

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0142-20 **Applicant:** Bakkavor
Proposal: Two portable cold stores and connecting lobbies
Location: Bakkavor West Marsh Road Spalding
Terminal Date: 10th April 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Part 7, Class H of the General Permitted Development Order (2015) - The erection, extension or alteration of an industrial building or a warehouse.

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This is a S192 Lawful Use Certificate application for two portable cold stores and connecting lobbies at Bakkavor, West Marsh Road, Spalding. The two cold stores are to be located in the south-west area of the site and will connect to an existing building. The two cold stores will measure 3.863 metres in width, 14.425 metres in length and 3.174 metres in height. The two connection lobbies will measure 3.863 metres in width, 3.56 metres in length and 3.174 metres in height. The overall length of a cold store and connection lobby when combined is 17.985 metres in total. The overall footprint of the buildings is 135 square metres.

The buildings will be constructed from composite insulated panelling to match the existing building. The stores will not run at a noise level higher than 45 decibels. The building will have an external door, with the main access door connecting from the existing building.

Site Description

The proposal site is within defined settlement limits and the surrounding area is mixed with industrial buildings to the north and east, and dwellings to the south and west.

History

No relevant history

Consultation Responses

None

Planning Considerations

- Lawful development

Does the proposal constitute lawful development?

In order for the proposal to constitute lawful development it needs to accord with the criteria within Class H, Part 7 of the General Permitted Development Order (2015). Class H states that development is NOT permitted if:

- (a) the gross floor space of any new building erected would exceed;
 - (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
 - (ii) in any other case, would exceed 200 square metres;
- (b) the gross floor space of the original building would be exceeded by more than;
 - (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);
 - (ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
 - (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);
- (c) the height of any part of the new building erected would exceed;
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;
- (d) the height of the building as extended or altered would exceed;
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (ii) in all other cases, the height of the building being extended or altered;
- (e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;
- (f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or
- (g) the development would be within the curtilage of a listed building.

The proposed cold stores and connecting lobbies do not breach any of the above criteria.

The submitted application form states:

"The proposal aims to improve operational use of the site. All proposed portable units and lobby connections do not exceed 5m in height and are not within the 10m curtilage boundary. the proposed portable buildings uses relate to that of the existing warehouse which is sited next to the proposed location already and the development does not not reduce space available for parking. The proposed site does not require demolition works and free of obstruction. The total gross floor space of the proposed is 135m² and does not exceed the 200m² limitation. Each portable cold store operates at a maximum of 45dB, further to this the attenuation to the sound omitted from the unit does not exceed the dB rating allowed at the surrounding boundary.

Limits and conditions in regards to "The erection, extension or alteration of an industrial building or warehouse" under permitted development have been adhered to."

Conclusion

The proposal accords with Part 7, Class H of the General Permitted Development Order (2015) and has thereby been 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.