DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0479-21**	**Applicant:**	**Wm Morrison Supermarket Plc**
Proposal:	Construction of a 'modular' staff welfare block associated with the operation of the existing nursery.		
Location:	Lansen Nursery Holbeach Road Spalding		
Terminal Date:	6th July 2021		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

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.

Representations:

	Object	Support	No Obj.	Comments
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	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the construction of a 'modular' staff welfare block (12m x 22m approximately) associated with the operation of the existing nursery.

It would be used to provide "much needed" staff welfare accommodation to support the nursery business. The accommodation comprises of a rest room, drying room, locker room, toilet facilities, kitchen & associated kitchen store, plant room, print room and spare room. The building would be used by both office-based employees as well as colleagues working externally in the nursery or within the many glasshouses on site.

Site Description

The Lowland Nursery site is located just off the A151 Holbeach Road to the east of Spalding. The proposed welfare accommodation is to be located between the existing office building and the glasshouses at the rear, adjacent to the site's eastern boundary. Dwellings (Two Wells and Quo Vadis) are located to the east and west of the site.

Recent Planning History

H16-0263-11 - Full - Proposed extensions to glasshouses and construction of new reservoir - Granted 12 July 2011

H16- 0794-11 - Full - Change of use from domestic dwelling to offices - Granted 12 December 2011.

H16-0907-11 - Full - Proposed extensions to glasshouses and construction of new reservoir (amendments to application previously approved under H16-0263-11) - Granted 2 March 2012.

Consultation Responses

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

If a surface water discharge is proposed to a watercourse (whether directly or via a pond/lake as attenuation), then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Public

No comments received.

Planning Considerations

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, 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, March 2019 promotes sustainable economic growth. Paragraph 83 specifically indicates that planning policies and decisions should support 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 constitutes agricultural development in the countryside and satisfactorily complies with Policy 1 of the SELLP in locational terms.

Character/Appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

The proposed welfare building is of a modular construction and is comprised of 18 interlocked modular units (6055 long x 2435 wide x 2790 high). The building would be constructed from white composite wall panels with associated flashings, white solid aluminium doors and frames, white uPVC windows (incorporating a white external security shutter) and a profiled steel sheet roof.

Although the proposed building is of modular construction it would be set back and seen against a backdrop of existing glasshouses, which are a common feature within the Fenland agricultural landscape. Existing mature trees front the site. Taking into consideration the aforementioned it is considered that the proposal would not materially harm the character/appearance of the countryside.

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

Amenity

Policies 2 and 3 of 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 (2019). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

A bungalow (Quo Vadis) associated with a business is located to the east. The common boundary is delineated by closeboarded fencing.

The building would be used in conjunction with the existing agricultural/horticultural enterprise and would replace an adjacent temporary structure presently used for this purpose. No objections have been received from neighbouring residents. The nature and scale of the development and its general relationship to neighbouring residential property is considered to be such that the amenity of nearby residents would not be materially harmed in terms lack of privacy, overlooking, overshadowing, blockage of light, noise and disturbance, etc.

The development satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity/pollution.

Highway Safety

LCC Highways have indicated that for this proposal the access, vehicle movements and parking arrangements would remain unchanged. They therefore consider that the proposal would not result in an unacceptable impact on highway safety.

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.

Drainage

The application form indicates that foul water would be disposed of a septic tank and surface water to a pond/lake. However, the details are no more specific. This should therefore be made the subject to a condition.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps and within an area of "Danger for Most" within the South East Lincolnshire Strategic Flood Risk Assessment. The sequential test should therefore be applied.

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 site is within an area identified as "Danger for Most". However, the building is to be used in conjunction with an existing horticultural enterprise. It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, the development is required in conjunction with an existing agricultural enterprise. It will contribute towards the rationalisation/expansion of the business and economic growth. It is therefore considered that there are wider sustainability benefits that outweigh flood risk.

Concerning the second element, the proposal constitutes commercial less vulnerable development and the structure is not for permanent habitation, with only short term and intermittent occupancy by workers. Nevertheless, it is recommended that a flood evacuation plan be prepared and the applicant is also advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

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

Planning Balance

No objections are raised in principle to agricultural/horticultural development in this location. The nature, scale, appearance of the development and its relationship to existing development is such that it would not materially harm the character/appearance of the countryside or amenity of nearby residents in terms lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, etc. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. There are no significant flood risk issues and drainage can be addressed by means of a condition.

It is therefore considered that the proposal generally accords with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no adverse issues that outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance is in favour of the proposal.

Recommendation

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.