DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-1127-23**	**Applicant:**	**Mrs J Heys**
Proposal:	Change of use of site from agricultural to museum, alterations to barns 2 and 3 and associated parking		
Location:	Kennulphs Farm Wrights Drove Crowland		
Terminal Date:	15th March 2024		

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
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

4 - Decision-making
12 - Achieving well-designed and beautiful places
15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	1
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at Kennulphs Farm, Wrights Drove, Crowland for change of use of a site from agricultural to a museum, with alterations to barns 2 and 3 and associated parking.

The proposal seeks to utilise an existing barn on site, to change the use of 'Building 2', to house a World War II amphibious vehicle known as a Buffalo Tank. The propsoal would seek to provide an arrival display wall, a male staff toilet, unisex toilets, and office and a school room.

The external dimensions of the building would not be materially altered, and would remain at 12.35 metres in width, 25 metres in length, have a 4.56 metres eaves height and a 6.42 metre ridge height. A new emergency fire escape door and footpath is proposed to be installed on the west elevation. A septic tank to cater for the wc provision would also be provided on land to the west of the building, with a drainage field beyond. 'Building 2' was constructed following approval of application H02-0350-17. The current use of the building is to store agricultural machinery.

The proposal seeks permission for 'Building 3' to comprise a new emergency fire escape door and a new roller shutter access door on the eastern elevation. A ramp is proposed that would lead to the fire escape door on the western elevation. The open sided eastern elevation would be infilled with new profiled single skin cladding and secondary cladding walls. 'Building 1' would not be altered and would be used to house a display of various farming equipment.

10 car parking spaces and a disabled car parking space are proposed to be provided on site. Space remains for coach parking and turning. Pedestrian walkways leading from the car park would provide access to Buildings 1 and 2. Directional and warning signs would be best placed throughout the site. Signs 1 to 3 would include general Museum advertisements. Sign 4 would state "Caution Pedestrians", Sign 5 would state "Notice: Pedestrians must use designated walkways", and Sign 6 would state "Pedestrians This way (with directional arrows)".

A site visit was conducted on Friday 5th January 2024.

An amendment has been submitted to address County Highways comments regarding a request for signage and the manoeuvrability of buses.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits and the surrounding area is predominately rural characterised by buildings of varying ages and design. The dwelling associated with Kennulphs Farm is located to the north of the site, with arable fields to the west and an adjacent agricultural business named Eardley Grange Farm to the south and east. The dwelling associated with the adjacent business is located to the south east of the proposal site. Kennulphs Farm is accessed by a bridge over the A16 that connects to a road named Peterborough Road situated south of Crowland.

The site is in Environment Agency Flood Zone 3, and in the maximum of a "Danger for All" hazard area, with a maximum predicted flood depth of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be addressed by a soakaway, with foul water addressed via a septic tank. Full details of drainage would be addressed via condition.

RELEVANT HISTORY

H02-0350-17

Full - Proposed steel framed building to store agricultural machinery - Approved - 17 May 2017.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 27 December 2023 and 18 January 2024)

Environment Agency - 05 January 2024

"The Environment Agency does not wish to make any comments on this application as it is a change of use within the same vulnerability classification (less vulnerable to less vulnerable), as per the advice contained in Cell A7 of the Standing Advice Matrix."

North Level Internal Drainage Board - 12 January 2024

No objections.

South Holland District Council - Environmental Protection - Oliver Abrams - 15 January 2024

Requests a precautionary land contamination condition.

Lincolnshire County Council - County Highways & SUDS - 16 January 2024

"Wrights Drove (Crowland PF 9) would be used by motor vehicles to gain access to the proposed museum. It would be desirable to install signage to warn vehicle drivers of the potential presence of walkers. The signage should be erected on private land where vehicles access the site informing drivers that a public footpath runs adjacent to the car parking area. The signage needs to be detailed on the proposed site plan."

"The site plan should also detail how the buses turn in the site to enter and leave the site in a forward gear."

South Holland District Council - Environmental Protection - Diane Gordon - 19 January 2024

"restrict operating hours to 8-18:00 Monday-Sunday to protect amenity of nearby properties"

Crowland Parish Council - 23 January 2024

"*CPC welcome the proposal."*

Responses Received following Re-consultation (Consultation period between 24 January 2024 and 03 February 2024)

South Holland District Council - Environmental Protection - Oliver Abrams - 24 January 2024

"No comments regarding amendment 1, my previous comment still remains the same."

Environment Agency - 26 January 2024

"We have no comments to make on the amended plans and refer you to our previous response sent on 05 January 2024 for our position on this application."

Lincolnshire County Council - County Highways & SUDS - 08 February 2024

No objections - No conditions or informatives requested.

"The proposal is for the change of use of the site from agricultural use to a museum, alterations to barns 2 and 3 and associated parking. Initially people will only be able to visit the Museum by appointment, on pre-arranged visits and visiting times will be limited to possibly one day per week. It is envisaged to organise weekly visits for school children, once a week. However, this application does not seek to limit operating hours, as the facilities have the potential to be visited by more people, more often, as the Museum becomes more established. The proposed use will be a

reduction in movements to those movements associated with Agricultural use initially but correspondence submitted fully emphasises that vehicle movements could increase more in years to come as the Museum becomes known and established. This will not cause an unacceptable impact on the public highway and there are many unofficial places in which vehicles can pass one another and the forward visibility is good giving drivers opportunity to see if a vehicle is approaching and where there is an appropriate place in which they can pass."

"Wrights Drove (Crowland PF 9) would be used by motor vehicles to gain access to the proposed museum. The applicant has demonstrated on the proposed site plan that signage will be erected internally to warn vehicle drivers of the potential of the presence of walkers on the Public Footpath. The Local Planning Authority should ensure that a condition is attached to any planning permission to secure the use of signage in perpetuity whilst the Museum is in use. There is a wide access fronting the site to the public highway that is suitable and will not need to be amended. The proposal will not have an adverse impact on the public highway."

"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."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, three letters of representation have been received.
These can be summarised as:

Ability of vehicles to pass each other.
Increase in traffic.
Concern about potential hours of operation.
Minimised wider benefits to Crowland from proposal.
Site is not served by public transport.
Site is not served by a footpath.
There are better sites in the area for the proposal.

A single letter prepared by Robert Doughty Consultancy on behalf of two members of the public - 29 January 2024

Noise from museum activity.
Noise from separate activities associated with the museum such as fundraising events.
Noise from potential public address system.
Potentially change of building uses within Use Class F1.
Ability of vehicles to pass each other.
Wrights Drove is in poor condition.
Uncertainty of hours of operation.
Uncertainty of number of visitors.
Protection for public right of way users.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking/Highway Safety
Flooding Considerations/Drainage
Assessment against SELLP Policy 9 - Promoting a Stronger Visitor Economy
Biodiversity and landscaping
Outstanding matters from representation

EVALUATION

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework (December 2023) details that "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)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

The application site in this instance is within the area of Crowland; however, the site lies outside of the defined settlement boundaries as detailed within the inset maps for Policy 1.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within 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.

In this instance, it has not been demonstrated that the proposal has a specific or 'necessary' need to be in such a location. The museum is however considered to be appropriately located for the storage and display of agricultural vehicles and machinery, as well as a World War II tank due to the scale of the proposal and the size of vehicles and equipment within.

When assessed against the relevant criteria of Policy 1 in respect of the 'sustainable needs for the area', the following can be observed:

Economic - Short term employment would be generated during the construction/development period and the proposal would have the potential to help to support the visitor economy. The proposal is also considered to accord with Paragraph 88 of the National Planning Policy Framework (NPPF) (December 2023) which supports the diversification of agricultural and other land based rural

businesses, as well as sustainable rural tourism and leisure developments which respect the character of the countryside.

Community - The museum will provide educational opportunities for school parties and potentially the wider public with regard to a World War II vehicle and various forms of agricultural machinery through the years. There is not considered to be a material visual impact from the proposal, which will utilise existing agricultural buildings and therefore retain a rural character on and around the site.

Environmental - The proposal seeks to utilise existing buildings and therefore a large amount of new construction materials will not be required to facilitate the proposal. It is highly likely the museum will solely be accessed by private transport as Wrights Drove is not served by public transport, and is not close to the defined settlement limits of Crowland. However, there are no specific benefits in this respect that contribute to the wider sustainable needs for the area.

Beyond this the proposal, given its proposed use as a museum, would comprise a resultant use that would relate to a visitor economy. This proposal is assessed against South East Lincolnshire Local Plan (2019) Policy 9 titled - Promoting a Stronger Visitor Economy. This policy states:

Proposals for tourism and visitor development which utilise and enrich the natural and built environment and existing attractions of South East Lincolnshire to the benefit of the local economy, visitors and local communities will be supported within the boundaries of settlements identified in Policy 1.
Outside these settlements, small-scale development to support the visitor economy, including farm diversification, equine development and fishing lakes, will be supported provided that proposals:
1. do not conflict with neighbouring land uses;
2. are in keeping with the character of the locality; and
3. demonstrate a functional link with an existing rural attraction or farm enterprise.
Larger developments will only be supported outside settlement boundaries in exceptional circumstances, for instance to proportionally support or enhance the enjoyment of an established visitor attraction where this cannot reasonably be achieved from a town or village location.

When assessed against the above relevant criteria the following can be observed:

1. The proposal is not considered to conflict with neighbouring land uses. Agricultural operations on the site will cease thereby reducing vehicular movements to and from the site. Conditions regarding lighting, cctv and hours of operation will ensure that residential amenity impact is minimised from the proposed use.

2. Save for the infilling of the eastern elevation of Building 3, no substantial alterations are to be made to the existing three buildings on site. The buildings are not being extended and no new fenestration is proposed to face adjacent land uses. The buildings retain an agricultural character and do not present as discordant features in a rural environment. Aside from signage and access ramps, the exterior of the site is largely unaltered and could return to an agricultural use if so desired without significant redevelopment works.

3. The proposal is in connection with an existing agricultural business and will provide an opportunity for schoolchildren to develop knowledge of agriculture through the preservation of agricultural machinery and vehicles. It is considered that given the scale of the agricultural items and the World War II Buffalo Tank that the proposed museum use cannot reasonably be achieved in a town or village location.

Paragraph 88 of the National Planning Policy Framework (December 2023) is also considered to be of importance when assessing the proposal. Paragraph 88 states:

"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, beautiful new buildings;

b)the development and diversification of agricultural and other land-based rural businesses;

c)sustainable rural tourism and leisure developments which respect the character of the

countryside; and

d)the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

The application will allow the site to diversify through continued use of the existing buildings on site. Alongside the preservation of the Buffalo Tank, the proposal will educate local schoolchildren through the preservation and demonstration of agricultural machinery and vehicles. Whilst the proposal is not immediately accessible to local services, it is considered that the proposal is ideally sited for the housing of large vehicles, and does not require substantial extension or alterations. The application is considered to accord with Paragraph 88 of the National Planning Policy Framework (December 2023).

Overall, when viewed on balance, the proposal is considered to be acceptable in principle. The development proposed would not be contrary to Policy 1 and would accord with Policy 9 of the South East Lincolnshire Local Plan (2019), along with the provisions of paragraph 88 of the National Planning Policy Framework (December 2023).

This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The 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.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), 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. Development proposals should also ensure that 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.

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.

Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2023), in that it 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.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) 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.

Save for the infilling of the eastern elevation of Building 3, no substantial alterations are to be made to the existing three buildings on site. The buildings are not being extended and no new fenestration is proposed to face adjacent land uses. The buildings retain an agricultural character and do not present as discordant features in a rural environment. Aside from signage and access ramps, the

exterior of the site is largely unaltered and could return to an agricultural use if so desired without significant redevelopment works.

It is noted that the use could provide additional incomings and movement when viewed longer term; albeit the proposal is to be limited in the initial inception. Furthermore, the use would vary from the agricultural nature currently operating from the site; however, given the nature of the use, the potential capacity and volume of use which is to be controlled by condition and the minimal visual alteration carried out, the proposal is not considered to result in an unacceptable impact to the character or appearance of the area.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Buildings 2 and 3 are approximately 10 metres to the north of the boundary with Eardley Grange Farm, with Building 1 approximately 86 metres away. The dwellings at Eardley Grange Farm are 45 metres from Building 3, 57 metres from Building 2, and 113 metres from Building 1. With regard to the dwelling at Kennulphs Farm, it is located 108 metres from Building 1, 164 metres from Building 3, and 177 metres from Building 2.

The proposal is not considered to constitute overdevelopment. This is because no new buildings are to be constructed in association with proposed museum use. Given the separation distances to Eardley Grange Farm and the associated dwellings, there is not considered to be an overlooking or overshadowing impact. The buildings are not for a residential use, and the newly infilled east elevation of Building 3 does not contain any windows. A fire escape door and a roller shutter access door are the sole openings in the east facing elevation.

Concerns have been expressed by members of the public with regard to noise. The proposal initially seeks for the site to operate one day a week to allow for the visit of schoolchildren. It is anticipated that visits will solely take place during normal school hours. Given that the proposal is largely indoors and initially for one day a week, there is not considered to be an unacceptable noise impact that would arise.

Given that the use could expand, the Environmental Protection Officer has no objections to the proposal; however, to assuage potential noise and disturbance concerns if the use is successful, they have requested that opening hours are restricted to 08:00 to 18:00 Monday to Sunday to minimise amenity concerns. Given that the proposed change of use is to an F1 use under the Use Classes Order this allows for a wide range of uses without requiring planning permission such as a school, religious building or law court. It is therefore considered appropriate to limit the use to a museum use only, to minimise impact on amenity and the character of the surrounding area.

As detailed above, the scale and design of the proposal is considered to be such that there would be 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 provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

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.

Given that the proposal initially seeks to operate one day a week for schoolchildren, the parking provision of 10 spaces, 1 disabled space, and 1 coach space is considered to be appropriate for the site. Following a request for details of signage and manoeuvrability of coaches, the Highways & SUDS Officer has provided the following comments:

"The proposal is for the change of use of the site from agricultural use to a museum, alterations to barns 2 and 3 and associated parking. Initially people will only be able to visit the Museum by appointment, on pre-arranged visits and visiting times will be limited to possibly one day per week. It is envisaged to organise weekly visits for school children, once a week. However, this application does not seek to limit operating hours, as the facilities have the potential to be visited by more people, more often, as the Museum becomes more established. The proposed use will be a reduction in movements to those movements associated with Agricultural use initially but correspondence submitted fully emphasises that vehicle movements could increase more in years to come as the Museum becomes known and established. This will not cause an unacceptable impact on the public highway and there are many unofficial places in which vehicles can pass one another and the forward visibility is good giving drivers opportunity to see if a vehicle is approaching and where there is an appropriate place in which they can pass."

"Wrights Drove (Crowland PF 9) would be used by motor vehicles to gain access to the proposed museum. The applicant has demonstrated on the proposed site plan that signage will be erected internally to warn vehicle drivers of the potential of the presence of walkers on the Public Footpath. The Local Planning Authority should ensure that a condition is attached to any planning permission to secure the use of signage in perpetuity whilst the Museum is in use. There is a wide access fronting the site to the public highway that is suitable and will not need to be amended. The proposal will not have an adverse impact on the public highway."

"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."

Whilst parts of Wrights Drove are in poor condition, it is not considered to be to an extent that would prevent safe access to the site. Given that there is likely to be a reduction is vehicular movements from the proposal compared to an agricultural use, and the Highways Officer has no objections, it is considered that there is not a material impact on parking provision or highway safety from the use of the site for museum purposes.

It is noted that signage is advised and is subject to the recommendation of a condition.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations / Drainage

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is in Environment Agency Flood Zone 3, and in the maximum of a "Danger for All" hazard area, with a maximum predicted flood depth of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping.

The submitted Flood Risk Assessment states:

"Based on the information submitted, it is concluded that the proposed development is suitable for the proposed location in terms of Flood Risk Assessment:
1. It is a change of use which will not increase the area of the development, therefore will not increase the risk of flooding elsewhere.
2. Site-specific information shows that the proposed use is compatible with the flood zone.
3. The applicant would implement additional flood warning measures."

Given that the proposal is not for residential habitation there is not considered that the proposal is inappropriate at the proposed hazard and flood depth levels.

Surface water will be addressed by a soakaway, with foul water addressed via a septic tank. The septic tank to cater for the wc provision will be provided on land to the west of the building with a drainage field beyond. Full details of drainage would be addressed via condition.

Biodiversity and landscaping

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) 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'.

Policy 28 of the South East Lincolnshire Local Plan (2019) outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

Because the proposal is a minor application there will shortly be a requirement to demonstrate a biodiversity net gain of 10%. However, because the requirement to demonstrate a biodiversity net gain for minor applications commences for applications submitted on or after 2nd April 2024 this is not a requirement for this application. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

A small amount of land will be lost to facilitate the construction of pedestrian walkways and access ramps on the site, however, the majority of works required are to convert existing buildings. A drainage field will be located to the west of Building 2 but no other landscaping works are currently proposed.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This is can be achieved via a number of measures such as ponds, and hedge / tree planting.

A landscaping condition will be added to the decision notice to ensure that the site can satisfactorily demonstrate a material biodiversity uplift in accordance with Policy 28 of the SELLP.

Outstanding matters from representation

In respect of comments received outlining that there are better sites in the area for the proposal - Whilst alternative sites may be available for such a use, the Local Planning Authority must assess the proposal put before them in respect of the proposed use within this application site. An application can only be determined on the basis of the submitted information and it is not the responsibility of the Local Planning Authority to suggest alternative sites to an applicant.

PLANNING BALANCE

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

The proposal represents appropriate development within the open countryside given the reasons outlined above. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole. Given that the proposed change of use is to an F1 use under the Use Classes Order this allows for a wide range of uses without requiring planning permission such as a school, religious building or law court. It is therefore considered appropriate to limit the use to a museum use only to minimise impact on amenity and the character of the surrounding area.

In this instance, there are no material considerations that would weigh against the proposal to warrent refusal of permission and as such, the planning balance is in favour of the development.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 9, 28 and 36 of the South East Lincolnshire Local Plan (2019), as well as Sections 4, 12, 15 and Paragraph 88 of the National Planning Policy Framework (December 2023).

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

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.