DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H20-0321-19**	**Applicant:**	**One Investment Group Ltd**
Proposal:	Change of use of general purpose building from agricultural to commercial, B1, B2, B8. The existing structure will remain and be improved for security and looks		
Location:	Thistlewood Farm Old Fendyke Sutton St James		
Terminal Date:	17th June 2019		

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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an application for change of use of general purpose building from agricultural to commercial, B1, B2, B8. The existing structure will remain and be improved for security and visual appearance at Thistlewood Farm, Old Fendyke, Sutton St James. There are no changes proposed to the exterior of the building that require planning permission in this application, which is solely to establish permission for the change of use.

The proposal seeks to change the use to an electronics research, development and fabrication facility. The proposed business works in the communication sector. Hours of operation are Monday to Sunday 07:00 to 22:00. The previous use was as a grain and farm machinery store, as well as agricultural machinery workshop.

Site Description

The proposal is outside defined settlement limits and the surrounding area is predominately rural, characterised by buildings of varying ages and design. The building is close to the junction with Bardlings Drove from which the site can also be accessed.

History

H20-1190-81

Erection of G P Building with access at Thistlewood Farm - Approved - 12 January 1982

H20-0164-84

Erection of G. P. agricultural lean-to - Approved - 06 March 1984

Consultation Responses

Member of public comments

Happy that site is being tidied up.

Concerns regarding noise, hours of operation, vehicle movements, foul water drainage, siting of waste container (minimal planning weight), potential future lighting (minimal planning weight - speculative).

Anglian Water

Requests full foul water drainage condition and surface water disposal condition.

County Highways & SUDS Officer

No objections.

Sutton St James Parish Council

Supports the application.

Planning Considerations

Noise
Hours of operation
Vehicle movements and parking/servicing
Drainage

Potential noise, vehicle movements and hours of operation are not concerns considered to justify a recommendation for refusal. These matters are speculative and therefore a determination cannot be made as to the level of disturbance (if any) that will arise from the proposed business. Supporting information states that vehicular movements will be minimal with minor noise from electronics research and development work. Should noise and disturbance become a nuisance to neighbouring properties then this is a matter that can be addressed by the Environmental Health Officer who can take action to reduce noise and / or hours of operation. Conditions limiting hours of operation to 07:00 to 22:00, and restricting the use to electronics research and development only will be applied to the decision notice.

Matters related to drainage will be addressed by the foul water and surface water drainage conditions requested by Anglian Water.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2 and 3, 7, 28, 36 and APPENDIX 6 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2019.

A delegated approval is considered to be appropriate.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.