OFFICER REPORT

Case No: 25/00958/FUL Full Planning Application

Proposal: Erection of replacement horticultural sales building

Location: Garden Centre Parkhall Nurseries And Garden Centre Parkhall Road

Applicant: J Rigby

Grid Ref: 536315 279515

DESCRIPTION OF SITE AND APPLICATION

The application site is Parkhall Garden Centre, an established business to the north of the centre of Somersham.

There are no constraints associated with the site which lies within Flood Zone 1 as per the most recent Environment Agency Flood Risk Maps and Data.

This application seeks permission for the erection of a replacement horticultural sales building.

Officers have scrutinised the plans and have familiarised themselves with the site and surrounding area.

NATIONAL GUIDANCE

The National Planning Policy Framework (December 2024) (NPPF 2024) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2024 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'

The NPPF 2024 sets out the Government's planning policies for (amongst other things):

* delivering a sufficient supply of homes;
* building a strong, competitive economy;
* achieving well-designed, beautiful and safe places;
* conserving and enhancing the natural, built and historic environment.

Planning Practice Guidance and the National Design Guide 2021 are also relevant and material considerations.

For full details visit the government website: https://www.gov.uk

PLANNING POLICIES

Huntingdonshire's Local Plan to 2036 - adopted May 2019

LP2: Strategy for Development
LP8: Key Service Centres
LP10: The Countryside

LP11: Design Context
LP12: Design Implementation
LP14: Amenity
LP19: Rural Economy
LP30: Biodiversity and Geodiversity

Supplementary Planning Documents (SPD) and Guidance:

Huntingdonshire Design Guide (2017)
Developer Contributions SPD (2011)
Huntingdonshire Landscape and Townscape SPD (2022)
Huntingdonshire Strategic Flood Risk Assessment (2024)
Cambridgeshire Flood and Water SPD (2024)
Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)

Local policies are viewable at https://www.huntingdonshire.gov.uk

RELEVANT PLANNING HISTORY

02/02250/FUL, Erection of polytunnels (Permission)

0300101FUL, Erection of conservatory (Permission)

0301180FUL, Change of use of land from agriculture to form additional car parking for garden centre. Extension to provide toilet facilities (Permission)

0701867FUL, Extension to garden centre shop (Permission)

16/01174/FUL, Construction of a Tea Room (A3) (Permission)

16/02019/NMA, A reduction in floor area from 108 to 99m² (Consent)

19/01878/NMA, Amendment to 16/01174/FUL: To change internal layout, amend elevations and elevational finishes (Consent)

20/02407/FUL - Construction of a horticultural storage building (Permission)

24/00426/FUL - Erection of horticultural storage building (Permission)

CONSULTATIONS

Somersham Parish Council - No objections.
HDC Ecology (informal) - No objections.

REPRESENTATIONS

None received at the time of determination.

SUMMARY OF ISSUES

When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local

Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 48 of the NPPF (2024). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

In Huntingdonshire the Development Plan consists of a number of adopted neighbourhood plans, however, there is not an adopted neighbourhood plan in place for Somersham. Therefore, in this case no neighbourhood plans are given weight in the determination of this application.

The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

The main issues to consider are:

*The principle of development
*Design, visual amenity and impact on the countryside
*Residential amenity
*Highway safety
*Biodiversity

*The principle of the development

The proposed development is located outside the built-up area of Somersham, which is identified as a Key Service Centre in accordance with LP8 of Huntingdonshire's Local Plan to 2036. As such, the site is considered to be within the countryside, and Policy LP10 of the Local Plan to 2036 is therefore relevant.

Policy LP10 of the Local Plan to 2036 outlines: "Development in the countryside will be restricted to the limited and specific opportunities as provided for in other policies of this plan. All development in the countryside must:

a. seek to use land of lower agricultural value in preference to land of higher agricultural value:

i. avoiding the irreversible loss of the best and most versatile agricultural land (Grade 1 to 3a) where possible, and

ii. avoiding Grade 1 agricultural land unless there are exceptional circumstances where the benefits of the proposal significantly outweigh the loss of land;

b. recognise the intrinsic character and beauty of the countryside; and

c. not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others".

The proposal is for the replacement of a horticultural sales building from a polytunnel style of unit to a more permanent structure and would result in the enhancement of an established rural business within its operational site. As such it is considered that the proposal would not lead to the loss of agricultural land. The proposal is therefore acceptable with regards to part a. of Policy LP10. In addition, the principle of the use on the site is already established and therefore the proposal would not give rise to noise, odour, obtrusive light or other impacts that would adversely affect the use and enjoyment of the countryside by others any more than the existing buildings on

the site. The proposal is considered to be seen within the context of the existing operational site of the business and is therefore acceptable with regards to part c.

Given the reasons set out above it is considered that the principle of the proposed development is acceptable.

As the proposal relates to an established rural business it is considered that LP19 'Rural Economy' of the Local Plan to 2036 is therefore relevant. LP19 states that a proposal for the expansion of an established business within the existing operation site will be supported. In this case, whilst not an expansion it is clearly an enhancement and as such it is considered that the proposal complies with LP19 of Huntingdonshire's Local Plan to 2036.

Overall, having regard to the above assessment the development is considered to be acceptable in principle subject to compliance with other material planning considerations and conditions.

*Design and visual amenity

Policies LP11 and LP12 of the Huntingdonshire Local Plan state, amongst other matters, that proposals will be supported where it is demonstrated that it responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, contributes positively to the character and identity of the area and successfully integrates with adjoining buildings, the routes and spaces between buildings, topography and landscape.

The application site is an established garden centre containing an outdoor retail area and buildings and structures (of temporary and permanent construction) such as polytunnels, toilet facilities a café which are altogether consistent with development of this nature.

This proposal involves the replacement of a metal framed polycarbonate structure (used for retail purposes) with a permanent brick and timber building (of the same footprint) in the same location. The proposed building will be taller than the existing building but not excessive. It will very much be read within the setting of the other buildings forming the commercial site of the garden centre. Whilst there will be some visibility from the direction of Parkhall Road this will not result in an incongruous or out of character development. Materials shall be conditioned but will be similar to other structures within the site and again will be typical of the surroundings.

*Residential amenity

Policy LP14 of the Local Plan states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings.

Given the separation to adjacent residential dwellings and land alongside the existing and retained use there are considered to be no significant residential adverse amenity impacts and the development accords with Policy LP14 of the Local Plan to 2036 in this regard.

*Highway safety

There is no change to the way that vehicles enter or leave the site or parking provision. The building (in terms of use) is a like for like replacement and so there will be no intensification of visitors etc as a result.

Therefore, the impact in terms of highway safety will be neutral and the development accords with Policy LP17 of the Local Plan to 2036.

*Flood risk

The application site lies wholly within Flood Zone 1 and is not at risk of flooding from other sources as per the most recent Environment Agency Flood Risk Maps and Data. Development of this nature is acceptable within Flood Zone 1 and the scale of the site and nature of development does not require the submission of a flood risk assessment. Furthermore, as the building has the same footprint as the existing building it is not considered that there will be any additional significant surface water run-off impacts.

Overall, the proposal is considered to be acceptable with regard to its approach to flood risk and surface water and broadly accord with Policies LP5 and LP15 of the Local Plan to 2036.

*Biodiversity

Policy LP30 of the Local Plan requires a development to ensure no net loss of biodiversity and achieve a net gain where possible.

As well as the above (and separate from the requirements of LP30) qualifying new development is subject to Biodiversity Net Gain legislation pursuant to the Environment Act 2021. This means that a 10% statutory Biodiversity Net Gain (BNG) is required following the hierarchy of onsite provision; mixture of on-site and off-site provision; and the last resort of statutory biodiversity credits unless it can be demonstrated that the development would be exempt.

In this case, given that this is a replacement of a polytunnel style building on existing hard surfacing with a building in the same location and of the same footprint it is considered that the biodiversity impacts will be neutral. This is especially so given the established nature of the site. Therefore, whilst no measures to achieve a net gain are presented, give n that there is no net loss (and that providing a net gain on site would be challenging) Officers are satisfied that this broadly accords with Policy LP30 of the Local Plan.

In terms of BNG and habitat creation, it is noted that a metric has been provided but the application form details that the pre-development biodiversity habitat value was zero. The agent has confirmed that they understand the development to fall within the 'de minimis' category (impacting less than 25m² on-site habitat and 5m of linear habitat). Following a review of the plans and a site visit, Officer opinion aligns with this.

Overall, having regard to the above matters, the development is considered to be acceptable with regard to biodiversity impacts and accords with Policy LP30 of the Local Plan to 2036.

*Conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is considered to be compliant with the relevant national and local policy as it is acceptable in principle, would be visually acceptable and would not be harmful in terms of residential amenity, highway safety, flood risk, ecology or impact on trees.

Having regard to all relevant material considerations the proposed development is considered to comply with Policies LP2, LP5, LP10, LP11, LP12, LP14, LP15, LP17, LP19, and LP30 of Huntingdonshire's Local Plan to 2036 and consequently, it is recommended that planning permission be granted, subject to the imposition of appropriate conditions.

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CONTACT OFFICER:
Enquiries about this report to **Kevin Simpson**