

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0959-23 **Applicant:** Moulton Bulb Company Ltd

Proposal: Erection of Onion Drying/Conditioning Store to replace previously approved H13-0092-21

Location: Moulton Bulb Company Ltd Long Lane Moulton

Terminal Date: 28th February 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
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

- 2 - Achieving sustainable development
- 4 - Decision-making
- 6 - Building a strong, competitive economy
- 9 - Promoting sustainable transport
- 12 - Achieving well-designed and beautiful places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment

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	2	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application at Moulton Bulb Company Ltd, Long Lane, Moulton for the erection of an Onion Drying / Conditioning Store to replace previously approved design under reference H13-0092-21. This proposal seeks to provide a building measuring 96.735 metres in width, 31.927 metres in depth, have a 9.5 metre eaves height and a 12.53 metre ridge height. An existing temporary building will be removed to facilitate the construction of the building. The proposed store will be for the drying, conditioning and storage of bulk boxed onions prior to packing. The site is an established onion packing plant that has been in operation for over 40 years.

The Design and Access Statement states: *"Vehicle movements to and from the site will be reduced as will the amount of lorry parking. Under present circumstances lorries arrive at this site with fresh onions which are weighed then taken to an off-site storage facility and subsequently brought back to site for packing. If the new building is approved and constructed those onions will be brought to site and remain on site to be stored, dried and weighed. The on-site storage and drying normally commences in August/September and the onions remain in the store until May before being removed for packing."*

Seven stores will be provided in the building. Each store will have two 4 metre by 4 metre insulated slide over doors with a vent above one door in each store approximately 4.2 metres above ground level. Vents are also to be provided in the rear north-west facing elevation approximately 6.4 metres above ground level. In a canopy area at the south-western side elevation an external staircase will be provided for access to the upper level of the building. A personnel door will be provided on the south-west side elevation, with another personnel door on the north-east side elevation. Underneath the canopy and to the rear of the store a 6 metre wide roadway will be sited to provide access to the existing 12 lpg tanks approved under H13-0010-20.

Inside the building there are to be standing boxes of onions up to the timber plenums to receive warm air to condition the onions prior to transfer to a packing plant. This operation requires 7 ventilation fans. The store will be constructed from olive green Plastisol Coated Trapezoidal Steel walls, with the roof constructed from goosewing grey Plastisol Coated Trapezoidal Steel. Doors will be RAL 9003 white Plastisol Coated Trapezoidal Steel.

The application for the erection of an onion drying / conditioning store approved under H13-0092-21 did not seek to connect to an existing building, and sought a separate store of a similar scale and layout on land to the rear of the currently proposed building to the north-west.

In addition to the store a 450 square metres surface water storage lagoon will be located to the north-west of the proposed store. The lagoon will measure 1.2 metres deep and will discharge to an IDB drain. Adjacent to the lagoon and around the north-east corner of the store a total of 86 trees are to be planted. 29 trees are to be field maple, 29 trees are to be sycamore, and 28 trees are to be common alder. All trees are to be planted with the minimum of a 0.6 metre mulch mat, and are to be staked, tied and tubed.

A site visit was conducted on Thursday the 23rd of November 2023.

SITE DESCRIPTION

The site is located on the western side of Long / Broad Lane approximately 1.2km to the south west of Moulton village centre, outside of defined settlement limits. It is therefore designated as being located within the open countryside. The existing onion packing business is located to the south of the proposed store. To the west a grassed field is located, with an IDB drain and arable field further beyond. A temporary building on the site of the store is to be removed. To the north of the store a lorry parking area is located, beyond which is an arable field and then an agricultural business named Peloton Produce approximately 170 metres away. To the east the nearest dwellings off Broad Lane are approximately 165 metres away from the proposed store. A line of trees and existing arable fields are located in-between.

An application for a ground mounted solar array with associated infrastructure was approved under H13-0190-23 for land beyond the north-western red line boundary, however, this array is yet to be constructed.

The site is located in Environment Agency Flood Zones 1, 2 and 3. The lagoon area is on Flood Zone 3 with the north-easternmost half of the store extension located in Flood Zone 1. Additionally, the site is not located in an area of increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be addressed by a sustainable drainage system. The application form states that foul water drainage is not applicable to this proposal.

RELEVANT HISTORY

H13-1018-08

Full - Change of use of land for storage purposes in conjunction with existing onion storing and grading business including construction of hardstanding (retrospective) - Approved - 01 May 2009.

H13-0880-11

Full - Proposed general purpose store - Approved - 09 February 2012.

H13-0526-15

Prior Approval - Installation and operation of a 858.585kW rooftop mounted solar PV system - Approved - 21 July 2015.

H13-1177-19

Hazardous Substances - Siting of 13 LPG bulk vessels (retrospective) and siting of 6 additional LPG bulk vessels - Approved - 13 May 2020.

H13-0010-20

Full - Siting of 13 LPG bulk vessels (retrospective) and siting of 6 additional LPG bulk vessels - Approved - 13 May 2020.

H13-0092-21

Full - Erection of Onion Drying/Conditioning Store - Approved - 27 April 2021.

H13-0190-23

Full - Erection of a ground mounted solar array with associated infrastructure - Approved - 31 May 2023

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 14th November 2023 to 5th December 2023)

South Holland Internal Drainage Board - 27 November 2023

Land Drainage Consent is required for discharge of water to a watercourse and works within 9 metres of a Board maintained watercourse. They recommend that permission is sought from the Board prior to determination of the planning application.

The agent for the application has responded to these comments stating: *"I do apologise, the overall area of the building should indeed be 3088m2 as per the Surface Water Drainage report Rec C. The figure shown on the block plan is the internal area, so not the total impermeable area. Hope that this clears up the query, we will be submitting an application under Byelaw 3 and Byelaw 10 in the near future."*

It is considered by the Local Planning Authority that these matters can be addressed via a pre-commencement planning condition.

South Holland District Council - Environmental Protection - Oliver Abrams - 04 December 2023

"No comments regarding land contamination."

Lincolnshire County Council - Highways & SUDS - 05 December 2023

No objection - *"I understand that this is a Full application for the erection of Onion Drying/Conditioning Store to replace previously approved H13-0092-21."*

"The new development building will utilise the existing access from Long Lane which serves the current use and meets the guidelines set out in Manual for Streets for visibility. Adequate provision for car parking and turning space including a site compound has been provided within the limits of the site to enable vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety."

"The Surface Water Drainage Strategy, dated 22/3/21, submitted by the applicant meets SUDs requirements in proposing attenuation of the surface water and discharge to IDB watercourse."

"This requires land drainage consent from the IDB and, in line with the IDB's response, It is recommended that the required consent is sought prior to determination of the planning application."

South Holland District Council - Environmental Protection - Oliver Abrams - 21 December 2023

"No concerns"

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, one letter of representation has been received.

This can be summarised as:

Noise from onion dryer
Increase in traffic

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Presumption in Favour
Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking / Highway Safety
Flooding Considerations / Drainage
Biodiversity and landscaping
Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

Outstanding matters from representation

EVALUATION

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.

In this case, the adopted 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 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.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

Policy 1 (Spatial Strategy) of the SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within the 'Countryside', development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

When assessed against the relevant criteria the following can be observed:

Economic - The proposal will help provide short term construction employment and in the long term save money for the business by providing storage on site to accompany the onion packing business rather than off site storage.

Community - The proposal will help to maintain local jobs and is not considered to have an amenity

impact on the area, with the nearest property being located approximately 165 metres away to the east.

Environmental - The proposal will reduce vehicular journeys by providing on site storage of onions. A large amount of tree planting to provide screening, as well as the introduction of surface water lagoon is considered to improve biodiversity on site. The proposal building supports an existing commercial agricultural use which cannot reasonably be undertaken within the defined settlement limits of any nearby villages or towns.

Given the above criteria it is considered that the principle of development is acceptable on this site. The application is therefore considered to be in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments 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, among other considerations.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

It is considered that the layout and design of the extension is in keeping with the existing store buildings on site. The external design is very similar to those of the existing adjacent store, and will not lead to a visually discordant building. The store will be constructed from olive green Plastisol Coated Trapezoidal Steel walls, with the roof constructed from goosewing grey Plastisol Coated Trapezoidal Steel. Doors will be RAL 9003 white Plastisol Coated Trapezoidal Steel. These materials match those of the adjacent store building to the south-west. The building would be viewed alongside existing commercial buildings on the site and would not materially harm the visual amenities of the rural locality or character of the countryside.

The proposed tree planting scheme to the north-west, north-east and south-east of store is considered to soften any visual impact from the building to the dwellings to the south-east that are approximately 165 metres away. The proposed lagoon is located to the rear of the store, beyond which is a drain then arable fields. There is not considered to be a visual impact from the lagoon which does not have banks raised above ground level.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

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.

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.

To the north of the proposed store a lorry parking area is located, beyond which is an arable field and then an agricultural business named Peloton Produce approximately 170 metres away. To the south-east the nearest dwellings off Broad Lane are approximately 165 metres away from the proposed store. The proposed store does not have any windows, and due to the separation distances involved there is not considered to be an overlooking or overshadowing impact. The proposed tree planting scheme to the north-west, north-east and south-east of store is considered to reduce any visual impact from the building to the dwellings to the south-east that are over 165 metres away.

The proposal is not considered to represent overdevelopment. The site is which the store will be positioned already has a temporary building sited upon it, with a lorry parking area beyond. Therefore the footprint of the store is already considered to have been developed. Whilst the north-western side elevation of the store will be 5 metres from the site boundary, none of the store will require the loss of agricultural land to facilitate the build.

Hours of opening and the number of employees will not be altered by this proposal. It is considered that the store will not lead to an unacceptable noise and disturbance impact. With the reduction in the need for off site storage, it is considered that the number of vehicular movements to and from the site will reduce, thereby reducing potential noise and disturbance to nearby dwellings from vehicles.

The building is part of a commercial complex. No objections have been received from neighbouring residents and Environmental Protection have raised no objections. It is considered that residents in the locality would not be affected to a greater degree than at present in terms of overlooking, lack of privacy, odour, dust, noise and disturbance, etc.

Whilst the Environmental Protection team have expressed no objections, on the previous store extension application under H13-0092-21 they requested a noise emissions condition. Therefore, for reasons of consistency it is considered appropriate to impose the same condition on this application.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2, 3 and 30 of the Local Plan.

Parking / Highway Safety

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

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and

reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

In respect of highway matters, 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.

The application form shows that there will be no difference in the amount of parking spaces as a result of the proposed works. The design and access statement states *"Access to the proposed store will be via the existing access off*

Long Lane then via existing concrete roadways and hard standings. There is good visibility at the access from Long Lane in both directions. Parking and lorry turning is unchanged... Vehicle movements to and from the site will be reduced as will the amount of lorry parking. Under present circumstances lorries arrive at this site with fresh onions which are weighed then taken to an off-site storage facility and subsequently brought back to site for packing. If the new building is approved and constructed those onions will be brought to site and remain on site to be stored, dried and weighed. The on-site storage and drying normally commences in August/September and the onions remain in the store until May before being removed for packing."

The County Highways Authority has been consulted and has indicated that it does not wish to restrict the grant of permission on highway safety grounds. The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

Section 14 of the NPPF 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 as set out below".

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.

The site lies within Flood Zones 1, 2 and 3 of the Environment Agency's Flood Maps. 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. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

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.

The site is located in Environment Agency Flood Zones 1, 2 and 3. In addition to the store a 450 square metres surface water storage lagoon will be located to the north-west of the proposed store. The lagoon will measure 1.2 metres deep and will discharge to an IDB drain. The lagoon area is on Flood Zone 3 with the north-easternmost half of the store extension located in Flood Zone 1. Additionally, the site is not located in an area of increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be addressed by a sustainable drainage system. The application form states that foul water drainage is not applicable to this proposal.

South Holland Internal Drainage Board has stated that Land Drainage Consent is required for discharge of water to a watercourse and works within 9 metres of a Board maintained watercourse. They recommend that permission is sought from the Board prior to determination of the planning application. It is considered that this matter can be addressed via an informative.

The agent for the application has responded to these comments stating: *"I do apologise, the overall area of the building should indeed be 3088m² as per the Surface Water Drainage report Rec C. The figure shown on the block plan is the internal area, so not the total impermeable area. Hope that this clears up the query, we will be submitting an application under Byelaw 3 and Byelaw 10 in the near future."*

It is considered that the watercourse drainage informative should address any potential concerns from South Holland Internal Drainage Board. The site is not located in an area of increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. It is therefore considered that there is not a requirement to raised the finished floor levels of the store in this location. This is because the store area is not at increased risk of flooding and is not for a habitable use.

Biodiversity and landscaping

Because the proposal is a major application there is now a requirement to demonstrate a biodiversity net gain of 10%. However, because the requirement to demonstrate a biodiversity net gain for major applications commences for applications submitted on or after February the 12th 2024 this is not a requirement for this application. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

The area to the north-west rear of the store will remain grassed and an area 13.5 metres deep to the south-east frontage of the store will be served by a concrete apron. Part of the frontage is already served by a concrete apron, with the remainder of the frontage area currently hardstanding to provide HGV parking provision.

Adjacent to the lagoon and around the north-east corner of the store a total of 86 trees are to be planted. 29 trees are to be field maple, 29 trees are to be sycamore, and 28 trees are to be common alder. All trees are to be planted with the minimum of a 0.6 metre mulch mat, and are to be staked, tied and tubed.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application has demonstrated a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This is due to the installation of 86 trees and the siting of a surface water lagoon which as a byproduct of their installation for boundary treatment and drainage respectively and will lead to an increase in biodiversity habitats.

A landscaping condition will be added to the decision notice to ensure that the site is development in accordance with the submitted plans.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Other Employment Areas and this section states:

"New employment development/businesses or the extension of an existing business outside the above 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."

When assessed against the relevant criteria the following can be observed:

a. The proposed store is to serve an existing agricultural business that has operated on site for over 40 years. The store will not be sited closer to any dwelling than other existing buildings on site. The Environmental Protection team has no objections to the submitted details with regard to noise or disturbance.

b. The development site is approximately 165 metres from a dwelling at the nearest point and will be partially shielded by the planting of 86 trees around the site boundary.

c. The design is of similar design and matching materials to the existing store the south-west.

d. The design and access statement states *"Access to the proposed Store will be via the existing access off*

Long Lane then via existing concrete roadways and hard standings. There is good visibility at the access from Long Lane in both directions. Parking and lorry turning is unchanged...Vehicle movements to and from the site will be reduced as will the amount of lorry parking. Under present circumstances lorries arrive at this site with fresh onions which are weighed then taken to an off-site storage facility and subsequently brought back to site for packing. If the new building is approved and constructed those onions will be brought to site and remain on site to be stored, dried and weighed."

e. The proposed store is to serve an existing agricultural business that has operated on site for over 40 years.

f. The proposal will not impact private car usage. Hours of opening and the number of employees will not be impacted by this proposal. The number of vehicular movements by lorries to and from the site will lower due to onsite storage, thereby reducing emissions.

g. The proposed store is to serve an existing commercial agricultural business that has operated on site for over 40 years. It is considered that the business is best served by a rural location due to it's use.

The proposal is considered to be in accordance with Policy 7 of the SELLP. Additionally, the proposal is also considered to accord with Paragraph 89 of the NPPF which states: "Planning policies and decisions should recognise that sites to meet local business and community 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 unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

Outstanding matters from representation

None

PLANNING BALANCE

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

The proposal represents appropriate development within the open countryside. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of

nearby residents, and provides adequate parking and landscaping, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2023) 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.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 4, 7, 28, 30, 33 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 4, 6, 9, 12, 14 and 15 of National Planning Policy Framework, December 2023.

RECOMMENDATION

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

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.