DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1038-20**	**Applicant:**	**Bakkavor**
Proposal:	Siting of portakabin building to be used as canteen facilities for a period of 52 weeks.		
Location:	Bakkavor West Marsh Road Spalding		
Terminal Date:	14th 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

National Guidance

National Planning Policy Framework 2019

Paragraph 127 (Section 12. Achieving well-designed places)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks retrospective permission for siting of portakabin building to be used as a canteen for a period of 52 weeks.

The aim of the development is to gain further floorspace for employees and ensure appropriate social distancing in light of the UK government guidance for Covid19. Temporary permission is sought for up to 52 weeks.

Site Description

Within the large industrial complex adjacent to existing buildings.

Planning History

Numerous applications relating to this large industrial complex.

Consultation Responses

None.

Planning Considerations

Principle of development

As mentioned above, the portakabin allows Bakkavor to apply the UK government guidance for a safer workplace in the context of Covid19 pandemic. Additional canteen facilities are required to enable the required social distancing when employees have their meals. On balance, the proposed location is deemed necessary and the development accords with Policy 1 of SELLP, 2019.

Policy 7 of the Local Plan is also of significant relevance as the development is associated with employment land. This policy is aimed to ensure that economic growth takes place in the most sustainable locations. For this reason, it provides a portfolio of employment land from strategic established sites to windfall sites for industrial/commercial purposes. The siting of the portacabin is within the existing developed land for Bakkavor premises. Thus, the development is in line with Policy 7 of SELLP, 2019.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment. Likewise, Policy 2 of the SELLP states that 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.

The structure is single-storey and modest in scale. The development would be visibly subservient to the main building and others nearby by reason of scale and height.

External walls of the prefab unit are made of steel cladding. The roof is one piece of profile profiled plastisol-coated galvanised steel. Grey colour dominates the external appearance of the portacabin. Similar features have been observed in the large adjacent industrial building adjacent. For these reasons, there is no harm to visual amenity.

Planning Balance

The scale and height of the portacabin are subservient to the host building and others nearby. The external appearance is similar to the current visual amenity of the industrial site. The development clearly meets the functional needs of Bakkavor employees during the current pandemic. It does not remove parking spaces nor does it impact upon residential amenity

In summary, no adverse impact of grating permission to the proposals would significantly and demonstrably outweigh the benefits of doing so, when assessed against planning policies taken as a whole.

Conclusion

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.

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3 and 7 of the South East Lincolnshire Local Plan (SELLP), 2019; and also Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via 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.