

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0396-21 **Applicant:** Ms S Lembicz

Proposal: 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.

Location: Enero Logistics Limited Store Orchard House 32 Gosberton Road

Terminal Date: 19th October 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
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 2021

NPPF 2021.

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
SHDC INTERNAL	0	0	1	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

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.

The building would be 12.5m long and 8.26m wide, with a ridge height of 5,77m.

Since submission certain elements of the original application have been removed.

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. The site hosting of the proposed building is to the rear of the domestic curtilage of Orchard House, on an area of scrub land adjacent to the caravan storage area. Access to the building would be via the light haulage yard area.

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

Consultation Responses

Surfleet Parish Council

Objection - Wrong business in the wrong situation. Now making piecemeal applications to expand.

LCC Highways & SUDS Support

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

SHDC Environmental Health

No objection.

Third Parties

Objections have been received from one objector, as follows (precised):

Site owner operating as HGV centre, with permission for 20 HGV units on the site.
Noise disturbance as a result of existing uses on the site, such as vehicle repairs and music.
Not complying with various conditions laid down by the Traffic Commissioner at the Public Enquiry dated 21st November, 2019, specifically that whilst they can do " minor maintenance, topping up/screen wash, drivers walk round checks and possibly tyre changes etc. no repairs to be carried out on site"

Planning Considerations

The main issues in this case are:

Principle of Development

Layout and Design

Highway safety and parking

Impact of neighbouring Residents/land users

Hours of Use

Principle of Development

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The principle of the use of this site as a location for a light haulage business has been accepted by the grant of the consents listed above. This proposal is to serve that authorised use.

The proposal accords with Policies 2, 3 and 7 in this regard.

The Parish Council has raised objection to the piecemeal development of this site. The applicant can be advised by the addition of an informative to this decision that as this site has been subject to a number of piecemeal applications, it would be sensible for them to set out their intentions for the whole of this site for the next few years, and this can be considered as a whole, and pursue this as a pre application exercise.

Layout and Design

The form of the proposed building would serve as a space for purpose of storage equipment and minor maintenance in connection with the wider use of the site. The building would be located within the site and adjacent to a caravan storage area. It is considered that the structure would serve the purpose to which it would be put, and accords with Policies 2, 3 and 7 in this regard.

Highway safety and parking

No change to the intensity of the use of the site is proposed, as the building would be ancillary to the main use of the site. It is not considered that the development would have any impact on highway safety, nor on the parking requirements of the site, and accords with Policies 2, 3 and 36 in this regard.

Impact of neighbouring residents/land users

The site is screened from neighbouring land uses and nearby dwellings. The proposal would not impact upon neighbouring uses.

An objection has been received relating to the current use of the site, and the provisions of the Operator's Licence on the site.

Issues of noise from the site to date have not resulted in any formal statutory noise complaints to

SHDC Environmental Health. It is considered that the orientation, form and use of the building would not result in increased noise or disturbance from the site. The proposal accords with Policies 2 and 3 of the SELLP in this regard.

Notwithstanding the objections received, there are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Hours of Use

The use of the site is controlled by an Operator's Licence, that is outside the control of the Planning Service. It would not be reasonable to impose further hours of use of this building upon the development.

Planning Balance

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 proposed building does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 30 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

Notwithstanding the objections received, there are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

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.