

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0278-24 **Applicant:** Mr R Toll
Proposal: Proposed new access including extension of hardcore area
Location: King John Farm 134 Avenue Farm Road Sutton Bridge
Terminal Date: 5th June 2024

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
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.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to widen an existing access including extension of an existing hardcore area. The applicant has indicated that it would include the laying of a crushed hardcore base with crushed ballast to allow safer ingress and egress from the yard, plus safer manoeuvring for HGVs because of a wider area.

Site Description

The site is located in open countryside on the northern side of Avenue Farm Road and is part of an existing farmyard including a range of modern agricultural buildings. Agricultural buildings outside the applicant's control are situated to the east and a dwelling further to the east.

Recent Planning History

H18-0682-12 - Agri Det - Proposed agricultural storage building - Approved 14 September 2012

H18-0416-22 - Full - Proposed Extension to Agricultural Building - Approved 9 June 2022

H18-0626-22 - Full - Proposed extension to agricultural building - re-submission of H18-0416-22 - Approved 4 August 2022

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Sutton Bridge Parish Council

No response.

LCC Highways/SUDs

No objections subject to informatives.

South Holland Internal Drainage Board

If the applicant proposes to discharge surface water from the hardstanding area extension (via either a new or existing connection) to a watercourse, consent would be required under Byelaw 3.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses

- Highway Safety and Parking
- Flood Risk/Drainage
- Biodiversity

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Policy/Principle

Policy 1 of the South East Lincolnshire Local Plan (SELLP), 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. Paragraph 3.2.15 of the SELLP indicates that there are types of development that require a countryside location either because it is the location of an existing building or use. It goes on to state that agricultural and forestry are clearly uses which must function in the countryside.

The National Planning Policy Framework, December 2023 promotes sustainable economic growth. Paragraph 88 specifically indicates that planning policies and decisions should support the development and diversification of agricultural and other land-based rural businesses and the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The proposal is necessary in this location in conjunction with the existing agricultural holding. It is a sustainable form of development in locational terms and therefore in accordance with Policy 1.

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should respect the massing of neighbouring buildings. These policies are consistent with advice within the National Planning Policy Framework, December 2023.

The proposed works are small scale and would be viewed against existing agricultural development. Loss of agricultural land would be minimal. The proposal would not materially harm the character or appearance of the countryside.

The development therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework

(December 2023). Paragraph 135, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Agricultural buildings outside the applicant's control are situated to the east and a dwelling further to the east.

The application is to widen an existing access including extension of an existing hardcore area. The nature and scale of the development and its general relationship to neighbouring property is considered to be such that the amenity of nearby occupiers/residents would not be materially harmed in terms lack of privacy, overlooking, overshadowing, blockage of light, noise/disturbance, etc.

The development therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Highway Safety

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The application is to widen an existing access including extension of an existing hardcore area. The applicant has indicated that it would include the laying of a crushed hardcore base with crushed ballast to allow safer ingress and egress from the yard, plus safer manoeuvring for HGVs because of a wider area. The County Highways Authority has been consulted and raises no objections on highway safety grounds.

The development therefore satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking.

Flood Risk/Drainage

Policy 4 of the South East Lincolnshire Local Plan relates to flood risk and indicates that development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted in instances where specific criteria are met.

The Framework states that development in areas that are at risk of flooding should be avoided. It also states, at paragraph 167, that all plans in such areas should apply a sequential test to avoid flood risk and steer development toward areas with the lowest risk of flooding. If it is not possible to locate development in a lower risk area the exception test may be applied. Similar to SELLP Policy 4, this would need to demonstrate that the development would provide wider sustainability benefits to the community to outweigh the flood risk and would be safe for its lifetime, without increasing flood risk elsewhere.

The site lies within Flood Zone 3 defined by the Environment Agency Flood Maps. The latter 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 site is within an area of "danger for most" within the South East Lincolnshire Strategic Flood Risk Assessment. However, the proposal is necessary in this location in conjunction with an existing agricultural enterprise and cannot be located elsewhere within an area of lower flood risk. Moreover, the proposal constitutes commercial less vulnerable development and does not involve a building used for habitation or occupancy by workers. Consequently, an exception test does not need to be undertaken because there are no significant flood risk issues.

In terms of surface water drainage, the material would be permeable. There is no foul water drainage associated with this application.

The proposal therefore satisfactorily complies with development plan policy and advice within the Framework in this respect.

Ecology/Biodiversity

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate. This is considered sufficient at this time to conform with Policy 28 of the SELLP.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal is related to agriculture and represents appropriate development within the countryside. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby occupiers/residents, and provides adequate parking/turning, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole. There are no significant flood risk issues and biodiversity can be addressed by means of a condition.

In this instance, there are no material considerations that weigh against the proposal and, as such, the planning balance is in favour of the development.

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.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 28, 30 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019. It is in accordance with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

Recommendation

That the application be approved under delegated powers.