

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H04-0580-21	Applicant:	Mr M Coulam
Proposal:	Livestock Building - Retrospective		
Location:	Pasture Farm Westdale Drove Donington		
Terminal Date:	5th August 2021		

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance**National Planning Policy Framework 2021**

Section 12 of the National Planning Policy Framework (2021)

12 - Achieving well-designed places

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
SHDC INTERNAL	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application (retrospective) for a livestock building at Pasture Farm, Westdale Drove, Donington. The proposal seeks to provide a livestock building extension that is 9.1 metres in depth, 72 metres in width, has an eaves height of 4.7 metres and a ridge height of 6.735 metres. The extension is constructed from concrete panels at the base, then a gap with anthracite vertical cladding above for the upper walls and roof.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits in the open countryside. The proposal is in Environment Agency Flood Zone 3 and located in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not a habitable building in planning terms, there is not a need to raise finished floor levels to address potential flood risk.

HISTORY

H04-0525-10

Agricultural Determination - Proposed livestock building - Not permitted development full planning permission required - 16 July 2010.

H04-0647-10

Full - Reinstatement of dwelling, including repairs - Approved - 05 January 2011.

H04-0706-10

Full - Proposed cattle shed - Approved - 18 October 2010.

H04-1102-16

Full - Cattle Shed Extension - Approved - 30 November 2016.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objection.

SHDC - Environmental Protection

"No objection but would wish to see conditions for waste management and disposal from previous applications expanded to cover new application."

Member of the public

"For such a large livestock building a planning application should not involve the need for a retrospective application." - This is not a matter of material planning weight. The Local Planning Authority relies on the public to inform them of any buildings under construction that may require a planning application.

PLANNING CONSIDERATIONS

Principle of development

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, March 2021 promotes sustainable economic growth. Paragraph 84 specifically indicates that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

In accordance with the above policy and advice, therefore, no objections are raised in principle to agricultural development in the countryside.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The proposed footprint of the building is 655.2 square metres, with a maximum height of 6.735 metres. Whilst the building is large, it is a considerable distance from neighbouring properties from all directions of the site. No trees will be lost as a result of this proposal.
2. The footprint of the building is large but in keeping with similar livestock sheds in terms of external design and massing and is reasonable for the size of the holding.
3. The proposal does not seek to maximise the use of sustainable materials. However the proposed materials of concrete panels and anthracite vertical cladding are of a standard type for an agricultural building.
4. There is not considered to be a material increase in traffic as a result of this proposal. The County Highways & SUDS Officer has no objections to the proposal.
5. The proposal is not considered to impact existing community services and infrastructure.
6. Conditions regarding fly control, waste removal and an odour management plan have been requested. Matters related to noise are not considered to be of concern to the Environmental Protection Officer.
7. The proposal is in Environment Agency Flood Zone 3 and located in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not a habitable building in planning terms, there is not a need to raise finished floor levels to address potential flood risk.

The proposal is considered to satisfactorily accord with SELLP Policy 2 provided the requested conditions are fully adhered to.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials.

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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. There is not considered to be an impact on a sense of space from this proposal. The building is a traditional agricultural design in a predominately rural area.

4. The site can solely be accessed by private transport. This is considered acceptable given the rural nature and non-public facing nature of the agricultural enterprise. The County Highways & SUDS Officer has no objections to the plans.

9. The site has been designed to best cater for the needs of the farm and the porcine occupants of the building.

11. Conditions regarding fly control, waste removal and an odour management plan have been requested. Matters related to noise are not considered to be of concern to the Environmental Protection Officer.

12. The proposal is in Environment Agency Flood Zone 3 and located in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not a habitable building in planning terms, there is not a need to raise finished floor levels to address potential flood risk.

The proposal is considered to accord with SELLP Policy 3 provided the requested conditions are fully adhered to.

Assessment against SELLP Policy 30 - Pollution

This proposal is assessed against SELLP Policy 30 titled - Pollution. This policy states:

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
4. air quality, including fumes and odour;

5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.

Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:

9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.

Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.

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

1. The health and safety of the public will be protected if the applicant submits appropriate management plans as requested by the Environment Protection Officer, and they are adhered to thereafter.
2. The amenities of the area will be protected if the applicant submits appropriate management plans as requested by the Environment Protection Officer, and they are adhered to thereafter.
4. The potential for impact from odour will be minimised if the applicant submits appropriate management plans as requested by the Environment Protection Officer, and they are adhered to thereafter.
5. SHDC's Environment Protection Officer has raised no objection on noise grounds.
6. There is not expected to be a material impact from lighting, with the building being approx. 300 metres from the nearest dwelling.
7. Land quality and condition should not be materially impacted by the proposal which has a 150mm thick concrete floor.
8. Surface and groundwater quality should not be impacted by this proposal, with surface water addressed by soakaways.
9. The proposal will not be impacted by poor air quality from identified sources.
10. The potential for poor air quality will be minimised if the applicant submits appropriate management plans as requested by the Environment Protection Officer, and they are adhered to thereafter.
11. The amenity of the site will not be impacted by existing uses in the area.

The proposal is considered to satisfactorily accord with SELLP Policy 3 provided the requested conditions are fully adhered to.

PLANNING BALANCE

No objections are raised in principle to agricultural development in this location. The nature, scale, appearance of the development and its relationship to properties is such that it would not materially harm the character/appearance of the countryside or amenity of nearby residents harmed in terms of lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, odour etc. This is subject to appropriate odour and fly management strategies being submitted and adhered to. The building would not be inhabited so doesn't constitute a more vulnerable use. Consequently, there are no significant flood risk issues.

CONCLUSION

The proposal is considered to accord with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

This proposal is therefore recommended for approval.

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.