DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-1001-21**	**Applicant:**	**Kirk Homes Ltd**
Proposal:	Demolish existing farm buildings, remove concrete hardstanding & erection of new farm shop store, contractors office & storage yard - approved under H17-0005-21. Modification of Condition 4 to read 'no storage of materials, machinery, vehicle, waste or other items shall take place outside the buildings on the front of the site.		
Location:	Smithfield Scoldhall Lane Surfleet		
Terminal Date:	30th November 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
30	Pollution

National Guidance

National Planning Policy Framework 2021

Sections 6 and 12 of the National Planning Policy Framework (2021)

6 - Building a strong, competitive economy
12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application at Smithfield, Scoldhall Lane, Surfleet to demolish existing farm buildings, remove concrete hardstanding & erection of new farm shop store, contractors office & storage yard - approved under H17-0005-21. Modification of Condition 4 to read 'no storage of materials, machinery, vehicle, waste or other items shall take place outside the buildings on the front of the site'. No alterations are sought to the position or design of the proposed buildings.

The proposal seeks to provide a contractors office and store that is broadly on the same L-shaped footprint as the agricultural building to be demolished. In total, the depth of the building will be 25.8 metres, and the maximum width of 16.6 metres. The front office element of the building will contain at ground floor level; an office, staff room, shower, wc, reception area and a meeting room. At first floor level, two offices will be provided. This element of the building will be 8 metres in depth, 16.6 metres in width, have an eaves height of approx. 4.3 metres, with a ridge height of 6.6 metres. The rear element of the proposal will house a lorry parking garage, wc and three electric car charging points. This element of the building will measure 17.8 metres in depth, 10.2 metres in depth, have an eaves height of 3.6 metres and a ridge height of 5.4 metre. The base of the office building will be white render, with grey raised seam metal cladding above. The office element will have large aluminium windows on the north, east and south elevations. The garage element will be constructed from grey box profile steel cladding. The contractors office for Kirk Homes Ltd would have operating hours of 07:00 to 17:00 Monday to Friday, and 07:00 to 12:00 on Sunday.

The farm store will be located to the south of the contractors office building. The store will measure 8.2 metres in width, 17.9 metres in depth, have an eaves height of 3.6 metres and a ridge height of 5.092 metres and will be constructed from grey box profile steel cladding. The farm store would operate 09:00 to 16:00 Thursday to Saturday and 09:00 to 15:00 Sunday to Wednesday.

The proposed amended plans show allocated areas for outside storage which will be gravelled.

SITE DESCRIPTION

The proposal site is located to the north of the Smithfield and Spalding Farm Shop, and is outside of defined settlement limits. The surrounding area is predominately rural and characterised by dwellings of varying ages and designs. The site is in Environment Agency Flood Zone 3, and not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H17-0139-98

Agricultural Determination - Alteration of existing farm building, insert door in western elevation & door & window in southern elevation - Refused - 11 March 1998.

H17-1225-98

Full - Erect cold store and toilet facilities etc - Approved - 10 February 1999.

H17-1240-98

Full - Siting of mobile home - Approved - 10 February 1999.

H17-1014-09

Full - Extension to farm shop - Approved - 15 February 2010

H17-0357-10

Non-Material Amendment - Extension to farm shop - approved under H17-1014-09 - amendments to doors, windows and roof lights - Approved - 14 May 2010.

H17-0005-21

Full - Demolish existing farm buildings, remove concrete hardstanding and erection of new farm shop store, contractors office and storage yard - Approved - 29 March 2021.

CONSULTATION RESPONSES

Surfleet Parish Council

Support

PLANNING CONSIDERATIONS.

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against Section 4 of SELLP Policy title - Countryside. This section states.

"The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.
In the 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."

When assessed against the above criteria the following can be observed:

Economic - With regard to the storage building, this will help to support the nearby Spalding Farm Shop to the south of the site. The contractors office will not immediately impact the immediate area economically but will help to retain employment in the district, when the applicant does not have to be sited in the South Holland District area in order to fulfil their role.

Community - The Spalding Farm Shop helps to provide provisions and a place to meet for the people in the Surfleet area and beyond. The visual amenity of the immediate area will be improved by the removal of an unsitely dilapidated agricultural building.

Environmental - The proposed store will allow for the growth of the farm shop business without materially increasing carbon emissions through increased vehicular movements due to the proximity of the site. A full contaminated land report has been requested for the site and removal of the agricultural building. This is considered to help protect the occupants of the site, and the dwellings in the vicinity of the site.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the proposed buildings is considered to be appropriate for the site. No trees will be lost as a result of this proposal, with additional hedging planted as part of the proposed landscaping. The character and appearance of the area will not be materially impacted by the proposed buildings or the proposed outside storage which will not be prominent when viewed from the highway and it will be conditioned that any pallets are stacked no more than 2 high.

2. The design of both the storage buildings and the office are agricultural in terms of the proposed materials, orientation and massing. The designs and footprints are commensurate with other buildings in the vicinity.

3. The proposal does not seek to maximise the use of sustainable materials, however the proposed materials of construction benefit the character and amenity of the area by being traditional in design and massing.

4. There is not considered to be a material increase in traffic as a result of the proposal. The office has ample off-road parking for any staff and visitors. Both storage buildings allow for easy manoeuvrability of vehicles. The County Highways & SUDS Officer has no objections to the proposal and requests standard access and utility informatives.

5. The proposal will not materially impact existing community services and infrastructure.

6. The current occupier of the bungalow to the South is the owner of the farm shop. It is considered that the proposal would not significantly harm the amenity of nearby residents bearing in mind that the farm shop business already exists and is close to the A16, where ambient noise levels are relatively high for a rural location due to traffic noise.

7. The site is in Environment Agency Flood Zone 3, and not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

The proposal is considered to accord with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The application is considered to contribute to a sense of place by removing an unsightly and dilapidated agricultural building, and providing two new buildings reflecting traditional agricultural design and massing. The proposed outside storage which will not be prominent when viewed from

the highway and it will be conditioned that any pallets are stacked no more than 2 high.

4. The proposal does not aid accessibility by public transport, and this is unlikely to change in the near future given the rural nature of the area.

5. Both buildings and their plots have a large amount of space to provide for recycling bins, storage, bicycle parking and the layout of car parking.

9. The orientation of the buildings does not best enable low-carbon energy technologies. However, the buildings have been designed to best serve the needs of the businesses and reflect traditional agricultural building design and massing.

11. The current occupier of the bungalow to the South is the owner of the farm shop. It is considered that the proposal would not significantly harm the amenity of nearby residents bearing in mind that the farm shop business already exists and is close to the A16, where ambient noise levels are relatively high for a rural location due to traffic noise.

12. The site is in Environment Agency Flood Zone 3, and not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

14. The proposed landscaping scheme seeks to provide native deciduous hedging to border each site. This is considered to benefit biodiversity in the area.

This proposal accords with SELLP Policy 3.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Other Employment Sites and this section states:

"New employment development/businesses or the extension of an existing business outside the above 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."

When assessed against the above relevant criteria the following can be observed:

a. The proposal is not immediately adjacent buildings outside the ownership of the applicant and does not conflict with any neighbouring land uses.

b. The new buildings are designed to reflect traditional agricultural appearance and massing. There is not considered to be a material impact on the character and appearance of the area. The proposed outside storage which will not be prominent when viewed from the highway and it will be conditioned that any pallets are stacked no more than 2 high.

c. The new buildings are designed to reflect traditional agricultural appearance and massing. There is not considered to be a material impact on the character and appearance of the area.

d. There is not considered to be a material increase in traffic as a result of the proposal. The office has ample off-road parking for any staff and visitors. Both storage buildings allow for easy

manoeuvrability of vehicles. The County Highways & SUDS Officer has no objections to the proposal and requests standard access and utility informatives.

e. There is not considered to be an impact on delivering any allocated employment site. The storage building adjacent Smithfield is to serve the existing Spalding Farm Shop, and the contractors office represents an opportunity to remove an unsightly and dilapidated agricultural building.

f. The proposal does not seek to maximise a shift away from the private car. However, storage next to the farm shop reduces journeys to other storage buildings, and the contractors office has three electric vehicle charging points to cater for the widespread adoption of electric vehicles over the next few years.

g. Whilst it is not considered there is an imperative for the siting of a contractors office in this location, the building will be located on a similar size footprint to the building it seeks to replace and it represents the opportunity to materially improve the built character of the surrounding area.

The proposal is considered to accord with SELLP Policy 7.

Assessment against SELLP Policy 30 - Pollution

This proposal is assessed against SELLP Policy 30 titled - Pollution. This policy states:

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:
1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.
Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:
9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.
Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.
Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.

When assessed against the above relevant criteria the following can be observed:

1. The existing building on site contains asbestos and the removal of the building is considered to aid the health and safety of the public.

2. The amenities of the area are not impacted by the proposal.

4. The proposal will not generate a materially significant level of fumes or odour.

5. There is not considered to be a material impact from noise at either building.

6. The buildings are not immediately adjacent any dwellings outside the ownership of the applicant and are not expected to be lit when not in operation.

7. Concerns were previously expressed about land condition from the previous use. This can be addressed by the imposition of a full contaminated land condition as requested by the Environmental Protection Officer.

8. Concerns were previously expressed about groundwater condition from the previous use. This

can be addressed by the imposition of a full contaminated land condition as requested by the Environmental Protection Officer.

9. The proposed buildings will not be impacted by poor air quality from existing sources.

10. The proposed buildings will not adversely impact air quality.

11. The amenity of site users will not be impacted by existing uses in the area.

The proposal accords with SELLP Policy 30.

PLANNING BALANCE

There is not considered to be a material impact on the character or amenity of the surrounding area as a result of this proposal. The application is considered to accord with Policies 1, 2, 3, 7 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 & 12 of the National Planning Policy Framework, 2019.

CONCLUSION

This application is recommended for approval.

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.