SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 06 September 2023**

(Author: **Oscar Patman - Planning Officer)**

Purpose: **To consider Planning Application H02-0241-23**

Application Number:	H02-0241-23	**Date Received:**	10 March 2023
Application Type:	FULL		
Description:	Change of use of land and conversion of existing poultry shed, including two extensions, re-cladding of external elevations, site fencing and associated works to Use Class E		
Location:	Off Carrington Drove Crowland		
Applicant:	Ruthkay Ltd.	**Agent:**	T A C Architects
Ward:	Crowland and Deeping	**Ward Councillors:**	Cllr B Alcock Cllr J R Astill Cllr A Harrison

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0241-23

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Applicant is the relative of a Committee Member.

2.0 PROPOSAL

2.1 Proposal is for the conversion of an existing poultry shed and associated land to Class E use. The proposal includes two minor extensions, to the front extension, measuring 14sqm total. A scheme of boundary treatments is also proposed here, including a 2400mm-high, green, mesh security fence along the entire permitter. A 45,000-litre water tank is proposed to the north of the site.

2.2 It is proposed that the shed is clad in "Merlin Grey", profiled metal sheeting. To the front, PVC glazed screens in anthracite grey are proposed. This would match the timber doors of the same colour. Photovoltaic panels will line the southern pitch.

2.3 The layout of the site would be split into the proposed Crowland Caravan sales unit within the central chicken shed, and a display area to the south, on the land site of a demolished shed. Two poultry sheds to the north will be retained.

2.4 There have been two previous applications of note on the site, H02-0516-10 and H02-0026-15, both of which have approved comparable developments (although at a larger scale and incorporated other uses).

3.0 SITE DESCRIPTION

3.1 The site is outside of any settlement boundaries outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP), lying approximately 500m south-east of Crowland. The site is located off Carrington Drove, a minor, adopted road south of the A16. Carrington Drove is a small, single-track road, with drains on either side.

3.2 The site encompasses a total area of approximately 1.09 hectares, currently used as a poultry farm. Three sheds are present on site, in various stages of disrepair. A fourth shed was located towards the south of the site but was demolished following severe damage. The site of the former shed is a covered in hardstanding and will be used as a display area.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

01 - Spatial Strategy
02- Development Management
03 - Design of New Development
04 - Approach to Flood Risk
07 - Improving S E Lincolnshire's Employment Land Portfolio
24 - Retail Hierarchy
28 - Natural Environment
30 - Pollution
31 - Climate Change and Renewable and Low Carbon Energy
33 - Delivering a More Sustainable Transport Network
36 Vehicle and Cycle Parking
Appendix 6 - Parking Standards

4.2 **National Guidance**

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving sustainable development
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H02-1490-05 - Full. Change of use to riding stables, riding school and livery yard. Approved 07/03/06.

H02-0516-10 - Full. Proposed Fenland Tourism Centre and relocation of Crowland Caravans and Camping. Approved 07/04/11.

H02-0026-15 - Full. Alterations, extensions and replacement buildings to create new Fenland Tourism Centre and relocation of Crowland Caravans and Camping. Approved 26/03/15.

H02-0544-15 - Section 73 Modification. Alterations, extensions and replacement buildings to create new Fenland Tourism Centre and relocation of Crowland Caravans and Camping - approved under H02-0026-15. Modification of Condition 2 to allow amendments to previously approved plans, including 12.4-metre-high flue and rotation of boiler and associated fuel store. Approved 26/08/15.

H02-0957-15 - Condition Compliance. Details of Conditions 3, 4, 5, 6, 7, 10, 14, 16, 17, 18 and 21 of H02-0544-15. Approved 24/11/15.

6.0 REPRESENTATIONS

6.1 Environmental Protection

No objection.

6.2 Anglian Water

"Thank you for your consultation. Having reviewed the development, there is no connection to the Anglian Water sewers, we therefore have no comments."

6.3 SHDC Inward Investment

"From an Economic Development/Inward Investment point of view, we would be supportive of this application. The poultry business as it stands is clearly no longer viable due to the age of the asset, but also the change in the poultry sector, which like most agricultural and horticultural businesses, are now only financially viable as large enterprises, making use of economies of scale. In our opinion, this would be an acceptable use of the site which would benefit both the local and wider economy of South Holland"

6.4 North Level Internal Drainage Board

"My Board has no objections in principle to the above application.

The Boards Kings Dyke forms the northern boundary to the site and therefore the Boards Byelaws apply. In particular, Byelaw no. 10 which states that "no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain".

It is also noted that surface water is to drain to the riparian drain to the south-west of the site. A development levy in accordance with the enclosed will be payable to deal with increase in surface water run-off from the site.

I have also enclosed previous correspondence highlighting concerns over the condition of the access culvert to the site. I highly recommend replacement of the culvert prior to heavy plant accessing the site."

6.5 Environment Agency

No objection but draw attention to the need to install flood resistance and resilience measures. The consultee has also drawn attention to "Flood risk emergency plans for new development" and that they undertake consultation with emergency planners to determine the proposal is safe.

6.6 Peterborough City Council

No comments.

6.7 Crowland Parish Council

The PC is pleased to see a proposal that protects the future of an established business and associated employment. We have some concern, however, about the suitability of the existing adopted access road.

6.8 Lincolnshire Fire and Rescue

Dated 18/04/23 - Object as the proposal fails to meet the requirements of Building Regulations 2010 Part B5. Request that the applicant install a fire hydrant and that hardstanding have a carry capacity of 18 tonnes - comments since withdrawn

Dated 19/06/23 - Withdrew previous comments following amendment of plans. The department is satisfied that the works will be considered safe.

6.9 Highway and Lead Local Flood Authority

"No objection subject to the Condition and Informative below:

The principle of changing the use of this site and buildings to a retail and leisure use was established by the grant of Consent for the Fenland Tourism Centre and relocation of Crowland Caravans and Camping, granted under reference H02-0026-15. The highway authority had not raised any fundamental objection to that Application, subject to compliance with the Conditions imposed.

The development being proposed in this Application differs from that of the H02-0026-15 Consent in that the Fenland Tourism Centre is no longer to be included and also that instead of constructing a new private access road, between the site and the A16, running parallel with Carrington Drove, improvement works are being proposed to be undertaken to Carrington Drove, to make it suitable to provide safe and suitable access to the proposed development.

The Applicants have previously discussed with the highway authority's then Local Highways Manager, what works may be required to bring Carrington Drove up to a suitable standard, but little of the dimensional or constructional detail was resolved at that time. Ideally, that detail should be agreed, in the form of engineering drawings and a specification, prior to determination of this Planning Application. However, it is understood that there is an urgency to have this Application determined without further delay, in order that an early start may be made on the relocation of the Applicants' business from its current site to the Application Site. It is therefore suggested that the 'Grampian'- type Condition below is applied to any Consent that the Local Planning Authority may be minded to grant, and that the specific details are agreed between the Applicants and the Local Planning Authority, with the assistance of the Highway Authority, following any positive determination of this Application.

The NPPF requires (at paragraph 110 b)) that safe and suitable access to the site can be achieved by all users. This site is on the opposite side of the A16 to Crowland and is not therefore easily accessible on foot or by cycle. Whilst it is accepted that the nature of the proposed use is such that the majority, if not all, customers would travel to the site by motor vehicle, that may not necessarily be true for members of staff. It is therefore requested that in addition to improving the section of Carrington Drove between the A16 and the Application site for predominantly vehicle access, the section of Carrington Drove between James Road and the A16 is also improved to make it suitable for access by pedestrians and cyclists. It is accepted that pedestrians and cyclist will then have to cross the frequently busy A16. However, it is suggested that this would not, of itself, be sufficient cause for withholding the grant of Consent for the proposed development on highway safety grounds.

In all other highway respects, the Application Site is ideally suited to the proposed use, being located adjacent to the national principle highway network at a junction that enjoys the benefit of a Ghost Island Right-turn Lane. Suitable 'Brown' Tourist destination signs may be beneficial at this junction but that is a matter that is outside the control of the Planning process. The site is of sufficient size to be able to provide adequate parking and manoeuvring space for staff, customer and delivery vehicles."

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 Evaluation

7.3 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.4 The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

7.5 The policies and provisions set out in the National Planning Policy Framework, 2021 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.6 Principle of Development

7.7 Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

7.8 Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

7.9 The site is within the open countryside in planning terms. Policy 1 of the SELLP states that "in the Countryside development will 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." Addressing the proposal against this policy, the following is considered:

-there would be significant economic benefits to this proposal. It would make use of redundant land, while ensuring an important local employer stays in operation. The proposal would result in the growth of a local business, and in line with Section 6 of the SELLP, great weight should be given in favour as a result.

-there would be a small but significant community benefit. The proposal would result in the retention and enhancement of a local business, leading to the social benefits associated with stable employment provision.

-there would be a small but significant environmental benefit. Firstly, the development would be a conversion of a brownfield site, reducing the need for additional construction and the emissions associated with it. The proposal involves a small scheme of planting and the addition of photovoltaic panels, thereby enhancing the onsite biodiversity and reducing the carbon output of the site.

7.10 Policy 1 goes on to state that "there are types of development that require a Countryside location either because it is the location of an existing building or use of land. Where changes to such buildings or land uses require planning permission Policy 1 and other more detailed Local Plan policies will apply".

7.11 The relevant policy here is Policy 7, which states that "new employment development/businesses or the extension of an existing business outside the above 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." As the proposal is a conversion of former chicken farm, the proposal conforms to Policy 7 of the SELLP and, by extension, Policy 1.

7.12 In addition to this, the site has previously benefited from permission for this proposed use as a caravan retailer, further consolidating the principle of development.

7.13 For the reasons stated above, it considered that the proposal conforms to Policy 1 and 7 of the SELLP and as such principle of development is sound.

7.14 Layout, Design, Scale and Consideration of the Character of the Area

7.15 Section 12 of the NPPF, "Achieving well-designed places", states that " creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

7.16 Paragraph 130, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

7.17 Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

7.18 These policies accord with the provisions of the National Planning Policy Framework and require that 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. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

7.19 While the existing sheds are predominantly wooden, the use of alternative materials here would not appear incongruous. The materials proposed (detailed above) would be typical of a large rural development. As such, their typicality would ensure the development appears well blended. Again, the use of glass to the front of the building would be typical of comparable developments.

7.20 The proposed extensions are minor in nature, and as such, their impact upon the character of the development is minor. The works would be incorporated well into general design of the building, naturalising the development.

7.21 The impact of development upon the character of the area is further reduced by the separation distance between the site and the A16, which would greatly reduce the visibility of the site. The sheds to the north of the site would provide a level of screening, reducing the visibility by an even greater extent.

7.22 It is considered that the proposal would conform to Policy 2 and 3 of the SELLP and Section 12 of the NPPF in terms of the design of development.

7.23 Impacts Upon Resident Amenity

7.24 Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

7.25 The separation distances between the site and any nearby properties are great enough as to mitigate any potential amenity impacts. Due to the nature of the proposal, no additional overlooking or overshadowing would occur as a result of this proposal. The development would not appear overbearing.

7.26 As detailed above, the scale and design of the proposal is considered to have no significant or

unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

7.27 Highway Safety and Parking

7.28 Policy 36 and Appendix 6 of the SELLP require sufficient parking on site for all new developments. As this site would not be accessible via alternative means of transport, adequate parking provisions are of particular importance. It is anticipated that there would be approximately 48 parking spaces available on site. Due to the significant scale of the site, it is likely this figure could be increased further. It is considered that this level of parking provision is sufficient for the needs of the site. The proposal conforms to Policy 36 and Appendix 6 of the SELLP in terms of parking provisions.

7.29 Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 111 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Paragraph 110 states that development should provide safe and suitable access to the site for all users and that appropriate opportunities to promote sustainable transport modes are taken up.

7.30 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Looking at the proposal in the context of Policy 33 and Section 9 of the NPPF with regards to sustainable transport, it is considered that the proposal does conflict to some extent with these policies. The proposal, in its current form, cannot demonstrate a pedestrian access or access via public transport. That being said, there is a general acceptance within policy and guidance that the nature of rural areas means sites cannot always be reasonably accessed by methods other than private vehicles. This is reflected in Paragraph 85 from Section 6 of the NPPF. It is considered that this is one such exceptional circumstance.

7.31 Carrington Drove is a single-track road connecting to the A16. At the junction with the A16, the road benefits from a slip road, to enable to safe entry and egress to and from Carrington Drove. While the road is largely single-track, it does benefit from lines of site that would enable any users to view oncoming traffic and wait accordingly in the widened entry on either side of the access. The road itself is an adopted road, and therefore, should fall under the jurisdiction of the Lincolnshire County Council Highway Department for repairs and maintenance. The road is of relatively poor quality but is accessible.

7.32 Discussions on a road improvement strategy had previously taken place between the applicant and a former member of the Highway authority. An agreement was reached in principle; however, it does not appear that any legally binding agreement was achieved.

7.33 The consulted Highway officer did raise concerns regarding the accessibility of the site via sustainable methods of transport. However, it was considered, on balance, that this was not sufficient to warrant an objection on Highway grounds. Concerns were also raised regarding the width and quality of Carrington Drove. To remedy these concerns, a condition to improve the width and surfacing of Carrington Drove has been requested. The Highway authority have requested the road be widened to no less than 4.1 metres, to allow for two vehicles to pass and to enable pedestrian access. It has also been requested that improvements occur to Carrington Drove North, a portion of road currently overgrown and inaccessible. An informative condition has also been requested, to inform the applicant of the need to enter into a legal agreement with the Highway authority.

7.34 In response to this, the Council received a statement written on behalf of the applicant. This statement put forward the argument that the requested conditions are unreasonable. This is

considered below.

7.35 Firstly, regarding the Highway authorities request for pedestrian access, it considered that it is unreasonable to request a pedestrian access for the site. As discussed above, Carrington Drove connects to the A16, a high traffic volume, 60mph road, without a footpath. Any potential pedestrians would be expected to cross this road and walk on the grassed verge to reach the site. In addition to this, users may have to negotiate the Peterborough Road / James Road / Carrington Drove North junction, which has no defined crossing point or footpath. It is considered that this arrangement is potentially dangerous and as such is wholly unacceptable and should be discouraged. The site may be accessible via bicycle; however, again, the proximity to the A16 may discourage users.

7.36 Paragraph 110 of the NPPF states that "appropriate opportunities to promote sustainable transport can be taken up". The word "appropriate" is key here. It is considered that, for the reasons stated above, pedestrian access is not appropriate, and therefore, inline with Paragraph 110, should not be pursued. It is therefore considered unreasonable to impose this point of the requested condition.

7.37 Moving on to the cost and scale of the requested condition. The argument has been made that the scale of the works is disproportionate to the number of expected users and the size of the business. The relative benefits of the requested works to Carrington Drove North are limited. As discussed above, it unreasonable to expect pedestrians to access the site due to the proximity to the A16. In addition to this, reinstating Carrington Drove North would only reduce the journey length by approximately 300 metres (assuming users are coming from the James Road junction). It is considered that this is not a significant enough improvement to justify the potential cost; a cost which would damage the long-term viability of the site.

7.38 In light of the above considerations, it considered that this proposal demonstrates exceptional circumstances and as such, it is judged to be unreasonable to impose the requested Highway Condition in its entirety. It is not considered appropriate to conduct improvements to Carrington Drove North or to make a designated pedestrian access. This message has been relayed to the County Council. That being said, it is considered improvements should be made to Carrington Drove South in order to improve the road quality and safety of users. This scheme should be agreed with the Local Planning Authority.

7.39 In summary, it is considered that the proposal conforms to Policy 36 of the SELLP in terms of parking. While the proposal does show a level of conflict with Policies 2, 3 and 33 of the SELLP and Section 9 of the NPPF in terms of sustainable transport, it is considered that there are exceptional circumstances here. Due to these exceptional circumstances, it is considered that it is unreasonable to impose the requested condition.

7.40 Flood Risk

7.41 Policy 4 of the SELLP and Section 14 of the NPPF concern managing flood risk and drainage. The site is within Flood Zone 3 on the Environment Agency's flood risk maps. Within the local Strategic Flood Risk Assessment, 2017, the site is classed as "danger for most", with flood water expected to reach up to 2 metres. A flood risk assessment has therefore been prepared to address the flooding issue.

7.42 Turning first to flood risk, the conversion would reduce the vulnerability of the site to flooding. The use as a chicken shed, is extremely vulnerable to the impacts of flooding. The use as a sales and display space is far more compatible with potential flooding, drastically reducing any potential impacts. Furthermore, the exterior works will result in a strengthening of construction, reducing the potential impacts of flooding further.

7.43 Due to the nature of the proposal, it is unreasonable to request the raising of floor levels to a safe height. As such, it is strongly recommended, in line with the comments made by the Environment Agency, that flood resilience measures are installed in the construction phase. Simple and affordable steps such as the raising of plug sockets and the installation of physical barriers will aid the long-term future of the development.

7.44 The works proposed here would not amount to significant additional development. The submitted plans do not show high levels of additional hardstanding or construction occurring. It is therefore anticipated that the works would not significantly alter the existing drainage arrangements. A site visit was conducted during a period of heavy rain; it was noted at the time that the site appeared to be capable of taking these high levels of surface water.

7.45 The comments of the Internal Drainage Board should be noted at this time. While no objection is raised in principle, the Board do recommend that the existing culvert is replaced prior to the site coming into full operation.

7.46 The proposal conforms to Policy 4 of the SELLP and Section 14 of the NPPF in terms of flood risk and drainage.

7.47 Economic Sustainability

7.48 Policy 7 of the SELLP concerns the creation of employment space. This policy refers to B1, B2 and B8 uses. As B1 has largely been replaced by class E, it is considered that this policy is relevant here.

7.49 Policy 7 states that the creation of new employment space, outside of the allocated employment sites will be supported provided that the proposal involves the re-use of previously developed land or redundant buildings. Naturally, the proposal adheres to this point, and therefore, under said Policy, the proposal should be supported.

7.50 Section 6 of the NPPF relates to economic investment. Paragraph 81 states that:

"Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development"

7.51 This paragraph gives significant weight in favour of the proposal. This proposal represents an opportunity for the retention and expansion of a key local business, and as such, should be supported under Paragraph 81.

7.52 Paragraph 84 encourages the sustainable growth of all business types in the rural area, explicitly mentioning the importance of the conversion of existing buildings. Paragraph 85 goes on to emphasise the importance of converting existing buildings, and recognises rural developments require lenience in terms of access via sustainable modes of transport. The proposal shows a general adherence to both paragraphs and as such, weight should be given in favour of the proposal.

7.53 The site will see approximately four additional employees and will see the retention of sixteen employees. Within the NPPF planners are encouraged to preserve existing jobs and ensure sustainable economic growth. It is considered that this proposal represents an opportunity to preserve and enhance the local economy, in a sustainable manner.

7.54 Policies 24 and 27 of the SELLP encourages retail-based development to be directed to town centre locations. Due to the nature of this proposal, it is not strictly relevant to apply these policies here. However, in any event, it is considered that this proposal is not tantamount to the creation of a new retail unit in an out-of-town location. The business, Crowland Caravans, is already located in an out-of-town location and therefore, the relocation of the business would not see an increase the number of units. Consequently, it is not anticipated that granting permission here would have a significant adverse impact upon the local town centre.

7.55 The proposal therefore conforms to Section 6 of the NPPF as well as Policies 7, 24 and 27 of the SELLP. As such, weight should be given in favour of the proposal.

7.56 Environmental Sustainability

7.57 In respect of the climate emergency, Section 14 of the NPPF states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising

from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

7.58 Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 174 and 179 ensure sites of biodiversity value are protected through the planning system; while Paragraph 180 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

7.59 In line with both aforementioned sections of the NPPF, Policies 29 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

7.60 The proposal would see an onsite biodiversity net gain, due to the proposed scheme of planting to the south of the site. While this gain would not be substantial, it would still be significant and would still see the aims of Policy 28 and Section 15 achieved.

7.61 The proposal would incorporate solar panels and would lead to an improvement of the energy efficiency of the site. The proposal therefore adheres to Policy 31 of the SELLP and Section 14 of the NPPF, which encourage the use of renewable energy.

7.62 The proposal therefore demonstrates environmental sustainability and is considered to conform to Policies 29 and 31 of the SELLP.

7.63 Pollution

7.64 Policy 30 of the SELLP relates to pollution, including noise and light pollution. The previous approval on the site H02-0026-15 saw a condition imposed to conduct a survey of the potential sources of pollution on site. This was submitted to the Council and the condition was subsequently dismissed as part of H02-0957-15. It is therefore not considered appropriate to impose this condition again.

7.65 The environmental health department have raised no objections to the proposal. There would be no significant increase in noise or light pollution due to the proposal.

7.66 The proposal therefore conforms to Policy 30 of the SELLP in terms of pollution.

7.67 Planning Balance

7.68 As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.69 The proposal conflicts with Policies 2, 3 and 33 of the SELLP as well as Section 9 of the NPPF in terms of accessibility, particularly via sustainable means of transport. This is reflected in the comments and requested condition of the Highway department. Paragraph 85 of the NPPF acknowledges that business needs in rural areas may have to be met outside of settlement boundaries, in areas poorly served by sustainable transport methods. Paragraph 110 also states that sustainable transport methods should be appropriate and safe. It is considered, in this instance, requiring a pedestrian access is unreasonable and inappropriate; and therefore, the condition requesting such access is unreasonable and should not be imposed.

7.70 The lack of sustainable transport is offset by the wider benefits of the site. The application has demonstrated that the site is suitable and necessary for the needs of the business. The proposal would see the retention and growth of an established local business, while providing small but significant environmental benefits. As such great weight is given in favour of the proposal.

7.71 On balance, it is considered that the potential benefits of the proposal outweigh any conflicts. The proposal conforms to the development plan and NPPF when viewed as whole. The planning balance is in favour of the proposal.

7.72 Conclusion

7.73 The proposal largely conforms to Policies 1, 2, 3, 4, 7, 24, 29, 30, 31, 36 and Appendix 6 of the SELLP as well as Sections 2, 6, 7, 12, 14 and 15 of the NPPF. While there is conflict with Policies 33 of the SELLP and Section 9 of the NPPF in terms of sustainable access, it is considered that the potential benefits far outweigh these conflicts. As such, it considered that the proposal conforms to the SELLP and NPPF as viewed as a whole.

7.74 **Additional Considerations**

7.75 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 characteristics)
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.

7.76 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.

8.0 RECOMMENDATIONS

8.1 Based on the assessment detailed above, it is recommended that the proposal should be approved subject to those conditions listed in Section 9.0.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

   08/228/PA/15A
   08/228/PA/18A
   Flood Risk Assessment by S M Hemmings dated 21 March 2023

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (by S M Hemmings dated 21 March 2023) forming part of this planning application, unless otherwise agreed in writing by the Local Planning

   Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
   This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

4. Prior to the commencement of any part of the development hereby permitted, details shall be submitted to the Local Planning Authority for the improvement of Carrington Drove. The works, as approved, shall be completed to the satisfaction of the Local Planning Authority prior to the commencement of use of the permitted development.

   Reason;
   In the interests of providing safe and suitable access for staff and visitors arriving by vehicle, on foot and by cycle and for delivery vehicles. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
   This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

5. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

6. North Level District Internal Drainage Boards advises that the Boards Kings Dyke forms the northern boundary to the site and therefore the Boards Byelaws apply. In particular, Byelaw no. 10 which states that "no person without the previous consent of the Board shall erect any building or structure whether temporary or permanent within 9 metres of the drain".

   It is noted that surface water is to drain to the riparian drain to the south west of the site. A development levy will be payable to deal with increase in surface water run-off from the site.

   There are concerns with the state of the existing armco pipes within the structure. It is therefore recommended to replace the 600mm diameter pipeline at least for the length under the proposed new road as there is a manhole midway of the total 50 metre length, or better still replace the whole 50 metres and remove the chamber altogether.

   The applicant is advised to contact the Board to discuss further.

7. Occupiers of the property should register with the Environment Agency's Floodline Warnings Direct Service.

8. Any signage proposed will require separate advertisement consent.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Mark Simmonds; Development Manager (Interim)
Telephone Number:	01775 764444
Email	mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

© Crown copyright and database rights 2022 Ordnance Survey 100018351.

MAP SCALE 1:2500
CREATED DATE: 21/08/2023
PHOTOGRAPHIC COPY LIABLE TO DISTORTION IN SCALE