

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0932-24 **Applicant:** G Shearer & Son
Proposal: Extension to Existing Butchers Shop
Location: Highfield Farm Dam Gate Holbeach
Terminal Date: 6th January 2025

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
24	The Retail Hierarchy
27	Additional Retail Provision
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

National Guidance

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

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

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for an extension to an existing butcher's shop located at Highfield Farm, Dam Gate, Holbeach.

Site Description

The site comprises land at Highfield Farm, Dam Gate, Holbeach. The site is approximately 400m to the south of Holbeach. Within the site, there is a two-storey dwelling and a butcher's shop towards the rear of the dwelling.

The site is located outside the settlement boundary of Holbeach as identified within the South East Lincolnshire Local Plan (2019) and the accompanying policies map. The site is therefore within the countryside in planning policy terms.

Relevant Planning History

H09-1424-03: Replacement windows to shop and dwelling - approved 30 December 2003

H09-0748-20: Installation of pre-fabricated butchery unit into existing building - approved 04 November 2020

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Holbeach Parish Council: Full support.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. I note that the applicant intends to treat foul waste using a package treatment plant, however I cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the northern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). I also note the presence of a Board Maintained watercourse (DRN197P6301 - F63 Station Drain) adjacent to the western side of the ownership boundary, as well as riparian watercourses adjacent to the northern and southern sides of the ownership boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Whilst not currently proposed, should the applicant's proposals change to include

works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Environmental Protection: No observations.

Lincolnshire County Council - Highways and SUDS Team: It is a sizeable extension. How will this impact vehicle movements to and from the site? Parking justification required.

Ecology Officer: No response received.

Cllr S E Hutchinson: No response received.

Cllr T Carter: No response received.

Cllr N J Chapman: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is outside the settlement of Holbeach and is therefore within the countryside in planning policy terms. Policy 1 sets out that 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.

The proposed development is for an extension to an existing butcher's shop. According to the delegated assessment report for application H09-0746-24, the site has been operating since 1975. The proposal therefore seeks to expand an existing retail use within the site, by adding approximately 68sqm of floorspace.

Policies 24 and 25 of the Local Plan seek to protect the vitality of town centres by encouraging a sequential approach to the distribution of retail uses. Retail proposals are therefore generally encouraged within town centre boundaries, to avoid undermining the role and vitality of town centres. Notwithstanding this, the current proposal is for a relatively minor extension to an existing retail unit within the countryside. Paragraph 88(a) of the NPPF sets out support for the sustainable growth and expansion of all types of business in rural areas, and for the retention and development of accessible local services such as local shops. The principle of development is therefore acceptable in this case.

Policy 27 of the Local Plan allows for extensions to existing retail units which are located outside of town centres, provided there is a demonstrable need for the unit. Generally units are encouraged not to exceed 100sqm. The proposed retail unit in this case would be 110sqm, which is only slightly above the recommended floorspace. It is therefore considered that the proposals accord with the aims of the policy as the butcher's shop supports a specific rural business.

Design and Visual Impact

Paragraph 135 of the NPPF, 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.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan 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.

The proposed extension measures approximately 7.7m by 10m. Part of the existing shop is proposed to be demolished to facilitate the proposed extension. The roofline would merge with the existing building by incorporating a hipped roofline and the eaves would follow the existing eaves line. A gable end roof form is proposed on the western elevation. This would not be visible from the street scene. The proposals were amended during the determination of the application in order to integrate the roofline of the proposed extension with the existing built form.

Although the proposed extension is relatively large, it would not project above the existing dwelling at the front of the site. The extension would therefore remain subservient and it would be relatively contained within the site. There are existing trees and an existing building to the north of the extension, which would provide screening. The extension would therefore not be visible from public viewpoints from the north. There is a small hedgerow along the southern site boundary which provides some screening, however, the extension would be visible from the south. There are however existing buildings to the west and south of the site and as such the proposed extension would not protrude into open land. The extension would be located within the existing car park and there is therefore a sense of enclosure within the site. Due to the proposed siting and scale of the extension, its visual impact is acceptable.

In terms of the proposed materials, Wienerberger Hathaway Brindled Stock Face Brickwork is proposed. This type of brickwork would be similar to the existing brickwork. It is recognised that as the house within the site was built decades ago, it is difficult to precisely match the original brick. The proposed brickwork is considered to be an acceptable compromise. Blue/black slate roof tiles

are proposed to match the existing tiles. Black uPVC window frames are proposed and a black composite door. The existing doors and windows feature brown frames. As the extension is located towards the rear of the site, the difference in colour is acceptable on balance.

The design and visual impact of the proposal is acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site is not adjacent to any neighbouring properties. As such, the proposed extension would not result in overshadowing of neighbouring properties.

The proposed extension would increase the size of the existing retail unit, which could result in more customers visiting the site. However, the shop would remain relatively small and it is not considered that the comings and goings would be significant or result in an adverse impact on the amenity of nearby properties.

As part of the determination of a previous application within the site (ref: H09-0748-20), the council's environmental health team previously recommended a condition relating to the restriction of the noise levels of plant and machinery within the site. Although the team have not specifically recommended this condition for the current application, it is considered appropriate to include the same condition for the current proposals in the interests of protecting residential amenity.

The application form indicates that the opening hours of the butchers shop are 8am to 6pm Monday to Friday, 8am to 5pm on Saturdays and 9am to 12 (midday) on Sundays. The hours are acceptable and it is considered appropriate to include a condition to ensure that the shop operates within these hours.

As such, it is considered that the proposal would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

There is an existing vehicular access which is taken from Dam Gate, to the east of the site. The access runs along the southern edge of the site towards the rear of the site where the existing car park is located. No changes are proposed to the vehicular access. Part of the car park would be replaced with the proposed extension.

12 customer parking bays are proposed within the site, including one disabled space. There are also 4 overspill spaces which can be used by customers or members of staff. For retail floorspace, the parking requirements outlined within Appendix 6 of the Local Plan recommend that 1 space is provided per 14sqm of floorspace. 8 parking spaces should therefore be provided to serve the proposed retail unit. The proposed number of parking spaces therefore exceeds the recommended number of spaces.

Lincolnshire County Council's highways team have queried how the extension will impact vehicle movements into and out of the site and have asked for a justification for the parking. As set out above, the proposed parking arrangements accord with the recommendations of the Local Plan. The applicant has provided further information relating to the anticipated vehicular impact of the proposals. For example, the applicant has clarified that deliveries to the site are made by refrigerated vans and occasionally a rigid lorry. Deliveries are not made by articulated lorries. Most of the proposed floorspace will be taken up with additional display cabinets together with an area set aside for the preparation of meat and good for sale. It is therefore not anticipated that the proposals will significantly increase footfall from additional customers.

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

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps. However, it is not within an area of of hazard, as identified by the South East Lincolnshire Strategic Flood Risk Assessment.

The proposed development is classed as a 'less vulnerable' use, according to Annex 3 of the NPPF. As such, it is not necessary for the proposal to pass the exceptions test. Furthermore, the proposal is for a minor non-residential extension which does not exceed 250sqm. As such, the proposal is not required to pass the sequential test either.

The application is accompanied by a Flood Risk Assessment (FRA) which sets out that the finished floor level of the extension will be set at 250mm above existing ground levels. A condition is recommended to ensure compliance with the submitted FRA. The proposed development does not pose any significant flood risk issues. The development therefore satisfactorily accords with Policy 4 in the Local Plan.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. One of these exemptions is if the proposed development is below the de minimis threshold, by impacting less than 25sqm of non-priority onsite habitat and less than 5m of non-priority onsite linear habitats. It is considered that the development would be below the de minimis threshold. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development is appropriate and would not materially harm the character or appearance of the

locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 24, 27 and 36 of the Local Plan, as well as Sections 9 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal. Therefore, the planning balance is in favour of the proposal.

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.