DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-1016-18**	**Applicant:**	**You Garden Ltd**
Proposal:	Erection of glasshouse		
Location:	Long Lane Nurseries Long Lane Gedney Hill		
Terminal Date:	9th January 2019		

Planning Policies

Local Plan July 2016:	
SG1	General Sustainable Development
SG2	Distribution of Development
SG4	Development in the Countryside
EC3	Existing Employment Areas/Premises
SG13	Pollution and Contamination
SG14	Design and Layout of New Development
SG15	New Development: Facilities for Road Users, Pedestrians and Cyclists
SG16	Parking Standards in New Development
SG17	Protection of Residential Amenity
SG18	Landscaping of New Development

National Guidance

National Planning Policy Framework 2018

Sections 2, 4, 6, 8, 9, 12, 14, 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	0	1
RESIDENTS	4	1	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is required for a new glasshouse (1126 sq m) over an existing growing area on the site. The glasshouse would have a depth of 25.6m, width of 44 metres and ridge height of 5 metres. The applicant's supporting statement is summarised later in the report.

Representations

Fleet Parish Council - Residents living in proximity to the nursery have been affected by traffic, noise & disturbance since the last expansion and fear this will increase if an additional glasshouse is constructed. Whilst the nursery appears to be a success story which should be commended and supported, the traffic flow to the North of the entrance should be closely monitored to alleviate any problems for adjoining properties.

Cllr P E Coupland - Over a period of some months many of the residents of Fen Ward in the Parish of Fleet, living along and around Long Lane, have expressed to me their concerns relating to You Gardens operations at their site on Long Lane.

The new planning application for a glasshouse extension has now created considerable concerns to local residents, so much so I held a residents meeting on 12.11.18 so they could all air their thoughts. 26 people attended the meeting with additional contacts by e-mail and phone of 5 more residents.

The main causes of concern are as follows relating to the site operation over the last year or so:

Primarily the main issue was the number of HGV's using the site at all hours of the day and night. It appears many more HGV's are using the site than indicated by the applicants on their application submission HO5-0396-17.

Comments were:

HGV's speeding; HG/'s parked on Long Lane, sometimes on footpaths; HGV's running along footpaths; HGV's causing damage to footpath and road when entering and leaving site; HGV's using road width when turning in and out of site; Noise and lighting distraction from site particularly disturbing for residents close to the site, sometimes very early morning; Noise from reversing vehicles, fork lifts, music, shouting, pumps, revving lorries and fridge motors; The landscaping and screening to site boundaries is poor in some areas; There appears to be many delivery HGV's to the site bringing goods in for resale; Looking at the company's web site they sell many ranges of goods that are not plant products grown upon the site.

The site sees many open fires, obviously to get rid of general rubbish, not pleasant for nearby residents.

The site operations intensify from March to June each year (the busy season) with work on the site starting sometimes at 5/6 in the morning and carrying through to 8/9 at night, with sometimes 7-10 HGV's a day, and no let up at weekends.

Generally the residents accept this rural business but feel their amenity interests are being ignored by the site operators. The residents have spoken to the site operators to no avail. They appear to be ignored.

With the expansion plans now proposed local residents see the site becoming more of an issue to them and their living ways.

On reading the planning approval for this site H05--0396-17 dated 28.6.17, many of the issues and concerns mentioned in 1 to 8 above appear to contravene planning conditions 3, 4, 5, 6, 7 and 11.

I feel to grant an extension to this business when the business appears to 'flaunt' planning conditions, that impact upon local residents would be unacceptable and give a wrong message to our residents.

LCC Highways - Request conditions, including improvement of the existing access road within the site. Should be 9 metres wide, with suitable radii, to allow HGVs to enter and leave in a safe manner. Additionally, the first 20 metres of the access road into the site should be made of a bound material to ensure no loose material is strewn onto the highway.

SHIDB - I note that the applicant has not identified or provided a drainage strategy for the site within their application. I also note that the applicant has not indicated how treated foul water from their site will be disposed of. Please note that consent would be required from the Board where surface water or treated foul water is discharged to a watercourse.

Environmental Protection - No objections

LCC Archaeology - No archaeological input.

Objections have been received from local residents on the following grounds (summarised): Expansion/intensification that will result in more activity, noise and disturbance, etc; Domino effect; Noise from staff cars/loud music, fork lifts; Causing dogs at Linnet Lodge to bark all day; Additional traffic and HGV movements; Already far exceeding original estimated HGV traffic movements in and out of the site; Lorries travelling too fast; Damaging road; Should be a reduction in speed limit along Long Lane and weight restriction; Access unsuitable - lorries swinging out across road; Detrimental to highway safety; Lorries parked overnight causing congestion; Traffic survey should be carried out; 5.30am starts and 8pm finishes on a regular off peak basis 7 days a week, including Bank Holidays; Pollution and safety issues; Structural damage; Had cause to complain to You Garden earlier this year due to traffic, noise and disturbance. However, You Garden have not taken into account the concerns of the neighbours and the applicant has now closed down communications and no longer responds to requests
Also see consultation response from Cllr Coupland raising residents concerns.

1 letter of support has been received.

Information from Applicant (summarised):
You Garden Limited are nursery growers and suppliers, with plant growing and distribution directly to the customer. The site is part of an active plant growing nursery some 4.46 ha in size.

You Garden have recently increased their nursery growing capacity with a larger packhouse to process these plants (completed in late 2017, and aided by the 'Leader' grant programme). Additional covered space is now required in the form of a glasshouse.

Previous Decisions

H05-0396-17 - Full - Demolition of present storage building and erection of new agricultural packhouse, Kingfisher Nurseries, Long Lane, Gedney Hill -Granted 28 June 2017.
Condition 3 - Use confined to agriculture;
Condition 4 - Noise emitted from fixed plant and machinery shall not exceed the background noise level by more than 5dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership;
Condition 5 - No packing operations shall be carried out and no deliveries shall be taken at or dispatched from the site outside the following hours:
07:00 and 20:00 hours on Mondays to Fridays inclusive between the period 15 March and 15 June;
07:00 and 18:00 hours at all other times including Saturdays, Sundays and Bank or Public Holidays;

Condition 6 - There shall be no HGV access to the site outside the hours referred to within condition 5 and no overnight operation of internal combustion engine operated vehicle refrigeration motors;
Condition 7 - Landscape screening/fencing;
Condition 11 - External lighting.

Material Considerations

The main issues in this case are:

- Principle/sustainability;
- The likely effect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations.

Principle/Sustainability

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Policy SG4 of the South Holland Local Plan, 2006 makes provision for agricultural development in the countryside. Policy EC3 relates to existing employment premises. It indicates that new development within existing employment curtilages should be permitted providing it is acceptable in terms of environmental impact, the level of traffic movement and intrusion into the countryside.

The aforementioned are generally consistent with advice within the National Planning Policy Framework, March 2018, which promotes sustainable economic growth. Paragraph 83 specifically indicates that planning polices and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings. Paragraphs 7 and 8 of the Framework explain that the three mutually dependant dimensions to sustainable development are social, economic and environmental.

Economic - You Garden Limited are nursery growers and suppliers, with plant growing and distribution direct to the customer. They have recently increased their nursery growing capacity with a larger packhouse to process these plants (completed in late 2017, and aided by the 'Leader' grant programme). Additional covered space is now required to further develop the business and safeguard/increase the number of jobs.

Social - The building would be located on existing commercial premises. The business helps to support the community by providing jobs within the locality.

Environmental - The glasshouse would have a depth of 25.6m, width of 44 metres and ridge height of 5 metres. It would be typical of modern agricultural buildings found within the area and would be situated within an existing nursery that is reasonably well screened by existing buildings and planting. It would not materially harm the character/appearance of the countryside.

Amenity

The nearest residential properties are situated immediately to the north-west, south and west of the site fronting Long Lane and also to the north of the vehicular access to the site. The new glasshouse would essentially cover an existing growing area. When the previous application for a packing house was considered it was recognised that activity associated with it may well have a greater impact upon nearby residents in terms of noise and disturbance, etc. However, Environmental Protection raised no objections in principle. The harm was not considered to be such as to outweigh the economic benefits of the scheme, subject to mitigating conditions. It is considered that the development now proposed would not harm the amenity of nearby residents to a significantly greater degree than at present.

Concerns have previously been raised over whether the use of the site is agricultural, as opposed to industrial. This matter can be addressed by a condition restricting the use of the building solely to agricultural (ie, plant nursery).

The alleged breach of conditions attached to planning permission ref. H05-0396-17 has been investigated by the Council's Senior Planning Compliance Officer. After discussions with the applicant it is presently considered that there is not sufficient evidence to take action against a

breach of planning control. Residents are advised to keep a diary record of any breaches.

Issues raised such as possible structural damage are a separate legal matter. Devaluation of property is not a planning consideration. Pollution matters such as the lighting of fires and noise nuisance can be addressed under separate environmental legislation.

Highway Safety

Concerns have been raised by local residents on grounds of additional HGV movements and general highway safety. These concerns have been brought to the attention of LCC Highways. It is considered that the current proposal for a covered growing area would not significantly increase present traffic movements to and from the site. The County Highway Authority has not objected to the proposal on highway safety grounds subject to a condition requiring improvement of the vehicular access to enable HGVs to satisfactorily manoeuvre in and out of the site and to prevent loose material from being strewn onto the highway. The applicant has agreed to undertake the works.

Other Material Considerations

Flood Risk/Drainage - The site is within an area identified as no hazard within the SHDC Strategic Flood Risk Assessment. Disposal of surface water can be addressed by means of a condition.

Recommendation - Grant permission under delegated powers, subject to conditions.