

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0788-21 **Applicant:** Lucksbridge Nurseries

Proposal: Proposed new glasshouses and 2 new biomass plant rooms - approved under H22-0623-17. Modification of Conditions 2 and 4 to allow amendments to previously approved plans (landscaping scheme)

Location: Lucksbridge Nurseries Broadgate Drove Moulton Chapel

Terminal Date: 20th 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 8. Promoting healthy and safe communities.
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
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted in March 2015 for new glasshouses and 2 new biomass plant rooms (ref. H22-0908-14). The permission included conditions relating to landscaping, delivery hours, the provision of electrical hook up points, noise and external/internal lighting, etc. An application was subsequently submitted to vary that permission (ref. H22-0623-17). The variations included a reduction in the ridge height of all the glasshouses to 5 metres. A bund was also proposed around the site's perimeter plus the installation of 3 new water storage tanks (7m x 3.5m high) on the western side of the existing lagoon.

The development has been commenced. However, the landscaping scheme has not been carried out in accordance with the approved plans. The species have been revised and the trees have been moved slightly further to the north, presumably to avoid ground loops recently installed in association with the new ground source heat pumps (ref. H22-0912-20). The current application is therefore to regularise the situation.

It should be noted that retrospective planning permission has also been granted to substitute the approved glasshouses on the northern section of the site with polytunnels as a temporary arrangement until such time as the glasshouses are erected as a final phase of the overall development (ref H22-0402-17). The polytunnels have dimensions of 88m x 51.2m (4509sqm) and a height of 4 metres approximately as opposed to 5-6 metres in respect of the approved glasshouses. They are currently in situ.

Description

The site forms the northern part of horticultural premises (some 5.96ha) operated by Lucksbridge Nurseries. The latter mainly grow bedding plants and culinary herbs. Access is via Broadgate Drove to the east of the site. The section of Broadgate Drove that runs from the site's access to Moulton Chapel Road is an unclassified public highway.

Residential development is located directly to the North off Moulton Chapel Road. A house ("Trenee"), which is understood to be owned by a director of the business, is situated immediately to the North-East off Broadgate Drove. Agricultural land is situated to the East, South and West.

Recent Site History

H22-0322-14 - Full - Proposed new glasshouses and 2 new biomass plant rooms - Refused 8 August 2014.

H22-0908-14 - Full - Proposed new glasshouses and 2 new Biomass Plant Rooms - Granted 23 March 2015.

H22-0402-17 - Full - Erection of polytunnels (retrospective) - Granted 24 July 2017.

H22-0623-17 - S73 - Proposed new glasshouses and 2 new biomass plant rooms- approved under H22-0908-14. Modification of condition 2 to allow amendments to previously approved plans - Granted 18 September 2017.

H22-1184-18 - C/C - Details of external lighting and internal lighting and sectional details of earth bunds (Conditions 10, 11 and 16 of H22-0623-17) - Approved 16 April 2019.

H22-0912-20 - Full - Proposed 2 x 60kW ground source heat pumps and associated works (part retrospective) - Granted 18 December 2020.

Consultation Responses

Weston Parish Council

No response.

Public

Objections/concerns raised (summarised):

Trees planted too close to residential properties and, with no regular pruning, will overhang and cause problems for residents. Increased leaf fall on neighbouring property; Fruit will become a haven for rats, vermin and wasps; need to be planted other side of bund to give space and stability; Will the hedging be maintained at a certain height.

Planning Considerations

The application is to vary planning permission ref. H22-0623-17, which has been implemented. The principle has therefore been established. Consequently, the main issue is whether the proposed revisions are acceptable on visual and residential amenity grounds.

The fenland countryside is a working agricultural landscape. Agricultural holdings such as this are a common feature within the district. Glasshouses presently exist on the holding. There are distant views from the A16 bypass and the glasshouses are partially screened from view from Moulton Chapel Road by existing development and boundary planting/hedging. The glasshouses that have been permitted have a ridge height of 5 metres. The view has previously been taken that the proposed development would not materially harm the character or appearance of the rural locality.

The scheme included a landscaping scheme to ensure that the development was adequately landscaped, in the interests of visual amenity and that of the area in which it is set. It included profuse planting along the northern boundary adjoining residential properties. This consisted of mixed native hedging on a bund, plus additional tree planting (Silver Birch, Hawthorn and Whitebeam).

Landscaping has now been undertaken on site, but not in accordance with the approved plans. The planting along the northern boundary consists of a mixture of Cherry Sunburst, Conference Pear, Sorbus and Crab Apple in addition to the mixed hedging previously proposed. The trees are closer to the northern boundary. However, this would be offset by the fact that the maximum height of the trees planted is, overall, less than those originally proposed. They will be of sufficient height when established to soften the development when viewed from the neighbouring residential properties to the north, but would overshadow the gardens to a lesser degree than the larger trees originally proposed. The scheme is therefore considered suitable on visual amenity and biodiversity grounds and would not materially harm the amenity of neighbouring residents.

The proposal therefore satisfactorily complies with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development. They also 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. Policy 28 indicates that all development should provide an overall gain in biodiversity.

Concerns have been raised on grounds of overhanging trees, leaf fall and also fruit lying on the floor and attracting vermin. However, leaf fall onto neighbouring land would be no greater and possibly less than the scheme already approved. There is not sufficient reason to refuse the application on grounds that the scheme might attract vermin. In fact, it could be argued that it is an enhancement from a biodiversity point of view because it will also attract birds and other wildlife. Legally, any overhanging branches can be cut back to the boundary. There is not sufficient evidence to indicate that the trees would have stability problems at a later date once the rooting system becomes established.

Planning Balance

The revised planting scheme will help soften the development when viewed from neighbouring residential property to the north. It is considered acceptable on visual and residential amenity grounds. Whilst concerns have been raised in relation to issues such as leaf fall, stability,

overhanging branches, fruit attracting vermin, etc, these issues are not considered to be such as to justify refusal of the scheme.

Conclusion

The planning balance lies 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

That permission be granted under delegated powers.