

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H12-0252-21	Applicant:	Mr & Mrs Wilkinson
Proposal:	Change of Use of part of building to Class B2 General Industrial (retrospective)		
Location:	Devon Cottage Lutton Bank Lutton		
Terminal Date:	7th May 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
32	Community, Health and Well-being
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	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a change of use of the northern part (two thirds) of an existing building (part agricultural/domestic) to Class B2 General Industrial.

Site Description

The site is located on the eastern side of Lutton Bank, opposite the junction with Colleys Gate, and is some 450 metres from the centre of Lutton. It consists of the applicants' dwelling, substantial garden land and a number of large agricultural outbuildings, which are set aside from the dwelling. The subject agricultural building is set back from the road and located to the rear of the site.

The nearest dwellings are a row of semi-detached houses located approximately 150 metres to the north. Residential properties are situated approximately 300 metres to the south, south-west and west.

History

H12-0435-10 - Full - Proposed extensions and alterations and replacement shed - Granted 2 September 2010.

H12-1051-14 - Full - Proposed two storey extension - Granted 18 February 2015

H16-0238-15 - NMA - Proposed two-storey extension - approved under H12-1051-14 - Amendment to reduce length of extension by 2 metres and opening sizes in east and west elevations have changed - Approved 7 April 2015.

Consultation Responses

Lutton Parish Council

No response.

Cllr J Tyrell

Supported. This business is tucked away, you would drive straight passed it and wouldn't know it was there. I've never heard of anyone complaining about noise. I'm all for small businesses that fill the needs of local farmers.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Environmental Protection (Noise)

No objections.

Public

No objections received.

Information from Applicants' Agent (summarised):

In 2017 the applicant sought advice from the Council on the renovation of the pole barn on site and received written confirmation stating that the proposed works and replacement materials were suitable and did not require planning permission.

Subsequently the applicant cladded and insulated the pole barn to create a neat and attractive building which reflects a large number of barns in the South Holland district. Although the remainder

of the building may historically have been agricultural it is clear that this has somewhat diminished over time and has become far more domestic in its use for storage of cars and recreational equipment.

It is this growth and success of the applicant's business that has necessitated this application to change the use of part of the agricultural/domestic building. The business was running from an off-site location but changes in circumstances left the applicant with no other option but to move to this site which is the most viable and cost-effective option.

This application is retrospective as the business was moved on the site less than 12 months ago, just as the impacts of the pandemic on business became apparent. This application is to regularise the use as it has become a profitable and workable solution with no negative effects on the site, street scene and local vista.

The applicant has an established and profitable engineering business known as RW Engineering Lincs Ltd. They provide employment for 5 local people and due to the success of running from the cost-effective location there is potential to expand the business and offer 2 more addition jobs; the Council will understand that job opportunities in rural Lincolnshire is very much needed now, more than ever.

RW Engineering specialises in small scale engineering projects. The machinery used on site emits very low noise and the pitch can be described as a low-pitched whining which cannot be easily heard from outside of the building.

The engineering works produces relatively small products. They specialise in providing replacement parts and breakdown service for the food manufacturing industries locally such as Sutton Bridge, Spalding and Boston. They are a key part in keeping these food manufacturers functioning on a daily basis and in turn are supporting one of South Hollands main industries. The applicant also works in the rather niche area of rodeo bull components.

Planning Considerations

The main issues in this case are:

- Policy;
- Other material considerations such as flood risk.

Policy

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 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 and is not closely related to an existing settlement or public transport network. However, there is an identified need for industrial development within the district. The proposal supports economic growth and involves the re-use of an agricultural/rural building. Moreover, it is relatively small scale and constitutes a form of rural diversification. The business serves the needs of the local area and contributes to the local economy, as well as creating jobs. 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 dwellings are a row of semi-detached houses located approximately 150 metres to the north. Residential properties are situated approximately 300 metres to the south, south-west and west.

The application is retrospective and no complaints have been received to date. The agent has indicated that the machinery used on site emits very low noise which cannot be easily heard from outside of the building. Environmental Protection has raised no objections. It is considered that the proposal would not significantly harm the amenity of nearby residents in terms of noise/disturbance. However, a noise condition is recommended as a safeguard to cover any change of working practices or ownership.

There would be no significant affect upon the character/appearance of the area because the proposal involves the re-use of existing buildings.

In terms of highway issues, the applicant has indicated that the business generates a very modest amount of traffic movements with a maximum of 2 deliveries of steel products per day in large vans or a flatbed truck, all of which can be accommodated within the site. The finished products are small in scale and delivered when complete in small vehicles. The small-scale production results in limited movements per day in vehicles of modest size and capacity.

LCC Highways have concluded that the proposed use of part of this building for general B2 industrial purposes would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and, therefore, does not wish to object to this planning application.

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 fall within the category of "danger to most". However, paragraph 164 indicates that applications for a change of use should not be subject to the sequential or exceptions tests. Moreover, the proposal falls within the category of "Less Vulnerable" within Table 2 (Flood Risk Vulnerability Classification) within the Planning Practice Guidance.

Planning Balance

The site is outside an allocated employment site and is not closely related to an existing settlement or public transport network. However, there is an identified need for industrial development within the district. The proposal supports economic growth and involves the re-use of an agricultural/rural building. Moreover, it is relatively small scale and constitutes a form of rural diversification. The business serves the needs of the local area and contributes to the local economy, as well as creating jobs. 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.

Moreover, the proposal is acceptable on highway grounds and no objections have been received from local residents. Any potential noise issues could be addressed by means of a noise condition.

The proposal therefore generally accords with Policies 1, 2, 3, 4, 7, 30 and 36 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework. There are no adverse impacts from the proposal that would significantly and demonstrably outweigh the economic benefits.

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.