

Recommendation Report for Planning Permission

REF NO: WA/20/22/PL

LOCATION: Fleurie Lake Lane (former Star Plants Nursery)
Lake Lane
Barnham
PO22 0AL

PROPOSAL: Variation of condition 2 imposed under WA/75/20/PL relating to approved plans.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seeks planning permission for variation of Condition 2 imposed under WA/75/20/PL relating to approved plans. The application proposes new and replacement glasshouses and polytunnel structures. This proposal is to vary these approved plans by proposing amendments to the design to enable the structures to the North of the Yard area to be constructed in two stages Phases 2a and 2b.
SITE AREA	8.93 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the development.
BOUNDARY TREATMENT	The site is defined by tree/hedgerow planting of approximately 2-3.5m in height. These follow the historical field boundaries of the sites. There is substantive boundary planting along the southern boundary of the site abutting Lake Lane.
SITE CHARACTERISTICS	The site comprises a potting nursery, with a variety of mature hedgerows around the site boundaries. The site features a ditch running through the central eastern side of the site and features a field in the south-west corner of the site. The site comprises a series of polytunnels, glasshouses and outdoor beds and hardstanding which totals approximately 5ha of site coverage of the total 8.93 ha site area. There is some vegetation across the site though this is limited in nature. The site is undeveloped to its southern portion which is open land. However, the remainder of the site have structures across its extent which is coherent with the wider character of the locality.
CHARACTER OF LOCALITY	The site falls to the northern side of Lake Lane. Land to the south eastern corner of the Lake Lane/Yapton Lane junction comprises commercial developments associated with horticultural practices. Similarly, land to the south of Lake Lane/north of the railway line comprises horticultural practices.

There are some residential properties along Lake Lane; however, these are typically clustered towards the Barnham/western extent of Lake Lane.

Lake Lane is an unclassified road in nature and is rural in appearance/nature. Glimpses of glasshouse/polytunnel developments are visible at the entrance to such enterprises; however, substantial planting and screening along the boundaries to the sites retains its rural appearance from along Lake Lane.

To the west of the site is Farplants who are responsible for the packaging process of Fluerie Nurseries. The operations currently service the produce grown at Springfields which are transported to this adjacent site for packing and processing.

RELEVANT SITE HISTORY

WA/16/21/DOC	Approval of details reserved by condition imposed under WA/75/20/PL relating to Conditions 9 Landscape Scheme and 11 Environmental & Ecological Management Plan.	DOC Approved 18-05-21
WA/75/20/PL	New & replacement glasshouses & polytunnel structures. This application also lies within the parish of Yapton. This site is in CIL Zone 3 (Zero Rated) as other development.	ApproveConditionally 29-01-21
WA/112/18/CLE	Lawful development certificate for the existing use of the land & associated structures. This application also lies within the parish of Yapton.	PP Not Required 26-03-19
Y/10/17/AG	Prior notification under Part 6 for proposed temporary polythene tunnels to replace existing low tunnels on container plant production beds.	No Objection 14-03-17
WA/2/11/DOC	Application for approval of condition 2 imposed under WA/11/09/	DOC Approved 13-09-11

The relevant planning history associated with the application site has been noted.

REPRESENTATIONS

WALBERTON PARISH COUNCIL

Walberton Parish Council supports this application.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comment noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENTAL HEALTH

The Environmental Health has no comments concerning this application.

WSCC LEAD LOCAL FLOOD AUTHORITY (LLFA)

The LLFA have no comment to submit with regards to this variation of condition.

WSCC (HIGHWAY AUTHORITY)

Given the information provided, the changes do not appear to have any impact on the public highway or the vehicular access to the site. Therefore we would not raise an objection on highway safety grounds.

SOUTHERN WATER

Southern Water has no objections to the above variation of condition 02. The comments in our response dated 05/11/2020 remain unchanged and valid.

ADC DRAINAGE (SURFACE WATER DRAINAGE)

We have no comments regarding this amendment. Our comments relating to WA/75/20/PL still stand.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

- Parish of Walberton and Yapton
- Outside of Built-Up Area Boundary
- CIL Charging Zone 3

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DSP1	D SP1 Design
HORDM1	HOR DM1 Horticulture
QEDM1	QE DM1 Noise Pollution

QEDM2	QE DM2 Light pollution
QESP1	QE SP1 Quality of the Environment
SDSP2	SD SP2 Built-up Area Boundary
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
DDM1	D DM1 Aspects of form and design quality
ENVDM5	ENV DM5 Development and biodiversity

PLANNING POLICY GUIDANCE:

NPPDG	National Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Walberton and Yapton Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. There are no policies contained within the made Walberton and Yapton Neighbourhood Development Plans that are applicable to this application.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"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."

The proposal is considered to comply with relevant Development Plan policies in respect of horticultural development, highways and transportation and residential amenities. There are no other material considerations that would indicate a determination other than in accordance with the Development Plan.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS**PRINCIPLE**

The application proposes varying the erection of new and replacement glasshouses and polytunnel structures which seeks to relocate the operator's current operations on the site. This relocation is necessitated through the delivery of the BEW Strategic Development site which comprises one of the largest Local Plan policy objectives. This will result in the delivery of the proposal in phases.

Policy HOR DM1 (Horticulture) supports new glasshouse and polytunnel development where it accords with the 12 point criteria. Policy HOR DM1 makes clear that the Council's Economic Strategy identified the Horticulture sector as one of four key sectors which are particularly strong in the local economy and offers good opportunities for economic development and job creation.

Para. 11.2.10 of the Arun Local Plan recognises that when horticultural sites are developed for non-horticultural purposes, horticultural businesses often need to relocate to new sites. The Council recognises that in these circumstances, relocation within Arun of existing horticultural businesses should be, where possible, enabled and facilitated by all parties (the landowner, applicant, horticultural business and the Council) to protect employment and to allow existing horticultural businesses to continue to contribute to the local economy.

The principle of the proposal has been set under WA/75/20/PL. On this basis, the variation of the erection of new and replacement glasshouses and polytunnel structures is accepted, subject to design and visual amenity because all other considerations have been addressed under WA/75/20/PL.

DESIGN AND VISUAL AMENITY

Policy HOR DM1 (Horticulture) supports the development of new glasshouse, polytunnel and associated packhouse development where it accords with the 12 point criteria. This criteria includes ensuring development is of a height and bulk which would not significantly damage the character or appearance of the surrounding landscape.

The original approved plans (1120-002H, 004A and 005A) under WA/75/20/PL proposed as below;

- to replace the two glasshouses on the East side of the site with a single 0.71 ha glasshouse;
- to replace the 1.41 ha of outdoor beds with 0.16 ha of polytunnels to the East side of the entrance road with a 1.38 ha glasshouse;
- to provide 1.02 ha of polytunnels on the West side of the entrance road to the South of the yard;
- to rationalise the yard to remove the potting shed, Cambridge glasshouse and polytunnel structures to incorporate their uses into a new 0.61 ha area of polytunnels replacing the outdoor beds to the North of the yard; and
- to provide additional rain water harvesting and attenuation tanks.

This proposal is to vary the approved plans by proposing amendments to the design to enable the structures to the North of the Yard area to be constructed in two stages Phases 2a and 2b. It will involve building the glasshouse to relocate the processing and dispatch activities from existing sheds (Phase 2). Phase 2b will involve removing processing and dispatch sheds and completion of the remaining area of polytunnel while retaining the existing potting shed.

The majority of the development comprises approximately 1.02 ha of polytunnels on the south western portion of the site, 0.61 ha of polytunnels located on the north western portion of the site and 0.69 ha of glasshouses on the eastern portion of the site.

This variation in the drawing plans are more procedural in terms of implementation of the project than contextual (scale, mass, bulk, design pattern and materials) issues in the drawing plans. There would be a degree of visibility along the southern elevation of the 1.02 ha of polytunnels. Whilst elevations show polytunnels would be approximately 1-1.5 storeys in height, their presence along Lake Lane would not be discordant with the character of the area which is very much defined by similar structures and horticultural buildings. The proposal will be in conformity with the design of other structures, rural setting and will not distract from the character and appearance of the street scene and locality.

Whilst it is acknowledged that there would be a degree of change along the southern elevation, in respect of the visual appearance, this proposed variation is neither discordant with the wider character of the area to the extent where it would result in material visual harm.

The Site Plan makes clear that an opportunity exists along the southern elevation to provide planting and screening along this southern elevation which would reduce both the prominence and visibility of these polytunnels. Such screening will be maintained and would attract significant weight on the acceptability of design. This screening has been secured by condition under .

Due to the scale, mass and bulk of the proposed proposal, the proposed variation would not significantly damage the character and appearance of the surrounding landscape and would therefore accord with Policy HOR DM1 (Horticulture) of the Arun Local Plan.

RESIDENTIAL AMENITY

Policy HOR DM1(1)(h) requires development for new glasshouses, polytunnels and associated packhouse development to ensure there is minimal impact on health or general amenity resulting from internal artificial lighting after 6pm. Further, HOR DM1(1)(g) requires the vehicle movements likely to be generated by the development to not result in residual cumulative impacts on residential amenity. Policy HOR DM1(1)(l) requires development to not result in noise levels, which when measured against the existing ambient noise levels in the locality, to not unacceptably disturb occupants of nearby residential properties.

The polytunnel and horticultural operations associated with it are not known to require any artificial lighting in order to operate successfully. Should lighting be used it would be unlikely to impact upon any nearby residents by virtue of the separation distance between their properties and the site.

The variation of condition would not increase noise by virtue of the operations on the site as the packing operations which these polytunnels and glasshouses already operates in this area; on the adjacent site. Therefore noise impacts would remain the comparable.

On the basis of the above, the proposal would not result in impacts on residential amenity in respect of light, noise or vehicle movements. The proposal accords with Policy HOR DM1 of the Arun Local Plan.

HIGHWAYS/TRANSPORT/ACCESSIBILITY

Policy T DM1 (Transport and Development) of the ALP requires growth in the District to reduce congestion and works to tackle climate change. In doing so, development should also provide safe access on to the highway network. Para. 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport. Schemes should accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, be accessed by high quality public transport facilities, create safe and secure layouts for traffic, cyclists and pedestrians and provide appropriate levels of parking.

Para 110 of the NPPF states: "In assessing .. specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Para 111 states: "Development should only be prevented or refused on highways grounds if there would be an

unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Arun Parking Standards SPD does not specify the level of car parking provision for a horticulture farm. The proposal will not exacerbate the parking arrangement on this site. There is ample space in the premises to meet car parking requirements. The Local Highway Authority has no objection.

On balance, due to the potential traffic generation and parking demand, this proposal will not have adverse impacts on the parking arrangement and would not exacerbate parking condition. Therefore, it is considered that the proposal is in accordance with Policies T DM1 and T SP1 of Arun Local Plan.

ECOLOGY & VEGETATION

Policy ENV DM5 (Development and Biodiversity) requires development schemes to seek to achieve a net gain in biodiversity and protect existing habitats on site. It requires development schemes to be appropriately designed to facilitate the emergence of new habitats through the creation of links between habitat areas and open spaces to provide a network of green spaces.

Biodiversity Net Gain has been secured under WA/75/20/PL. The proposal will neither adversely impact grassland, will not result to loss of biodiversity net gains and will not have impact upon areas of rest and shelter for amphibians and reptiles and these species are unlikely to be impacted. Biodiversity Net Gain has been secured under WA/75/20/PL. On this basis, the proposal would not adversely impact species and habitats and would therefore accord with Policy ENV DM5 of the Arun Local Plan.

DRAINAGE

The proposed development will be within a flood zone with very low flood risk as such does not require a Flood Risk Assessment. The proposal will not exacerbate the site's drainage condition. Southern Water have no objection to this application. Therefore, the development accords with Policies W SP1 and W DM3 of the Arun Local Plan.

SUMMARY

The proposal to vary condition 2 under WA/75/20/PL is hereby considered acceptable and accords with the policies contained within the Arun Local Plan and para. 11c of the NPPF. Therefore, it is recommended to be approved, subject to the conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL Liable therefore developer contributions towards infrastructure will not be required.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date (29th January 2021) of permission under WA/75/20/PL.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans - 1120-001-RevE, 1120-002RevM, 1120-004C, 1120-005C, 1120-011RevC, 1120-002-Phase 1, 1120-002-Phase 2a and 1120-002-Phase 2b.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies HOR SP1 and D DM1 of the Arun Local Plan.

- 3 Development shall not be brought into use until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 4 Immediately following implementation of the approved surface water drainage system and prior to occupation of any part of the development, the developer/applicant shall provide the local planning authority with as-built drawings of the implemented scheme together with a completion report prepared by an independent engineer that confirms that the scheme was built in accordance with the approved drawing/s and is fit for purpose. The scheme shall thereafter be maintained in perpetuity.

Reason : To ensure that the proposed development is satisfactorily drained and in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan.

- 5 Development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport and in accordance with policies T SP1 and D DM1 of the Arun Local Plan.

- 6 Prior to the use of any external lighting in association with the development hereby permitted, details shall be submitted to the Local Planning Authority for approval. The details shall comply with Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light, Obtrusive Light Limitations for Exterior Lighting Installations for Zone E. Once provided, the lighting shall be undertaken in accordance with these approved details at all times thereafter, unless otherwise agreed with the Local Planning Authority, in writing.

Reason: To control the residential amenities of the local environment and to fulfil the dark skies initiative in accordance with Arun Local Plan policies HOR DM1, QE SP1, QE DM2 and D DM1.

- 7 Development shall not be brought into use until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding/, to improve and protect water quality/, improve habitat and amenity/, and ensure future maintenance of these/ in accordance with Arun Local Plan Policies WSP 1, W DM1, W DM2 & W DM3. It is considered necessary for this to be a pre-commencement condition because the site drainage needs to be approved and implemented before the dwellings are occupied.

- 8 The removal of trees, vegetation and hedging shall be undertaken outside of the bird nesting season (01 March - 01 October) only. Should works be required within this season then an suitably qualified ecologist shall check the areas of clearance 24 hours prior to any works taking place.

Reason: In the interests of protection of nesting birds in accordance with policy ENV DM4 of the Arun Local Plan.

- 9 Notwithstanding the approval of this permission, the works to be undertaken for Condition 9 of WA/75/20/PL which have been discharged under WA/16/21/DOC must be implemented in accordance with the details approved under WA/16/21/DOC.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 10 Landscaping (hard and soft) shall be carried out in accordance with the details approved by condition 9 of this consent. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the occupation of the

buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 and ENV DM4 of the Arun Local Plan.

- 11 Notwithstanding the approval of this permission, the works to be undertaken for Condition 11 of WA/75/20/PL which have been discharged under WA/16/21/DOC must be implemented in accordance with details approved under WA/16/21/DOC.

Reason: In the interests of protecting habitats and species in accordance with policy ENV SP1 of the Arun Local Plan.

- 12 No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use and in accordance with policy T SP1 of the Arun Local Plan.

- 13 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 14 INFORMATIVE: The applicant's attention is drawn to the presence of Water Voles which are found on the site. Separate legislation covers the protection of these species and the applicant should be aware of these separate requirements at all times when implementing this consent.

- 15 INFORMATIVE: The applicant's attention is drawn to the presence of nesting birds on the site which have been identified in the Ecological Appraisals undertaken on the site. The Wildlife and Countryside Act 1981 covers the protection of birds and wildlife and the applicant should be aware of these separate requirements at all times when implementing this consent.