DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0612-20**	**Applicant:**	**Thickpenny Produce Ltd.**
Proposal:	Erection of steel framed building for potato grading		
Location:	Thickpenny Produce Ltd. Bens Gate Fleet		
Terminal Date:	2nd October 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 8, 9, 12 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	0	1
RESIDENTS				

	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a steel framed building for potato grading on a site presently used for the storage and bagging of potatoes for re-sale (ref. H05-1230-16).

Site Description

The site is located in open countryside on the western side of Bensgate some 1.6km to the south west of the village of Fleet. The premises are currently occupied by commercial buildings, plus an associated bungalow (Fairways). A house (Little Owl Farm) is situated to the north and a bungalow (Curly Worlds End) to the south.

Relevant Planning History

H05-1230-16 - LDC - Use of site for storage and bagging of potatoes for re-sale - Approved 20 February 2017.

Consultation Responses

Fleet Parish Council - No response.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

SHIDB - Recommend drainage strategy.

SHDC Environmental Protection - No objections subject to condition.

Public - Resident objections received (summarised):
Object to further expansion - it is a factory/packing plant and not a farm: Roads unsuitable in terms of width and construction for additional HGVs: Better located on an industrial estate with better access to road networks: Noise/disturbance: Very often more than 5 lorries a day going to the site, often as late as 8.30-9pm: problems with lorry drivers: Dust: Diesel fumes: Vibration and shaking.

Information from Applicant (summarised):

We have traded as a Produce Merchant and Grower for the past 33 years.

We have operated Thickpenny Produce Ltd. and lived at the premises in Bensgate Road Fleet for the past 23 years with, until now as far as I am aware, no complaints regarding any disturbance due to traffic or noise from the immediate neighbours or from anyone else in the locality.

We have grown brassicas and potatoes on our own land which surrounds the property, latterly concentrating on growing and bagging potatoes. During the past five years we have not been able to grow a potato crop on our own land due to crop rotation. We do have plans to grow again in the near future.

To fulfil our orders and keep our customers supplied we have, since 2003, been buying in potatoes from local farmers and merchants. We have also contracted other local farmers to grow on our behalf, with us supplying the seed etc. as we do not have enough acreage to meet with demand and rotate for yearly cropping.

Our potato trading requires us to bag, in various sizes, the potatoes undercover in our existing buildings at the premises. We also need to store the potatoes before and after bagging in a

controlled indoor environment. Prior to us having the buildings we had to pay for offsite storage which was not viable in the long term.

Material Considerations

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 of any settlement boundary as set out in the South East Lincolnshire Local Plan (SELLP), 2019 and is, therefore, classed as being in the countryside in planning policy terms. It has a lawful use for the storage and bagging of potatoes for re-sale (ref: H05-1230-16). It is not therefore classified as agricultural premises.

Policy 1 (Spatial Strategy) of the SELLP 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. Given that the proposed building would be used in conjunction with the existing business it would be unreasonable to locate such development elsewhere.

Policy 7 of the SELLP indicates that the extension of an existing business outside an allocated employment site will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings. In this case the building is within the existing business premises and is therefore brownfield.

The above policy is in accordance with the general thrust and aims of the National Planning Policy Framework, 2019 which supports sustainable economic development and growth. Paragraph 83 indicates that LPAs should support the sustainable growth and expansion of all types of business in rural areas. No objections are therefore raised in principle.

Character/appearance

The proposal is for a plastisol coated steel framed building (Goosewing Grey). It is a single span structure and would have a length of some 34.3 metres and width of 21.6 metres approximately, with a height of some 7.9 metres to the ridge. The building would be viewed alongside existing commercial buildings on the site and would not materially harm the visual amenities of the rural locality or character of the countryside.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan in this respect.

Residential amenity

The nearest residential properties are an associated bungalow (Fairways) to the east, a house (Little Owl Farm) to the north and a bungalow (Curly Worlds End) to the south.

The applicant has indicated that "our potato trading requires us to bag, in various sizes, the potatoes undercover in our existing buildings at the premises. We also need to store the potatoes before and after bagging in a controlled indoor environment". Business activities are essentially carried out between the hours of 7.30am and 6pm Mondays to Saturdays and 8.30am to 12 Noon on Sundays.

The building has been designed with its principle opening facing south-west serving an internal entrance. Fire exit doors are situated on the north-eastern and north-western boundaries. Activity associated with the building would predominantly either be within it or within the yard area immediately to the south.

Fairways to the east is associated with the business, whilst the properties to the north-east and south-east would be protected by existing buildings in between. No objections have been received from neighbouring residents and Environmental Protection have raised no objections subject to safeguarding conditions.

The building is part of a commercial complex. It is considered that residents in the locality would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise, dust and disturbance, etc. the proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in terms of amenity.

Issues raised relating to lorry drivers are a separate police matter. Dust, diesel fumes, vibration, etc generated by vehicles generally using Bens Gate Road cannot be controlled within the framework of this application and are separate environmental matters.

Highways

The supporting statement indicates that traffic movements to and from the site are normally a maximum of five lorry movements per day and only one at weekends. It also indicates that, some time ago, "a memo was sent to all of our hauliers requesting that they respect the village area (speed limits, other road users etc.) and use alternative routes avoiding the village if at all possible".

It is accepted that Bensgate is a well-used road because it serves as a link between the local villages and Peterborough. The applicant therefore maintains that the majority of the traffic, including lorries, is not therefore of their making. The County Highways Authority has been consulted and has indicated that it does not wish to restrict the grant of permission on highway safety grounds. Ample space is available on site for the parking/turning of vehicles, including HGVs.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in this respect.

Other Material Planning Considerations

Flooding - The building is partially located within Flood Zone 3 on the Environment Agency Maps but within an area of "no hazard" within the South Holland Strategic Flood Risk Assessment (2017). The proposal therefore satisfies the sequential test

Drainage - Surface water would be disposed of via soakaways. This matter can be addressed by means of a condition.

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 proposal would promote economic growth in a rural area and would help to create jobs. The building is acceptable in terms of design/appearance and the proposal would not materially harm the amenity of neighbouring residents. LCC Highways have raised no objections on highway safety grounds. The proposal therefore satisfactorily complies with Policies, 1, 2, 3, 4, 7, 30 and 36 of the South East Lincolnshire Local Plan, 2019.

It is therefore recommended that permission be granted under delegated powers.