

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0752-23 **Applicant:** F Dring and Sons

Proposal: Change of use of agricultural buildings to use class B8, E (g) (iii) with alterations to some buildings

Location: Double Roof Farm High Road Moulton

Terminal Date: 22nd December 2023

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 6 Building a strong, competitive economy
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
Section 15 Conserving and enhancing the natural environment.

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

OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

REASON FOR REFERRAL TO PANEL

Application for B8 and E(g)(iii) uses outside defined Employment Areas in the vicinity in relation to nearby residential properties.

PROPOSAL

The proposal relates to the change of use of 13 agricultural buildings to be used flexibly either as agricultural uses, Use Class B8 and/or Use class E (g) (iii). The remaining 6 buildings are to remain in agricultural use.

The proposal has been amended to remove B2 use class from the proposal.

The B8 and E(g)(iii) units would not be uses that attract members of the public.

The farm has a large selection of buildings on it with a variety of styles, materials and sizes, but mainly steel framed buildings of an agricultural nature, several with open sides. A total of 13 of the 19 structures have been selected to have a change of use from agricultural uses in order to encourage farm diversification. The other buildings remain in agricultural use. The lawful use resembles a storage and distribution facility at present with heavy HGV use.

The buildings proposed to change the use are identified on the block plan as: 1a, 2a, 2b, 2c, 2d, 3a, 3b, 4, 6, 8, 11, 13 and 14. The remaining buildings are to stay in agricultural use, including the two glasshouses on site, with 4 associated buildings. There is an existing worker's welfare building (toilets and canteen) used as part of the existing agricultural buildings that will remain.

There has been a change in the farming structure of the business in such that the yard and buildings will no longer be needed in their entirety for agricultural use, so the aim of the proposal is to repurpose them for flexible commercial uses as a way to diversify the farm. This will also enable the land to be used in an efficient manner.

SITE DESCRIPTION

The site is 2.95 hectares outside the settlement boundaries of Moulton and Whaplode. It is to the north of the A151 (High Road), 1km from Moulton village and immediately west and north west of the Chandler's Farm Equipment premises. There is another commercial premises north of Hockney Hole Lane, east of the application site, which was formerly a horticultural business. The application site has a range of steel framed portal buildings which form the farming base for F Dring & Sons Ltd.

The north west boundary has a number of mature trees that would remain, and the existing track to the site from Hockney Hole Lane has a landscaped bund on the northern edge between it and Hockney Hole Lane.

There are five dwellings on the northern side of Hockney Hole Lane together with a horticultural business. There is a dwelling immediately adjacent to the application site fronting High Road which is in the ownership of the applicant company.

Access is via the existing access onto High Road with the exit to the site on Hockney Hole Lane.

The Hockney Hole Lane access was constructed to serve the Chandler's Farm Machinery premises to the north-west. The site access arrangements operate a one way system for the efficient distribution of farm vehicles and HGV traffic. The access arrangements are to remain unchanged.

RELEVANT HISTORY

H23-1275-07 - Proposed Factory Extension (2015 square metres) - Decided 14.12.07
H23-0658-10 - Proposed factory extension (2015 square metres) renewal of H23-1275-07. Decided 10.11.10
H23-0021-12 - Proposed agricultural building. Approved 27.02.12
H23-0998-23 - Proposed Access Roadway - Approved 5.12.13
H23-0081-14 - Proposed garage/equipment store and landscaping approved 1.4.14
H23-1217-18 - Proposed steel framed agricultural building - decided 7.1.19
H23-1031-13 - Extension to existing agricultural workshop - Approved

H23-0487-13 - Change of use from flower preparation and distribution to use as farm machinery, distribution, sales of new and used equipment, parts and complimentary products and preparation and service of farm machinery (Clandlers Farm Equipment Ltd) to relocate from Boston Road, Holbeach. Decided 24.07.13.

H23-0888-06 - External works, hardstanding and new coldstore door - Approved 21.08.06

Similar Application Nearby:

H23-0921-23 - Erection of Storage Building (Use Class B8) to replace re: Cladding of Existing Glasshouse Approved under Planning permission H23-1043-22) - Undecided.

CONSULTATION RESPONSES

Lead Local Flood Authority

Initial Response dated 15 September

Requested more detail in relation to the access arrangements. Drawing appears to indicate occupiers and customers would enter the site via the farm's existing access on the A151 High Road and leave via the Hockney Hole Lane junction, adjacent to the Chandler's access point. Is this to be a mandatory requirement, and if so how?

Query relating to how occupiers and customers are to be prohibited from using the existing farm access onto the middle part of Hockney Hole Lane.

The A151 Main Road access is only a dropped-kerb access and therefore not suited to HGV's turning left into the site without having to swing-out onto the opposite side of the road. This access would need to have a roadway that is not less than 7.3m wide with a 15 metre radius on either side to be able to get HGV safety off (and onto) the A151 Main Road. It is noted there is a steel box section structure on the east side of this entrance that has been put there presumably to prevent larger vehicles tipping the roadside watercourse.

Response dated 30 October

No objection:

The proposal is to utilise some of the existing agricultural buildings within the Double Roof Farm complex for commercial purposes by individual third-party Companies, with the buildings that do not form part of this application, remaining in agricultural use. The site is adjacent to the A151 and therefore enjoys a very good connection with the principal highway network. The intention is for all vehicles entering the site to do so from the existing A151 entrance, which the applicants advise has been in constant use by HGVs and large agricultural vehicles without issue. All vehicles associated with the use being proposed in this application, departing the site, are to do so via the yard's existing egress onto Hockney Hole Lane, immediately adjacent to the Chandlers Farm Equipment access/egress, after which they will join the A151 at the Hockney Hole Lane junction. There is also an existing site access onto Hockney Hole Lane, directly to the north-east of the application site, that will still remain in use by just agricultural vehicles. This access/egress strategy is acceptable to the highway authority and it should be possible for this to be managed both by means of any rent or lease legal agreement and suitable signage within the site.

The existing surface water drainage management arrangements are to remain unchanged. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

LCC Historic Places Team

No archaeological input required.

Whaplode Parish Council

No comment - support.

SHDC Environmental Health

Initial concerns expressed over industrial processes and potential disturbance to neighbours.

Required conditions to ensure that noise levels of the new uses do not result in demonstrable harm in terms of noise impacts on sensitive noise receptors, an hours of use condition, control over ensuring permitted development does not result in inappropriate uses on site, conditions controlling any fixed plant and external open storage, and a condition controlling additional lighting. Subject to conditions Environmental Health raise no objection.

Public

Two letters of objections have been submitted which raise some or all of the following points:

- Extra noise in environment.
- Extra traffic, no knowledge of industrial uses, do not want noise.
- Chandler's Farm Equipment make noise.
- Will use roadway more, directly opposite our driveway, more vehicle lights.
- Site looks like an Industrial Estate. Will harm the appearance and rural character. Residents of a remote locality, only a handful of people along this country lane, should reasonably expect peace and quiet. Concentration of extra vehicular traffic accessing and leaving the site will intensify the adverse effect.
- Light pollution - many bright flood lights in small locality - no more lighting in this locality please.
- Operating hours - request working hours within normal times and no Sunday working.
- We feel as there are so few residents our views are not taken into account.
- Noise pollution - concerned with noise and hope that Class E (g) (iii) will be strictly adhered to, i.e. any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
- Hockney Hole Lane is a very small country lane, badly maintained, unsuitable for more traffic, they don't always use Dring's roadway.
- Concerned about planning applications that have been approved around our property and feel we are fast beginning to live on an industrial estate, totally unsuitable for the area.

KEY PLANNING CONSIDERATIONS

Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

The main issues are:

- Principle
- Business Uses, Employment Land and Other Employment Sites
- Noise
- Effect on Residential Amenity

EVALUATION

Principle

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations.

The site is in between the two minor service centres of Moulton and Whaplode and is therefore in the countryside. In such locations, development will be permitted 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. The supporting text of Policy 1 in paragraph 3.1.15 states that agriculture and forestry are clearly uses which must function in the countryside. It adds that other uses which may "diversify from agriculture" can meet the broad sustainable objectives of the Local Plan. The key question then, is, whether or not farm diversification can meet the broad sustainable objectives of the Local Plan by considering the economic, community or environmental benefits of the proposal in relation to Policy 1.

Paragraph 3.2.15 states that "there are types of development that require a countryside location either because it is the location of an existing building or use of land." Farm diversification can only do so at the location of the existing farm. The existing lawful use as agriculture does not conflict with Policy 1, (albeit the use is very similar to a B8 use, due to the storage of potatoes, their grading, and distribution from site via HGVs and other heavy machinery). Not all of the site is being changed to either B8 or E(g)(iii) uses - 13 out of 19 buildings (68%) are proposed to have a flexible use of either B8 or E(g)(iii) to promote farm diversification. The glasshouses are being retained for growing crops. The agricultural element is therefore necessary in this location and conforms with Policy 1.

The farm is attempting to diversify due to business needs changing. As such, without a change of use the buildings are likely to be unused or under utilised.

In terms of assessing whether or not the B8 and E(g)(iii) uses conflict with Policy 1, it is necessary to consider the economic, community and environmental benefits of the proposal.

In economic terms farm diversification would enable the farm to remain fully economically active, rather than having parts of the site that are not in business use. The NPPF stresses the need to make efficient use of land, which the proposal does. This weighs in favour of the proposal.

In community terms, there are more likely to be jobs created by encouraging innovation of small businesses in the 13 units proposed to be changed. This weighs in favour of the proposal.

In environmental terms, the current agricultural use has evolved so that it can operate unrestricted, at times 24 hours a day at harvest time, with unrestricted HGV use. It has no hours of opening or operation. The difference between this use and a formal B8 use is not thought to be significant. Applying for a formal B8 and E(g)(iii) use would allow an opportunity to control the new uses so that their impact on the environment is better controlled, reducing the surrounding impacts. There is also an opportunity to improve Biodiversity Net Gain and Landscaping at the site, as well as conditions controlling noise and light pollution. It is considered that this aspect of the proposal is neutral in the planning balance.

Overall, it is considered that the economic and social benefits of the proposal weigh in favour of the scheme as long as the environmental impacts can be adequately controlled. It is therefore, on balance, considered that the proposal does not conflict with Policy 1.

Business Uses, Employment Land and Other Employment Land subject to Policy 7

Policy 7 of the SELLP relates to improving the South East Lincolnshire's Employment Land Portfolio to assist in the delivery of economic prosperity and jobs in the area. The Policies Map identifies Main Employment Areas, which are reserved for main employment uses including Class B8. Mixed use developments, incorporating main employment uses, will be supported in identified Mixed Use areas. Policy 7 also identifies Local Employment Areas. The application site is not within any identified Employment Area.

On other employment sites not allocated, the policy states that "new employment development/businesses or the extension of a business outside the allocated employment sites will be supported provided that the proposal involves the conversion/re-use of redundant buildings." This is applicable in this case. No new buildings are proposed. Some of the sheds are being infilled to enclose them, but no new completely new structures are envisaged. Proposals in such locations

are considered against a number of criteria listed in the policy. The following lists the criteria with a comment in relation to the current proposal:

a. the development does not conflict with neighbouring land uses;

It is correct that objections have been received which cite impacts on residential amenity. It is considered that subject to conditions, the impacts of the use can be sufficiently controlled.

b. there is no significant adverse impact upon the character and appearance of the area;

It is correct that objections do cite that the character of the area is changing away from more traditional farm uses to more industrial uses. This factor will need to be balanced with the business needs of farm diversification. The unrestricted nature of the existing farm use is considered to have already changed the character of the area.

c. the design is responsive to local context;

The proposed design changes to the buildings are minimal and are considered to be responsive to the site in design terms.

d. there will be no significant adverse impact on the local highway network;

The Local Highway Authority has no objections to the proposals and the site already uses HGVs.

e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;

The relatively small scale of the proposals is unlikely to affect overall employment use deliverability in the district. Paragraph 2.4.7 of the SELLP states take up of employment land is slow, and is also states that business start ups in the area has increased year on year since 2011 by 20% overall, many are small-scale but play an important role in supporting the local economy.

f. proposals maximising opportunities for modal shift away from the private car are demonstrated;

B8 uses distribute products via HGVs to more local delivery locations, thereby not utilising the car. The proposals would not encourage car trips to the site.

g. there is an identified need for the business location outside employment areas on the Policies Map.

Strategic Policy 9 of the SELLP seeks to promote the more efficient use of land, and prioritise the re-use of previously developed land. Whilst agriculture is excluded from the formal definition within Annex 2 of the NPPF, Policy 7 recognises the conversion/re-use of redundant buildings. The identified need is the fact that business needs have changed at the farm and they need to diversify by converting farm buildings that are no longer required for the remaining agricultural uses on site.

Paragraph 81 of the NPPF states that:

"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses, and address the challenges of the future."

Significant weight should be attributed to the need for the existing business to invest to satisfy its business needs.

The extent to which the proposal is considered to conflict with Policy 7 depends upon the weighting of the impacts of the proposal contained within criteria a to g within the 'other employment sites' section of the Policy. On balance, subject to conditions, it is considered that the proposal does not conflict with Policy 7 as long as the proposed conditions are adhered to.

Size, Scale, Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to,

amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

Paragraph 84 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings, and that the development and diversification of agricultural and other land-based rural businesses should be encouraged.

Objections have been received which highlight that this site, and nearby sites, have changed in recent years from horticultural farms with glasshouses to more industrial style operations with significant storage and distribution uses. The objections relate to noise, general disturbance, lighting issues and changes to the character of the use. These comments have been taken into account during the course of the consideration of this application. Environmental Health have mirrored these concerns.

The application description has been changed so that the B2 element of the original proposal has been removed specifically in relation to objections received. This relates to general industrial uses, which should be located within industrial areas, as they can be unsuitable near to residential areas. Whilst the site is rural, there are a number of residential properties in proximity to the site. Given that the proposal relates to potentially 13 out of the 19 buildings on site, with residential buildings nearby, should all 13 units change to B2, this had the potential for noise, pollution and disturbance to nearby residential occupiers. In reality, it is unlikely that all 13 units would change to a noisy and unneighbourly industrial uses, but its removal from the description now safeguards the potential of multiple buildings in uses which are not suitable to be near residential dwellings which could have affected amenity, particularly at scale.

It is noted that uses associated with Class E (g) (iii) remains part of the application. By definition, these uses are acceptable in residential locations, and whilst this is a rural area, the likelihood of such uses adversely affecting the nearest residential dwellings, which are situated in excess of 100 metres away from the nearest dwelling that is unconnected with the site, is unlikely to be significant subject to conditions. However, the stacking and loading/unloading of materials, associated with B8 uses, particularly externally, can create the potential for noise, and the flat landscape does mean that noise travels. The unloading vehicles and roller shutter doors often have safety alarms that create intermittent and short duration noise. Whilst it is recognised that the existing agricultural use involves use is akin to B8 uses, nevertheless this is a specific application to apply for uses including general B8 use, distinct from the agricultural use. As the uses are moving away from unrestricted agricultural uses, it is not considered unreasonable to restrict the proposed uses to times when some residential amenity can be enjoyed at weekends and evenings when the uses do not operate 24 hours a day where they could generate noise. Landscaping could also reduce the perception of noise from the residential properties along the north east. Ensuring no additional lighting or noisy ventilation equipment, unless specifically applied for, is a further safeguard.

If sufficiently controlled by conditions, it is not considered that there would be significant adverse impacts on nearby residential amenity, or that the uses in terms of overall size and scale would be so different to the character of the area, especially when compared with the existing agricultural use that is very similar to a B8 use, that would result in a conflict with Policy 2 of the SELLP. This is on the proviso of conditions to protect the amenity of residential dwellings to the north. It is recognised that there is a residential dwelling located adjoining the red line boundary to the north west boundary, but this is connected to the farming business. The proposed conditions will also protect this property.

It is considered that the conditions allow enough innovation of the farm business whilst also protecting residential amenity. This conforms with Paragraph 85 of the NPPF which states 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. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an impact on local roads." As the buildings are being converted, with only minor changes to external element of some of the existing buildings, the overall scale of the proposal, subject to no adverse impacts on the road network and noise, would be acceptable. Overall it is not considered that the proposals would adversely affect neighbouring properties or conflict with Policy 2 of the SELLP, or be out of character with the area, subject to conditions.

Impact on Neighbouring Residents/Land Users

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity. Part of the discussion in relation to residential amenity has been discussed in the previous section in relation to Policy 2, and in the subsequent section in relation to noise.

It is noted that there are objections to the proposals in relation to the impact on residential amenity; however, the location of the residential premises are important when assessing the physical changes to the buildings. The nearest residential premises that are not in connection with the existing farm are located along Hockney Hole Lane - to the north east of the site, in excess of 100 metres away, and not immediately adjacent to where the cluster of buildings associated with the proposed changes within the site are located. The dwellings are situated along the access road, part of the overall existing HGV circulation system for the site, where vehicles exit via Hockney Hole Lane, having entered the site from High Road. There are no planned changes to this access road, and the use of the access by HGV vehicles is clearly established. Given that the Local Highway Authority do not object to the continued use of the access by farm and HGV vehicles, it is not thought that the B8 uses would be materially different in terms of the use of this access than at the present time. The effect on HGV movements and objections have been taken into account, but this aspect of the proposal is not considered to be materially harmful. In terms of the change of use, it is not considered that the use would be harmful to amenity subject to detailed conditions controlling lighting, ventilation equipment, ensuring open storage does not occur, that noisy activities are controlled and that the uses operate in a more conventional B8 manner with hours of use and no working on Sundays.

In terms of the physical changes to the buildings, these are as follows:

Shed 2

Shed 2 comprises a cluster of agricultural style buildings which are 'flank on' but adjacent to High Road. They are not near residential properties which are situated along Hockney Hole Lane.

The proposed changes to Shed 2 are to remove the ridge ventilation box and replaced with roofing sheets. There are parts of this building that are open at present. Cladding is proposed to be added to the North East Elevation, The North West Elevation, and the South East Elevation. There is no increase in height to the building, in fact its height would be reduced due to the removal of the ridge ventilation box. A 4.3m high x 5.0m wide roller shutter door will be added to the North West Elevation. Subject to a condition that the materials to the new cladding on these structures match the existing, there would be no significant impact on neighbouring land users, the external elevation of the property, or the character of the area. There will be a visual change when viewed from the High Road but this change would not be adverse, subject to the materials matching the existing. There is no objection to this aspect of the proposals in terms of design or general amenity.

Shed 4

Shed 4 is located behind Shed 2 towards the middle of the site and positioned at an angle. It is not located near any residential properties and is only visible from High Road via a partial view due to it sitting slightly further back from Sheds 2 and 3.

At present Shed 4 has an open North West Elevation, an enclosed North East Elevation, and open South East Elevation and an partial open fronted South West Elevation.

The proposed changes to Shed 4 are to add cladding to the North West Elevation and the installation of a 5m high x 4m wide roller shutter door, together with cladding to enclose the South East Elevation and the installation of a 5m high x 4m wide roller shutter door. The North East Elevation is to remain the same. The South West elevation is to be encased in cladding. There is no increase in height of size of the building. Subject to a matching materials condition, there would be no significant impact on the elevation of the building, the street scene, character of the area or neighbouring residential properties. The proposed changes are considered satisfactory in design terms.

Shed 13

Shed 13 is a smaller structure set further away from High Road, adjacent to Shed 12 and next to the

internal road access circulation system. It is just under half way into the site towards Hockney Hole Lane. At present, it has enclosed cladding on the East and West Elevations, and a partially open South Elevation. New replacement cladding is proposed on the East and West Elevations. New replacement cladding is proposed on the South elevation together with sliding doors. Subject to no additional lighting being erected on this building, it is not considered that there would be any significant adverse impacts on the existing elevation of the building, the character of the area or nearby residential properties, as long as no new lighting is erected on the exterior of the structure, as this does face a residential property, although it is some distance away. A condition is suggested to protect amenity in this respect.

A condition is suggested that, in association with the new uses, if additional plant or ventilation equipment is added, this requires express consent. It is also suggested that lighting is controlled to protect amenity, plus an hours of use condition, and noise conditions to ensure that the new uses do not worsen the existing background noise levels on the site to sensitive receptors. A landscaping condition is also suggested so that the nearest residential properties have more screening in addition to the bund that is on the north east part of the site. Subject to these safeguards, it is considered that residential amenity is protected and, as a result, there is no conflict with Policy 3 of the SELLP.

Flooding considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations

The majority of the site is within Flood Zone 1 which represents a low probability of flooding with a small area in Flood Zone 2 which has a medium probability of flooding. The Flood Risk Vulnerability Classification in Table 2 of the NPPG shows that industrial development is classified as "less vulnerable" with Table 1 of the NPPG, showing that such uses are appropriate in this zone.

The 2017 SFRA Tidal and Fluvial 1% present day and 0.5% Tidal Event Probability Maps show the site as an area of low hazard, as does the equivalent map for the year 2115.

The part of the site within Flood Zone 2 as detailed on the Environment Agency's Flood Zone Maps without defences, indicates the actual risk of flooding from any Environment Agency source or IDB watercourse is very low.

Flooding from other sources is unlikely to impact the site.

No obvious constraints have been identified that may impact the proposed development and the type of mitigation measures that can be used to reduce the flood risk, there is therefore no increase in the flood risk to others.

Existing ground levels vary from 3.80m AOD to the south and 3.4m AOD to the north with an average level of 3.6m AOD. The ground floor level for the buildings are to be retained, and shall remain at the existing levels. The existing surface water drainage management arrangements are to remain unchanged. It is noted that the Lead Local Flood Authority does not object to the proposals.

The Flood Risk Assessment suggests flood-resistance or proofing works to reduce the amount of water entering buildings including ensuring electricity, and gas meters are located above the predicted flood level, electrical sockets and heating systems installed at least 500mm above the ground floor level, electric ring mains installed at high levels with drops to ground floor sockets and switches, avoiding the use of mineral fibre insulation to the ground floor level (walls & floor) and a rigid closed cell material with low moisture take-up. It also suggests all service entries should be sealed (e.g., with expanding foam or similar closed cell material) and closed cell insulation should be used for pipes which are below the predicted flood level. Occupiers should sign up to the Environment Agency Floodline Warning Direct system.

As a result of the above, it is not considered that the proposal increases the risk of flooding for the site or elsewhere compared with the existing use, and mitigation measures can be incorporated into the buildings once converted.

Subject to the above safeguards incorporated into an appropriate condition it is not considered that the proposal conflicts with Policy 4 of the SELLP.

Noise Impacts

Policy 30 of the SELLP relates to pollution including mitigating the impact of noise. Noise has been raised as a major concern by local residents and these concerns have been taken into account. Environmental Health has also raised concerns.

The biggest beneficial change to the amended proposals relate to the removal of the B2 element. The latter uses would have had the potential to create noise and their disturbance, and their removal therefore means that heavy industrial uses would not be permitted, which would have affected nearby residential amenity.

It is recognised that Class E (g)(iii) uses can be suitable within residential areas, because the nature of the uses are light industrial and tend not to operate as a noisy or polluting use. However, if a number of Class E (g) (iii) uses are clustered together, as in this case, together with the B8 uses, there is potential for the storage and distribution element of those goods to lead to noise complaints, particularly if there is large scale stacking and loading outside. The use of other short duration noise activities such as tools and vehicle movements outside also has the potential to cause disturbance, as can ventilation equipment and refrigeration equipment.

Whilst it is recognised that the existing agricultural use is similar to a B8 use, the fact that planning permission is being applied for, for B8 uses unconnected with the existing farm use, this represents a material change. It is not unreasonable to consider conditions to safeguard residential amenity as a result going forward, as a number of different operators could utilise the site. Residential amenity has been taken into account in this proposal.

It is considered that a B8 use, unconnected to the harvest, should operate within more conventional opening times to safeguard amenity in this location, as there is no necessity to ensure a crop is harvested 24 hours a day at harvest time. Factories tend to operate during the day and not at night. Noise is more likely to travel at night when background noise levels are generally lower. Therefore, it is suggested that an hours of use condition is imposed to reduce disturbance to nearby residential dwellings, as well as conditions relating to noisy activities and deliveries. Open storage also has the potential to affect residential amenity, and should not be permitted in association with the B8 or E (g)(iii) uses - as this could be an intensification over and above the existing farming activities. A condition ensuring that the noise levels remain within reasonable levels, with a background noise level being recorded to establish what the existing noise levels are, is suggested with a maximum decibel rating of 5dB above the established background noise levels, will protect amenity from the uses intensifying. Setting a maximum ensures the condition can be enforced in comparison with recording existing background noise levels.

If a noise event exceeds the parameters of the 5dB above background noise levels, a package of measures will be required to be submitted within 3 months, and approved within 6 months to mitigate the additional noise impact. An example of mitigation could be white noise facilities on the moving vehicles or acoustic fencing.

Subject to these safeguards it is considered that the new uses can be adequately controlled so that they remain less or similar to the existing noise levels of the farming business, allowing the farm to diversify, but also protecting residential amenity.

Concerns in relation to lighting have also been expressed. The existing agricultural use employs lighting at several points in the year in an unrestricted manner. It is suggested that the new uses on site could be subject to a condition controlling lighting to the effect that they do not worsen lighting on site which could adversely affect neighbouring properties. Any new lighting should also be wildlife friendly. Subject to a suitably worded condition, it is not thought that the proposals would result in a significant worsening of amenity due to the effects of lighting.

Subject to the imposition of appropriate conditions it is not considered that there would be any significant adverse impacts in terms of pollution including noise and lighting. There is no conflict with Policy 30 of the SELLP as a result.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and

assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats.

The site operates as an unrestricted agricultural site and therefore there are limited opportunities to improve Biodiversity net gain, but it is not impossible given that there are large areas of undeveloped space and numerous buildings that could accommodate bat and bird boxes and landscaping. It is suggested that Biodiversity Net Gain could be achieved using a standard condition. Subject to the imposition of conditions requiring Biodiversity Net Gain and Landscaping, it is considered that the proposal would not impact on Biodiversity Net Gain, especially if careful consideration is given to lighting considerations which can adversely affect light sensitive species including some bat species. The proposal does not conflict with Policy 28 of the SELLP as a result.

Highway Safety and Parking

Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (Appendix 6). There are no particular car parking standards associated with this use as it is a hybrid use. Each case therefore has to be considered on its own merits.

The Local Highway Authority raise no objections to the proposal, after initial clarifications. They note the proposal is to utilise some of the existing agricultural buildings within the Double Roof Farm complex for commercial purposes by individual third-party companies, with the buildings that do not form part of this application, remaining in agricultural use. The site is adjacent to the A151 and therefore enjoys a very good connection with the principal highway network. The intention is for all vehicles entering the site to do so from the existing A151 entrance, which the applicants advise has been in constant use by HGVs and large agricultural vehicles without issue. All vehicle associated with the use being proposed in this application, departing the site, are to do so via the yard's existing egress onto Hockney Hole Lane, immediately adjacent to the Chandlers Farm Equipment access/egress, after which they will join the A151 at the Hockney Hole Lane junction. There is also an existing site access onto Hockney Hole Lane, directly to the north-east of the application site, that will still remain in use by just agricultural vehicles. This access/egress strategy is acceptable to the highway authority.

It is noted that objectors cite HGV, traffic and parking problems associated with the proposal and levels of HGV traffic in the area, as well as pointing out that the area is becoming more industrialised generally, in a rural area. However, given the lack of an objection from the Local Highway Authority, the efficient internal one way system that has operated in connection with the use as a farm, and the similarity with the existing use, it is considered that refusal on the basis of the impact on the local highway network or highway safety would not be justified.

As a result it is not considered that the proposals conflict with Policy 36 of the SELLP or Appendix 6.

PLANNING BALANCE

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, the need to diversify the farm would ensure the efficient use of land, and support local employment, and therefore make a long term economic contribution to the local economy. There would also be short term economic benefits associated with the construction of the physical alterations to the farm buildings. The economic benefits resulting from the proposal weigh significantly in favour of the proposal.

In community terms, the proposal enables a diversified farm to continue to operate, rather than the use being completely removed. It also utilises a site for the storage and transportation of goods. This weighs in favour of the proposal.

In environmental terms, conditions are suggested which satisfactorily control noise, lighting, hours of use to the effect that there are no adverse environmental effects as a result of the development. A landscaping and biodiversity net gain condition is also suggested to benefit the environment. In environmental terms then, the proposal is considered neutral.

Overall, the benefits of the proposal outweigh any harm in the overall the planning balance and as such there is no material harm and no compelling reason to withhold planning permission.

CONCLUSION

The proposal is considered acceptable and it is recommended that planning permission be approved.

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

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