DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-1262-21**	**Applicant:**	**S F Spridgen & Son**
Proposal:	Agricultural building for cold storage of cabbage		
Location:	Kirkhill Farm 355 Westhorpe Road Gosberton Westhorpe		
Terminal Date:	15th February 2022		

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
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for an agricultural building for the cold storage of cabbage. The building would have a width of 12.9m, length of 43.5m and ridge height of 7.8m approximately. It would be constructed in Olive Green profiled metal cladding.

Site Description

The site forms part of agricultural premises (Kirkhill Farm) located on the northern side of Westhorpe Road opposite the junction with Chesboule Lane. Vehicular access is off Westhorpe Road. There are presently a number of large agricultural buildings within the farmyard, plus an associated dwellings to the east (Guide Post, Westhaven and no. 351).

The nearest dwellings unconnected with the holding are Cherry Lodge some 150 metres to the north-west, Cobwebs Farm approximately 150 metres to the south-west and a row of semi-detached houses some 300m to the east.

Recent Planning History

H08-0265-09 - Full - Demolition of existing building and erection of new agricultural building - Granted 11 June 2009.

Consultation Responses

Quadring Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission

Environmental Protection

Request noise condition.

Public

No comments received.

Planning Considerations

Policy/Principle

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

Policy 1 of the South East Lincolnshire Local Plan (SELLP), 2019 indicates that new development will be permitted in the countryside where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Paragraph 3.2.15 of the SELLP indicates that there are types of development that require a countryside location either because it is the location of an existing building or use. It goes on to state that agricultural and forestry are clearly uses which must function in the countryside.

The National Planning Policy Framework, 2021 promotes sustainable economic growth. Paragraph 84 specifically indicates that planning policies and decisions should support the development and diversification of agricultural and other land-based rural businesses and the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The proposal is necessary in this location in conjunction with the existing agricultural holding and would bring economic benefits. It is considered to be a sustainable form of development in locational terms and therefore in accordance with Policy 1.

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should respect the massing of neighbouring buildings. These policies are consistent with advice within the National Planning Policy Framework, 2021.

The building would have a width of 12.9m, length of 43.5m and ridge height of 7.8m approximately. It would be constructed in Olive Green profiled metal cladding and is of similar appearance to many other modern agricultural buildings seen across the district. It would be viewed against a backdrop of existing agricultural buildings within the farmyard. It is considered that it would not materially harm the character or appearance of the countryside, subject to additional landscaping to help integrate it into the rural landscape.

The development therefore satisfactorily accords with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework in this respect.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Dwellings associated with the farm are situated to the east (Guide Post, Westhaven and no. 351). The nearest dwellings unconnected with the holding are Cherry Lodge some 150 metres to the north-west, Cobwebs Farm approximately 150 metres to the south-west and a row of semi-detached houses some 300m to the east.

The roller shutter door serving the building is located on the southern elevation facing into the farmyard. The elevations facing nearby residential properties to the north, east and west are blank. No reference is made to external plant and machinery on the submitted drawings and should be the subject of a condition to ensure the protection of nearby residents. Environmental Protection have also recommended a noise condition.

It is considered that the amenity of nearby residents would not be materially harmed in terms of lack of privacy, overlooking, overshadowing, blockage of light, noise and disturbance, etc, subject to mitigating conditions.

The development therefore satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

Policy 2 of the SELLP indicates that sustainable development considerations should be met in relation to access and vehicle generation levels.

Policy 36 and Appendix 6 of the SELLP set out the minimum standards for parking provision based upon the use class. In the case of agricultural development car parking should be assessed on a sit by site basis

The proposed storage building would not require any alteration to the existing vehicular access to this established farm. Satisfactory parking is available within the farmyard. LCC Highways have been consulted and have raised no objections on highway safety grounds. The development therefore satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking.

Flood Risk/Drainage

Policy 4 of SELLP is concerned with flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District 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 SFRA indicates that the proposed building is within an area identified as "no hazard". Moreover, the proposal is required in conjunction with an existing business and is necessary in this location. The Flood Risk Vulnerability Classification in Table 2 of NPPG indicates that the proposed development is classified as "Less Vulnerable", with Table 1 of NPPG stating that such uses are appropriate in this zone. The proposal therefore satisfies the sequential test.

Any impact of damage to the property can be foreseen and mitigated by design and construction techniques. The ground floor level for the building should be raised 300mm above the existing ground level. This would be sufficient to mitigate against flood risk.

In terms of drainage, surface water would be disposed of via soakaways, so it is not expected that the proposed development would increase surface water flood risk. No foul water drainage facilities are proposed.

The development therefore satisfactorily accords with local and national policy in terms of flood risk/drainage issues.

Planning Balance

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

Policy 1 of the SELLP indicates that there are types of development that require a countryside location either because it is the location of an existing building or use. It goes on to state that agricultural and rural businesses are clearly uses which must function in the countryside. No objections are therefore raised in principle to the proposed development in this location.

The building would be of similar scale and appearance to many other modern agricultural buildings seen across the district. It would be viewed against a backdrop of existing agricultural buildings within the farmyard. It is considered that it would not materially harm the character or appearance of the countryside, subject to additional landscaping to help integrate it into the rural landscape.

It is considered that the amenity of nearby residents would not be harmed to a significantly greater degree than at present, subject to mitigating conditions relating to external plant and equipment and noise. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. There are no significant flood risk/drainage issues.

The proposal is therefore in general accordance with the development plan and advice within the National Planning Policy Framework, 2021. There are clear economic benefits and there are no adverse matters in this case that outweigh factors in favour of the proposal, subject to mitigating conditions.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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.