

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H17-0183-22      **Applicant:** Ms S Lembicz  
**Proposal:** Create additional parking spaces including external lighting.  
**Location:** Orchard House 32 Gosberton Road Surfleet  
**Terminal Date:** 31st August 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            |
| 32         | Community, Health and Well-being                              |
| 33         | Delivering a More Sustainable Transport Network               |
| 36         | Vehicle and Cycle Parking                                     |
| APPENDIX 6 | Parking Standards                                             |

#### National Guidance

##### National Planning Policy Framework 2021

##### National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development  
Section 2: Achieving sustainable development  
Section 4: Decision-making  
Section 9: Promoting sustainable transport  
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

#### Planning Practice Guidance

### Representations:

|                | Object | Support | No Obj. | Comments |
|----------------|--------|---------|---------|----------|
| PARISH COUNCIL | 1      | 0       | 0       | 0        |

|                                              |   |   |   |   |
|----------------------------------------------|---|---|---|---|
| WARD MEMBER                                  | 0 | 0 | 0 | 0 |
| HIGHWAYS & SUDS SUPPORT                      | 0 | 0 | 0 | 1 |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL                                | 0 | 0 | 0 | 1 |
| RESIDENTS                                    | 1 | 0 | 0 | 0 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This application seeks approval for the provision of additional parking spaces associated with the existing haulage business and the installation of external lighting at Orchard House, 32 Gosberton Road, Surfleet.

### **Site Description**

The entire site approximately amounts to 1.49 hectares. It is bounded by Gosberton Road to the west, A152 to the south and the roundabout at the crossroads of both highways to the south-west.

Orchard House is a cottage at the northern-west corner of the curtilage in close proximity to Gosberton Road. The driveway runs to the northern side of the property.

To the rear of Orchard House, there is a large semi-paved area which is bounded to the east by at least 3 metre high conifer hedgerow. Land extends to the south where a haulage business operates. A long outbuilding physically separate both spaces.

### **History**

H17-0021-18. Change of use to light haulage business (retrospective). Approved 18-04-18.

H17-0439-18. Change of use to light haulage business (retrospective) - approved under H17-0021-18. Modification of Conditions 2 and 3 relating to vehicle type and numbers and access to development. Approved 05-07-18.

H17-0696-19. Proposed caravan storage (retrospective). Approved 19-11-19.

H17-0139-20. Change of use to increase area for caravan storage and installation of lighting along existing entrance and exit. Approved 29-05-20.

H17-0687-20. Hardstanding for caravan storage - retrospective. Approved 26-11-20.

H17-0396-21. Erection of barn for the purpose of storage equipment for the purposes of minor maintenance in association with the use of the site as a light haulage business. Approved 19-10-21.

H17-0342-22. Erection of garage for the storage of cars, trailers, quad bikes & lawnmower (retrospective). Pending Consideration.

## Consultation Responses

### Surfleet Parish Council

'We have objected to various planning requests on this site some have been retrospective and there now seems to be a gradual plan to develop the site by piecemeal applications. The details on the application is also wrong as there is a ditch/watercourse on the boundary of the site.'

### Lincolnshire County Council Highway and Lead Local Flood Authority

No objection.

### Welling and Deepings Internal Drainage Board

No comment.

### South Holland District Council's Environmental Protection Team

No objection.

One letter of objection has been received by a member of the public raising concerns over the following:

- Retrospective nature of the application
- Noise and disturbance impacts
- Non-compliance with conditions of previous permissions.

## Planning Considerations

### Principle

The site is located outside the settlement boundary of Surfleet and is therefore classified as 'countryside' as defined by Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019). Policy 1 goes on to state that 'countryside' development will be permitted that 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.

Policy 7 of the SELLP states that the extension of existing businesses will be supported provided that the proposal involves the re-use of previously-developed land. The policy goes on to state that where it can be demonstrated that the re-use of previously-developed land is not available or is unsuitable, proposals will be acceptable subject to the following criteria:

#### a. the development does not conflict with neighbouring land uses;

As discussed further in this report in the 'Impact on Neighbouring Amenity' section, the proposal is not considered to conflict with neighbouring land uses.

#### b. there is no significant adverse impact upon the character and appearance of the area;

Concerns were raised during the course of the application of the proposal resulting in overdevelopment of the site. Given the proposal seeks to expand the existing haulage business within the existing site boundary through hardsurfacing and accompanying lighting, the proposal is not considered to result in detrimental impacts upon the character and appearance of the area and would not constitute overdevelopment of the site.

#### c. the design is responsive to the local context;

As the proposal involves the increase in hardsurfaced area and the provision of two additional lighting columns within the existing site, the proposal is considered to be responsive to the immediate local context and is acceptable in this respect.

#### d. there will be no significant adverse impact on the local highway network;

As discussed further in the Highway Safety section of this report, the proposal is considered to satisfy this criterion with Lincolnshire County Council Highway Authority raising no objections to the proposal.

#### e. there will be no significant adverse impact upon the viability of delivering any allocated

employment site;

Given the proposal seeks to expand the existing business within the site boundary of the applicant's ownership, the proposal is not considered to 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

Given the proposal relates to expanding an existing HGV Operating Centre, it would be unreasonable to refuse planning permission on this basis.

g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

Given the proposal seeks to permission for works to improve and expand an existing business, this criterion is not considered to be relevant in this instance.

Overall, the principle of development is considered to be acceptable and is therefore in accordance with Policies 1, 2, 3 and 7 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the aims of the National Planning Policy Framework (NPPF, 2021).

### Flood Risk and Drainage

The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water is addressed by soakaway and would be secured by a condition.

As the proposal is for expanding the existing haulage business, which is classified as 'less vulnerable' development, sequential and exception tests are not required and the proposal is considered acceptable in terms of flood risk.

Whilst concerns have been raised during the course of the application from the Parish Council regarding the accuracy of details submitted surrounding the ditch/watercourse along the western and southern boundaries, it is considered that the proposed development in the north-east corner of the site would not impact the ditch/watercourse.

Overall, the proposal is not considered to result in any detrimental flooding impacts on site or on neighbouring land. As such, the proposal is in accordance with Policy 4 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the National Planning Policy Framework (NPPF, 2021).

### Impact on Neighbouring Amenity

Given the distance from the site to the closest neighbouring residential properties, approximately 225m to Helloplane and Clubburn House, Clubburn Lane, Surfleet, the proposal to increase the area for HGV parking is not considered to result in significantly detrimental impacts on the neighbouring properties amenities over and above those existing. Furthermore, vehicles would access the site via the existing access off the A152, located further south of the neighbouring residential properties.

It is worth noting that the site is bound by agricultural land to the north and east with Gosberton Road to the west and the A152 to the south.

A condition would be imposed on any planning permission granted to secure further details surrounding the proposed lighting.

As such, the proposal is considered to be acceptable in terms of residential amenity and therefore is in accordance with Policy 3 of the adopted South East Lincolnshire Local Plan (SELLP, 2019).

### Highway Safety

The proposal is to utilise space within the existing curtilage of the site for the parking of HGVs. The site has an existing access onto the A151 link road that has suitable visibility for the proposed use and the characteristics of the adjacent highway for safe egress. The access is of a good

constructional standard and is considered to be acceptable for the proposed development. Furthermore, there is considered to be sufficient area within the site to ensure that vehicles enter the highway in a forward gear.

Overall, the proposal is not considered to result in any detrimental impacts on highway safety and is therefore in accordance with Policies 33, 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and Section 9 of the National Planning Policy Framework (NPPF, 2021).

### Other Matters

Whilst concerns were raised by a neighbouring property over the submission of retrospective planning applications on the site, the Local Planning Authority must determine each application on its own merits with the retrospective nature of an application not being a reason for refusal. Concerns regarding impacts on neighbouring amenities and overdevelopment of the site have been discussed in more detail above.

### **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.

The proposal represents an acceptable form of development in the countryside and is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan (SELLP, 2019) in this regard. Furthermore, the proposal is considered to be acceptable in terms of its impact on amenities and highway safety and all other planning matters.

Overall, the planning balance is considered to be in favour of the proposal.

### **Conclusion**

Approve.

### **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.