DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-1343-21**	**Applicant:**	**Mr R Wilson**
Proposal:	Proposed change of use of land from D2 (Golf Course) to B2 (General Industrial)		
Location:	Sutton Bridge Golf Course West Bank Sutton Bridge		
Terminal Date:	18th February 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

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development 5
Section 3 - Plan-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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks planning permission for change of use of land from D2 (Golf Course) to B2 (General Industrial). The change of use if required as the business adjacent the site 'Boud Minerals' wish to expand their business into this land. The proposal would utilise the existing access. The existing shed on the site are proposed to be removed. A fence is proposed along the western boundary.

Site Description

The site is on the western side of West Bank in Sutton Bridge. The site is part of the established West Bank Industrial Estate Employment Site. The site consists of an area of land that is part of Sutton Bridge Golf Course and includes several sheds. The site is on the southern side of the existing access. The area of development is approximately 0.7 hectares. The site is mainly flat ground and is partly enclosed by trees along West Bank. River Nene is located to the east of the application site.

History

No relevant planning history.

Consultation responses

Sutton Bridge Parish Council

Objects as the proposed B2 General Industrial use is too wide a designation for this site.

Environment Agency

No objections subject to the development being carried out as per the mitigation measures within the submitted Flood Risk Assessment.

South Holland Internal Drainage Board

No comments as the application does not meet the threshold for commenting.

Inward Investment

Supports the application.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

Principle of development

As indicated in paragraph 47 of the National Planning Policy Framework, 2021, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located with the defined settlement limit of Sutton Bridge within the South East

Lincolnshire Local Plan (SELLP), 2019. It is part of SB003 in SELLP Policy 7 and its use is restricted to B1, B2, B8 - port related uses. This is to ensure Sutton Bridge Port is maintained and uses that support its ongoing port operation, such as manufacturing, logistics, distribution and waste management will be supported. It also states that proposals which assist in the delivery of economic prosperity would be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Section 6 supports sustainable economic growth in rural areas. It stresses that planning policies and decisions should place significant weight on the need to support economic growth taking into account local business needs.

Addressing the above, the site is within an allocated employment area and the proposal would relate to an existing business (Boud Minerals), adjacent to the application site. The proposal would enable this business to expand and support its economic growth. As such it is considered to comply with Policy 7 of the SELLP and it is considered that the economic benefits in this case outweigh the constraints and the proposal is therefore acceptable in policy terms.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The only changes proposed are removal of the existing sheds and erection of a fence on the western boundary. Removal of the sheds is not considered to materially or unacceptably change the overall appearance of the site or the area.

No details have been submitted with regards to the proposed fencing therefore a condition has been appended to secure these details.

As such the development is not considered to result in detrimental to the character of the area and is therefore acceptable in terms of its design and siting.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There are no immediate neighbours adjacent to the proposed building therefore there are no neighbouring amenity concerns.

As such the proposal would accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway safety

The Local Highway Authority has not raised any objections to the proposal as the existing access is to be retained and located on a private road not adopted by the Highway Authority and therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Flood Risk

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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The site is located within an Internal Drainage Board catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the South Holland IDB high priority watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year).

The proposed development is in Flood Zone 3. The River Nene tidal defences provide protection during the 0.5% annual probability (1 in 200 chance each year) event. During the design life of the development, including an allowance for climate change, it is not anticipated that there would be flooding at the site.

The site has a low 'actual risk' of flooding. The Flood Risk Assessment does not propose any specific mitigation measures associated with the change of use of the land other than the use of Flood Warnings. An informative has been attached to the decision advising the applicant to register for flood warnings.

The development passes the Sequential Test and is therefore suitable for the proposed location.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk.

Planning balance

The principle of change of use of the site to B2 (General Industrial) is acceptable as the site is part of the established West Bank Industrial Estate Employment Site. The proposed changes are considered minor and would not unacceptably change the overall appearance of the site and the area. No significant adverse impact is anticipated on residential amenity given there are no immediate neighbours. The existing access is to be retained therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. The site has a low 'actual risk' of flooding therefore there are no flood risk concerns subject to the applicant registering for flood risk warnings.

In summary, any adverse impact of granting permission to the proposals would not significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3, 4, 7 and 8 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 6, 12 and 14 of the National Planning Policy Framework (NPFF), 2021.

It is accordingly recommended to approve this planning application via 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.

RECOMMENDATION

That the application be approved under delegated powers.