DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0769-21**	**Applicant:**	**Ball Colegrave T/A Kindergarden Plants**
Proposal:	Erection of multispan plastic greenhouses, rainwater collection tanks and attenuation pond		
Location:	Sunnyfields Nurseries Marsh Road Weston		
Terminal Date:	15th October 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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
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	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was recently granted for the erection of multispan plastic greenhouses, additional car parking area and a lagoon (ref. H22-0755-20). Work has commenced on the glasshouses. This application is for additional glasshouses (115m x 49m x 5.7m approx.), 4 no. rainwater collection tanks (height 3.05m) and re-positioning of the lagoon/attenuation pond in the north-eastern corner.

Site Description

The site is part of a nursery located in open countryside some 2.8km to the northwest of Weston. It is de-lineated by tree planting/hedging along its northern, southern and western boundaries.

Three residential properties front Marsh Road (Sunnyfield House, Herons Way and Cobblestones).

Recent Planning History

H22-0817-12 - Proposed polytunnels - Granted 12 November 2012

H22-0755-20 - Erection of multispan plastic greenhouses, additional car parking area and lagoon - Granted 8 December 2020.

Consultation Responses

Weston Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission

South Holland IDB

The overflow connection from the attenuation pond into a watercourse at the front of the site will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection (Noise)

No objections.

Planning Considerations

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, 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, 2021 promotes sustainable economic growth. Paragraph 84 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.

The proposal constitutes agricultural development in the countryside and satisfactorily complies with Policy 1 of the SELLP.

Character/Appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

The proposed glasshouses (height some 5.7m), and related development, would be set back from the road and would be partially screened by existing perimeter hedging, buildings and glasshouses. They are typical of agricultural buildings commonly found in the fenland landscape and would visually relate to the existing nursery. They would not materially harm the character/appearance of the countryside.

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

Amenity

Policies 2 and 3 of the 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 (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Three residential properties front Marsh Road (Sunnyfield House, Herons Way and Cobblestones).

The proposed glasshouses, water tanks and attenuation pond would be used in conjunction with the existing nursery. The glasshouses and attenuation pond are relatively close to "Cobblestones" and "Sunnyfield House" respectively, but there would still be a degree of separation due to the long gardens, etc. No resident objections have been received. The nature and scale of the development and its general relationship to neighbouring residential property is such that the amenity of nearby residents would not be harmed to a significantly greater degree in terms lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, etc.

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

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

Access to the site is via an existing entrance and car parking is to be provided for staff and visitors. The County Highways Authority has been consulted and does not wish to restrict the grant of permission on highway safety grounds.

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

The site is within Flood Zone 3 on the Environment Agency Maps and within an area of "Danger for All" within the South East Lincolnshire Strategic Flood Risk Assessment. The sequential test should therefore be applied.

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 Most". However, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding because it is necessary in conjunction with the existing business. 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 development is required in conjunction with an existing agricultural enterprise and is therefore necessary in this location. It will also assist expansion of the business and economic growth. It is therefore considered that there are wider sustainability benefits to the community that outweigh flood risk.

Concerning the second element, the proposal constitutes commercial less vulnerable development and the structures are not for habitation with only short term and intermittent occupancy by workers. Given the nature of the development it is unlikely that the greenhouses can be raised above ground levels. It is recommended, however, that a flood evacuation plan be prepared and the applicant is also advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

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).

Flood risk issues have already been addressed. Concerning surface water, the proposal uses sustainable drainage methods of rainwater harvesting tanks and an attenuation pond, with an outfall into a watercourse at the front of the site. Water from the tanks and pond would be used for plant irrigation.

The Lead Local Flood Authority and SHIDB have been consulted and have indicated that the scheme is suitable in accordance with the submitted Surface Water Drainage Report. Consequently, the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site. The overflow connection from the attenuation pond into the watercourse at the front of the site will require separate land drainage consent in line with the South Holland Internal Drainage Board's byelaws (specifically byelaw 3).

There is no foul water drainage associated with this application.

The development satisfactorily accords with local and national policy in terms of flood risk.

Ecology

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.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

Existing hedging surrounding the site would be retained and the attenuation pond would also serve as a wildlife wetland area. The proposal therefore satisfactorily accords with Policies 3 and 28 of the SELLP in this respect.

Planning Balance

No objections are raised in principle to agricultural development in this location. The nature, scale, appearance of the development and its relationship to neighbouring property is such that it would not materially harm the character/appearance of the countryside or amenity of nearby residents in terms lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, etc. 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 accordance with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. The are no significant factors in this case that indicate against the proposal and to outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance is 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.

Recommendation

The application be approved under delegated powers.