

Officers Report

Planning Application No: 146223

PROPOSAL: Planning application for proposed new training centre, office, staff welfare facilities and storage building, 2no. new glass houses, and 1no. dwelling with detached garage - resubmission of 144113

LOCATION: Rudies Roots Nurseries Scothern Road Nettleham Lincoln LN2 2TU

WARD: Nettleham

WARD MEMBER(S): Cllr John Barrett, Cllr Frazer Brown

APPLICANT NAME: Mr R Bertins Rudies Roots

TARGET DECISION DATE: Extension of Time to 10th August 2023

DEVELOPMENT TYPE: Major - Other

CASE OFFICER: George Backovic

RECOMMENDED DECISION: Grant Subject to Conditions

This is presented to planning committee as it is considered a finely balanced decision.

Description:

The site is located to the north east of Nettleham in the open countryside and is accessed off Scothern Road to its west. It is an enclosed site screened by dense roadside hedgerows with views available only from its entrance. To its south is a large, detached dwelling at a distance of approximately 12m from the boundary within a large plot separated from the site by a dense hedgerow approximately 4m high and approximately 3m wide.

The site is an established nursery business with the internal road running along the southern end providing access to a centrally located car parking area and beyond this it tapers off into a track. At the front of the site is a seasonal conifer holding area. Within the central section of the site are 3 Polytunnels, a shrub growing area and a large and small glasshouse. There are a number of temporary structures present including an office portakabin, wooden sheds, and a static caravan. These are used for a variety of purposes including a makeshift reception area, staff toilets and offices. The principal use is for storage. The eastern end of the site is used as a conifer growing area with a number of structures along the south used for storage, including, wooden sheds and steel storage containers.

Proposal: A 5 bed detached one and a half storey dwelling and detached garage, a single two storey detached office, training centre, staff facilities and storage building is proposed together with 2 glass houses.

The new facilities are intended to allow the removal of two static caravans, a potting shed, and a lorry container unit and a number of other storage containers dotted around the site. It will also provide improved staff welfare facilities and better accommodation for students from the agricultural college who are sent to the nursery as part of their studies.

Relevant history:

144113 - Detached office, for training, staff facilities and storage building and 2 glass houses. GC

M03/P/0612 – Full planning application to erect glass house, polytunnels, net tunnel, security camera pylons, static caravan and additional access refused 23/07/2003 partly granted (static caravan dismissed) on appeal. (APP/N2535/A/03/1127467) 16/10/2003 - Rudies Roots Nurseries, Scothern Road, Nettleham, Lincoln, LN2 2TU.

W65/438/93 - Erect glasshouse and polytunnel, site portakabin for use as storage and construct a vehicular access. GC 25.08.93

Representations: (Summary of comments and available to view in full on website)

Chairman/Ward member(s): On 12th March 2023 Cllr Angela White, as she was then, requested the application be Called-In for determination by Planning Committee.

Nettleham Parish Council: This proposal seeks to expand on a successful agricultural business and incorporate a new house which could be considered contrary to D5 of Nettleham Neighbourhood Plan (building in the open countryside). However, this is a building associated with an agricultural business and so potentially subject to rural exemption. So long as it has a condition on any approval that the house cannot be sold separately from the business then we have no objection. The Parish Council request that the proposal be `called in`. To reiterate, **we support the application.**

Local residents: No comments.

LCC Highways: No objections.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application. Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. This proposal has 26 spaces, and this is deemed adequate for this development, in this location. It is therefore not considered that this proposal would result in an unacceptable impact on highway safety

Environment Agency: No objection with an informative in relation to foul water disposal.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2023), Nettleham Neighbourhood Plan (made 2016) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

- ***Central Lincolnshire Local Plan 2023 (CLLP)***

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy.
- S5 Development in the Countryside
- S6 Design Principles for Efficient Buildings.
- S7 Reducing Energy Consumption –Residential Development
- S20 Resilient and Adaptable Design.
- S21 Flood Risk and Water Resources.
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- ***Nettleham Neighbourhood Plan***

Nettleham Neighbourhood Plan was formally adopted by West Lindsey District Council at a Full Council Committee meeting on the 3 March 2016. A review of the Nettleham Neighbourhood Plan is in progress. Nettleham Parish Council has completed Regulation 14 consultation on its Draft Plan Review July 2022 and supporting Character Assessment March 2021.

Relevant Policies include:

- Policy D-4 Water Resource and Flood Risk
- Policy D-5 Residential Development in the Open Countryside
- Policy D-6 Design of New Development

<https://www.west-lindsey.gov.uk/sites/default/files/2022-02/1.%20Nettleham%20Neighbourhood%20Development%20Plan.pdf>

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021.

Chapter 6 of the NPPF states in paragraph 81 that "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt*". Paragraph 84 goes on to state: "*Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses.*"

Paragraph 219 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- **National Planning Practice Guidance**

How can the need for isolated homes in the countryside for essential rural workers be assessed?

Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);

The degree to which there is confidence that the enterprise will remain viable for the foreseeable future.

- **National Design Guide (2019)**

- **National Design Model Code (2021)**

Main issues

- Principle
- Design
- Highway Safety
- Flood risk and drainage
- Landscaping and Biodiversity.
- Energy Efficiency

Assessment:

Apart from the dwelling this application is identical to that granted permission on 24th January 2023. This is valid until 23rd January 2026 which is a matter afforded significant weight in the determination of this application. It is therefore intended to update the previously imposed conditions on the decision notice for the remainder of the works proposed. No works have commenced on site. The focus will therefore be on the proposed dwelling.

The primary policy to assess it against is Policy S5: Development in the Countryside. (Part D): New dwellings in the countryside. Applications for new dwellings will only be acceptable where they are essential to the effective operation of existing rural operations listed in tier 8 of Policy S1.

Applications should be accompanied by evidence of:

- a) Details of the rural operation that will be supported by the dwelling.
- b) The need for the dwelling.
- c) The number of workers (full and part time) that will occupy the dwelling.
- d) The length of time the enterprise the dwelling will support has been established.
- e) The commercial viability of the associated rural enterprise through the submission of business accounts or a detailed business plan.
- f) The availability of other suitable accommodation on site or in the area; and
- g) Details of how the proposed size of the dwelling relates to the needs of the enterprise.

Existing rural operations in tier 8 include horticulture.

Taking the criteria above in turn:

- a) This is met as this is a long-established nursery business.
- b) The applicants state this is required as

“The business operates 100% off Grid and provides all its energy requirements from on-site, self-generated renewable energy sources in the form of a wind turbine and photovoltaic solar panels as well as rainwater harvesting systems. These renewable technologies power an on-site generator which needs constant maintenance to ensure there is no downtime in the operation of the generator and therefore the delivery of power to the site. Any downtime means that the heating systems and CCTV are not operational. Consistent heating is critical for the growth of bedding plants and the CCTV for continual monitoring of site security. As part of this additional supporting information generator logs and alarm call out reports have been provided which show the frequency of intervention required to prevent loss of power to the site. As can be seen from this information regular visits at all times of night or day are required to ensure the generator is functional at all times. Already this season a number of bedding plants have been lost to frost due to the heating being down because of faults with the generator and the time it has taken for someone to go to the site to rectify the problem. These issues could be eradicated with a 24hr presence on the site.”

“Rudies Roots Nurseries will be celebrating its 25th year anniversary this year and the business has grown from strength to strength over this time. The evidence provided shows regular call outs are required to keep the site operational. This currently requires one of the two business owners to travel at any time through the day or night to reset or repair the generator. This would be far simpler and less disruptive to the business if there is a 24hr presence on site, furthermore recent security breaches due to the rural location of the business also mean huge benefits will be derived from having somebody on site 24 hours a day, seven days a week. As Rudies Roots has grown over the years and in line with the companies green credentials have employed the use of Rheas (South American Ostrich) which are employed on site as a natural humane way to control predators such as foxes and therefore protect plants. These birds are bred and reared on site. Unfortunately, recently the female bird from the breeding pair passed away whilst the site was not occupied. The applicants strongly feel that this would have avoided if there was a continual presence on site.

An extract from the submitted alarm call out reports is reproduced below. These cover the period from 7th January 2022 to 8th April 2022.

Alarm logs for Rudies Roots Nurseries

Device	Triggered by	Description	Started at
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 05:14:50
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 05:14:50
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 00:06:17
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 00:06:18
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-08 00:06:17
Generator start/stop	Automatic monitoring	Generator not detected at AC-input: Alarm	2022-04-07 03:21:14
Generator start/stop	Automatic monitoring	Generator not detected at AC-input: Alarm	2022-04-03 05:19:28
E.Bus System	Automatic monitoring	Low battery: Alarm	2022-04-01 05:07:22

Whilst the submitted information is not particularly clear it appears to show that there were “alarms or incidents” on 83 occasions during this 3-month period with the “generator” being flagged on 17 separate occasions. It would be reasonable to conclude on balance that a need exists.

<https://www.gov.uk/guidance/housing-needs-of-different-groups#rural-housing>

Planning practice guidance sets out considerations that maybe relevant in assessing the need for homes in the countryside for essential workers.

“evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products” Officer underlining.

It is considered that on balance need for the dwelling has been demonstrated. In accordance with the policy a restrictive condition will be applied to occupancy.

a) The number of workers (full and part time) that will occupy the dwelling

2 workers

b) The length of time the enterprise the dwelling will support has been established;

This has been established for 25 years

c) The availability of other suitable accommodation on site or in the area; and

There is no suitable accommodation on the site itself. An internet search carried out on the rightmove website^{10th} July 2023 by the case officer found 28 four bed dwellings for sale in Nettleham.

<https://www.rightmove.co.uk/property-for-sale/find.html?locationIdentifier=REGION%5E18027&maxBedrooms=5&minBedrooms=4&propertyTypes=&mustHave=&dontShow=&furnishTypes=&keywords=>

d) Details of how the proposed size of the dwelling relates to the needs of the enterprise.

The following information was submitted in support of the application:

“Who will occupy the dwelling - Rudies Roots Nurseries is a family run business, run predominantly by Mr Rudie Bertins and Mr Chris Bertins, his son. The dwelling has been designed to accommodate purely those family

members who will occupy the property. A four bedroom dwelling with additional ground floor annex is proposed to accommodate Mr Bertins who is approaching retirement age in the ground floor annex, and Chris Bertins and his family in the remaining four bedrooms. Chris Bertins and his wife have three children one of whom is severely disabled and requires 24hr care and will be dependent on her parents for the rest of their lives. It is for this reason that the dwelling is the size proposed. Both Rudie and Chris are responsible for the business and by being located on site will be able to address any and all issues that arise"

This is noted and acknowledged however personal circumstances are rarely considered as the planning system operates in the public rather than private interest. It is therefore considered that the proposal would not be in full accordance with the criteria required and could be considered a departure from the Development Plan. On this basis and due to a potential precedent being set with permitting such a dwelling in the open countryside based primarily on family need and numbers this application will be presented to committee.

Design

Policy S53 states that "all development, including extensions and alterations to existing buildings, must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all."

The dwelling is one and a half storeys high with an eaves height of 3.1 m rising to a ridge of 7.3m. The central section has a pitched roof with timber clad dormers to the front and rear and is flanked by projecting gables that extend beyond the front and rear elevations. The width of the main house is approximately 17m with the single storey off shoot adding a further 4.2 metres. The main facing material is red brick with clay tiles. Coloured render is proposed to the upper end of the gables on both sides with timber detailing

In terms of local character as this is located in the open countryside this is primarily provided by the detached house to the south. On this basis and given the existing high natural screening along the front of the site the design is considered appropriate for its context. Materials are specified and a condition on this matter is not considered necessary. It would be in accordance with S53.

Highway Safety: This is not considered an issue. No objections are raised by Highways. It would be in accordance with policies S47 and S49 of the CLLP.

Flood risk and drainage

The site falls within Zone 1 "Low Probability" - Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as 'clear' on the Flood Map all land outside Zones 2 and 3). Surface water will be directed to a new pond created on the site which is a sustainable means of disposal. Due to the remoteness of the location there are no mains sewers nearby that can be used for foul disposal. On this basis the use of a package treatment plant is

considered acceptable. It would be in accordance with policy S21 of the Central Lincolnshire Local Plan and policy D -4 of the Neighbourhood Plan

Landscaping and Biodiversity.

Policy S60 seeks to protect and enhance biodiversity. Policy S61 of the CLLP requires “all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management. Policy S61 goes on to state that “All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric”.

It also states that “The following part of the policy applies unless, and until, subsequently superseded, in whole or part, by national regulations or Government policy associated with the delivery of mandatory biodiversity net gain arising from the Environment Act 2021. Where conflict between the policy below and the provisions of Government regulations or national policy arises, then the latter should prevail.

The mandatory requirement is expected to come into place in November 2023 for all but exemptions and “small sites”. Small sites are defined as:

(i) For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.

The Government’s 2023 response to the 2022 BNG consultation set out that the transition period for small sites will be extended to April 2024. Nevertheless, this does not prevent biodiversity enhancement being provided on such schemes. This is capable of being delivered by utilising landscaping incorporating native species. Areas of new landscaping are shown on the submitted plan. On this basis a condition will be imposed requiring details of the landscaping to be submitted to and approved in writing and subsequently implemented in accordance with the approved details. On this basis it would accord with S60.

Energy Efficiency

Local policy S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy LP7 states that: “Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement.

The application was validated almost 2 and a half months before the new CLLP was adopted. On this basis whilst no energy statement has been submitted it would be unreasonable to expect the applicants to retrospectively address this requirement. Nevertheless, the intention is noted to power the house “off grid” on renewable energy in line with the operation on site.

Conclusion and planning balance

This is an application on a site which has previously been granted planning permission for a new training centre, office, staff welfare facilities and storage building, 2 new glass houses. This application seeks a dwelling and detached garage to be added to the site. Having assessed the application against relevant policies principally S5 it would not be considered to be fully in accord with this principally due to the size of the dwelling and reliance on personal circumstances to advance the case for the size of the dwelling. On this basis and due to a potential precedent being set with permitting such a dwelling in the open countryside based primarily on family need and numbers this is considered a finely balanced matter. Positive weight is attached in this instance to the 100% use of renewable resources on this site and subject to the conditions discussed earlier and a condition requiring details including diagrams of how the house will be powered off grid to be submitted to and approved in writing by the local planning authority prior to occupation and implementation approval is recommended.

Recommendation: Approval subject to the following conditions:

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

Proposed Site Plan L-ADD-075 - 04 Revision F

Dwelling Floor Plans and Elevations L-ADD-075-10

Garage Floor Plan and Elevations L-ADD-075-11

Glass House 1 Plans and Elevations L-ADD-075- 30 Rev A

Glass House 2 Plans and Elevations L-ADD-075-31 Rev A

Training Centre Floor Plans and Elevations L-ADD-075-20 Rev A

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

3. Prior to works above ground level full details of the proposed landscaping shown on Plan L-ADD-075 -04 Revision; to include planting plans; specifications, schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before occupation of the dwelling. Any trees or plants which, within a period of five years after planting, are removed, die, or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, and permanently retained.

Reason: In the interests of biodiversity in accordance with policy S60 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

4. Prior to occupation of the hereby approved dwelling full details including technical drawings and specification to provide renewable power for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: This was given positive weight in the determination of the application.

5. The occupation of the dwelling shall be limited to a person solely or mainly working, in connection to the operation of Rudies Roots Nursery or a widow or widower of such a person and to any resident dependant.

Reason: The dwelling which is located in the open countryside where development is usually restricted was considered acceptable on this basis in accordance with policy S5 of the Central Lincolnshire Local Plan.