

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H22-0912-20	Applicant:	Lucksbridge Horticulture Ltd
Proposal:	Proposed 2 x 60kW ground source heat pumps and associated works (part retrospective)		
Location:	Lucksbridge Horticulture Ltd Broadgate Drove Moulton Chapel		
Terminal Date:	23rd December 2020		

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
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 6, 11, 12, 14 and 15

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the installation of 2 x Nibe F1345 60kW ground source heat pumps. The proposal includes a ground loop area of 4,000 linear metres at 1.8m and 0.9 metre depths (out and return), plus supply and return pipes to get the water from the ground loops to compressors in the boiler house. It is understood that the heat pumps would be used to provide heating to the greenhouses for commercial purposes in lieu of the biomass plant rooms previously permitted. Work has now commenced on the project.

Site Description

The site is part of horticultural premises (some 5.96ha) operated by Lucksbridge Horticulture Ltd. 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 ("Treneer"), which is understood to be associated with the business, is situated immediately to the North-East off Broadgate Drove. Agricultural land is situated to the East, South and West.

Relevant Planning History

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.

Consultation Responses

Weston Parish Council

No response

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

Proposal will require land drainage consent.

Environmental Protection

Contamination - Request condition/note re: unexpected contamination.

Noise - Request noise condition.

LCC Archaeology

No archaeological impact

Public

Resident objection received (summarised):

Does not take into account landscaping conditions on previous permissions, which were imposed to protect local amenities, property and residents; Work has already commenced.

Planning Considerations

The main issues are:

- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Other material considerations such as highway issues, agricultural land take and effect upon the natural environment.

Policy/Principle

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

Policy 31 of the SELLP indicates that the development of renewable energy facilities will be permitted providing there would be no significant harm to visual amenity, residential amenity, highway safety, agricultural land take, heritage assets and the natural environment. In this case no heritage assets are affected.

The National Planning Policy Framework, 2019 promotes sustainable economic growth. Paragraph 83 specifically indicates that planning policies 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 would be used in conjunction with the existing nursery. It is a form of renewable energy and is sustainable. Consequently, no objections are raised in principle to the proposal, providing it satisfies the criteria within Policy 31.

Character/appearance

The infrastructure would mainly be located underground and the units would be within the boiler house. The proposal would have a neutral effect upon the character/appearance of the existing nursery and rural locality.

The proposal is in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity/pollution

The nearest residential development is located directly to the North off Moulton Chapel Road. A house ("Trene"), which is understood to be associated with the business, is situated immediately to the North-East off Broadgate Drove. Agricultural land is situated to the East, South and West.

The proposal would not have any significant effect upon the amenity of nearby residents in terms of lack of privacy, overlooking, etc.

In terms of potential noise and disturbance, it is recognised that there may be some disturbance to neighbouring residents during the construction phase. However, this would be temporary and does not outweigh other factors in favour of the proposal. Technical data relating to NIBE F1345 indicates that noise levels would not be significant; nevertheless, Environmental Protection have recommended a noise condition as a safeguard.

The proposal is in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity, subject to mitigating conditions.

Highway issues

There are no significant highway issues in this case. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

The proposal is in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in this respect.

Agricultural Land Take

The proposal would utilise land that is currently vacant and forms a separation barrier between structures associated with the nursery and residential development to the north. Part of a bund along the northern boundary has been temporarily removed to accommodate ground loops but will be replaced. Landscaping required as part of previous permissions for the glasshouses/polytunnels is part of a separate enforcement investigation and will be planted shortly. It can be accommodated alongside the current proposal.

Natural Environment

Landscaping/tree planting to be undertaken as part of previous permissions for the glasshouses/polytunnels is part of a separate enforcement investigation and will be planted shortly. It can be accommodated alongside the current proposal. The proposal would not have a significant effect upon the natural environment.

Other Matters

Concern has been raised on grounds that work has already commenced on the scheme without planning permission. However, this is not an offence if retrospective planning permission is obtained.

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.

Planning Balance

The proposal is a renewable energy project and is sustainable. It would not have a significant effect upon the character/appearance of the rural locality or amenity of nearby residents, subject to a safeguarding condition relating to noise. Whilst it may result in some noise and disturbance to nearby residents during the construction phase, this would only be temporary and is outweighed by other factors in favour of the scheme.

Conclusion

The planning balance is in favour of the proposal, which satisfactorily complies with Policies 1, 2, 3, 30 and 31 of the South East Lincolnshire Local Plan, 2019. It is therefore recommended that the application be approved under delegated powers.