

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0051-21 **Applicant:** D G M Growers
Proposal: Proposed New Greenhouse
Location: D G M Growers Roman Bank Holbeach Bank
Terminal Date: 7th June 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development.
 Section 6. Building a strong competitive economy.
 Section 11. Making effective use of land.
 Section 12. Achieving well-designed places.
 Section 14. Meeting the challenge of climate change, flooding and coastal change.
 Section 15. Conserving and enhancing the natural environment.
 Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	1	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for new glasshouses (total area some 15,120sqm), plus a lagoon.

Site Description

The site is agricultural land located to the north of Washway Road and is associated with DGM's premises off Roman Bank. Teddington Manor House (grade II listed) is located immediately to the south. Residential properties are located approximately 100 metres to the east (Volendam) and west (Greenfield Cottages).

Recent Planning History

H09-0328-17 - O/A - Erection of portal framed growing and packhouse building - Granted

H09-0399-18 - Full - Proposed growing and packing house - Granted

H09-1270-18 - S73 - Proposed growing and packing house - approved under H09-0399-18. Modification of Conditions 2 and 6 to allow amendments to previously approved plans and change openings on northern and eastern elevations and to include material schedule - Condition 3 - Granted

Consultation Responses

Holbeach Parish Council

Supported.

LCC Highways/SUDs

Does not wish to restrict the grant of permission

South Holland IDB

Surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection (noise)

No objections subject to noise condition.

Environment Protection (Contamination)

No comments or objections.

Environment Agency

Proposal comes under cell E4 of the local flood risk standing advice and does not meet any other criteria on our consultation checklist.

LCC Archaeology

No archaeological input required.

Public

Objections received (summarised:

Unacceptable in terms of policy/principle; Harm character and appearance of rural locality by virtue of its poor design; Seriously harm setting of Teddington Manor House (grade II listed); Harm amenity of nearby residents; Increased noise/disturbance from factory site; Light pollution; Increased traffic movements; Heavy traffic from HGVs; Speeding traffic from site; No pavements when walking; Detrimental to highway safety; Alongside public footpath (part of ancient Greenwich Meridian Trail); Increased flood risk; Insufficient details on a surface water strategy; Impact on biodiversity interests and trees at the site; Earth banks should be retained; Has there been an Environmental Impact Assessment Screening Opinion?

Information from Applicant's Agent (summarised)

At DGM Growers they supply a wide range of speciality vegetables to most of the UK supermarkets and food service providers. Their flagship product is chicory which is grown all year round indoors in their state of the art growing rooms at their Holbeach Bank site.

They believe that the future of British farming is positive and that through investing in new technology they can reduce our reliance on imports by increasing the variety of products grown during the winter months whilst having a significant impact on our carbon footprint.

Respecting the environment in which we grow vegetables is of utmost importance to them and part of their strategy. By adopting new growing technology we can reduce water usage (by 95%) and provide the right growing conditions all year round so that, like chicory, they can grow British produce sustainably 12 months of the year from a relatively small space.

This project will create jobs as well as protecting the long-term employment of their existing 100+ full time colleagues. They should require less lorries coming onto site as result they will not be importing the fully grown products from Spain or other growers within the UK.

DGM Growers want to introduce this future farming model to Lincolnshire alongside the UK's only purpose build chicory growing rooms, using the modern and scientific technology to reduce the need to farm outdoors, thus protecting our soils for generations to come.

Planning Considerations

Policy/Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 1 of the South East Lincolnshire Local Plan (SELLP), 2019 indicates that new development will be permitted in the countryside where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Paragraph 3.2.15 of the SELLP indicates that there are types of development that require a countryside location either because it is the location of an existing building or use. It goes on to state that agricultural and forestry are clearly uses which must function in the countryside.

The National Planning Policy Framework (March 2019) promotes sustainable economic growth. Paragraph 83 specifically indicates that planning policies and decisions should support the development of agricultural and other land based businesses and the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings. Whilst the glasshouses are utilitarian in terms of design this is a functional necessity.

In accordance with the above policy and advice, therefore, no objections are raised in principle to agricultural development in the countryside.

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The glasshouses would have a length of 216 metres and width of 70 metres approximately. The height would be 5 metres to the eaves and 7.5 metres to the ridge. They are typical of agricultural/horticultural buildings commonly found in the fenland landscape. An existing earth bund along the eastern boundary would be retained at the same height. New hedge planting would be undertaken along the boundary, with 2.4m high mesh security fencing behind it. Additional tree planting would be undertaken along the southern and south-western boundaries.

Teddington Manor House (grade II listed) is situated to the south with its principal elevation facing east. It is a Late 18th Century red brick house with some 20th Century additions. There would be a degree of harm to the setting of the manor house; however, it would be lessened by virtue of the retention of the earth bank, plus new hedge and tree planting. It is considered that proposal would not lead to substantial harm to (or total loss of significance of) a designated asset. Under such circumstances, paragraph 196 of the Framework indicates that the harm should be weighed against the public benefits of the proposal. In this case it is considered that the economic benefits outweigh any harm to the setting of the designated heritage asset, subject to mitigating conditions.

The development therefore satisfactorily accords with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework in this respect.

Residential Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2019). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest dwelling is Teddington Manor House (grade II listed) immediately to the south. Residential properties are also located approximately 100 metres to the east (Volendam) and west (Greenfield Cottages).

The glasshouses would be used in conjunction with the existing business, DGM Growers. They supply a wide range of speciality vegetables to most of the UK supermarkets and food service providers and their flagship product is chicory.

The applicant's agent has indicated that the proposal would allow them to grow British produce sustainably 12 months of the year from a relatively small space and would require less lorries coming onto site as result because they would not be importing the fully grown products from Spain or other growers within the UK. Environmental Protection have been consulted and have raised no objections subject to a noise condition.

In terms of overlooking and lack of privacy, planting already exists along the southern boundary of the site. New hedge and tree planting are proposed along the eastern and southern perimeters. There is presently hedge planting along the western boundary beyond the access roadway.

The nature and scale of the development and its general relationship to neighbouring residential property is considered to be such that the amenity of nearby residents would not be harmed to a significantly greater degree than present in terms lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, etc. This is subject to mitigating conditions relating to such matters as noise and lighting.

It is considered that the route of the adjoining public footpath would not be materially affected or harmed.

The development therefore satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

Policy 2 of the SELLP indicates that sustainable development considerations should be met in relation to access and vehicle generation levels.

In this case, the principal vehicular access to the site is via an existing hard surfaced roadway off Washway Road. Satisfactory parking is available within the main yard area. The applicant's agent has indicated that the proposal, if permitted, would result in less lorries coming onto the overall site because they would not be importing the fully grown products from Spain or other growers within the UK to the same extent. The County Highways Authority has been consulted and considers that the proposed greenhouses would have no unacceptable impact on highways safety.

The development therefore satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking.

Flood Risk/Drainage

Policy 4 of SELLP is concerned with flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as "Danger for Some". However, this is relatively low in flood risk terms and there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the site is relatively low risk and the development is related to an existing business. Moreover, the proposal constitutes commercial less vulnerable development. The structures are not for habitation with only short term and intermittent occupancy by workers. The proposal would provide wider economic benefits that outweigh flood risk.

Concerning the second element, the Environment Agency has indicated that the proposal falls within cell E4 (Major Less Vulnerable) of the local flood risk standing advice. It requires that finished floor levels be 300mm above existing ground level. However, this is not practicable for an agricultural development of this nature. A Flood Warning and Evacuation plan should therefore be prepared. The applicant is also advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Surface water would be stored in existing tanks and within a lagoon and be used for irrigation. SUDs have indicated that this is an acceptable sustainable solution to dealing with the surface water flood risk from the development. Details for the tank sizes that will be required should be conditioned.

The development therefore satisfactorily accords with local and national policy in terms of flood risk/drainage issues.

Ecology/Biodiversity

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

The site is presently cultivated agricultural land and is not of great ecological value. The proposal includes additional hedge and tree planting, which is an enhancement in terms of biodiversity. The proposal satisfactorily complies with Policy 3 in this respect.

Other Matters

A screening opinion is not necessary in this case because the proposed development is not of a type listed in Part 1 (Agriculture) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which are as follows:

1. Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes - the land is not uncultivated or a semi-natural area;
2. Water management projects for agriculture, including irrigation and land drainage projects - the proposal is not a water management project;
3. Intensive livestock installations - the development does not include livestock;
4. Intensive fish farming - fish farming does not form part of the proposal.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 1 of the SELLP indicates that there are types of development that require a countryside location either because it is the location of an existing building or use. It goes on to state that agricultural and forestry are clearly uses which must function in the countryside. No objections are therefore raised in principle to agricultural development in this location.

The proposed glasshouses are typical of agricultural/horticultural buildings commonly found in the fenland landscape. The nature, scale and appearance of the development is such that it would not materially harm the character/appearance of the countryside.

Teddington Manor House (grade II listed) is situated to the south. There would be a degree of harm to its setting; however, it would be lessened by virtue of the retention of the earth bank, plus new hedge and tree planting. It is considered that proposal would not lead to substantial harm to (or total loss of significance of) a designated asset. In this case it is considered that the economic benefits outweigh any harm to the setting of the designated heritage asset, subject to mitigating conditions.

It is considered that the amenity of nearby residents would not be harmed to a significantly greater degree than at present, subject to mitigating conditions. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. There are no significant flood risk issues.

The proposal is therefore in general accordance with the development plan and advice within the National Planning Policy Framework. There are clear economic benefits and there are no adverse matters in this case that outweigh factors in favour of the proposal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority 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 South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, 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 public interest and the recommendation is considered to be a proportionate response to the submitted application based

on the considerations set out in this report.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.