CHAIRMAN'S PANEL Held On:

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H04-0642-19**	**Applicant:**	**George Barnsdale & Sons Ltd**
Proposal:	Outside storage of products and materials in connection with existing door and windows manufacturing business (retrospective)		
Location:	George Barnsdale And Sons Ltd 24 - 26 High Street Donington		
Terminal Date:	21st September 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
32	Community, Health and Well-being
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	2	0	0	0

Route for determination of application	Delegated	X	Committee	

CASE OFFICER ASSESSMENT

Proposal

This is a full application (submitted retrospectively) for the outside storage of products and materials in connection with an existing door and windows manufacturing business.

The application site is used for the storage of finished goods awaiting dispatch, bags of briquettes (during the summer) and packs of timber.

The applicant's agent has agreed to a two year time limited permission if approved.

Site Description

The site is within the front/side yard of George Barnsdale and Sons Ltd at 24 - 26 High Street, Donington. The red-edged site proposed for outside storage is contained to the west by existing buildings and to the east by a school playing field. To the rear of the site is a residential property, the nearest dwelling to the site.

The wider site is used for the manufacture of windows, doors and associated products.

The outside storage area is partially screened by an existing 2m high screen fence adjoining the entrance to the car park and attached to the west end of the office (formerly public house). A further section of 2m screen fencing is proposed to be attached to the north-western corner of the R&D building. There is existing hedge and tree planting along the eastern boundary.

History

H04-0514-19 Details of surface water disposal (Condition 3 of H04-0268-16 George Barnsdale & Sons Ltd CONDITION COMPLIANCE Approved Issued : 04-07-19

H04-0214-17 Erection of research and development building George Barnsdale and Sons Ltd FULL Approved Issued : 05-06-17

H04-0268-16 Proposed extension George Barnsdale and Sons Ltd FULL Approved Issued : 16-05-16

H04-0664-14 Installation of bio-mass boiler and feed hopper and installa George Barnsdale & Sons Ltd. FULL Approved Issued : 21-10-14

H04-0062-14 Details of historic building recording, acoustic fence detail George Barnsdale and Sons CONDITION COMPLIANCE Approved Issued : 27-03-14

Consultation Responses

SHDC Environmental Health

Original comments:
Concerned about potential impact from noise on the nearby residential properties.

Following offer by agent of time limited condition - two years:
No objection - understand that the applicant has suggested that they would be agreeable to a 2 year temporary permission.

Donington Parish Council

Disappointed yet another retrospective application in Donington, particularly as it is by a reputable business.

Lincolnshire County Council

Do not wish to restrict the grant of planning permission.

Residents

2 objections (summarised):
- Business generates noise at all times of the day and night (as Steve Branson is aware).
- The last extension was granted to finally house all operations under cover. This planning application goes against this.
- Should consider the long term effect to local residents amenity.
- Not residents fault that the business has suffered a downturn.
- Previous applications specifically mentioned that there should be no outside storage on the site. This condition has been constantly flouted as indicated to the planning department on two or three occasions.
- Answers to points 10, 19 and 22 in the application form are all incorrectly given.

Planning Considerations

- Principle of Development
- Neighbour Amenity
- Visual Impacts

Principle of Development

The site is within the settlement boundary for Donington and is associated with an existing business within the town.

The location is acceptable in principle and local businesses within the rural villages and towns, which create employment and economic activity, should be supported subject to acceptable impacts upon any matters of acknowledged importance. The primary issue to be considered is neighbour amenity which is discussed below.

Neighbour Amenity

There have been objections raised against the proposals, the most pertinent points raised are set out here in a summarised form;

- Business generates noise at all times of the day and night (as Steve Branson is aware).
- The last extension was granted to finally house all operations under cover. This planning application goes against this.
- Should consider the long term effect to local residents amenity.
- Not residents fault that the business has suffered a downturn.
- Previous applications specifically mentioned that there should be no outside storage on the site. This condition has been constantly flouted as indicated to the planning department.

The site hosts a busy window and door manufacturing business and the current operations are unfettered by hours of operations conditions and at certain times evening working can take place.

It is certainly considered that in the long term the most positive solution would be to build a new storage building which would help contain noise and disturbance and may even offer an additional buffer to neighbours.

However, the proposal in front of the Local Planning Authority is for outside storage within the yard/car park area.

It is not considered that the noise and disturbance arising from outside storage would be so harmful as to justify refusing the application, the storage would be part of the operation of a local business that employs people and creates local economic activity which are significant public benefits.

It should also be noted that the Agent has agreed to a time limited permission of two years.

On balance, the issue of neighbour amenity has been carefully considered but the impacts do not outweigh the benefits of the proposals.

Visual Impacts

The outside storage would have minimal visual impacts, the location is set within the wider business site set back from the main road behind the car parking area and is adjacent to the school playing field, these factors will limit the impacts upon the visual amenity of the public realm.

Conclusion

The development is acceptable, particularly considering the two year time limit, and should be supported.

Recommendation: 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.