

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-0530-21 **Applicant:** Mr J Bingham
Proposal: Demolition of derelict building and replacing with new storage unit
Location: Greenways Frostley Gate Holbeach
Terminal Date: 8th July 2021

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
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

Sections 2, 4, 6, 9 and 14

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for demolition of existing agricultural buildings and replacement with a new storage unit (20m x 19.5m approximately). The building would be used by persons/businesses based in the local area.

Site Description

The site is part of a former farmyard located in open countryside on the western side of Frostley Gate. The yard is occupied by a number of dilapidated agricultural buildings, plus a modern metal clad building that is used for storage purposes by virtue of planning permission ref. H05-0583-19.

An associated bungalow (Greenways) is situated to the north east, along with a replacement dwelling immediately to the south east. A house is located to the south east on the opposite side of Frostley Gate.

Planning History

H05-0318-19 - Full - Replacement dwelling, Site adj. Greenways - Granted 20 May 2019.

H05-0583-19 - Full - Change of use of barn from agricultural to storage - Granted 6 August 2019.

H05- 0979-19 - C/C - Details of materials for walls and roof and details of north eastern elevation (Conditions 6, 7 and 12 of H05-0318-19) - Approved 30 October 2019.

H05-0367-20 - C/C - Details of windows, doors and drainage (Conditions 8, 9 and 14 of H05-0318-19) - Approved 26 June 2020.

Consultation Responses

Fleet Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection (Noise)

No objections.

Environmental Protection (Contamination)

No comments

Public

No comments/objections received.

Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance;
- Amenity;
- Highway safety
- Other material considerations such as flood risk.

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site therefore lies within the countryside.

SELLP Policy 1 states that development in the Countryside will only 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.

Policy 7 of the SELLP indicates that new employment development outside 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.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Section 6 supports sustainable economic growth in rural areas. It stresses that planning policies and decisions should place significant weight on the need to support economic growth taking into account local business needs. Paragraph 83 states that planning policies and decisions should promote the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well designed new buildings. Paragraph 84 goes on to stress that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. The use of previously developed land should be encouraged where suitable opportunities exist.

Addressing the criterion above, the proposal would not materially conflict with neighbouring land uses. There is already an existing storage building on site. The adjoining dwellings are associated with the yard and the building is some 21.6m from "Greenways". No resident objections have been received.

The building would be constructed in corrugated metal cladding to match the existing storage building on site and would have a shallow pitched roof. Existing dilapidated buildings would be removed, which would constitute an environmental improvement. There would be no significant adverse impact upon the character and appearance of the area as a result.

The site is not closely related to an existing settlement or public transport network. However, Economic Development have previously indicated that there is an identified need for the development for local businesses. The proposal is small scale and constitutes a form of rural diversification. It supports economic growth.

Moreover, LCC Highways has not objected on highway safety grounds. It would not significantly impact upon the viability of delivering any allocated employment site.

Having regard to Policy 7 of the SELLP and advice within the Framework, it is considered, on balance that the economic benefits in this case outweigh the constraints and that the proposal is acceptable.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter 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. Also, large parts of the South Holland District 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 hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defences were to occur. The proposal therefore satisfies the sequential test.

Planning Balance

The proposal is small scale, would constitute a form of rural diversification and would provide economic benefits. It would not significantly harm the existing character or appearance of the countryside or amenity of nearby residents. The factors in favour of the scheme in this specific case, including economic benefits, outweigh other socio and environmental factors such as the distance from the nearest settlement and lack of public transport.

The proposal therefore satisfactorily complies with the aims and objectives of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2019.

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 planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.