

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H09-0748-20      **Applicant:** G S Shearer & Son  
**Proposal:** Installation of pre-fabricated butchery unit into existing building  
**Location:** Highfield Farm Dam Gate Holbeach  
**Terminal Date:** 4th November 2020

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### 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                                                     |
| 33         | Delivering a More Sustainable Transport Network               |
| 36         | Vehicle and Cycle Parking                                     |
| APPENDIX 6 | Parking Standards                                             |

#### National Guidance

#### National Planning Policy Framework 2019

Sections 2, 4, 6, 8, 9, 12, 14, 15

### Representations:

|                         | Object | Support | No Obj. | Comments |
|-------------------------|--------|---------|---------|----------|
| PARISH COUNCIL          | 0      | 1       | 0       | 0        |
| WARD MEMBER             | 0      | 0       | 0       | 0        |
| HIGHWAYS & SUDS SUPPORT | 0      | 0       | 0       | 1        |
| SHDC INTERNAL           | 0      | 0       | 0       | 1        |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

Full planning permission is sought for the installation of pre-fabricated butchery unit into an existing building adjoining the farm shop at Highfield Farm, which has been in operation since 1975.

### **Site Description**

The site is located in open countryside on the western side of Dam Gate some 400 metres to the south of the settlement limit of Holbeach. It adjoins an existing farm shop, which sells meat. Farm buildings are situated to the rear (west) and an associated house along the frontage.

The nearest residential properties are Breezefield approximately 75 metres to the south and Mill House some 100 metres to the north.

### **Relevant Planning History**

H09-1424-03 - Full - Replacement windows to shop and dwelling - Granted 30 December 2003

### **Consultation Responses**

Holbeach Parish Council - Supported.

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

Environmental Protection (Noise) - No objection but would wish to attach the following condition: Noise from fixed plant and machinery shall not exceed the background noise level by more than 5 dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership.

Public - No resident objections received.

### **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.

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.

The business has been in operation since 1975 and it is proposed to extend the preparation area of the shop in order to meet with the demands of increased trade seen over recent years. Given that the proposed building would be used in conjunction with the existing business it would be unreasonable to locate such development elsewhere.

The above is consistent 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 proposed butchery unit would be prefabricated and would be located within an existing building. It would not be readily open to public view and would not harm the character or appearance 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 proposal includes a chiller unit facing west. However, it is some distance from the nearest properties unassociated with the business, which are Breezefield approximately 75 metres to the south and Mill House some 100 metres to the north.

It is considered that the amenity of residents in the locality would not be affected to a significantly greater degree than at present in terms of such matters as lack of privacy, noise and disturbance, etc. This is subject to a noise condition, as recommended by Environmental Protection as a precautionary measure. The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

### Highways

The proposal has no significant impact in terms of highway issues. 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.

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 site is situated in Flood Zone 3 on the Environment Agency Flood Maps. However, according to the 2017 South Holland Strategic Flood Risk Assessment, the site is located in an area deemed to be of no Residual Flood Hazard to the year 2115. The proposal therefore satisfies the sequential test.

The applicant has confirmed that the new unit will be single story and the Finished Floor Level will be set at 250mm above existing ground levels to match that of the existing shop premises. The applicant will register with the Environment Agency's Flood line Warnings Direct Service.

**Drainage** - Rainwater from the roof of the existing host building is currently discharged into soakaways.

### **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 development is neutral in terms of character/appearance and the proposal would not materially harm the amenity of neighbouring residents, subject to mitigating conditions. LCC Highways have raised no objections on highway safety grounds.

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

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