

Recommendation Report for Planning Permission

REF NO:	WA/92/17/PL
LOCATION:	Walberton Nursery Yapton Lane Walberton BN18 0AS
PROPOSAL:	Convert 2 No. outdoor growing beds with 2 No. enclosed polytunnels & replace 2 No. existing polytunnels with 1 No. polytunnel.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to: 1. Convert 2 outdoor growing beds into covered growing space with 2 polytunnels which will measure 29.2m x 64m x 3.6m and 26.8m x 64m x 3.6m. The total area will be 2465sqm and will be approximately the same as the outdoor growing area to be covered. 2. Replace 2 old polytunnels with 1 new poly tunnel. This will measure 31.7m x 25.6m x 3.6m and the total area will be 811sqm, which is 11sqm larger than the existing. The poly tunnels are not to be lit. Rainwater will be piped to either the existing water capture lagoon or internal pond. There is no change to the manner in which surface water is managed. The polytunnels are to be located in positions which are already surrounded for the most part by existing nursery development in the form polytunnels or glasshouses, or by existing development to the north of the site.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	There are no notable boundaries within the site and in proximity to the proposed polytunnels. External site boundaries are largely well established mature hedgerows, including some hedgerow trees. These provide good screening from the surrounding area.
SITE CHARACTERISTICS	The site is a well established horticultural nursery which includes a considerable existing amount of glass housing, polytunnels and planting beds. It is well screened on the boundaries.
CHARACTER OF LOCALITY	Predominantly rural with horticultural growing. Some residential dwellings along Yapton Lane to the front of the site.

RELEVANT SITE HISTORY

WA/22/11/	Two new glasshouses	ApproveConditionally 14-07-11
WA/11/09/	Horticultural finishing centre - single storey double pitch building with profiled metal sheet walls and roof. Single storey staff rest/WC portable cabin - this application also falls within the parish of Yapton	ApproveConditionally 20-05-09
WA/54/08/	Plastic film covered growing area	ApproveConditionally 20-11-08
WA/23/04/	2no. Glasshouses	ApproveConditionally 08-06-04
WA/21/01/	Additional polytunnel and greenhouse.	ApproveConditionally 05-06-01
WA/25/95	Plastic tunnel 10m x 16m	ApproveConditionally 13-06-95
WA/24/95	Plastic tunnel 10m x 44m	ApproveConditionally 13-06-95
WA/57/94	Shed for propagation of young plants, holding and preparation of young plants, storage of materials and growing medium, keeping records.	ApproveConditionally 02-09-94
WA/26/94	Venlo glasshouse	ApproveConditionally 06-06-94
WA/38/91	Glasshouse (30,000sq ft)	ApproveConditionally 19-08-91

WA/4/88Commercial glasshouses

ApproveConditionally
29-02-88

Noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Walberton Parish Council
Walberton Parish Council supports the application.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Southern Water Planning
Engineering Services Manager
Engineers (Drainage)

CONSULTATION RESPONSES RECEIVED:

Southern Water (SW) raises no objection and comments regarding surface water drainage and sewers. These comments can be dealt with by means of informatives.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built Up Area Boundary
Class B Road
Lidsey Treatment Catchment Area

DEVELOPMENT PLAN POLICES

[Arun District Local Plan \(2003\):](#)

GEN2	Built-up Area Boundary
GEN3	Protection of the Countryside
GEN7	The Form of New Development
DEV3	Horticulture

DEV8 Circumstances in which Additional Development may be Permit'd

Publication Version of the Local Plan (October 2014):

C SP1 Countryside
SD SP2 Built -Up Area Boundary
HOR DM1 Horticulture
D DM1 Aspects of Form and Design Quality
D SP1 Design

Walberton Neighbourhood Plan Policy 2017 VE8 'Unlit village' status

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

A new local plan is in preparation and is a material consideration when determining Planning Applications. At this stage the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and supporting documents were submitted for independent examination on 30 January 2015.

A number of Main Modifications to the Arun District Local Plan 2011-2031 (Publication Version) October 2014 were approved by the Council on 22nd March 2017 and consultation on these has taking place. The Main Modifications should be read alongside the Arun District Local Plan 2011-2031 (Publication Version) October 2014 and where there are changes the Main Modification. The examination was completed in September 2017.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Main Modifications to the Arun Local Plan (2011-2031) were published for Public Consultation purposes over a six week period from Friday 12 January 2018 until 5pm on Friday 23 February 2018 and the consultation period is now over. The emerging Arun Local Plan is therefore at a very advanced stage and carries weight.

The Neighbourhood Development Plan.

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation (Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Aldingbourne; Angmering;

Arundel; Barnham & Eastergate; Bersted; Bognor Regis; Clymping; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; Walberton; Yapton.

Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Walberton Neighbourhood Plan Policy VE 2 is relevant:

Policy VE 2, Horticultural Development

1. New glasshouse, poly tunnel and associated pack house development will be supported provided that:

- a. It is of a height and bulk which would not significantly damage the character or appearance of the surrounding landscape, unless it can be demonstrated that the need for a larger scale development is outweighed by the economic benefit of the scheme to the rural economy;
- b. It relates sympathetically to the natural, built and historic environment;
- c. Pollution to soil, water or air generated from the development into the surrounding environment, including the cumulative effects, is within regulated acceptable limits;
- d. Long public views across substantially open land are retained;
- e. Adequate water resources are available or can be provided (ie. above ground reservoirs);
- f. Adequate surface water drainage capacity exists or can be provided as part of the development;
- g. Vehicular access from the site to the road network is adequate and uses roads capable of accommodating the vehicle movements likely to be generated by the development without detriment to highway safety and the residual cumulative impact to residential amenity is not severe;
- h. There is minimal impact on health or general amenity resulting from internal artificial lighting after 6.00 pm on the occupants of nearby residential properties and minimal impact on the appearance of the site in the landscape by the minimisation of light spillage and glare to keep the natural environment intrinsically dark at night;
- i. Noise levels resulting from machinery usage, vehicle movement, or other activity on the site, which when measured against the existing ambient noise levels in the locality would not be likely to unacceptably disturb occupants of nearby residential properties or would not be likely to adversely affect enjoyment of the countryside;
- j. Any glasshouse structure(s) and/or poly tunnel(s) and or/pack house(s) deemed redundant to the horticultural or agricultural industry on the development site, are removed and the land is remediated from any contaminated material(s) and the land is used only for the direct diversification of horticulture or other productive green environment or a countryside-based enterprise activity which supports the rural economy.
- k. Proposals include full details of new landscaping, screening and of any trees or vegetation to be retained on the site; and
- l. The applicant has submitted sustainability and options appraisals, mitigation measures, and a soil resources plan for the development site.

2. Replacement or renewal of an existing glasshouse structure will be permitted where:

- a. It is in the same position on the site as the existing structure; and
- b. It is broadly of the same height and bulk as the existing structure; where the criteria for new glasshouse structure shall apply.

The proposal is in accord with the above policy.

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 it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Arun District Local Plan (2003):

The key policy considerations in the determination of this application are those contained within the Arun Local Plan (ADLP) and the Walberton Neighbourhood Plan (WNP). The application site is situated outside of the built up area boundary (BUAB) as specified by policy GEN2. Policy GEN2 will not permit development situated outside of the BUAB unless it is consistent with other ADLP policies. Policy GEN3 of the ADLP seeks to protect the countryside for its own sake and as such exerts strict control over development situated outside of the BUAB.

Policy DEV3 of the ADLP relates to circumstances in which additional horticultural development outside the BUAB may be permitted. Policy DEV8 of the ADLP relates to circumstances in which additional development outside the BUAB may be permitted for local firms.

GEN3 PROTECTION OF THE COUNTRYSIDE

Outside the built up area boundary development will not be permitted unless it meets the operational needs of agriculture. The proposal is for horticultural glasshouses which is an agricultural use.

DEV3 HORTICULTURE

This policy states that new glasshouses will be permitted provided that there is no adverse impact on the surrounding environment and landscape and provided that long view across substantially open land are retained. The proposal result in limited and acceptable visual impact on the locality.

DEV8 LOCAL FIRMS

The development meets the operational needs of an established local firm presently operating on the site and is therefore in accord with this policy generally.

NEIGHBOURHOOD PLAN

The proposed development is in accord with Policy VE2 and does not give rise to unacceptable adverse impacts. It is noted that the Parish Council supports this application.

VISUAL AMENITY

The proposed polytunnels will be located in positions where they are largely surrounded by the wider nursery of which they will form a part. They will be screened both by existing buildings and also by boundary screening at the site and development to the north. There will therefore be a limited visual impact and it is not considered that there will be unacceptable harm to visual amenity.

RESIDENTIAL AMENITY

The proposed polytunnels are located sufficiently far from dwellings so as to not give rise to impact on residential amenity.

DRAINAGE

The proposals for water run off will be fed into existing nursery drainage facilities.

SUMMARY

The proposed polytunnels are in accordance with Local & Neighbourhood Plan policies and not considered to result in harm to amenity. They are also in accord with policies in the Emerging Local Plan for the same reasons as given above.

Therefore it is recommended that planning permission be granted subject to the following 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.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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 drawings:

Site Location Plan - Received with Application

Block Plan - Received with Application

Drawing Number PP-01 - Plan & Gable View, 10 Spans 21ft x 88ft 8 Spacing Polytunnel -

Dated 08.05.17

Drawing Number PP-01 - Plan & Gable View, 4 Spans 21ft x 96ft 8 Spacing Polytunnel -

Dated 08.05.17

Drawing Number PP-01 - Plan & Gable View, 4 Spans 21ft x 104ft 8 Spacing Polytunnel -

Dated 08.05.17

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 the Arun District Local Plan.

- 3 The polytunnels hereby permitted shall not be illuminated internally or externally without the prior written permission to an application for planning permission on that behalf.

Reason: In order to control the development in the interests of the character, appearance and amenity of the area and to ensure that there is no adverse impact on 'Dark Night Skies' in accordance with policy GEN7 of the Arun District Local Plan and policy VE8 in the Walberton Neighbourhood plan.

- 4 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.

- 5 Southern Water advises that as the application details for this development indicate that the proposed means of surface water drainage for the site may be via a watercourse. Arun District Council's Technical Staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. The Council may be contacted as follows:

Engineering Services, Arun District Council, First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF (Tel: 01903 737500) or <https://www.arun.gov.uk>

- 6 Southern Water advises that due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk