DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0451-21**	**Applicant:**	**Mr M Yould**
Proposal:	Change of use from agricultural to plumbing business with storage area and alterations - approved under H14-1072-20. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Trent Farm Dozens Bank West Pinchbeck		
Terminal Date:	22nd June 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution

National Guidance

National Planning Policy Framework 2019

Sections 6 & 12 of the National Planning Policy Framework (2019)

6 - Building a strong, competitive economy
12 - Achieving well-designed places

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

CASE OFFICER ASSESSMENT

PROPOSAL

Planning permission H14-1072-20 was granted on 19/02/21 for a change of use at Trent Farm, Dozens Bank, Pode Hole from agricultural to plumbing business with storage area and alterations. This application is for a modification of Condition 2 to allow amendments to previously approved plans.

The proposal seeks to utilise the existing shell of an agricultural building with the inside containing a storage area, reception, disabled wc, two offices, a meeting room, two wcs and a kitchen. Structural repair is to be undertaken with materials to match the existing agricultural building. A secure compound is to be provided projecting 8 metres from the rear elevation. Eight parking spaces and a cycle rack are to be sited to the front of the building. The site is to be enclosed by a perimeter fence and a natural hedgerow.

The building measures 20.85 metres in depth and 24 metres in width, has a 4 metre eaves height and a 6.2 metre ridge height.

The proposal differs from the original application of H14-1072-20 in that the previously approved building measured 22 metres in depth and 21 metres in width, had a 2.1 metre eaves height and a 5.5 metre ridge height.

SITE DESCRIPTION

The proposal site is a field and building currently in agricultural use that is off an access west of the A151. The site is outside of defined settlement limits with a dwelling beyond the application boundary to the north east, Tate Business Park and the A151 to the east, Fourth District Main Drain to the south and arable fields to the west. The site is within Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metres. Because the proposed use is not for a habitable use then there is not a requirement to raise the existing finished floor levels of the building.

HISTORY

H14-1072-20

Full - Proposed Change of Use from Agricultural to Plumbing Business with Storage Area including Alterations - Approved - 19 February 2021.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

Previous consultation responses from H14-1072-20:

SHDC - Inward Investment Manager

The Economic Development team are happy to support this application if it brings disused buildings back into productive use.

SHDC - Environmental Protection

No objections.

Welland & Deepings Internal Drainage Board

"Please see the Board's attached plan showing the Fourth District Main Drain which bounds the site along the south-east denoted by a bold blue line. This drain is afforded the protection of a nine metre byelaw distance from the top edge of the drain; any site layout should take this into account". - The proposed layout does take the nine metre byelaw into account.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

"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.
In 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 above criteria the following can be reserved:

The proposal does not require any additional development, merely the the change of use of an existing building. Economically this proposal will allow for the relocation of an existing business with the opportunity to allow the business to expand. With regard to the community benefits, the proposed use will bring a dilapidated building back into use and improve the visual amenity of the area. Environmentally, the proposal will not impact the adjacent drain and will bring an unused field and building into use without the need to build a new building elsewhere in the district.

The proposal is considered to satisfactorily accord with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The size, scale, layout and density of the building remains unchanged and is considered appropriate for the proposed storage and work purposes. No trees are impacted by the proposal, and the character and appearance is not materially impacted by the siting of a parking area for 8 vehicles to the front of the building.

2. The design and orientation is not altered from the existing building, save for a higher roof height.

3. The proposal will seek to utilised an existing building and make good any elements of the proposal that require repair. This is considered to be more sustainable than constructing a new building.

4. The access will be constructed to highways standards and off road parking provision has been made to facilitate the business use. The County Highways & SUDS Officer has no objections to the proposal.

5. The proposal is not considered to impact the capacity of community services and infrastructure.

6. Due to the distance to neighbouring buildings there is not considered to be an impact on the area from noise, odour, disturbance or visual intrusion. There is considered to be a greater and more consistent level of noise generated from the adjacent A151 road, which is a major east / west thoroughfare through Spalding.

7. The proposal is not considered to be impacted by flood risk or surface water drainage. The site is within Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metres. However because the proposed use is not for a habitable use, there is not a requirement to raise the existing finished floor levels of the building.

The proposal is considered to accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. The proposal does not impact a sense of place as the building will remain the same, albeit repaired.

4. The area is served by public transport, however, it remains best served by private vehicle.

8. The building will allow for the secure storage of plumbing equipment.

11. Due to the distance to neighbouring buildings there is not considered to be an impact on the area from noise, odour, disturbance or visual intrusion. There is considered to be a greater and more consistent level of noise generated from the adjacent A151 road, which is a major east / west thoroughfare through Spalding.

12. The proposal is not considered to be impacted by flood risk or surface water drainage. The site is within Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metres. However because the proposed use is not for a habitable use, there is not a requirement to raise the existing finished floor levels of the building.

The proposal is considered to accord with SELLP Policy 3.

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 Sites 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."

As the proposal is for the use of redundant agricultural building then it is considered to match the first section of the policy and does not require assessment against the criteria thereafter.

The proposal accords with SELLP Policy 7.

Assessment against SELLP Policy 30 - Pollution

This proposal is assessed against SELLP Policy 30 titled - Pollution. This policy states:

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:
1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.
Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:
9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.
Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.
Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.

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

1. Health and safety is not considered to be impacted by the proposal.
2. The amenities of the area are not considered to be impacted by the proposal.
5. There is not considered to be a material noise impact from the proposal. There is considered to be a greater and more consistent level of noise generated from the adjacent A151 road, which is a

major east / west thoroughfare through Spalding.
6. A condition would be added to the decision notice removing permitted development rights for any external lighting in the interests of neighbouring amenity.
11. There is not considered to be a material impact on amenity. Due to the distance to neighbouring buildings there is not considered to be an impact on the area from noise, odour, disturbance or visual intrusion.

The proposal accords with SELLP Policy 30.

PLANNING BALANCE

The proposal represents the opportunity to bring a dilapidated building back into use whilst not materially impacting upon the amenity and character of the surrounding area. The proposal is considered to accord with Policies 1, 2, 3, 7 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 and 12 of the National Planning Policy Framework, 2019.

CONCLUSION

The proposal is recommended for approval.

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.