

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1130-19 **Applicant:** Mr M Payne

Proposal: Replacement offices - approved under H16-0764-19. Modification of Condition 2 to allow amendments to previously approved plans

Location: Wykeham Staff Services Gate Farm Holbeach Road

Terminal Date: 16th January 2020

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 6, 12 and 14.

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted for an office building to replace an existing portable office building (ref. H16-0764-19) in October 2019. This application is essentially to amend the roof covering to Sandtoft Rivius and alter the windows to cream uPVC.

Site Description

The site is presently yard/land associated with Gate Farm, which is located to the south of Holbeach Road. It is currently occupied by a portable office block. Vehicular access is off Swindlers Drove.

An associated dwelling is located to the north and residential properties to the north-west fronting Holbeach Road.

Representations

LCC Highways/SUDs - Does not wish to restrict the grant of planning permission.

SHIDB - Request drainage strategy.

Information from Applicant - The business is an employment agency and has been operating from the portacabin for approximately 15 years. There are currently 6 full time staff working in the office.

Previous Decisions

H16-0777-15 - Replacement offices - Granted 15 October 2015.

H16-0764-19 Full - Replacement office - Granted 7 October 2019.

Planning Considerations

The original application indicated that Wykeham Staff Services is a long established employment recruitment agency employing between 200 and 350 people in agriculture, horticulture and factories in and around the Spalding area. The company has now been operating from the present portacabin on site for approximately 15 years, but intends to expand into larger new offices on adjacent land. There are currently 6 full time staff working in the office.

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.

SELLP Policy 7 specifically relates to economic development and indicates that the South East Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity. New employment development/businesses or the extension of an existing business outside the 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.

The above policies are in accordance with advice within the National Planning Policy Framework, March 2019, which 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.

Addressing the above, the proposal is essentially an expansion of an existing business in this location. It would allow the company to expand into larger offices. The additional land to be utilised is commensurate to the development proposed. The site is in a central location in terms of the businesses operation base in and around Spalding. There would be no significant adverse impact upon the viability of delivering any allocated employment site;

The design and external appearance of the building reflects that of a traditional agricultural building and is considered appropriate to the rural landscape.

In this case there would not be a modal shift away from the private car. However, the site is close to a public transport route. Moreover, Paragraph 84 of the Framework recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport.

In terms of amenity, the normal operating hours are 6:00 to 17:00 Monday to Friday and 6:00 to finish (around 12:00) on weekends. The occupier of the bungalow to the north is the Managing Director of the employment agency. The nearest residential dwelling unassociated with the site is situated some 60 metres to the North-West off Holbeach Road. It is considered that the proposal would not significantly harm the amenity of nearby residents bearing in mind that the business already exists and is close to Holbeach Road, where ambient noise levels are relatively high for a rural location due to traffic noise.

On site parking is provided. LCC Highways/Suds does not wish to restrict the grant of permission on highway safety grounds.

In terms of flood risk, 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 site is within an area identified as "Danger for Most". However, there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

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, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this respect, the building would essentially be a replacement building on existing commercial premises and would help to promote economic growth. It is required to help sustain the existing community. It is considered that the proposal would provide wider sustainability benefits to the community that outweigh flood risk.

Concerning the second element, the depth maps within the South East Lincolnshire Strategic Flood risk Assessment indicate a depth between 500mm-1m, Finished floor levels should therefore be 1 metre above existing ground level, plus flood resilient construction. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Conclusion

The proposal satisfactorily accords with Policies 1 and 7 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework. The building would not materially harm the character/appearance of the countryside or the amenity of nearby residents. The proposal is acceptable on highway safety grounds and flood risk can be addressed by means of a condition.

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.