DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-1084-23**	**Applicant:**	**Nationwide Produce plc**
Proposal:	Proposed extensions to existing agricultural buildings including revised access arrangements and alterations to the concrete area to the south of the extensions		
Location:	Cowpers Gate (South) Station Road Long Sutton		
Terminal Date:	3rd July 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
28	The Natural Environment
29	The Historic Environment
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 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 9. Promoting sustainable transport.
Section 11. Making effective use of land.
Section 12. Achieving well designed and beautiful places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

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

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	1	0	0	0
SHDC INTERNAL	0	0	2	0
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	1	0	0

CASE OFFICER ASSESSMENT

Proposal

The expanding farming operation requires further facilities to grade and store produce and an upgrade of facilities for staff, together with relocated parking and additional parking provision to alleviate current parking issues.

Planning permission is therefore sought for proposed extensions to existing agricultural buildings including revised access arrangements and alterations to the concrete area to the south of the extensions.

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 to the south-west, including Sheaf Cottage which is grade II listed.

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) - Approved 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 - Approved 12 March 2014.

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

H11-0236-21 - Full - Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage - Approved 4 May 2021.

Consultation Responses

Long Sutton Parish Council

There are no objections to this application and the Council are happy to support any expansion of local businesses.

LCC Highways/SUDs

No objections subject to conditions.

SHIDB

The applicant proposes to discharge surface water to a watercourse at a rate of 5 l/s. This is in excess of greenfield rate; however, I note the applicant's justifications of this. Whilst not having located any previous correspondence from the Board indicating our acceptance of the proposed rate, this proposal will require consent under Byelaw 3 and the discharge rate will be considered in detail, alongside the existing capacity within the Boards system and any other restrictions when an application for consent for the final drainage arrangement is received.

Note that the applicant intends to connect their surface water outfall into the Board maintained watercourse H13 Falls Drain (DRN199G1303). To enable this proposal, consent would be required under Byelaw 10.

Environmental Protection

No comments or concerns.

Anglian Water

No connection to the Anglian Water sewers so no comments.

Environment Agency

We have no objection to the proposed development; the extension will have finished floor levels the same as the existing buildings. We therefore do not wish to make any further comments on this application.

LCC Historic Places Team

Recommend that conditions are placed for an archaeological scheme of works.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. Comments/objections have been received (summarised):
- Do not wish to impede local business and employment and will help underpin local employment. However,
- Concerned about the extra noise that may emanate from the extra trailer parking, especially if refrigerated trailers.
- Noise/disturbance will affect quality of life.
- The proposal will enable the owners of the site to increase the volume of produce handled, which will result in more deliveries of produce by a greater number of HGV's and in turn greater use of fork
- lift trucks. Request working hours condition.

Planning Considerations

The main issues in this case are:
- Policy
- Character/appearance
- The likely affect upon the amenity of nearby residents
- Highway safety
- Flood risk/drainage
- Ecology/biodiversity
- Archaeology

Evaluation

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.

In this case, the 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 within the report above.

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Policy

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.

Policy 1 of the South East Lincolnshire Local Plan (SELLP), 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. Paragraph 3.2.15 of the SELLP indicates that there are types of development that require a countryside location either because it is the location of an existing building or use. It goes on to state that agricultural and forestry are clearly uses which must function in the countryside.

The National Planning Policy Framework, December 2023 promotes sustainable economic growth. Paragraph 88 specifically indicates that planning policies and decisions should support the development and diversification of agricultural and other land-based rural businesses and the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The proposal is necessary in this location in conjunction with the existing agricultural enterprise and would bring economic benefits. The Design and Access Statement indicates that the proposed buildings are in response to the expansion of the existing agricultural business and the entire project represents a multi-million pound investment in the site by the applicant. It is a sustainable form of development in sequential terms and therefore in accordance with Policy 1.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

These policies accord with the provisions of the National Planning Policy Framework (December

2023). The latter indicates that schemes that are inappropriate to the local area, or which fail to maximise opportunities for improving the character and quality of an area, or harms the setting of a listed building, will not be acceptable.

Presently, a number of buildings make up the application site and these consist of modern plastic-coated metal profile clad sheds (colour Bamboo). None of the new buildings/extensions will exceed the height (ridge) of the existing range being 11.05m. The roofscape has been designed to fit in with the existing where possible to avoid awkward roof intersections and valleys.

The proposed buildings will be clad in plastic-coated metal sheeting to match the existing range and will be seen against a backdrop of the existing buildings on site. Having regard to the mass of the existing buildings, the proposals would go largely unnoticed adjacent to the A17. It is considered that they would not materially harm the character or appearance of the locality or harm the setting of the nearby listed building (Sheaf Cottage) to the south-west.

The proposal therefore satisfactorily accords with Policies 2, 3 and 29 of the SELLP in this respect.

Amenity

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.

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.

A house (White House Farm) and associated business premises are situated to the west fronting Cowper's Gate. Residential development is located to the south-west, including Sheaf Cottage which is grade II listed.

The Design and Access Statement indicates that the expanding farming operation requires further facilities to grade and store produce, plus upgraded facilities for staff, together with relocated parking (lost because of the extension to the existing building complex) and additional staff parking which has been under strain for a number of years.

It is proposed to provide a covered area at the front (north-west) of the existing main building, plus extensions to the main building at its eastern and south-eastern ends. In addition, there will be the relocation of the forklift truck charging station, new loading bays and new staff welfare facilities to replace the rather old and tired provision currently located in the existing building. A new trailor parking area is also proposed to the south.

The expansion of the buildings is predominantly to the east, although extensions E and D project to the south-east, including new loading bays and trailor parking within that area. This area is some 100 metres from nearby residences to the south-west and an earth bund is to be provided along part of the southern boundary. Nevertheless, as a precautionary measure, acoustic fencing is recommended along the southern and western boundaries of the trailor parking area.

The Design and Access Statement indicates that there is no requirement for cold storage facilities often associated with cold stores. There is dust arrestment equipment, together with refrigeration equipment that ensures the internal temperature of the existing buildings does not exceed 15 degrees centigrade and this existing equipment will simply be extended to allow for the additional floor space where produce is handled. There is no requirement or provision for plant and equipment to keep internal temperatures low (89 degrees centigrade).

Taking the above matters into consideration it is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing and noise/disturbance, subject to mitigation conditions.

It is noted that there is presently no working hours restriction in respect of the agricultural activity upon the site. It would therefore be unreasonable to impose such a condition as part of this application. A condition should, however, be imposed restricting the use of the buildings to

agriculture to protect the amenity of nearby residents.

The proposal satisfactorily complies with Policies 2, 3 and 30 of the SELLP and advice within the Framework in terms of amenity.

Highway safety

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.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework 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".

It is anticipated that there would be no increase in staff numbers as a result of the proposal and the increased parking numbers will ease current congestion on site. There will be a modest increase in vehicle movements to and from the site. Vehicles are typically 110 per week with 40 vehicles bringing products in and 70 vehicles taking product out. The extension will allow the agricultural activity to increase output slightly, but this will not equate to anymore than 5%. There can be a 10/15% fluctuation in traffic, either way, dependent upon the time of year/season. The type of vehicles in/out of the site consists of tractors and trailers and HGV's which deliver the produce and dispatch the produce to customers - this does not change as a result of the proposal.

There is no precise definition of "severe" with regards to NPPF Paragraph 115, which 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." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:
· The highway network is over-capacity, usually for periods extending beyond the peak hours · The level of provision of alternative transport modes
· Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to advice within the NPPF.

LCC Highways have noted that the HGV's that currently access the site are overrunning the kerbs and verges with the junction of the B1390. Highway improvements are therefore required to realign the carriageway to include widening at the junction with the B1390, kerbing on both sides up to the access to the site, reinstatement of verges, upgrade of the access and reinstatement/relocation of the meter box located in the wheel track of the HGV's. There will be an increase in vehicle movements associated with the proposal, it is the applicants vehicles that are causing the damage so it needs rectifying before the increase exacerbates this deterioration. This matter can be addressed by means of a condition.

Flood Risk/drainage

Section 14 of the National Planning Policy Framework (December 2023) 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".

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.

SELLP Policy 4 is consistent with the above and states that development within Flood Zone 3 will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding and that more vulnerable development would provide wider sustainability benefits to the community that outweigh flood risk. Moreover, an application is supported by a site-specific flood risk assessment (FRA) which, amongst other matters a) demonstrates that the vulnerability of the proposed use is compatible with the flood zone and b) identifies flood mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source.

In this case, the site lies within Flood Zone 3a of the Environment Agency's Flood Maps. The sequential test therefore needs to be applied. However, 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. 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.

In terms of the aforementioned, the Residual Flood Hazard Map classifies the site as "danger for some". However, the proposed development would be connected to the existing commercial enterprise, so there is a specific need for the development in this location. If 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 is normally applied.

In this case, however, the proposed use of the site is classified in the Planning Practice Guidance as 'less vulnerable' (table 2) and table 3 indicates that such development is appropriate in Flood Zone 3a. The exceptions test is not required therefore. The application states that the extensions would have finished floor levels the same as the existing buildings.

In terms of drainage, the soils have no soakage potential. Percolation is therefore not an option. The SHIDB watercourse on the eastern boundary of the site falls to the south. The lowest ditch bed level is 0.36mOD at the southern end of the watercourse. They propose, with IDB approval, to put the site outfall in this location.

Where possible, the new surface areas will be permeable or drain to swales that discharge to the pond. Roof runoff will be piped to the ponds directly or into the permeable sub-base. All permeable pavements will have granular sub-base providing SuDs source control and storage utilising a 30% void ratio aggregate. These permeable pavements will be lined to form a tanks.

It is generally accepted that 5l/s should be considered as the minimum discharge rate to ensure that controls operate correctly with no undue blockages, so they propose to apply for a discharge consent based on this figure.

There will be significant betterment from the original site runoff as the old discharge point will eventually be removed and the new system will cater for the whole of the site with all areas passing through the pond and single outfall control. The Drainage proposals area acceptable in principle and a final design will need to be refined to ensure compliance with the SuDS Management train.

The proposal satisfactorily complies with Policy 4 of the SELLP and advice within the Framework in terms of flood risk and drainage.

Ecology/biodiversity

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for

areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate. This is considered sufficient at this time to conform with Policy 28 of the SELLP

Archaeology

A pre-determination archaeological evaluation has been carried out on the site. It has demonstrated that the western area of the site is of high archaeological potential. Middens (rubbish pits), pits and ditches dating to the medieval period were recorded on the site which indicate medieval settlement activity and medieval industrial activity in the area. This is the first archaeologically recorded evidence for this in the Sutton Crosses junction area.

In light of this fact, the LCC Historic Places Team recommend that a condition(s) is placed for an archaeological scheme of works. This is to ensure that any archaeological remains to be impacted by the proposed development are recorded prior to their destruction. This recommendation is in line with SELLP Policy 29 and paragraph 211 of the National Planning Policy (NPFF).

Planning Balance

As detailed above, 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.

The proposal is necessary in this location in conjunction with the existing agricultural enterprise and would bring economic benefits. It is a sustainable form of development in sequential terms and therefore in accordance with Policy 1.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, subject to mitigating conditions. It provides additional parking and is acceptable on highway safety grounds. No objections are raised on flood risk and drainage grounds and ecology and archaeology can be addressed by means of conditions. The proposal conforms 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.

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

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the considerations in favour of the proposal and the policies referred to within the development plan as a whole.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved conditionally under Delegated Authority, subject to mitigating conditions.