

## APPENDIX B

### JOINT PLANNING COMMITTEE – 10 MARCH 2010

WA/2009/1827  
Hall Hunter Partnership  
10/12/2009

Construction of a winter storage reservoir at  
Tuesley Farm, Tuesley Lane, Godalming  
GU7 1UG

Grid Reference:

E: 496395 N: 141877

Parish:

Busbridge

Ward:

Bramley, Busbridge and Hascombe

Case Officer:

Mrs H Hobbs

8 Week Expiry Date

1/04/2010

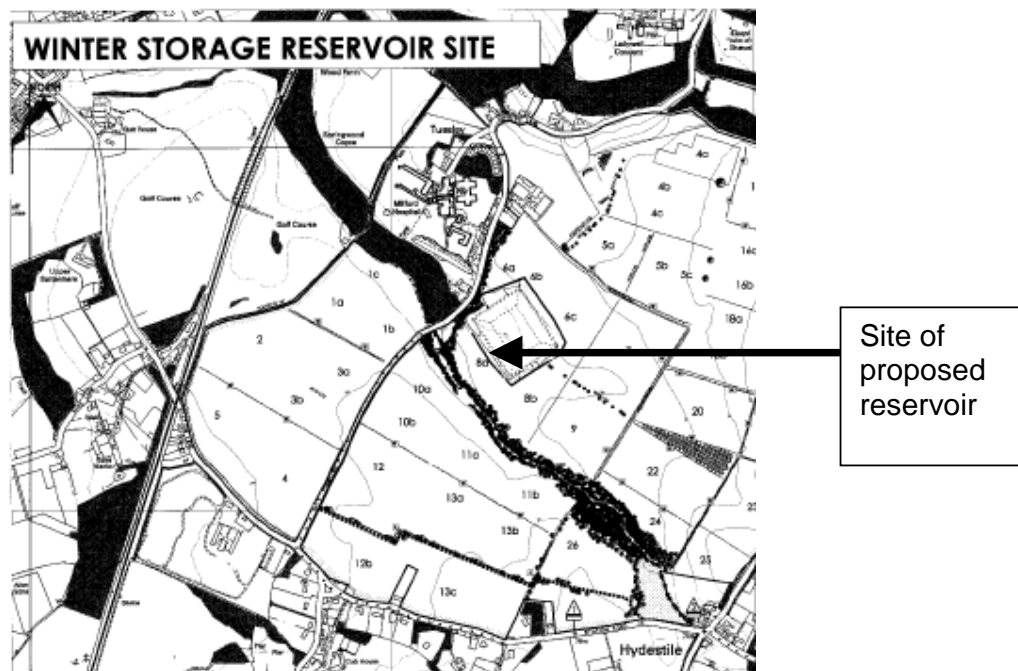
Neighbour Notification Expiry Date

05/02/2010

**RECOMMENDATION**

That permission be GRANTED subject to conditions

#### Location or Layout Plan



#### Site Description

The proposed reservoir would be sited in a valley on the eastern side of Tuesley Lane on land which is currently used for the growing of soft fruit, some of which is included within the area of the farm where polytunnels are permissible. On part of the site there is a seasonal pond.



Site of  
proposed  
reservoir

### Proposal

The application relates to the construction of a reservoir. Due to the size of the reservoir and its potential impact on hydrology and on the landscape this is a development, which requires an Environmental Impact Assessment (EIA).

The reservoir is required by the farm as part of the ongoing development of the site in order to be more sustainable and to facilitate water abstraction and storage of irrigation water for use in summer. This would increase the security of the supply of water in connection with soft fruit production on the farm and utilise water, which would otherwise flow away. A surface water abstraction licence covering the majority of fill water for the reservoir is already in place and the remainder of the water would come from rainwater harvesting and runoff control on the farm.

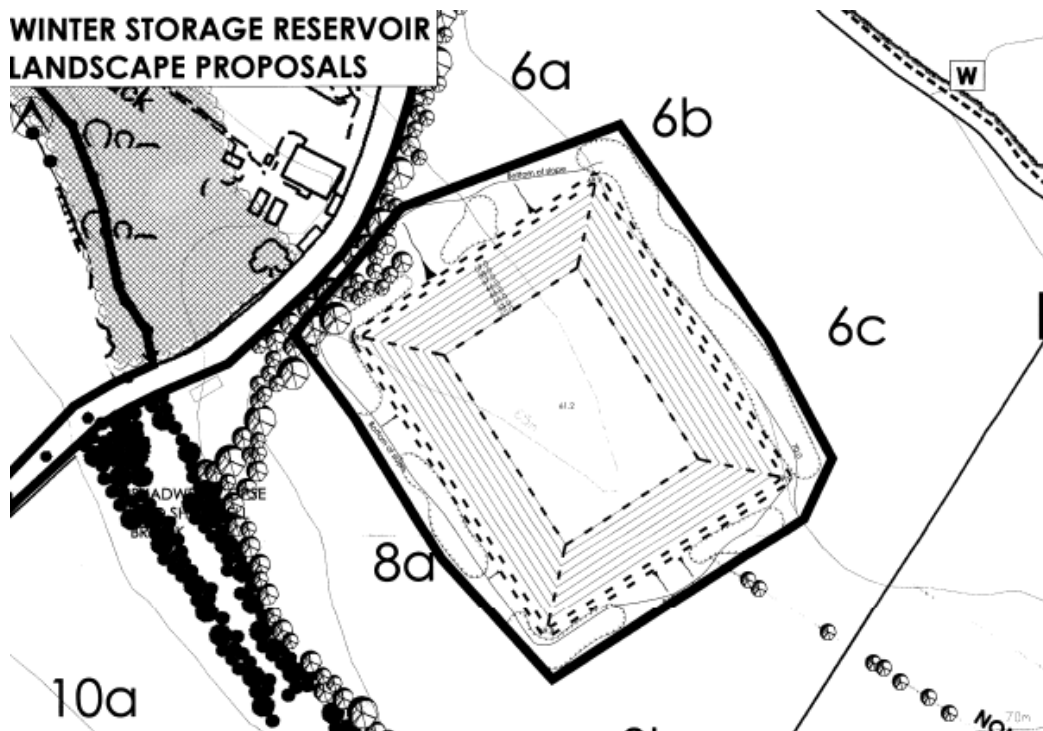
The reservoir would consist of one large bunded pond having a projected capacity of 150,000 cubic metres and would effectively dam a dry valley. All spoil would be recycled on site to form bunding.

The applicant has submitted a detailed report, which is currently being studied by the Environment Agency. The key points of which are as follows:

- The reservoir is necessary to allow full usage of an existing winter surface water abstraction licence. It will also allow implementation of rainfall and runoff harvesting from the farm site.
- Usage of the water abstracted and stored in the reservoir is justified through cropping carried out on site.
- Granting of the application will not result in an increase in the surface or ground water abstraction, which is currently licensed.
- The development is not considered to be at risk of flooding from any source and will not result in a worsening of flooding downstream.

Historically, Tuesley Lane has periodically flooded from runoff from the site; however this development stands to eliminate the incidence of this flooding due to the re-routing of runoff waters from this catchment.

- Dam break modelling indicated that no buildings are at risk from an unexpected discharge of full reservoir volume. The flood path does cross a railway line in two places (Network Rail have however confirmed that they have no comments to make on the proposal).
- The Reservoir Act 1975 is relevant to this development and the reservoir has been designed by an appropriate panel engineer, and will undergo annual inspections.
- The applicants have advised that the resulting very low probability of failure of the reservoir results in the risk associated with the reservoir being essentially zero. By saying this, the applicant is not saying that there is no risk, only stressing that the probability of failure is extremely small.



The reservoir would be rectangular in shape (186 m by 150 m). The reservoir would be in a natural dip/valley. Due to the existing contours of the site the reservoir would require a dam/banking on the north western side (adjacent to Tuesley Lane) of 5.5 metres in height. A similar dam/bank would be required at the south eastern side. The reservoir would be cut into the valley sides on its north eastern and south western sides. The applicant is proposing that the banks and surrounds of the reservoir would be planted with native riparian trees and shrubs including birch, hawthorn and willow.



View of site looking west



Site of proposed reservoir

Planning History

WA/2010/0119	Erection of extensions and alterations following demolition of existing buildings; change of use of and alterations to agricultural buildings for residential ancillary use; change of use of land and formation of new vehicular access and driveway.	Pending Decision
WA/2009/0889	Variation of condition 7 of WA/2007/1962 to allow for a revised route of the permissive route known as "Quiet Lane" and to restrict its use to a footpath for	Full Permission 22/09/2009

	pedestrians only. (As amended by letter dated 09.9.09 from Bradbeer Planning Limited, letter dat	
WA/2009/0465	Erection of extensions and alterations following demolition of 2 existing outbuildings.	Full Permission 22/05/2009
WA/2008/1737	Erection of building of approximately 2680 sq m to provide living accommodation for agricultural workers (scheme 2).	Refused 02/12/2008
WA/2008/1736	Erection of agricultural building of approximately 1725 sq m for packaging/refrigeration of soft fruit following demolition of existing agricultural buildings. (As amended by plans received on 19.11.08.)	Full Permission 02/12/2008
WA/2008/1735	Alterations and change of use of agricultural buildings to provide living accommodation for agricultural workers	Decision pending
WA/2008/1734	Change of use of agricultural land to use for siting of mobile homes for occupation by agricultural workers together with associated engineering works.	Decision pending
WA/2007/1962	Erection of up to 20 ha. of polytunnels on a rotational basis within defined areas on the 190 ha. agricultural holding	Granted 28.8.08 (subject to 106 Legal Agreement)
EN/2004/8	Enforcement Notice – without planning permission (a) The change of use of land from agriculture to stationing of caravans; (b) The formation of a bund and erection of a fence; (c) Engineering works for the provision of services to the caravans	Appeal dismissed 15.12.05 High Court challenge dismissed 15.12.06
EN/2004/9	Enforcement Notice – without planning permission (i) The erection of polytunnels (ii) The erection of tall windbreaks (iii) The creation of an earth bund (iv) The erection of fencing on top of the earth bund (v) Engineering works associated with the provision of services for the caravans	Appeal dismissed 15.12.05 High Court challenge dismissed 15.12.06
WA/1989/0692	Erection of storage building	Granted 4/7/89

### Planning Policy Constraints

Section 106

Wealden Heaths I SPA 5km

SPAD

Green Belt – outside any settlement

AGLV

### Development Plan Policies

Policies D1, D3, D4, D7, C1, C3, RD10 of the Waverley Borough Local Plan 2002

Policies CC1, CC2, CC3, CC4, SP5, NRM1, NRM2, NRM3, NRM5, C4, SP5 of the South East Plan 2009

### Planning Policy Guidance

PPG2, PPS1 (supplement), PPS4, PPS7

### Consultations and Town/Parish Council Comments

Busbridge Parish Council - objects strongly to this application. The proposed reservoir is very large covering some 6 acres with an 18 foot dam wall and will contain 150,000 cubic metres of water, which under the 1975 Act will require a panel of independent engineers to inspect it annually. The application does not contain any assessment or impact analysis of the effect of the storage facility on the AGLV in which it will reside. It is quite clear that the proposal will not enhance the land value.

No consideration appears to have been given to the effect of the actual construction process will have on the surrounding countryside. Under the terms of the original Planning Permission for Tuesley Farm the applicant was required to enhance the landscape with a 10 metre wild flower border, which this construction will prevent.

Hambledon Parish Council – not yet received – to be reported orally

Network Rail – no comments

Environment Agency –have no objection to the proposed development. - recommend condition.

The Flood Risk Assessment (FRA) identifies that the reservoir will prevent surface water runoff from flowing overland across Tuesley Lane and into the watercourse. Instead in more extreme events the flows will be diverted into the watercourse where it will pass through a culvert underneath Tuesley Lane. Whilst the FRA identifies there to be a sufficient capacity to take the additional flow, should a blockage occur, an increased amount of water may back up behind the culvert underneath the road, affecting the neighbouring property. Suitable measures to reduce this residual risk may include a management plan for regular clearance of obstructions or a suitably designed trash screen.

The proposed development will only be acceptable if the recommended planning condition is imposed.

Chesterton Humberts Agricultural Consultants – report not yet received –to be reported orally

### Representations

2 letters making observations as follows:

- Reservoir should be less industrial in shape.
- Needs to be environmentally landscaped.
- Concerned about achieving the planting as wildflower areas have not been provided elsewhere on the farm.
- Concerned about usability of “quiet lane”.
- Applicants should make good all outstanding promises and conditions before work is commenced on this proposal.

### Determining Issues

- Impact on Green Belt
- Impact on AGLV
- Agricultural justification
- Drainage matters
- Impact on SPA

### Planning Considerations

#### Impact on Green Belt

The site is within the Green Belt where there is a general presumption against inappropriate development and this will not be permitted unless very special circumstances exist. The text accompanying WBLP Policy C1 lists, amongst other forms of development, inappropriate development as engineering and other operations and the making of a material change of use of land unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

The proposed reservoir would be partly dug into the valley sides and the excess earth would be incorporated into the banks of the reservoir. The impact of the banks will be limited to the immediate vicinity of the proposed reservoir, that is the part of Tuesley Lane immediately to the west of the proposed reservoir and the land, within the main production area of the farm, to the east of the proposed reservoir. The reservoir would be filled with water but will maintain an open character.

The purpose of the reservoir is to provide water for an established agricultural enterprise. PPS7 (paragraph 27) recognises the importance and varied roles of agriculture, including the maintenance and management of the countryside and most of our valued landscapes. Agriculture, at Tuesley Farm, is an activity, which maintains the openness of the Green Belt. The applicants have explained the importance of the reservoir as a sustainable way to provide water for the farm.

Officers are of the view that although there would be some enclosure of the existing valley, the open character of the surrounding area would be

maintained, and in any event the very special circumstances, which are based on sound sustainability principles justify the proposal in Green Belt terms.

#### Impact on AGLV

The proposed reservoir would be visible in the countryside, which is designated as AGLV. However, due to the contours of the site, it is considered that the visual impact would be restricted. There would be glimpses of the embankment/dam only from the part of Tuesley Lane, which adjoins the site of the proposed reservoir. The views would be limited due to the existing band of trees on the eastern side of the lane and new planting will enhance this screening.

The reservoir would also be visible from parts of Public Footpath 162, which crosses the farm, and from part of Hambledon Road 800m, to the east. Although visible from these public vantage points the reservoir would be viewed in the context of an extensive area of farmland and would also be mitigated by the proposed additional planting. The applicant has been asked to provide additional information on the landscape impact, as part of the EIA and it is anticipated that further information on the visual impact will be presented to the meeting. Officers are, however, confident that the information would show that the proposal would conserve and enhance the landscape character of the AGLV.

The proposed development would not encroach on any areas specifically designated as wildflower areas shown on the approved landscape management plan required under the terms of the 106 Legal Agreement for WA/2007/1962 (the polytunnel application).

#### Agricultural justification

The applicant has explained that the reservoir would enable the farm to collect water and reuse it for the soft fruit in the summer. This would reduce the need to abstract ground water and would give the farm the security of having water available. Soft fruit requires large amounts of water. WBLP Policy RD10 relates to agricultural development.

RD10 is a criteria based policy. The policy states that permission will be granted for agricultural, horticultural or forestry related development provided that:-

*(a) The proposal is related to and located on an existing unit, and is reasonably necessary for the purposes of agriculture, horticulture or forestry within that unit.*

The reservoir is within the farm holding and is considered necessary for the production of soft fruit grown on the farm.

*(b) It would not significantly detract from the character of the rural landscape.*

The applicant has been asked to provide additional information to explain the impact on the landscape. However, officers are satisfied that there would not be a significant impact.



*(c) The location, scale, design, colour and materials are appropriate to the character and appearance of the surrounding area.*

The banks would be planted with native species suitable for a riparian location and therefore the structure will blend into the surroundings.

*(d) The proposal would not give rise to significant noise and disturbance to the occupiers of nearby residential properties or otherwise adversely affect residential amenities, for example by reason of dust, odour or effluent.*

The reservoir, once constructed, would not result in disturbance to occupiers of neighbouring properties. The nearest residence is more than 100 m from the proposed reservoir.

*(e) The amount of traffic likely to be generated would not prejudice highway safety or cause significant harm to the environmental character of country roads and*

*(f) Satisfactory vehicular access can be achieved.*

The site would be accessed from adjoining farmland using the main farm access. Once constructed there would be very little need for vehicles to visit the site.

Advice on the agricultural merits of the application have been sought from Chesterton Humberts. This report has not yet been received so an update will be provided to members at the meeting. However, based on the applicant's submissions there would appear to be an agricultural justification for this development.

#### Drainage matters

The application is accompanied by a detailed report on water resources, flood risk and dam break information and this is part of the EIA. The report explains that the reservoir is required to allow full usage to be made of the exiting winter surface water abstraction licence and to allow the harvesting of water for the farm. The report explains that it is not considered that the reservoir would increase the risk of flooding downstream and detailed calculations and maps have been submitted to demonstrate this. It is explained that historically Tuesley Lane has periodically flooded from runoff from the site and that this development stands to eliminate the incidence of this flooding due to the re-routing of runoff waters. The report confirms that the reservoir would be built, managed and inspected in accordance with the 1975 Reservoirs Act.

This report has been studied by the Environment Agency (EA). The EA is satisfied with the contents of the report subject to the imposition of an appropriate condition. The condition is required because part of the proposal includes plans to divert surface water flows into the watercourse upstream of a culvert in more extreme events. Though the FRA indicates there is sufficient capacity for the additional flow, should there be a blockage there would be more water backing up flooding the other properties. There should therefore be measures put in place to reduce the risk of blockage resulting in flooding.

### Impact on SPA

As the proposal is for a reservoir it is not likely to result in a material increase in the number of people and therefore would not have an impact upon the integrity of the SPA.

### Conclusion

Officers have looked carefully at the site and supporting information for the proposed reservoir and are of the view that it is reasonably necessary for agriculture, that it is a sustainable form of development for which there are very special circumstances and which will, in any event, maintain the openness of the Green Belt. The proposal would not detract from the character and appearance of the AGLV. Given that the development requires an EIA, further detail is being sought from the applicant about the impact on the landscape. This will be presented to members at the meeting. The EIA also includes details of the hydrology and flood risk, which has been assessed by the EA.

### **RECOMMENDATION**

That subject to:

- The receipt of information on the landscape impact required as part of the Environmental Impact Assessment;
- No objection from Natural England;
- No representations in respect of the Environmental Impact Assessment which raise any new issues;

Permission be GRANTED subject to the following conditions:

1. Condition

Prior to commencement of any works on site, demolition or other development activities, a scheme of tree protection (in line with BS 5837:2005, Trees in relation to construction) shall be submitted to and agreed by the Local Planning Authority in writing. Where relevant, such scheme shall also take "off site" trees into consideration. The Local Authority Tree and Landscape Officer shall be informed of the proposed commencement date a minimum of two weeks prior to that date to allow inspection of protection measures before commencement. The agreed protection to be kept in position throughout the development period until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without written consent of the Local Planning Authority.

Reason

In the interest of the character and amenity of the area in accordance with Policies D1, D2, D7, C1 and C3 of the Waverley Borough Local Plan 2002.

2. Condition  
No development shall take place until a detailed landscaping scheme has been submitted to and approved by the Local Planning Authority in writing. The landscaping scheme shall be carried out strictly in accordance with the agreed details and shall be carried out within the first planting season after commencement of the development or as otherwise agreed in writing with the Local Planning Authority. The landscaping shall be maintained to the satisfaction of the Local Planning Authority for a period of 5 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.

Reason

In the interest of the character and amenity of the area in accordance with Policies D1, D2, D7, C1 and C3 of the Waverley Borough Local Plan 2002.

3. Condition  
The plan numbers to which this permission relates are DHA/558/WB004 Rev C and DHA/558/WB005 Rev B. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the developemnt hereby permitted shall be fully implemented in accordance with the approved plans and to accord with Policies D1, D2, D7, C1 and C3 of the Waverley Borough Local Plan 2002.

4. Condition  
Prior to construction of the reservoir, details shall be submitted to and approved in writing by the Local Planning Authority for measures to minimise the risk of flooding from blockages to the existing culvert underneath Tuesley Lane. Following construction of the development, the applicant shall comply with the approved measures.

Reason

In order to minimise a residual risk of flooding from blockage due to higher flows and to accord with Policies D1 and D3 of the Waverley Borough Local Plan 2002 and Policies NRM1, NRM2, NRM3 and NRM5 of the South East Plan 2009.

#### SUMMARY OF REASONS FOR GRANTING PERMISSION

The development hereby granted has been assessed against the relevant Government advice within PPG2, PPS1 (supplement), PPS4 and 7, the following Development Plan policies: Policies CC1, CC2, CC3, CC4, C4, SP5, NRM1, NRM2, NRM3 and NRM5 of the South

East Plan 2009 and Policies D1, D3, D4, D7, C1, C3 and RD10 of the Waverley Borough Local Plan 2002 and material considerations, including third party representations. Specifically the accommodation is regarded as being reasonably necessary for purposes of agriculture in this location and this justification is considered to outweigh the harm caused by the development to the openness of the Green Belt and to the character of the Area of Great Landscape Value. It has been concluded that the development would not result in any harm that would justify refusal in the public interest.

### **Informatives**

"IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised. On 6 April 2008 a new fee was introduced by the Town and Country Planning (Fees of Applications and Deemed Applications) (Amendment) (England) Regulations 2008. This fee relates to requests to discharge a condition on a planning consent. The fee payable is £85.00 or a reduced rate of £25.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

Hazard maps, which assessing the hazard extent in an event of the reservoir failing has been submitted to us and included in the FRA. The maps showing the offsite hazard and risk should be used by the local planning authority and Local Resilience Forum for emergency planning purposes.

Please note that under the terms of the Water Resources Act 1991, and the Thames Region Land Drainage Byelaw the prior written consent of the Environment Agency is required for any proposed works or *structures*, in, under, over or within 8 metres of the top of the bank of a watercourse. If this applies to the proposal then further information should be sought from [authorisations.se@environment-agency.gov.uk](mailto:authorisations.se@environment-agency.gov.uk).