DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-1036-23**	**Applicant:**	**M Chevalier**
Proposal:	Change of use of commercial joinery use to production of pet and aquatic substrate and storage - retrospective		
Location:	Nene Joinery Fen House Farm Broadgate		
Terminal Date:	1st February 2024		

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
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

6 - Building a strong, competitive economy
12 - Achieving well-designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	2	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective full planning application at Nene Joinery, Fen House Farm, Broadgate, Gedney for change of use of commercial joinery use to production of pet and aquatic substrate and storage. There are to be no external alterations to the existing building, nor any internal alterations to existing six rooms. Four of the six rooms will be utilised for storage purposes, with the other two rooms used for the production of pet and aquatic substrates. The northernmost room is currently vacant and will be used for storage.

The statement on the proposed floor plan states *"Commercial use has been established on the site since the approval in 2001 of a commercial joinery workshop. Since 2001 an unbroken commercial use has operated from the site and this application looks to regularise the existing pet and aquatic substrate production, and the existing storage on site, and gain permission to change the use of the vacant grain store.*" The application form states that the change of use of the site commenced on the 6th of September 2016. There are two full time employees and no hours of operation have been proposed for the business.

A site visit was undertaken on Friday the 8th of December 2023.

SITE DESCRIPTION

The proposal site is located outside of defined settlement limits and the surrounding area is predominately rural, characterised by buildings of varying ages and designs. A dwelling named Fenhouse Farm outside the ownership of the applicant is located immediately adjacent to the north-west of the site, with a dwelling named Rose Cottage located opposite the site entrance off Broadgate, 180 metres from the application building. Arable fields surround the proposal site. Hedging and a brick wall is sited at the north-west boundary. An open boundary is located to the north-east with a low-level post and rail fence to the south-east and south-west boundaries.

The site is in Environment Agency Flood Zone 3. The vehicular access is located in a "Danger for Most" hazard area, with the remainder of the site in a mixture of "Danger for Some" and "Low Hazard" areas on the 2115 South Holland Strategic Flood Risk Mapping. The mapping shows a maximum predicted flood depth of 0.5 metres. Surface water disposal will be addressed by an existing soakaway. Foul water treatment is unknown. The submitted floor plans do not show any toilet provision within the building.

RELEVANT HISTORY

H06-0344-01

Full - Change of use of farm building to timber/joinery workshop & siting of portacabin for office - Approved - 30 May 2001.

H06-0949-01

Condition Compliance - Details of noise insulation (Condition 5 of H06-0344-01) - Approved - 12 September 2001.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 5th December 2023 and 28th December 2023)

Gedney Parish Council - 13 December 2023

Support

South Holland District Council - Environmental Protection - Oliver Abrams - 20 December 2023

No comments.

South Holland District Council - Environmental Protection - Diane Gordon - 28 December 2023

No observations

Members of the public - 1

Noise from existing business operations can occur up until 23:00.
Requests limit on hours of operation.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

The proposal is situated in the open countryside. Policy 1 (Spatial Strategy) of the SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within the 'Countryside', development will 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.

When assessed against the relevant criteria the following can be observed:

Economically, retention of the business will help to preserve the jobs of the existing two employees. There is considered to be a negligible impact on the community of the area as the business has

been in operation since 2016 and was a commercial joinery prior to that date. Environmentally the proposal building is not subject alteration or extension. Additionally, the proposal will not require significant private vehicular use other than a business vehicle for the transportation of the substrate, and the movement of the two vehicles for the business employees.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

There are to be no external alterations to the existing building, nor any internal alterations to existing six rooms. Four of the six rooms will be utilised for storage purposes, with the other two rooms used for the production of pet and aquatic substrates. The northernmost room is currently vacant and will be used for storage. As the external appearance is not altering there is not considered to be an impact on the character and appearance of the area as a result of the proposal.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and

resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As the proposal building is not to be externally altered there is not considered to be an overdevelopment, overshadowing impact from the proposal. Complaints have been made by a member of the public with regard to noise from the business and late hours of operation. With regard to noise, neither respondent from the Environmental Protection Department have expressed any concerns. Additionally, neither respondent has stated that any noise complaints have previously been received by the Environmental Protection Department. However, it is considered appropriate to limit hours of operation to minimise noise and disturbance to nearby properties. Especially late into the evening. The hours of operation have been agreed following discussion with the agent. The hours shall be limited to 08:00 to 18:00 Monday to Friday, and 08:00 to 15:00 on Saturdays. The business shall operate at no time on Sundays and Bank Holiday Mondays.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The proposed use has been in operation on the site since 2016. There is ample space on site for transport for the two workers, as well as vehicle to transport substrate and materials to and from site. Due to the small nature of the business there is not considered to be a material impact on traffic or highway safety.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk

of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, 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 can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland 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 site is in Environment Agency Flood Zone 3. The vehicular access is located in a "Danger for Most" hazard area, with the remainder of the site in a mixture of "Danger for Some" and "Low Hazard" areas on the 2115 South Holland Strategic Flood Risk Mapping. The mapping shows a maximum predicted flood depth of 0.5 metres. Surface water disposal will be addressed by an existing soakaway. Foul water treatment is unknown. The submitted floor plans do not show any toilet provision within the building.

As the proposal is not at significant risk of flooding and is not for habitable rooms, there is not a requirement to raise finished floor levels in this location.

Matters related to flood risk and drainage are considered to have been addressed.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

As the proposal is to expand an existing business, Policy 7 of the SELLP is of relevance. This Policy states:

"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."

When assessed against the relevant criteria the following can be observed:

a. the development does not conflict with neighbouring land uses. Whilst the site is in close proximity to a dwelling to the north-east, the site has operated as a joinery since 2001, and prior to

that operated as a farm. Therefore it is considered that there is not a material impact on the amenity of the area from the proposal
b. there is no significant adverse impact upon the character and appearance of the area. The exterior of the building is not subject to alteration or extension.
c. the design is responsive to the local context. The application does not seek to amend the design of the existing building.
d. there will be no significant adverse impact on the local highway network. There is not considered to be a material impact on the highway when compared to the previous joinery and farm uses within the site boundaries.
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site. This site has been in operation for a number of uses for over 20 years. It is therefore considered that the proposed pet substrate use will not impact employment sites within the district.
f. The proposal site is not served by public transport. However, the site has been in commercial use for over 20 years and is best located in a countryside location.
g. there is an identified need for the business location outside of identified employment areas on the Policies Map as the proposal utilises an existing building and supports two full time jobs.

The proposal is considered to accord with Policy 7.

PLANNING BALANCE

As detailed above, Section 38 (5) and its subsections of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

The proposal represents appropriate development within the local area. The pet substrate use hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 7 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 and 12 of the National Planning Policy Framework, December 2023.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.