

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0314-23 **Applicant:** Larkfleet Group Ltd

Proposal: Details of external illumination and external elevations (Conditions 7 and 10 of H05-0565-22)

Location: Land At Lowgate Fleet Spalding

Terminal Date: 21st July 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 12. Achieving well designed places.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

The application is to discharge conditions 7 and 10 of H05-0565-22 (details of external illumination and exact location/external elevations of battery storage building).

SITE DESCRIPTION

The site, which contains fishing lakes, sits on the western side of Lowgate at the junction with Roman Bank. To the south are a number of frontage properties and an area of paddock land extending to the rear. To the north on the opposite side of Roman Bank is a Grade II Listed Building known as Hovenden House. To the east and west are arable fields.

RELEVANT PLANNING HISTORY

H05-0114-15. Construction of 12 log cabins for holiday/leisure use. Approved September 2015.

H05-0699-16. Construct 6 log cabins for holiday/leisure use. Approved September 2016.

H05-0773-17. Erection of 24 (in total) log cabins for holiday/leisure use including 6 No. additional log cabins; 6 No. cabins granted under planning permission reference H05-0699-16 and 12 No. cabins granted permission under H05-0114-15. Approved July 2018.

H05-1033-19 . Details of surface and foul water, proposed levels, external materials and storage and disposal of refuse (Conditions 4, 6, 9 and 10 of H05-0773-17). Approved December 2019.

H05-0404-21. Details of external materials (Condition 9 of H05-0773-17). Approved May 2021.

H05-0709-21. Application for a Non-Material Amendment to planning permission H05-0773-17 to amend the description of development to 'Erection of 24 (in total) cabins for holiday/leisure use including 6 No. additional cabins, 6 No. cabins granted under H05-0699-16 and 12 No. cabins granted permission under H05-0114-15'. Approved July 2022.

H05-0507-22. Non-Material Amendment (NMA) application to amend the location of the already approved cabins in the first phase and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0379-22. Non-Material Amendment (NMA) application to add a phasing condition and update Condition 2 (approved plans) of planning permission H05-0773-17. Approved May 2022.

H05-0555-22. Details of external materials (Condition 9 of H05-0773-17). Approved June 2022.

H05-0565-22 - Erection of 38 cabins for holiday / leisure use together with landscaping and all associated works (uplift of 14 no. units compared to the existing consent). Approved November 2022

H05-1085-22 - Erection of a wind fence to produce renewable energy to support the holiday lodges on the site adjacent. Approved March 2023

H05-0191-23 - NMA - Amendments to elevations and material of holiday lodges. Approved March 2023

H05-0129-23. Details of surface water disposal, foul water drainage works and solar panels. (Conditions 11, 12 and 17 of H05-0565-22). Approved July 2023.

Consultation Responses

LCC Highways/SUDs

No comments/objections since matters fall outside remit of LCC Highway Authority.

Environmental Protection

Request precautionary contaminated land condition.

Public

Resident objections received (summarised):

Original plans

- The development site on the south side is directly in view of menage and paddocks. Bund and landscaping put in place to protect privacy. Latest proposal does not provide privacy or safety for horses because no screening at rear of substation and "battery box". Any movement during exercises or grazing, human or other, causes the horses to spook, endangering both horses and/or rider. Request suitable screening at rear (eg, Laurel hedge).
- Gates should go behind substation and storage unit. If in front will be blocked off visually from the site for holiday makers and will be left as open maintenance space for any work force/staff to openly walk around back, sides, etc affecting privacy.
- Fire hazard. Should be suitably vented and have all required components to prevent fire and other health and safety issues either from normal use, or from battery overheating through fault. It is situated close to where humans/animals reside and watercourse is present. Should meet current legislation.

Latest amended plans

- Amended screening plan does not give the privacy requirements originally agreed upon in the south-western corner. The new laurel trees which have been planted have died and the new idea of just screening the battery box falls short.
- There is a clear view from the access gates to neighbouring property through the non-evergreen bushes. Area, including battery box, will be exposed and open to view in the autumn/winter months due to a lack of foliage.

PLANNING CONSIDERATIONS

The main issue in this case is whether the submitted details are acceptable having regard to such matters as visual impact and the likely effect upon the amenity of neighbouring residents.

Condition 7 (external illumination) - Low level solar bollards (cool white) will be used on site which is considered acceptable also bearing in mind the southern boundary is satisfactorily screened by earth bunding and planting, plus 1.8m high close boarded timber gates fronting the battery storage unit..

Condition 10 (external elevations and exact positioning of battery storage building) - The principle of a battery storage building in the south-western corner of the site has previously been established by virtue of dwg. no. 05-1071-301 Rev. P09 accompanying planning permission ref. H05-0565-22. This application is solely to agree its exact position and its external appearance.

The battery storage building would be positioned relatively close to the southern boundary of the site. However, the agent has indicated that the battery units only need routine maintenance/service checks with no regular access necessary. This would equally apply in respect of the substation, which is not the subject of this application. The building would be gated off from the main site and general activity within this area would not be significant. Nevertheless, the applicant has agreed to an extension of existing hedging along the western boundary of the site to wrap around the rear of the battery storage building to make it less visible when viewed from neighbouring property to the south. This would be Laurel, which would be planted no later than the first planting season following construction of the battery storage building.

In terms of external appearance, the battery storage building would have a length of 12.2m (40ft) and width of 2.5m approximately, with a flat roof (height 2.5m). It essentially takes the form of a large metal container (colour green). It is tucked in the corner of the site and would be partially screened by planting. The substation does not form part of this application which relates solely to the proposed battery storage unit. Nevertheless, it is tucked in the corner of the site and is neutral in terms of visual impact. Facilities such as the latter can be installed by statutory undertakers under Schedule 2 Part 15 Class B of The Town and Country Planning (General Permitted Development) (England) order 2015.

Concern has been raised that the area in the south-western corner, including the battery storage building, would be visible from neighbouring property to the south and cause disturbance to residents, horses, etc. In respect of this matter, activity within this area would not be significant for the reasons already outlined. The proposed hedge planting around the rear of the battery storage building would help reduce its impact. Holiday-makers within the site would not be able to easily peer through due to 1.8m high close boarded gates at the entrance to the battery storage building. It

is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc.

Issues have been raised on the positioning of gates at the front as opposed to rear of the battery storage building. However, it seems sensible from a health and safety point of view to put 1.8m high close boarded timber gates in the position proposed to deter holiday-makers from gaining ready access to the battery storage building, substation, etc.

Concerns have been raised on grounds that the battery storage building would constitute a health and safety/fire risk to neighbouring property. It is recognised that large energy storage facilities can pose such risks. However, the proposal is small scale in comparison and the building is of metal construction. Moreover, according to the manufacturer, the battery units in question are designed to work in residential locations and are appropriate from a health and safety point of view in this type of location. Such issues essentially fall within the remit of the Health and Safety Executive and the Fire and Rescue Service.

Other Matters

Environmental Protection have requested a precautionary contaminated land condition. However, the original full application (ref. H05-0565-22) had no such condition and this is solely a condition compliance application relating to conditions 7 (external illumination) and 10 (battery storage building). It is therefore recommended that a note be attached.

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.

CONCLUSION

The submitted details satisfactorily comply with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019. There are no adverse factors of such weight as to justify a refusal of the application.

RECOMMENDATION

That the application be approved under delegated powers.