Recommendation Report for Planning Permission

REF NO: WA/29/22/PL

LOCATION: Lower Farm
Yapton Lane
Walberton
BN18 0AS

PROPOSAL: Variation of condition following WA/62/20/PL relating to condition 2- plans condition to change orientation from east/west to north/south and change location of some water tanks.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

The application is for a variation of condition 2 pursuant to planning permission Ref. WA/62/20/PL which was granted on 29th January 2021. This proposal seeks to amend the approved plans to allow the orientation of the multipaned glasshouse building to be altered from east/west to north/south and re-location of some water tanks.
Levels of car parking and cycle parking provision are as approved and access to the site is unaltered and will be through the existing private farm entrance off Yapton Lane (B2132).

Condition 2 of planning permission WA/62/20/PL states:

The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan PA21 rev P01
Block Plan PA22 rev P01
Triple Bay Elevations and Lagoon Bund Profile PA32 rev P01
Elevations PA31 rev P01

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

The proposed variation to Condition 2 is sought:
The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan PA21 rev P01
Block Plan PA22 rev P05
Triple Bay Elevations and Lagoon Bund Profile PA32 rev P01
Elevations PA31 rev P03

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy D DM1

	of the Arun Local Plan.
TOPOGRAPHY	Predominantly flat.
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Trees/fencing/hedging to field boundaries.
SITE CHARACTERISTICS	A rural area to the north of Yapton Lane on an intensively farmed agricultural unit. The site is bounded to the North and East by cultivated agricultural fields and to the South by Lower Farm grain store, buildings and cottages. The western boundary runs alongside Yapton Lane (B2132). To the west and adjacent of the proposals are many existing horticultural sites. The site is substantially enclosed (except than to the north/north east).
CHARACTER OF LOCALITY	A rural area with sporadic commercial uses interspersed on farms and in agricultural buildings. Immediately to the West and adjacent to this proposed glasshouse development are many existing substantial horticultural sites.

RELEVANT SITE HISTORY

WA/62/20/PL	Construction of 5 hectares of glasshouses, a service area & a reservoir on agricultural land. This site is in CIL Zone 3 (Zero Rated) as other development.	ApproveConditionally 29-01-21

REPRESENTATIONS

Walberton Parish Council - Support.
The proposal accords with Neighbourhood Plan policy VE2 - Horticultural policy.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Drainage Engineer - No Objection provided the glasshouse is located 3m from the eastern boundary.

Landscape Officer - No Objection.

County Highways - No Objection following receipt of further plan (drawing no: PA22 Rev PO4).

Environmental Health - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.
To accord with the Engineers observations the glasshouse has been reduced in size by removing the bay in the north east corner of the site to provide a gap of over 6m to the bank of the ditch.

POLICY CONTEXT

Designation applicable to site:
Class C road
Outside Built Up Area Boundary
Right of Way
Biodiversity Opportunity Area to east
Sharp Sand and Gravel Minerals Safeguarding Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
LANDM1	LAN DM1 Protection of landscape character
SDSP1	SD SP1 Sustainable Development
TSP1	T SP1 Transport and Development
WDM3	W DM3 Sustainable Urban Drainage Systems

Walberton Neighbourhood Plan Policy 2017 VE2	Horticultural Development
Walberton Neighbourhood Plan Policy 2017 VE3	Protection of Trees and Hedgerows

PLANNING POLICY GUIDANCE:

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, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The relevant policies of the Walberton Neighbourhood Plan have been considered.

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 that the changes to the approved horticultural building and associated structures have no adverse impact on visual or residential amenity.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

(2) in dealing with an application for planning permission the authority shall have regard to -
(a) the provisions of the development plan, so far as material to the application,
(aza) a post examination draft neighbourhood development plan, so far as material to the application,
(b) any local finance considerations, so far as material to the application, and
(c) any other material considerations.

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 OF DEVELOPMENT:

The principle of the development in this location has been agreed. It is only the issue relating to the amended plans in respect of changes to the site layout which can be considered under this application. Countryside, horticulture, employment, flooding, ecology, archaeology, design and impact on residential amenity are not altered or affected and cannot be considered again as part of this proposal.

VISUAL AND LANDSCAPE IMPACT:

The design of the glasshouse structure is unaltered and remains acceptable even though the orientation of the building has changed. The position of the site and its relationship to adjoining development and site boundary screening are not altered by the proposal. Subject to the previously imposed planning conditions, to secure a landscaping scheme and restrict lighting levels, the proposals would have an acceptable impact on the visual amenity of the area and character and appearance of the countryside, in accordance with the NPPF, Arun Local Plan (ALP) policies D SP1, D DM1, LAN DM1 and QE SP1 and the ADC Design Guide SPD.

HIGHWAYS IMPACT:

The agent has submitted a revised tracking plan and the access to the site and car and cycle parking provision are not altered from the original approval. The Local Highways Authority (LHA), WSCC, have raised no objection to the amended siting and layout of the glasshouses.

In conclusion, the changes to the layout proposed do not alter the impact on the operation and safety of the highways network. The proposals accord with the NPPF and policy T SP1 of the ALP.

DRAINAGE:

Policy W DM3 of the Local Plan refers to surface water management in new development. There is no proposed change to the way water will be collected from the roof. The agent has confirmed that the glasshouses would be located more than 6m from the water course on the eastern boundary and on that basis the Council's Drainage Engineer has no objection and the proposal is compliant with policy W DM3 and remains subject to the drainage conditions imposed on the original permission.

SUMMARY:

The layout and orientation changes proposed are minor alterations to the original approval and have no materially adverse impact on visual amenity, drainage, landscape or highway safety. The application is recommended for approval, subject to the following conditions and informatives.

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

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.

RECOMMENDATION

APPROVE CONDITIONALLY

1 Condition 2 imposed under WA/62/22/PL is amended to read:

The development hereby approved shall be carried out in accordance with the following approved plans:
Location Plan PA21 rev P01
Block Plan PA22 rev P05
Elevations PA31 rev P03
Triple Bay Elevations and Lagoon Bund Profile PA32 rev P01

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

2 INFORMATIVE: This permission relates to the variation of condition 2 of planning permission WA/62/22/PL only. The applicant is reminded that the other planning conditions attached to the original planning permission number WA/62/22/PL remain in force and must be complied with.

3 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.