

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H18-0109-21 **Applicant:** Boud Minerals
Proposal: Proposed canopy used for storage purposes.
Location: Boud Minerals And Polymers West Bank Road Sutton Bridge
Terminal Date: 31st March 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
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 6, 8, 9, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a canopy (approx 573sq m) to be used for storage purposes.

Boud Minerals provides functional and decorative and functional mineral and polymer fillers for a number of industries and applications.

Site Description

The site is located on the western side of West Bank within an area of established commercial and industrial premises. At present, the site comprises a workshop, warehouses, offices, laboratories and has existing palisade fencing to its boundaries. The main site has concrete surface finish while the car park has gravel surface finish.

The nearest residential properties are located approximately 230 metres to the south-west off Nene Meadows and 280 metres to the west off New Road beyond the golf course.

Relevant Planning History

No recent history.

Consultation Responses

Sutton Bridge Parish Council - Supporting employment in the area.

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

Environmental Protection (Noise) - No objection.

Material Considerations

The main issues in this case are:

- Policy/principle;
- The effect upon the character/appearance of the rural locality and also the setting of Mill House, which is grade II listed;
- The likely effect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is an existing employment site (ref. SB001) within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 7 of the SELLP indicates that such sites play an important role in the local economy and will be protected for new development or re-development in classes B1, B2 or B8. This is providing the proposed development is of a scale that respects the character of the area and/or neighbouring land uses. No objections are therefore raised in principle.

Character/appearance

The site is located within an existing industrial area. The existing buildings on site are predominantly a combination of brickwork and grey metal cladding, similar in appearance to others within the vicinity. The proposed canopy (16m x 35.6m approx.) would be a single span portal frame with height to match existing and made up of materials to match the neighbouring units to the south.

The scale and appearance of the proposed development is in keeping with the existing. It constitutes a neutral development that would not materially harm the character or appearance of the

locality.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan in this respect.

Residential amenity

The nearest residential properties are located approximately 230 metres to the south-west off Nene Meadows and 280 metres to the west off New Road beyond the golf course.

The canopy would be used for a purpose ancillary to the existing industrial use on the site. There are no immediate neighbours and existing buildings help provide a buffer between the proposed canopy and the nearest residential properties. No objections have been received from residents within the vicinity and Environmental Protection have raised no objections. It is considered that residents in the locality would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise, dust and disturbance, etc.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in terms of amenity.

Highways

The entrance to the complex is off West Bank Road and this would remain unaltered. The layout of the premises is such that HGVs are able to enter and leave in forward gear. The access and parking arrangements remain unchanged. LCC Highways have indicated that the proposal would not result in an unacceptable impact on highway safety.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in this respect.

Other Material Planning Considerations

Flooding - The site is located within Flood Zone 2 of the Environment Agency's Flood Maps. 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 All". However, the proposal relates to established industrial premises. 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 site is designated as an existing employment site (ref. SB001) within the SELLP. Policy 7 of the SELLP indicates that such sites play an important role in the local economy and will be protected for new development or re-development in classes B1, B2 or B8. It is considered in this case that the proposal would provide wider economic benefits that outweigh flood risk.

Concerning the second element, the proposal is not a more vulnerable use. It would essentially

provide covered storage over an existing yard and would be open ended. It would not increase the risk profile of the site. The flood risk elsewhere would not be increased.

Drainage - Surface water from the development would be disposed of to soakaways.

Planning Balance

The proposal would assist in promoting economic growth. The development is neutral in terms of design/appearance. It would not materially harm the amenity of neighbouring residents. LCC Highways have raised no objections on highway safety grounds. The proposal is not a more vulnerable use in terms of flood risk.

The proposal satisfactorily complies with Policies, 1, 2, 3, 4, 7, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no material considerations that outweigh factors in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal.

Recommendation

That the application be approved under 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.