

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H11-0236-21 **Applicant:** Nationwide Produce PLC

Proposal: Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage

Location: Cowpers Gate (South) Long Sutton Spalding

Terminal Date: 30th April 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
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 9, 11, 12 and 14.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	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	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a change of use of land and buildings (presently agricultural/horticultural) to vegetable processing/storage. It is effectively a renewal of H11-0011-16 (see information from applicant).

Site Description

The site is located on the eastern site of Cowper's Gate close to the A17 roundabout. It is currently occupied by a number of buildings. Access is off Cowper's Gate. Tree planting and a drain are situated along the northern boundary.

A house (White House Farm) and associated business premises are situated to the west fronting Cowper's Gate. Residential development is located some 120 metres to the south-west.

Recent Planning History

H11-1007-10 - Permission Renewal - Change of use of land and buildings from agricultural/horticultural uses to vegetable processing/storage (renewal of H11-0029-08) - Granted 4 February 2011.

H11-0208-13 - Agri Det - Proposed produce store - Approved 5 April 2013.

H11-0027-14 - Full - Proposed enclosed canopy extension to existing agricultural building - Granted 12 March 2014.

H11-0011-16 - Full - Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage - Granted 2 March 2016.

Consultation Responses

Long Sutton Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

If a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No objections subject to noise condition.

Public

No objections received.

Information from Applicant:

Planning permission for the change of use of the buildings and land was first granted in 1996 under planning reference H11/0074/96. That change of use was implemented and the extension that was

included as part of the proposal was completed. That use ceased after a few years and the site was subsequently let to Hargreaves Plants Ltd, which did not require a change of use application as the use was horticultural and consequently fell outside the definition of development under Section 55 of the Town and Country Planning Act.

In order to maintain the ability to use the site and buildings for vegetable processing, a new application (H11/0952/01) for the change of use was submitted and planning permission granted in October 2001 for a change of use from agriculture/horticulture to vegetable processing/storage. That permission was subsequently renewed in 2004 (H11/0276/04), 2006 (H11/1212/06) and 2008 (H11/0029/08). In 2008 a further application was submitted under section 73 to vary the H11/0029/08 permission in respect of condition 2 (use restriction). That application was also granted.

A further renewal of planning permission was granted in 2011 (H11-1007-10) and, most recently, H11-0011-16 granted in 2016.

The site has had a long history of being used for either vegetable processing and, most recently, agricultural/horticultural use and the owners of the site wish to perpetuate this with a further grant of permission to enable the site to be used for vegetable processing, should the need arise.

Planning Considerations

The main issues in this case are:

- Policy;
- Flood risk.

Policy

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 a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site therefore lies within the countryside.

SELLP Policy 1 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.

Policy 7 of the SELLP indicates that new employment development outside 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.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Section 6 supports sustainable economic growth in rural areas. It stresses that planning policies and decisions should place significant weight on the need to support economic growth taking into account local business needs. Paragraph 83 states that planning policies and decisions should promote the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. Paragraph 84 goes on to stress that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. The use of previously developed land should be encouraged where

suitable opportunities exist.

Addressing the above, the site is outside an allocated employment site. However, there is an identified need for industrial development within the district. Also, the site is closely related to an existing settlement and major arterial road network within South Lincolnshire (A17). The proposal supports economic growth and involves the re-use of farm buildings. Moreover, it is an "agri-business" of appropriate scale and would support and enhance the local economy. It is considered that a development of this scale would not have a significant adverse impact upon the viability of delivering any allocated employment site. Given the aforementioned and advice within paragraph 84 of the Framework, there are no objections in locational terms.

In terms of its relationship to neighbouring land uses, the nearest residential property is situated to the west, which has associated business premises. Close boarded fencing presently exists on the common boundary. No resident objections have been received. Environmental Protection have been consulted and raise no objections subject to a noise condition. It is considered that the proposal would not harm the amenity of nearby residents to a significantly greater degree than at present, subject to mitigation conditions including the installation of odour arrestment facilities.

There would be no significant affect upon the character/appearance of the area because the proposal involves the re-use of existing buildings. There is some existing planting along the northern and eastern boundaries.

Access to the site is via an existing roadway. The access and parking arrangements would remain fundamentally unchanged. Lincolnshire County Council (as Highway Authority) has been consulted and has concluded that the proposed change of use would not be expected to have an unacceptable impact upon highway safety or have a severe residual cumulative impact upon transportation within the area.

It is accepted that the proposal would involve the use of motor vehicles to access the site. However, it is considered that the economic benefits in this case outweigh the constraints and that the proposal is acceptable in policy terms.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. 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 hazard mapping within the SFRA shows the site to within an area designated as danger for some. However, paragraph 164 of the National planning policy Framework, 2019 indicates that applications for a change of use such this should not be subject to the sequential or exception tests. Moreover, the proposal is classified as a less vulnerable use with Planning Practice Guidance. The proposal is therefore considered to be appropriate on flood risk grounds.

Planning Balance

Although the proposal is not wholly in accordance with Policies 1 and 7 of the South East Lincolnshire Local Plan, 2019, it is outweighed by other material considerations in this specific case. The economic benefits of the scheme outweigh environmental constraints such as reliance upon the motor vehicle. Advice within paragraphs 83 and 84 of the National Planning Policy Framework, 2019, has been taken into consideration when reaching this decision.

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 the application be approved under delegated powers.