DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-1065-24**	**Applicant:**	**Peloton Produce**
Proposal:	Change of Use of Agricultural Land to Tractor & Trailer Parking (part retrospective)		
Location:	Manor Farm West Cobgate Moulton		
Terminal Date:	17th February 2025		

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
28	The Natural Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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

National Guidance

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	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission to change the use of agricultural land to an area for tractor and trailer parking on land at Manor Farm, West Cobgate. The application is part retrospective as the soft landscaping works have not yet been undertaken.

Site Description

The site comprises land to the east of Peloton Produce, which is located to the south-east of Moulton on West Cob Gate. Peloton Produce operates as a wholesale produce store. The site is mostly surrounded by agricultural fields. There are however dwellings to the south-east of the site on Broad Lane, and Moulton Bulb Company is located to the south-west of the site.

The site is located outside any defined settlement boundary identified within the South East Lincolnshire Local Plan (2019). As such, the site is within the countryside in planning policy terms.

Relevant Planning History

No applications have previously been submitted within the red line boundary.

The following applications relate to land to the west of the site (within the applicant's ownership):

H13-1567-89: Steel portal frame open general purpose - closed' general purpose and cold store agricultural extns - approved 09 March 1990

H13-0464-96: (Advertisement Consent) Erect fascia sign - approved 04 July 1996

H13-0463-96: Proposed alterations to elevations - approved 09 July 1996

H13-1125-99: Process effluent treatment facilities - approved 13 January 2000

H13-0301-00: Erection of an extension to Packhouse & wall to covered unloading area together with 2.3 metre security fence - approved 02 May 2000

H13-0150-01: Extension to packhouse. Two additional water storage tanks - approved 21 March 2001

H13-1669-05: Use of existing building for storage, packing and distribution of flowers, plants and bulbs - approved 07 March 2006

H13-0464-06: Details of landscaping and fencing (Condition 6 of H13/1669/05) - approved 02 May 2006

H13-0468-06: Details of parking, loading and manoeuvring areas (Condition 5 of H13/1669/05) - approved 05 May 2006

H13-0466-06: Details of external lighting (Condition 7 of H13/1669/05) - approved 15 May 2006

H13-0469-06: Details of external plant (Condition 10 of H13/1669/05) - approved 15 May 2006

H13-0819-06: Single-storey extension to form amenities and office space - approved 14 August 2006

H13-1456-06: Details of Landscaping (condition 2 of H13/0819/06) - approved 30 October 2006

H13-0860-08: Proposed extension to existing steel framed building - approved 02 December 2008

H13-0599-22: Change of use of agricultural land to commercial including coldstore extension - approved 28 September 2022

H13-0860-23: Change of use of agricultural land to commercial including coldstore extension - resubmission of H13-0599-22 - approved 21 December 2023

H13-0881-24: Details of surface water drainage (Condition 3 of H13-0860-23) - pending determination

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. On the drawing Site Plan - Proposed "4022-22 Rev A" (G.R. Merchant 12/2024) I note that there will be/are two new concrete accesses and an upgraded existing field access. These works require consent under Section 23 of the Land Drainage Act 1991 for the alteration of an ordinary watercourse. Please note that the applicant has approached the Board to make multiple applications for consent under Section 23 for the works detailed above. These have been granted consent under the references 23_22857_C & 23_22858_C dated 27/07/2023 and 23_23421_C dated 04/08/2023. There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Environmental Protection: No comments.

Lincolnshire County Council - Highways and SUDS Support: No objections. The access is currently an agricultural access that will be upgraded to Lincolnshire County Council Specification. The proposed will not have an adverse impact on the public highway. Highways Informative 03 is recommended.

Moulton Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Ecology Officer: No response received.

Inward Invest Manager: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

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 adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

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

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Biodiversity; and
-Flood Risk and Drainage.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is outside any defined settlement boundary and is therefore within the countryside in planning policy terms. Policy 1 sets out that 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.

Paragraph 88 of the NPPF also sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas (part a), and the development and diversification of agricultural and other land-based rural businesses (part b).

The proposed development is for the change of use of agricultural land to an area for tractor and trailer parking. The application is retrospective as the works have already been undertaken. According to the applicant's agent, the works were undertaken to facilitate a one-way vehicle system throughout the site for health and safety reasons. The purpose of the development is to

support the existing business of Peloton Produce. The proposed development therefore accords with the aims of Policy 1 of the Local Plan and Paragraph 88 of the NPPF.

Design and Visual Impact

Paragraph 135 of the NPPF, 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.

Policy 2 of the Local Plan sets out sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan 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.

The application does not seek consent for any buildings. The works relate to the installation of a concrete access road, a tractor / trailer storage area and grass bunds. The site is located to the east of the main Peloton Produce site. Although the development has encroached into what was open land within the countryside, the development has a similar character and appearance to the rest of the Pelton Produce site. Furthermore, the grass bunds provide a degree of screening of the site.

The development has not caused an adverse impact to the character or appearance of the area. The development therefore accords with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The nearest dwellings to the proposed buildings are located on Broad Lane, to the south of the site. The development is largely screened from view from the south by the grass bunds that have been installed. This reduces the impact of the proposals to a degree. The tractors and trailers are however still partly visible over the bund from the residential properties and the wider area. There is vegetation and trees between the site and the dwellings to provide some screening.

The development has brought the activities undertaken by Peloton Produce closer to the nearest dwellings. The impact of this on the nearest dwellings could have included a slight increase in noise and activity through the movement of large vehicles such as tractors and HGVs. Notwithstanding this, no objections have been received from members of the public and the council's environmental protection team have not raised any specific objections in terms of noise disturbance, nor have they recommended any mitigation conditions. As such, the proposal would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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.

Policy 2 of the Local Plan sets out 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.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

A new access has been installed on the northern boundary of the site, connected to West Cobgate. Lincolnshire County Council's highways team have not raised any objections to the development. The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 ensure sites of biodiversity value are protected through the planning system. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units.

The application is accompanied by BNG calculations which set out that a 12.84% gain can be achieved (a gain of 0.23 habitat units). The initial baseline results set out that there were 1.77 habitat units, and the proposed development will create 1.99 habitat units, largely through the planting of a hedgerow near the southern boundary.

The initial Watercourse units were 1.10 watercourse units and the proposed development has resulted in 0.84 watercourse units. This has resulted in a loss of -0.26 watercourse units, -23.41%. According to the submission, the watercourse units cannot be improved as the ditches cannot retain water, and as such the ditches will not be able to maintain the required 0.5m of water depth and therefore cannot support floating plants. The ditches are currently in a 'Moderate' habitat condition and the applicant considers that there is no way that they can be improved to a 'Good' habitat condition. Notwithstanding this, overall the development will provide a net gain in biodiversity. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk and Drainage

The site is within Flood Zone 1. The site is also not within an area of hazard, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. No buildings are proposed and the site would not be occupied by people. Consequently, there are no significant flood risk issues. The development therefore satisfactorily accords with Policy 4 of the Local Plan.

The South Holland Internal Drainage Board has set out that the viability of the proposed discharge of surface water via infiltration has not been evidenced. Ground investigation is needed to determine if infiltration is feasible. It is considered appropriate to include a condition to secure further drainage details. The Board has also set out that the access requires consent under Section 23 of the Land Drainage Act 1991 for the alteration of an ordinary watercourse. The Board has set out that the applicant has approached the Board to make multiple applications for consent under Section 23. These have been granted consent under the references 23_22857_C & 23_22858_C dated 27/07/2023 and 23_23421_C dated 04/08/2023.

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 proposed

development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

Additional Considerations

Public Sector Equality Duty

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

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

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

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

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

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

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

Human Rights

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

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

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 33 and 36 of the Local Plan, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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