

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H15-1033-20	Applicant:	MBE (Fabrications) Ltd. Furbs
Proposal:	Proposed extension to workshop and change of use of agricultural land to industrial		
Location:	M B E Fabrications Ltd. Town Drove Quadring		
Terminal Date:	12th January 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 and 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	1	0	0
WARD MEMBER	0	1	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
RESIDENTS	1	1	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for a proposed extension to a workshop and change of use of agricultural land to industrial at M B E Fabrications, Town Drove, Donington. The proposal seeks to provide a side and rear extension to the existing building, as well as cladding over an existing opening, and repositioning an existing extraction plant at the rear of the existing building. The extension is 18 metres wide at the front of the building, 24.405 metres at the rear of the building, has a total depth of 25.18 metres and a maximum height of 7.85 metres. Rooflights will be sited in the roofslopes to the front and rear.

Another small extension is being undertaken through permitted development to the front southern elevation of the building. Olive green vertical cladding and light grey roof cladding is to match that of the existing building on all extensions.

SITE DESCRIPTION

The proposal site is located outside of defined settlement limits, and the surrounding area is predominately rural, characterised by non-nucleated, linear development of varying ages, designs and uses. The site is well bordered by established trees and hedging to the sides and rear. The proposal site is within Environment Agency Flood Zone 3, and is not subject to increased flood hazard and flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H15-0152-98

Full - Proposed storemans office extension - Approved - 24 March 1998.

H15-1651-04

Full - Proposed extensions to workshop - Approved - 28 January 2005.

H15-1270-07

Full - Proposed extensions to workshop and spraybooth - Approved - 15 November 2007.

H15-0252-08

Full - Proposed extension to VHS workshop and additional yard area - Approved - 30 May 2008.

H15-0858-14

Full - Proposed extension to form office - Approved - 27 November 2014.

H15-1063-14

Full - Proposed extension to form office - Approved - 26 January 2015.

H15-0458-16

Full - Proposed extension to VHS workshop - Approved - 13 July 2016.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

SHDC - Environmental Protection (Noise)

No objections.

SHDC - Environmental Protection Officer

Should the additional spraybooth result in MBE Fabrications using more than 5 tonnes of solvent (VOCs) in any 12 month period, they will need to apply for a Part B permit to operate under the Environmental Permitting Regime. For further information they should contact the Environmental Protection Team.

SHDC - Councillor Walsh

No objections.

SHDC - Councillor Bingham

Support - The company is a long established local business and employer in the area.

No objections to this.

Welland & Deepings Internal Drainage Board

No objections. If an overflow is to be installed, the IDB must be informed in advance.

Members of the public - 2 Objections, 1 Support

Noxious smell from paint fumes.
Potential increase in traffic.
Weight limits needed on Town Drove.
Lack of pedestrian safety on Town Drove.
More trees and hedging.
Landscaping to the north-east embankment

Good to see local business investing in the area.
I accept the fact that I moved to this property long after M B E Fabrications was in existence.

Comments response from the applicant

Fumes - The spray booth is being relocated to a different building with more insulation and space than we currently have, the old spray booth will become a blasting shed, so rather than being an additional spray booth it is an upgrade to the existing. Our VOC's were also very low at the last audit that we had with yourselves. We have had a new fume extraction system fitted in November which meets all legislative requirements for fume extraction as certified by the installer, this should take away previous concerns.

Traffic - As discussed at your site visit, the first phase of the extension is only one bay at this time. The extension is more about the length of the pits requiring a longer building rather than quantities leaving the premises.

Hedging - The member of the public who might have raised this issue came round to discuss with myself the planning application. He did not quite understand what we were hoping to achieve, so I took him round the site and showed him where the extensions are going and the layout. Other than a light that is on the existing building that partly spoils his star gazing activities which we are taking down anyway, he seems satisfied with what we are doing. I have an e-mail to that affect from him.

PLANNING CONSIDERATIONS

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 and layout is considered to be appropriate for the site. The extension is sited to the rear of the site and the character and appearance of the area is unaffected. Part of the proposal seeks to change the use of a strip of agricultural land to the rear of the building. The proposed extension projects approximately four metres into the agricultural land, with a further six metres of land use change sought. The agricultural land to the rear is extensive and it is not considered to be materially affected by the loss of land measuring 120 metres in width and 10 metres in depth. The total area of this land is 1200 square metres, which is just over a quarter of an acre, or a tenth of a hectare. Given the size of the total agricultural unit, this is not considered to be a material loss of land.

2. The design is in keeping with the existing building design and the orientation best enables use of the extended building.

3. Sustainable materials are not to be utilised, however, the proposed light grey and olive green cladding is designed to match that of the existing pit building.

4. The proposal is not considered to materially increase vehicle generation levels. The site is spacious and allows for the easy parking and manoeuvrability of vehicles. The extension is to facilitate larger pits, rather than larger amounts of goods leaving the premises.

5. The capacity of existing community services and infrastructure is not affected by this proposal.

6. There is not considered to be a material impact from noise or disturbance. With regard to visual intrusion, the site is well screened by established trees and hedging. Additionally the 2.5 metre high proposed landscaping bund is not an uncommon feature in the Fenland landscape and is considered to not materially impact the character of the surrounding area. A fume extraction certificate has been supplied which shows that emissions are within recommended limits.

7. The proposal site is within Environment Agency Flood Zone 3, and is not subject to increased flood hazard and flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a material impact on flood risk or surface water drainage as a result of this proposal.

8. There is not considered to be a material impact on natural habitats.

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 is not considered to impact on a sense of place as the site as the extension is to the rear of the site and not easily visible to the general public.
3. The landscape character of the area is not considered to be impacted by this proposal.
4. The proposal cannot be easily accessed by public transport due to it's rural location.
9. The proposal does not seek to maximise renewable low-carbon technology but is in keeping with the built character of existing buildings on site.
11. Residential amenity is not considered to be materially impacted as the site as the extension is to the rear of the site and not easily visible to the general public. Additionally, the Environmental Health Technician has no objections to the proposal. A fume extraction certificate has been supplied with shows that emissions are within recommended limits.
12. The proposal site is within Environment Agency Flood Zone 3, and is not subject to increased flood hazard and flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be a material impact on flood risk or surface water drainage as a result of this proposal.
13. A small amount of agricultural land will be taken to facilitate the extension, however the benefit to securing the growth of the business is considered to be greater than the loss of approximately 12% of a hectare of land.

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 of this 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."

a. The proposal is not considered to conflict with neighbouring land uses, and is to serve a long established local business.

b. There is not considered to impact the character and appearance of the area. The site is well screened by established trees and hedging and the development is to the rear of the site.

c. The design of the extension is to match that of the existing pit building so is considered to be responsive to the local context.

d. The proposal seeks to increase the size of the pits but not necessarily the amount of goods leaving the presence. There is not considered to be a material impact on traffic as a result of this proposal.

e. The proposal is to serve a long established local business, so the viability of any allocated employment site should not be affected by the proposal.

f. The proposal is not considered to increase or decrease private car use.

g. The proposal is to serve a long established local business. Therefore, there is considered to be an identified need for the business location.

The proposal is considered to accord 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 unaffected by the proposal as it is on private land to the rear of the site.
2. Amenities of the area are unaffected by the proposal.
4. The applicant has provided a fume extraction certificate to show that equipment is within emission limits.
5. There is not considered to be a material noise impact from the proposal. If doors are shut then no noise should be audible.
10. The applicant has provided a fume extraction certificate to show that equipment is within emission limits.

The proposal is considered to accord with SELLP Policy 30.

PLANNING BALANCE

The proposal is considered to facilitate the potential growth of a local employer without a material impact on the character or amenity of the surrounding area.

CONCLUSION

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.

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.