

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H08-0775-20	Applicant:	D E Brand & Sons
Proposal:	Erection of single storey portal frame agricultural (grain) store		
Location:	Birds Drove Surfleet Spalding		
Terminal Date:	15th December 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
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 12 and 14.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Erection of single storey portal frame grain store to support the existing uses on the landholding. The existing hard standing is also to be extended.

The application has been amended since submission to provide additional information regarding vehicular access and tracking, as well as a landscaping scheme.

Site Description

The site consists of part of a large hardstanding used for the parking of agricultural vehicles, located on the northern side of Birds Drove. The land is located within the countryside and has residential dwellings to the south and west, all of which have been consulted on this application.

History

H08-0550-14 AGRIC DETERMINATION. Provision of a permeable parking area on agricultural land for vegetable harvesting trailers with access off Birds Drove. APPROVED. 28-07-14.

H08-1088-14. Proposed permeable parking area for employee vehicles with access/egress onto Birds Drove. REFUSED. 24-02-15

Consultation Responses

Gosberton Parish Council

No response received.

SHDC Cllr SC Walsh

We need to look to help support local business to expand

SHDC Environmental Protection

No Observations, however verbally supported condition requiring the submission and approval of ventilation equipment.

LCC Local Highway and Lead Local Flood Authority

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 the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Suggest informatives.

Third Parties

None received.

Planning Considerations

The main issues in this case are:

Principle of Development

Layout and Design

Highway safety and parking

Impact of neighbouring Residents/land users

Flooding considerations and Surface Water Drainage

Landscape Impact

Principle of Development

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.

Policy 1 of the South East Lincolnshire Local Plan, 2019 indicates that new development will be permitted in the countryside where it 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, March 2019 promotes sustainable economic growth. Paragraph 83 specifically indicates that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings.

In accordance with the above policy and advice, therefore, no objections are raised in principle to agricultural development in the countryside. The development also relates to an existing enterprise and is not comprise the formation of a new enterprise at this site.

Layout and Design

The proposed building, to be used as a grain store, would have a footprint of 48m by 23m, and an overall height of 9.5m and but is of a size and scale similar to surrounding units on the site. The building is to finished in a white colour, that matches the existing buildings on the landholding and those in the surrounding area.

Since submission the application has been clarified to ensure that vehicles visiting the site can enter, circulate and leave safely.

Highway safety and parking

The LCC Highway Service raises no objection to the access provision. It is considered that the proposal would not have a detrimental impact on highway safety and is in accordance with the provisions of Policies 2 and 3 of the SELLP and the intentions of the NPPF 2019.

Impact of neighbouring Residents/land users

The building would be located 25.5m from Stainiere to the west, which is a modest cottage with a tall native hedge. The dwellings of The Bungalow and Medway House, to t south, are separated from the site by Birds Drove and are set back within their garden plots.

The building proposed is a large, purpose built agricultural building, and access to the building would be undertaken via the two existing access points on to the hardstanding. The building is orientated so that the large doors are in the side elevation furthest from the dwellings.

In addition, conditions are proposed to ensure that the control of dust and any mechanical extraction equipment is approved by the Council, as well as control of lighting on the site. Given the nature of the agricultural enterprise, it is not considered that limiting the hours of use would be appropriate.

The development would have an impact on the neighbouring dwelling, but not so great that a refusal of consent on that basis could be sustained. The proposal is considered on balance to accord with the provisions of Policies 2, 3 and 30 of the SELLP and the intentions of the NPPF 2019.

Flooding considerations and Surface Water Drainage

The proposal does not include any sensitive uses, and the hardstanding is to be used as part of the surface water drainage treatment. LCC as Lead Drainage Authority raise no objections. The

application is considered to in accordance with the intentions of Policy 4 of the SELLP and the NPPF 2019.

Landscape Impact

The application building is large, and would be visually prominent, but it would also be seen in the context of the wider agricultural holding and buildings to the south-west. The proposal has been amended to provide a nature hedge to the eastern boundary to attempt to break up longer views to the building and is in accordance with the provisions of Policies 2 and 3 of the SELLP and the intentions of the NPPF 2019.

Conclusion and planning balance

It is considered that the proposal would support an existing agricultural enterprise, thus according with the spatial strategy, and on balance would not have such a detrimental impact on the amenities of local residents, highway safety or longer views that planning permission could be withheld.

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 application accords with Policies 1, 2, 3, 4, 30 and 36 of the SELLP and the provisions of the NPPF 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 note 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.