

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0798-21 **Applicant:** Mr M Judd

Proposal: Remove existing building and replace with steel frame storage building

Location: J W Carnell Ltd Dockings Holt Long Sutton

Terminal Date: 8th October 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 9. Promoting Sustainable transport.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to remove an existing building on site and erect a new building for the storage of buses in a modern controlled environment. They are presently parked overnight in the open within the yard. The proposed building is a 30.4m x 15.m storage unit c/w an open storage section of 15.2m x 15m. The roof would be Grey metal cladding, with Grey metal cladding sides. One elevation would be open to allow access.

Site Description

The site is a small bus depot (J W Carnell Ltd) on the western side of Dockings Holt. It is mainly concrete hardstanding and includes two buildings at the rear and a further building and vacant dwelling/office along the frontage. It has two access points.

A bungalow (Winford) and associated livestock buildings are situated to the south and a bungalow (Bates) to the north. A large drain is situated opposite.

Recent Planning History

H06-1302-02 - Full - Siting of portakabin for use as office, J W Carnell Ltd - Granted 27 January 2003.

Consultation Responses

Gedney Parish Council

No objections.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

No objections subject to French drain and private watercourse being cleared out.

Environmental Protection

Noise - No objections.

Contamination - Request contaminated land condition.

Environment Agency

This proposal comes under cell D4 of the local flood risk standing advice.

Public

Objection received (summarised):
Flooding and contamination issues.

Planning Considerations

Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made 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.

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 applicant's existing businesses 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 established business premises (small bus depot).

The above policy is in accordance with the general thrust and aims of the National Planning Policy Framework, 2021 which supports sustainable economic development and growth. Paragraph 84 indicates that LPAs should enable the sustainable growth and expansion of all types of business in rural areas. No objections are therefore raised in principle.

The proposal therefore satisfactorily complies with the aims and objectives of Policies 1 and 7 of the SELLP.

Character/appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

The proposed building is a 30.4m x 15m storage unit c/w an open storage section of 15.2m x 15m. It would have an eaves height of 4.8m and ridge height of 6.5m approximately. The roof would be Grey metal cladding, with Grey metal cladding sides. The proposed building is situated on existing commercial premises and would not materially harm the appearance of the building or general character of the rural locality/countryside.

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

Residential amenity

A bungalow (Winford) and associated livestock buildings are situated to the south and a bungalow (Bates) to the north. A large drain is situated opposite.

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The proposed building would be located on existing commercial premises (bus depot) and would replace an existing, albeit smaller, building. It would be used to store buses that are presently

parked in the open on the site. There would be no significant intensification of activity upon the site.

It is considered that the amenity of neighbouring residents would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, pollution, etc, subject to conditions. The latter should include any repairs/maintenance of buses being carried out within the western section of the building with the doors closed. Details of any additional external lighting should also be submitted for approval prior to installation.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in terms of amenity, subject to mitigating conditions.

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

Access arrangements would remain the same and vehicular movements in and out of the site would essentially remain unaltered. There would still be sufficient space within the site for manoeuvring/parking of buses and staff vehicles, etc. The County Highways Authority have been consulted and consider that the proposal would not cause an unacceptable impact upon highway safety or have a severe residual cumulative impact upon the operation of the local highway network.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in terms of highway safety/parking requirements.

Other Material Planning Considerations

Flooding - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. 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 SFRA indicates that the site is within an area identified as "Danger for Most". However, the proposal relates to established commercial premises. It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this case, the site forms part of existing commercial premises. It is considered in this case that the proposal would provide wider economic benefits that outweigh flood risk.

Concerning the second element, the proposal is not a more vulnerable use. Mitigation measures include finished floor levels being 300mm above ground level plus appropriate flood mitigation measures/flood resilience techniques. It is also recommended that an appropriate flood warning and evacuation plan be prepared.

The proposal is therefore in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 in this respect.

Drainage - The applicant has indicated that surface water would be disposed of via soakaways and foul water via a septic tank. More specific details are required in this respect and should be the subject of a condition.

It is understood that there have been issues in terms of surface water run-off onto neighbouring land. Following discussions with the applicant and SHIDB it has been agreed that a French drain be constructed along the southern boundary connecting to a drain to the west, which drains into the main drain on the opposite side of Dockings Holt. Some clearance works are also necessary. These matters can be addressed by means of a condition(s).

Contamination - Due to the present/former uses of the site and representations received, Environmental Protection have recommended that a contaminated land condition be imposed as part of any planning permission.

Planning Balance

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 harm the amenity of neighbouring residents to a significantly greater degree than at present, subject to mitigating conditions. LCC Highways have raised no objections on highway safety grounds. Flood risk issues, drainage and possible contamination can be addressed by means of conditions. There are no material planning considerations that outweigh factors in favour of the proposal.

The proposal therefore satisfactorily complies with Policies, 1, 2, 3, 4, 7, 30 and 36 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The planning balance lies in favour of the proposal.

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.

Recommendation

That permission be granted under delegated powers.