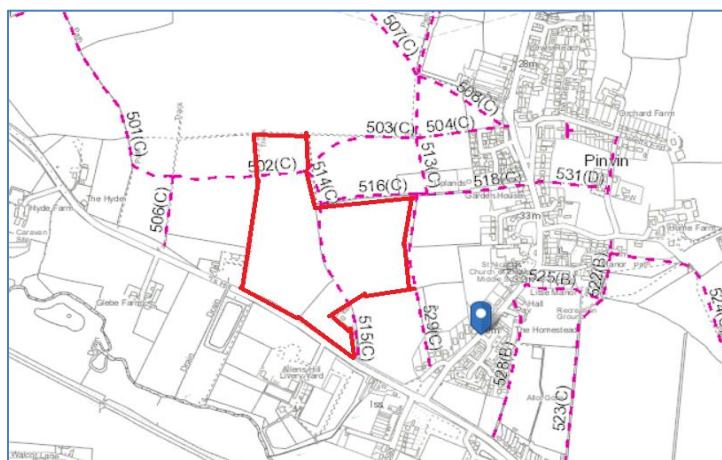
“Further to my comments below and our telephone conversation this morning - like you, I remain concerned as outlined below regarding impacts in the local landscape in consideration of views from the public footpaths and reduced enjoyment of those given the scale of visual effects (as also identified in the LVIA) of the proposed development. As discussed, this effect would be particularly acute in very close views from the footpath to the eastern boundary where it passes the proposed building with no intervening planting proposed...”.

- 4.11 The Landscape Officer also highlights that the proposed development would not ‘conserve the primary characteristics defined in character assessments’.

- 4.12 The applicants LVIA also concludes that *“The inevitable loss of openness through development of the land will affect the rural character in this location, but this will be limited in its geographical extent”.*

- 4.13 It must therefore be accepted that the proposed development will harm the existing landscape character and create substantial visual effects upon the surrounding area.

- 4.14 The proposal is located very close to a number of public rights of way (with two to be realigned), as shown in the below image.



- 4.15 Users of public rights of way are considered to be the most vulnerable in terms of visual impacts from development. The scale and size of this proposal would result in a dramatic change to the current open nature of the site. This will have a significant adverse visual impact on the rights of way, which would not be mitigated by any proposed landscaping.
- 4.16 The proposal would fail to reflect the primary landscape character of the area and would have a significant adverse visual effect. These adverse impacts should be afforded substantial weight, which will need to be weighed in the overall planning balance.
- 4.17 Drawing together the above, the proposal fails to accord with Policies SWDP21 and SWDP25 as well as guidance contained in the Framework.

Residential Amenity:

- 5.1 The Parish Council in their first consultation response outlined a number of concerns with regards to the impact upon air quality, odour and lighting. Therefore, these will not be repeated in detail here.
- 5.2 Policy SWDP 31 (Pollution and Land Instability) states that *“A. Development proposals must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones, on...Human health and wellbeing...”*.
- 5.3 This development (in excess of 13ha in area) along with the scale of development and commercial operations will clearly have an impact upon the amenities of the neighbouring properties in Pinvin.
- 5.4 As outlined above, the scale and massing of the site would be out of character with the village. This means that the scheme will have an overbearing impact upon those properties closest to the site.
- 5.5 There are numerous properties on the edge of the village, which lie within approximately 100-200m of the application site. Pinvin Middle and First School are also within approximately 120m from the site.
- 5.6 The scale of operations on the site will lead to a significant increase in noise nuisance from not only the work carried out on site, but the extensive vehicular movements to and from the site. The level of operations proposed is not suitable in such close proximity to the significant numbers of residential properties and the local school.
- 5.7 The children at the school are frequently outside of the classroom. Therefore, any increase in noise, odour and light pollution could adversely impact upon their well-being and education.

5.8 The application fails to provide any details on the hours of operation for this site. Therefore, it could operate 24 hours a day, 7 days a week. The level of nuisance caused at times outside of the normal working hours would be significantly detrimental.

5.9 The residential amenity currently enjoyed by the village would be severely compromised by this development. This is contrary to Policies SWDP21 and SWDP31.

Highways:

6.1 The County Highway Authority have raised a number of concerns with the application in their consultation response.

6.2 These concerns relate to the vehicular access; lay-by removal, sustainability, traffic generation / distribution and access capacity.

6.3 Based on the above, the proposal as it stands would have an adverse impact upon highway and pedestrian safety as well as a severe impact upon the surrounding highway network.

6.4 The proposal therefore fails to accord with Policy SWDP4 and SWDP21 as well as guidance contained in the Framework.

Flooding and Drainage:

7.1 The Parish Council have previously raised concerns over the impact of the development upon surface water drainage.

7.2 Both the Local Lead Flood Authority and Council's Engineers have raised queries over certain aspects of the proposal. These will need to be fully addressed.

Biodiversity:

8.1 The Council should ensure that the proposed development will not lead to an adverse impact upon biodiversity. The scheme should also offer substantial mitigation and enhancements, which will be retained in perpetuity.

Managers Accommodation:

9.1 The application proposes a new three bedroom managers house on the site. This is presumed to be on the basis as a rural workers dwelling.

9.2 Policy SWDP 19 (Dwellings for Rural Workers) only permits rural workers accommodation where the functional and economic tests contained in Annex G of the SWDP are met.

9.3 No evidence or justification for the managers accommodation has been provided within the submissions. You would expect to see an Agricultural Justification Statement, which sets out the functional and financial need for a manager to live on site 24 hours a day 7 days a week.

9.4 As it stands, the application fails to provide any justification for this new residential dwelling in the open countryside. This part of the application also fails to accord with Policies SWDP2 and SWDP19.

Conclusions and Planning Balance:

10.1 As set out in Part 38 (6) of the Planning Compulsory Purchase Act 2004, the determination of an application must be made in accordance with the plan unless material considerations indicate otherwise.

10.2 The site lies within the open countryside and is of a scale, form and function, which is wholly out of character with the existing village of Pinvin and the surrounding rural environment. The development would therefore be contrary to policies SWDP2 and SWDP8.

10.3 The scheme would fail to represent high quality design and would fail to accord with the established landscape character. By reason of the scale and size of the development, it will have a significant visual impact upon the surrounding rural environment, especially from the public rights of way.

10.4 The proposal will likely generate significant adverse impacts upon the amenities of the nearby residential properties as well the health and well-being of the local school children.

10.5 As confirmed by the County Highway Authority, there are a number of concerns over the impact of the development upon the surrounding highway network and upon highway and pedestrian safety. Further information is also required on drainage.

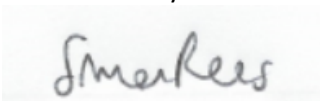
10.6 The proposed development would therefore fail to comply with a number of policies within the SWDP. This local plan conflict along with the adverse social and environmental impacts associated with this development therefore carry very substantial weight.

10.7 It is recognised that the proposal will generate a significant level of economic benefits to the surrounding economy. The proposal would also help to support an established local business, enabling them to grow, create new employment and boost the rural economy, in what is a difficult time. These benefits attract substantial weight.

10.8 Notwithstanding this, it is the Parish Council's contention that the development is clearly contrary to the SWDP and that there are no material considerations, which outweigh this harm, and which indicate that planning permission should be granted in this case.

10.9 The Parish Council therefore respectfully request that this application be refused.

Yours sincerely



Simon Rees BSc, MA, MRTPI (Director)
AddisonRees Planning Consultancy Ltd
Email: Simon@addisonrees.co.uk
Phone: 07791163311