DECISION DELEGATED TO DEVELOPMENT MANAGER

| | | | |
|---|---|---|---|
| **Application No:** | **H05-0475-20** | **Applicant:** | **H Sly & Sons** |
| **Proposal:** | Erection of an Agriculture Research and Training Facility and Associated Works | | |
| **Location:** | Land At Langary Gate Road Gedney Hill Spalding | | |
| **Terminal Date:** | 15th September 2020 | | |

**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 |
| 07 | Improving South East Lincolnshire's Employment Land Portfolio |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 31 | Climate Change and Renewable and Low Carbon Energy |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2019**

NPPF 2019.

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 0 |

| | | | | |
|---|---|---|---|---|
| WARD MEMBER | 0 | 0 | 0 | 0 |
| PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 1 | 1 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 1 | 1 |
| RESIDENTS | 1 | 8 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

Full application for the erection of an Agriculture Research and Training Facility and Associated Works.

The applicant intends to construct a 'green' building off Langary Gate Road, north of Gedney Hill, that will be used to house and trial the equipment when in development, and also to act as a sales base for demonstrating the equipment to potential purchasers and for training. There will be no manufacturing at the new sales base as the two uses are simply not complementary within the same curtilage.

It is intended that the site will generate its own power requirements and so it is planned to install photovoltaic panels on the roof and also a small wind turbine.

It is proposed to construct a new building which will employ 2-6 members of staff who will handle all the sales and marketing. The building will also be used by local companies and organisations already operating in the agricultural sector.

Occupation of the site will vary on a daily basis with there being fewer than 10 people on site some days, with significantly more on demonstration days. Eight small student type bedrooms and a shared space are shown on the first floor for temporary visitors to the site.

The second part of the project is for the building and surrounding land to be used year-round as a research centre for sustainable and conservation-orientated agricultural practices.

### Site Description

The application site is essentially the north western corner of an existing agricultural field with access onto Langary Gate Road. The dwelling and paddock to the south of the site is also in the

farming company's ownership as is the land in the vicinity of the site.

Langary Gate Road is a narrow road that serves agricultural and residential properties, and development along the road is sporadic. Langary Gate Road is in a poor state of repair, and this is discussed below.

## History

None.

## Consultation Responses

Fleet Parish Council

No response received.

SHDC Environmental Protection

No comments or observations with respect to land contamination.

SHDC Inward Investment Manager

The Inward Investment Department is fully supportive of this application. Agriculture, Horticulture and the potential to introduce new technologies into this sector are a big part of both the Local Enterprise Partnership and SHDC's drive to increase the use of technology to drive growth and efficiency in this sector.

This proposal will sit well with the work being done at the National Centre for Food Manufacturing and the Food Enterprise Zone, helping to enhance the districts reputation for innovation in agriculture and food production. It is especially encouraging to see a local business taking this initiative forward.

LCC Highways & SUDS Support

No Observations.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that although the highway network serving the application site is not suitable for a general commercial
development of the scale that might be suggested by the size of the proposed buildings, the intended use of those buildings and of the rest of the Application site is of a very specific, agriculture-related nature.

The Agent did undertake pre-application discussions with the highway authority and provided assurances that the vehicular activity associated with the proposed development would not be expected to materially increase movements
along the local highway network above those that are already occurring. Accordingly, provided the proposed facility is operated in accordance with the description provided within the submitted Design and Access Statement, the development would not be expected to have an unacceptable impact upon highway safety or have a severe residual
cumulative impact upon the highway network and therefore, the Authority does not wish to object to this planning application.

As a result of specific objections, that are set out below, the LCC Highway Officer revisited their response and submitted a further response as follows:

*I cannot disagree that Langary Gate Road is in a particularly poor state of repair.*

*However, the Applicant has given assurance that the traffic movements associated with the operation of the proposed facility would be cars, vans, mini busses or MPVs conveying visitors and prospective customers between their fabrication premises and the site.*

*The frequency of those movements is not expected to be high.*

*There would be heavy agricultural equipment on the Application site but once it was there, it would remain there for repeated demonstration purposes. In that respect, it is likely that there would be fewer vehicle/equipment movements along Langary Gate Road than there would be if the Application site land was being used for growing crops.*

*As we are both all too aware, the NPPF is very clear in its advice that the grant of consent for development can be refused or withheld on highway grounds only where there would be an unacceptable impact upon highway safety or the residual cumulative impact upon the highway network would be severe.*

*In terms of highway safety, with due care, vehicles are able to move along Langary Gate Road. I don't believe the development of the land, as proposed, would make travel along that road any less safe. I understand the Applicant resides on the road and is presumably therefore aware of the care required to travel along it.*

*The additional vehicle movements associated with the proposed development would not be expected to overwhelm any part of the neighbouring highway network.*

*That said, the Authority would of course be more than happy for the Applicant to be required, through this Planning Application, to make a financial contribution towards the cost of undertaking repair work if the Local Planning Authority considers this could be justified.*

LCC Historic Environment Officer

The proposed development is situated within an area of extensive cropmarks indicating the presence here of a Roman landscape of drove roads, field systems and settlement. Cropmarks have been recorded within this field, and in all of those surrounding it. To the northeast one cluster of settlement and salt making activity at Shell Bridge has been designated as a Scheduled Monument in light of its national significance.

However, the cropmarks within the immediate vicinity of this site appear to indicate that it was in an area of lower activity, with cropmarks indicating drove roads and boundaries rather than settlement. This indicates that any remains surviving on this site that would be impacted by development are likely to be of somewhat lower significance.

The appropriate response would therefore be to require the monitoring of all groundworks, with the ability to stop and fully record archaeological features. It is therefore recommended that developer be required to commission a scheme of archaeological works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured using conditions.

Environment Agency

No objection.

Police Crime Prevention Design Advisor

No objection.

Third Parties

Objections have been received from two households, setting out the following matters:

- Do not object in principle to this business but the road is far from suitable for the existing traffic, let alone for the increased regular traffic and heavy machinery that this business will certainly bring.
- It is clear that the traffic will be hugely increased not just by volume, but also with the nature of the heavy vehicles using the road. This will be at both the construction stage and once the on going business is up and running.
- The road is currently unsafe and further development would make this worse.
- LCC recommendation for this major repair was approved by the asset panel and they were waiting for a date for this work to be carried out.
- Feel that as long time residents in the road, it is absolutely essential that the road is fully repaired /

resurfaced / replaced prior to the construction commencing and properly monitored and maintained thereafter. Should you agree and can commit to the road being fully & properly repaired in this manner to make it a fully functional road, then we have no objections to this application.
- Existing peace and quiet of the road would be impacted.
- Need for contributions for the upkeep of the road.
- Respect for the local community.
- Minimal advertising of the application.

Eight letters of support have been submitted from local businesses and the University of Lincoln, in support of the application, setting out the following matters:

- Development is welcome to the area and would be keen to use the facility in the education of staff and clients.
- If farming is to become more sustainable then such facilities are critically important, to teach and show other farmers what is possible and for them to see new crops growing with their own eyes.
- With over 30% of the UK's produce being grown, packed and distributed from South Lincolnshire, the opportunity to show case the innovation and expertise is long overdue.
- Believe agroforestry is one of the most important techniques that can make farming more sustainable.
- A great thing to have a site that is offering on farm research; as mentioned above, we are a company that offers open minded agronomy and implicitly understand the lead that farmers take in moving forward regenerative farming and changing the outlook of the industry for the better.
- This is an ideal location for us to use suitable conference facilities as well as the soil pit and developing research.

## Planning Considerations

Principle of development

Paragraph 8 of the NPPF confirms the commitment to sustainable development based on three dimensions:

a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

This is followed by a commitment to a presumption in favour of sustainable development and at paragraph 11.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Para 83 of the NPPF sets out specifically that Local Planning Authorities are to support a prosperous rural economy, and Para 84 recognises that sites are needed to meet local business and community needs, and the implications for highway issues.

Policy 7: Improving South East Lincolnshire's Employment Land Portfolio, of the SELLP, supports in

principle proposals
which assist in the delivery of economic prosperity and some 17,600 jobs in the area, 3,800 in Boston Borough and 13,800 in South Holland District.

Relating to sites in the open countryside, Policy 7 sets out 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. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:*

*a. the development does not conflict with neighbouring land uses;*
*b. there is no significant adverse impact upon the character and appearance of the area;*
*c. the design is responsive to the local context;*
*d. there will be no significant adverse impact on the local highway network;*
*e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;*
*f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and*
*g. there is an identified need for the business location outside of identified employment areas on the Policies Map.*

By its nature the application proposal requires a rural location and one where there is ready access to dedicated areas for agricultural field trials and due to the link with agriculture and the connection with the existing locally based manufacturing business and the operation of the applicant's family farm.

Being supportive of agriculture within the area, and being on a parcel of land away from unrelated dwellings or other uses, the development does not conflict with neighbouring land use and although the application introduces built form on to an open site, there would no significant adverse impact upon the character and appearance of the area; the buildings proposed are of a scale and form that would not be out of keeping in a rural area, given the size and form of standard agricultural buildings, that could be used as a comparison, and the design of the buildings have been designed to be responsive to the local context.

Given the form and intention of the research and training facility, there will be no adverse impact upon the viability of delivering any allocated employment site, and there is need identified by the applicant for the business location outside of identified employment areas on the Policies Map.

The matter of highway impact and modal shift is discussed below.

Design and Appearance

The proposed building consists of three elements:

A modern red brick two storey building will house the principle training and research areas which will also face the car parking area and the entrance into the site from Langary Gate Road. This building is deliberately modern with brick detailing and a flat roof hidden behind a parapet wall. The sleeping accommodation is at first floor.

A single storey flat roof glazed link joins the training facility with the machinery display area beyond. The glazed link separates the two principal functions of the building.

The display area is essentially the showroom for the manufactured agricultural equipment.

As set out above, the buildings proposed are of a scale and form that would not be out of keeping in a rural area, given the size and form of standard agricultural buildings.

The buildings have been designed to have reliance on on-site water and electricity solutions as far as possible.

A free standing wind turbine is proposed, which would be read as part of the wider development on this site, and is considered to be acceptable.

As the site is within the countryside, light pollution is to be minimised and for this reason a condition is suggested to seek the details of the lighting of the site prior to the use commencing.

Impact on adjoining residents

Langary Gate Road serves a number of dwellings and rural business concerns. The nearest dwelling to the application site is within the family of the applicant, and even so, it is not considered that the development would have a detrimental impact on that dwelling.

It is not considered that the use of the site would create such a level of traffic that it would cause detrimental disturbance to residents on Langary Gate Road, an refusal of planning permission for this reason could not be sustained, in the light of the NPPF and the SELLP.

Highway Matters and Modal Shift

Langary Gate Road is a typical rural road, but is lightly trafficked, mainly serving local farms etc. The road is long and straight with numerous informal pull-ins. As can be seen from the response of LC above, it is accepted that the road is of poor quality, however the level of traffic generation in comparison to the agricultural use of the land would not be so great that permission could be refused. The NPPF is very clear in its advice that the grant of consent for development can be refused or withheld on highway grounds only where there would be an unacceptable impact upon highway safety or the residual cumulative impact upon the highway network would be severe.

There is a recognition that the applicant is likely in the future to be requested to contribute to the upkeep and repair of the road, however this would be an arrangement set in place by the applicant and LCC as Highway Authority. It is the planning judgement of officers that the scale of the development is not so great that a request for a sum for payment for unspecified works would be reasonable and in accordance with S106 or CIL regulations.

The applicant has stated that car sharing will be encouraged and having accommodation on site will also reduce vehicle movements away from the site to find local accommodation, which is some way away, and also limited. It is considered that given the rural location, the expectations of a green travel plan would not be realistic.

Flood Risk

The site is within Flood Zone 3 and the development is to be constructed in accordance with a detailed flood risk assessment. This is considered to be in accordance with the provision of the SELLP and the NPPF.

Heritage Impact Assessment

Policy 29 of the SELLP requires development proposals to conserve and enhance the character and appearance of designated and non-designated heritage assets and their settings through high-quality sensitive design. As can be seen from the consultation response above, the LCC Historic Environment Officer has assessed the impact of this development and raises no objection, subject to conditions, which have been discussed with the applicant. This is considered to be in accordance with the provision of the SELLP and the NPPF.

Other Matters

An objection has been received to the consultation exercise undertaken. The consultation exercise, in the form of the written consultations to the Parish Council and to statutory organisations, as well as the display of a site notice and a press notice, accords with the SHDC Statement of Community Involvement and is considered to be fit for purpose.

## Conclusion

in the light of the above report it is considered that the development would accord with the provisions of the NPPF and the SELLP and is recommended to be approved, appending the recommended conditions.

## 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.