DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0640-22**	**Applicant:**	**East Anglian Civils Holdings Ltd**
Proposal:	Proposed replacement offices & storage buildings including demolition of existing buildings - Part retrospective		
Location:	Land At 66 Barrier Bank Cowbit Spalding		
Terminal Date:	15th November 2022		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
30	Pollution
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 11.Making effective use of land
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

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application seeking permission for replacement offices & 2no storage buildings. The application also proposed part change of use of agricultural land to the rear.

The office building would be single storey and measure 9 metres (depth) x 30 metres (width) and stand at 6.7 metres in height (2.6 metres to the eaves). Storage building A would measure 15.2 metres (width) x 30.2 metres (depth) and stand at 6.1 metres (4 metres to the eaves). Storage building B would measure 36.5 metres (depth) x 12.2 metres (width) and stand at 5.8 metres in height (4 metres to the eaves).

The northern boundary would have 2 metre high metal palisade fencing to boundary with screen planting to field side. The rear part of the eastern and western boundaries would also have 2 metre high metal palisade fencing.

SITE DESCRIPTION

The site is located on the northern side of Barrier Bank close to the western fringe of the village. It is presently occupied by a commercial building within the centre of the site. Part of the site is currently agricultural land which has recently been cleared and unbound permeable hardcore laid. A hedge is located along the site's frontage and a number of trees are situated along the western boundary. It is accessed via a layby. Houses are located to the east and west of the site. Open land is situated to the north.

RELEVANT PLANNING HISTORY

H01-0639-22 - Residential Development - 6 Dwellings - Pending consideration

H01-0368-20 - Residential Development - approved under H01-0120-17. Removal of Condition 4 relating to maximum number of dwellings and maximum floorspace - Approved

H01-0359-20 - RM - Erection of 5 dwellings - Outline approval H01-0120-17 - Approved

H01-0120-17 - Outline - Residential development (5 plots) - Approved

REPRESENTATIONS

SHDC Environmental Protection

No objections.

Anglian Water

No objections subject to a condition requiring the submission of a scheme for on-site foul water drainage works and informatives regarding connection to the public sewer.

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). If the applicant wishes to discharge treated foul water to a watercourse, this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

LCC Historic Environment Officer

The area of the proposed development has already been subject to an archaeological evaluation, in association with application H01-0120-17, which did reveal some archaeological remains. However, these had been heavily disturbed and were not deemed to be of sufficient significance to justify any further archaeological recording. On this basis we would recommend that no further archaeological input be required in association with the present application.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Public

3no letters of objection have been received siting the following concerns:

·The applicant has already illegally extended the site into a plot of agricultural land
·Noise disturbance
·Loss of privacy
·Overdevelopment of the site
·Increase in traffic
·Unsuitable location for industrial units
·The new industrial buildings would be outside the settlement boundary and the existing haulage yard
·It is unclear what the new buildings will be used for
·The new industrial units will have a detrimental impact on the character of the rural area

PLANNING CONSIDERATIONS

Principle of development

Objections have been raised by local residents siting concerns of what the proposed buildings will be used for, location being unsuitable for the proposed use, the fact the new buildings would be located outside the settlement boundary and that the applicant has already illegally extended the site into a plot of agricultural land. The concerns are noted and discussed below.

The site is located in Cowbit, part of which is outside the defined settlement boundary as defined within the South East Lincolnshire Local Plan (SELLP), 2019. The area outside the settlement boundary is therefore classed as being in the countryside in planning policy terms.

Policy 1 of the Local Plan (Spatial Strategy) states that development in the countryside will only be permitted that 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.

Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio) states that:

"New employment development/businesses or the extension of an existing business outside the...allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

Whilst it is not a requirement of the Local Plan that all new employment development/businesses be directed to an allocated employment site, Policy 7 does require that it be satisfactorily demonstrated that there is an identified need for the business location outside of identified employment areas.

The applicants reasoning as to why this site has been chosen for the proposed development is that the applicant has two established local businesses which they would like to keep within the South Holland District and the parent company has not managed to secure a suitable site. The long established existing use of the site as commercial vehicle/engineering/haulage yard makes it an ideal location. In addition the previous owner wishes to remain in operation on part of the site rather than relocating or retiring from the business. The facility will provide local jobs for the long term and also allow an existing business to remain in operation.

Whilst it is accepted that the site falls outside of a designated employment area and that simply having other land in the ownership of the applicant is not sufficient justification, there are very specific matters of this case. The land in question is directly adjacent to the settlement boundary of Cowbit and existing employment areas and as such is an appropriate and sustainable location. Furthermore, the scheme delivers significant economic and environmental benefits for the district and local residents therefore it is considered that the merits arising from the proposed development would balance out any conflict with Policy 7 of the Local Plan, when taken as a whole.

As such in terms of location the proposed development can on balance be accepted as part of the site is already an established commercial site and the part outside the settlement boundary is not considered to unacceptably encroach on the open countryside and is not isolated from a settlement.

With regards to concerns that the site has already been illegally extended, this is noted and it is acknowledged that the area of land outside the settlement boundary has been cleared in preparation for the new proposals and the application is therefore part-retrospective.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable as per Policy 2 of the SELLP.

Concerns have been raised by local residents that the proposal would result in overdevelopment of the site and the new industrial units would have a detrimental impact on the character of the rural area. The concerns are noted, however, the proposed buildings when viewed against the wider site would not appear overly prominent as the site is a generous size and the proposed buildings would only cover a small area of the site. In addition the proposed buildings would be single storey therefore there would be limited views from the public realm.

It is accepted that the proposed development will alter the character of the area, part of which is currently agricultural land with open views from the north of the site. However, the visual impact would be minimised through fencing and screen planting along the rear boundary. The existing high level trees/hedging along the eastern and western boundaries would be retained therefore the development would have a good level of screening. There would not be any prominent views of the proposed development from the front of the site as it would be blocked by the residential development to the front of the site.

As such the development is not considered to have a detrimental impact upon the character of the area and is therefore acceptable in terms of its design and siting.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Local residents have raised concerns of noise disturbance and loss of privacy as a result of the proposed development. The concerns are noted and further discussed below.

The proposal is not considered to significantly or unacceptably increase noise levels given the existing use of the site. With regards to concerns of loss of privacy, it is not considered that the proposal would result in loss of privacy given the proposed buildings are single storey and the proposed boundary treatments would block views of neighbouring properties. There are high level existing trees along the eastern and western boundaries therefore the site is already well screened.

The proposed offices would be sited approximately 4.5 metres from the proposed rear boundaries of the proposed residential development to the south/south-west of the site and approximately 14.5 metres from the nearest rear elevation of the dwelling proposed. While it is accepted that this is relatively close, given the single storey nature of the proposed building it would not appear overbearing or result in unacceptable levels of overshadowing. In addition, the main entrance to the building would be on the northern elevation and parking for the site would also be on this side of the building therefore any potential noise from employees entering and leaving the office would be minimal. In addition there would only be 8 employees working in the office therefore it is not considered that there would be any significant noise generated. Furthermore, it is not considered that noise levels would be significantly higher than the current use.

The proposed shed to the rear would be used for storage and would be located a sufficient distance from existing neighbouring dwellings and given their proposed use it is not considered that any significant impact would result in terms of noise and disturbance.

As such the proposal would on balance accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Parking/Highway safety

A number of local residents have raised concerns with regards to traffic generated from the proposed office/commercial units. The concerns are noted, however, the Local Highway Authority has not raised any objections to the proposal as the proposal would not result in any material change to the existing access arrangement. As such, it is not expected that the development would have an unacceptable impact upon highway safety.

Drainage

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it 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).

South Holland Internal Drainage Board has advised that the applicant has indicated that they intend to dispose of surface water via infiltration, however the viability of this proposal has not been evidenced. It is recommended that ground investigation is carried out to determine infiltration

potential, followed by testing in line with BRE Digest 365 to determine if infiltration potential is considered favourable. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. It is noted that the applicant intends to dispose of foul water to a main sewer. Should the applicants' proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3. The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). An informative has been attached advising the applicant of this.

Anglian Water has not raised any objections to the proposal subject to a condition requiring the submission of a scheme for on-site foul water drainage works, including connection point and discharge rate to the public network in order to prevent environmental and amenity problems arising from flooding.

It has further advised that as the applicant intends to connect to the public sewer under S106 of the Water Industry Act, Approval consent will be required by Anglian Water, under the Water Industry Act 1991. A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact the Anglian Water Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements. An informative has been attached advising the applicant of this.

Given the above and subject to a suitable drainage strategy the proposal is considered to be in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on drainage.

Planning balance

The principle of redevelopment and expansion of an existing business premise is on balance considered acceptable. The proposed siting of the buildings is also on balance considered acceptable and would not unacceptably impact the character of the area. No significant adverse impact is anticipated on residential amenity given the relationship with neighbouring properties. The existing access is to be retained therefore, it is considered that the proposals would not result in any unacceptable impact on highway safety. Subject to a suitable drainage strategy there would be no drainage/flood risk concerns.

In summary, any adverse impact of granting permission to the proposals would not significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3, 4, 7, 28, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 4, 6, 11, 12, 14 and 15 of the National Planning Policy Framework (NPFF), 2021.

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 the application be approved under delegated powers.

The application was considered by Chairman's Panel on 11/11/22 who accepted the decision could be delegated.