DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0568-25**	**Applicant:**	**Moulton Bulb Company Ltd**
Proposal:	Installation of 5 LPG Bulk Tanks on concrete pad to supply onion curing store which is currently being built under H13-0959-23 - Retrospective		
Location:	Moulton Bulb Company Broad Lane Moulton		
Terminal Date:	24th November 2025		

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
28	The Natural Environment
30	Pollution
33	Delivering a More Sustainable Transport Network

National Guidance

National Planning Policy Framework December 2024

Section 9 - Promoting sustainable transport
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This is a Full planning application for seeking permission for the installation of 5 liquid petroleum gas (LPG) tanks on a concrete pad at Moulton Bulb Company. Each tank would measure approximately 4400mm (length) by 1205mm (width) with a maximum height of 1450mm. This gives a maximum volume of 4600l, or 2t of LPG. The tanks are ochre-yellow. This application is made retrospectively.

Site Description

The site is outside of any of the settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, and as such, can be considered as within the countryside from a planning perspective. The site is located on the western side of Long/Broad Lane approximately 1.2 km to the south west of Moulton village centre. It includes a large number of commercial buildings, plus associated parking, etc. It is currently occupied by Moulton Bulb Company who grow, pack and process onions. Semi-detached residential properties are present to the north-east.

Relevant History

H13-1018-08 Full - Change of use of land for storage purposes in conjunction with existing onion storing and grading business including construction of hardstanding (retrospective) - Approved - 01 May 2009.

H13-0880-11 - Full - Proposed general purpose store - Approved - 09 February 2012.

H13-0526-15 - Prior Approval - Installation and operation of a 858.585kW rooftop mounted solar PV system - Approved - 21 July 2015.

H13-1177-19 - Hazardous Substances - Siting of 13 LPG bulk vessels (retrospective) and siting of 6 additional LPG bulk vessels - Approved - 13 May 2020.

H13-0010-20 - Full - Siting of 13 LPG bulk vessels (retrospective) and siting of 6 additional LPG bulk vessels - Approved - 13 May 2020.

H13-0092-21 - Full - Erection of Onion Drying/Conditioning Store - Approved - 27 April 2021.

H13-0190-23 - Full - Erection of a ground mounted solar array with associated infrastructure - Approved - 31 May 2023

H13-0959-23 - Full - Erection of Onion Drying/Conditioning Store to replace previously approved H13-0092-21 - Approved - 27 February 2024

H13-0675-25 - HSC - Installation of 5 LPG Bulk Tanks on concrete pad to increase total LPG capacity on site to 48 tonnes - Retrospective - Ongoing.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environment Agency

"As the application form has confirmed the additional 5 tanks will keep the site under 50 tonnes of LPG onsite and therefore not going into lower tier COMAH regulations, we have no objection to the application."

Health and Safety Executive

"HSE's Land Use Planning advice team is a statutory consultee for certain planning applications which:
-are within the Consultation Zones of existing major hazard sites and/or existing major accident hazard pipelines, and
-once the work has been carried out will result in a material increase in the number of persons working within or visiting the notified area. The role of the LUP advice team is to provide local planning authorities with advice on the risks to people at a proposed new development from a major accident at a site storing, transporting or using hazardous chemicals.
The proposed development is in the inner consultation zone of a site with consent to hold hazardous chemicals (the Moulton Bulb Company). However being a group of bulk LPG storage tanks, the proposed development is not expected to have an on site presence apart from periodic maintenance visits and initial construction work. Therefore there is no need to consult HSE's Land Use Planning Advice team on planning application H13-0568-25, and we have no comments to make."

Highway and Lead Local Flood Authority

"This proposal is for Installation of 5 LPG Bulk Tanks on concrete pad to supply onion curing store which is currently being built under H13-0959-23 - Retrospective and the access and parking arrangements remain unchanged; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety"

South Holland Internal Drainage Board

"In addition to the comments below, please be aware that the Board owns a section of land to which this application relates and has not been given the requisite notice required nor is the Board listed in Certificate B of the Application Form. As the applicant is proposing works within the curtilage of the Board's land the Board will require the applicant to enter into a Deed of Easement or suitable alternative"

Environmental Protection

"No comments regarding land contamination"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of objection has been received.

This can be summarised as:

-Concerned with proximity of tanks to residential properties.

Key Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the countryside for the purposes of Policy 1. Policy 1 states that development in the countryside "will be permitted that 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."

Given that the proposed tanks are intended to be used in conjunction with the existing business, it would be unreasonable to locate such development elsewhere. As such, the proposal can be said to necessitate its location. In addition, it would be preferable for such hazardous substances to be located in a location such as this rather than within a settlement boundary/built up area.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character

of the area is not compromised.

The tanks would be located within the existing curtilage and would not be readily open to public view due to their low-lying nature and the existing screening present. The development is wholly in keeping with the large scale commercial agricultural character of the site. Comparable tanks are already located throughout the site, naturalising the proposal further. On this basis, their siting would not have a material adverse impact upon the character and appearance of the area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 30 concerns pollution, including contamination of land, and the potential health and safety implications of development.

Dwellings are located to the west of the site, with the nearest residence being approximately 175m away from the tanks. At this distance, the potential impacts upon dwellings in the event of an incident are reduced somewhat.

The Health and Safety Executive (HSE) and Environment Agency have been consulted as part of this application. No objections have been received from these bodies. A separate Hazardous Substance Consent application, H13-0675-25, has considered the potential implications of the proposal in light of the relevant legislation, concluding that there would be no adverse impact upon the safety of local persons as a result of the increased cumulative level of LPG.

In any event, the tanks have been installed in accordance with established safety procedures, governed by additional legislation outside of the conventional planning regime. Daily interactions with the tanks will be governed by legislation such as the Health and Safety at Work etc. Act 1974. This additional legislative support means that the proper use of the LPG is ensured beyond what could be reasonably controlled by the Planning Authority; thereby providing further assurances of the safety of the development.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

The proposal would have no impact upon vehicular movements or highway safety.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: (...) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 174 of the NPPF states "the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the NPPF states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

If, following the application of the Sequential Test, 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 can be applied if appropriate. The process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the NPPF. Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zones 3 of the Environment Agency's Flood Maps. These 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.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is outside of any identified hazard zone.

As the proposal relates to additional infrastructure for an established agricultural site, it would be unreasonable to locate the development elsewhere. On the basis that this proposal cannot be, and in planning terms should not be, disaggregated, it is unlikely that more preferable sites would exist within the district. The application site is located within a low risk area in accordance with the SRFA and, therefore, the tangible risk of flooding within the site is low. On this basis, it is considered that the proposal passes the sequential test.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

The development has been constructed wholly on a previously existing area hardstanding. As such, the proposal would have no impact upon habitat, and would fall under the de minimis threshold. The proposal is therefore exempt from the need for biodiversity net gain.

Outstanding Matters from Representation

South Holland Internal Drainage Board have indicated that works would take place on land owned by the Board, and consequently that notice should have been served on this body. However, this is based upon the whole site (blue line), as opposed to where the proposal's location (red line). The red line is within land wholly owned by the applicant and therefore there is no requirement to serve notice.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within a defined development unit. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. Adequate measures have been taken to ensure the safe operation of the LPG tanks.

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

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 30 and 33 of the SELLP, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.