

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H20-0630-23	Applicant:	A G Ellis and Son
Proposal:	Proposed potato store		
Location:	Grange Farm Fishergate Sutton St James		
Terminal Date:	23rd November 2023		

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
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 INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a potato store (280sqm). The building would have a width of 14m, length of 20m, eaves height of 7m and ridge height of 8.9m approximately. It would be constructed in profiled metal cladding (Olive Green). The applicant has confirmed that the building would be used solely for the storage of potatoes grown on the agricultural holding.

Site Description

The site forms part of agricultural premises (Grange Farm) located on the eastern side of Fishergate on the western fringe of the village of Sutton St James. It is currently used for the storage of pallets, etc. The farmyard is occupied by several buildings of varying scale, age and design, plus glasshouses.

The nearest dwellings are no. 102 Fishergate to the north-west and no. 38 Fishergate to the south-east, plus other residential properties beyond. Horsemoor House is situated approximately 260m to the north-east off Horsemoor Drove.

Recent Planning History

H20-0263-01 - Full - Erection of glasshouse - Approved 10 April 2001

H20-0052-11 - Full - Proposed wind turbine (tip height of 26.4 metres) - Approved 1 April 2011

Consultation Responses

Sutton St James Parish Council

No response received.

LCC Highways/SUDs

No objections.

South Holland Internal Drainage Board

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Environmental Protection

Not sufficient grounds to object. We have no history of noise complaints concerning this particular site. Whilst condensing fans can give rise to noise nuisance, the proposal takes this into account and has acoustic dampening incorporated in the design. Other buildings on site are also likely to provide a barrier to sound. Recommend mitigation conditions.

Historic Places Team, LCC

No archaeological input.

Public Representations

Objections received (summarised):

- Noise/disturbance from plant/equipment and traffic. The constant noise day and night will have a tremendous detrimental impact on the environment and residents and affect the health and wellbeing of all.
- A similar plant within the village was closed down years ago due to deep humming and resident complaints and there is already a plant within the village that emits noise. Also associated wind turbine, which causes noise/disturbance.
- Additional HGV and farm traffic. Detrimental to highway safety.
- Safety of the residents is of paramount concern and cannot and shouldn't be overlooked or undervalued. Have all suffered too much already with accidents due to volume and careless speeding of large HGV vehicles, plus vibration, etc. Roads already damaged.
- Roads, drainage, water and electricity supplies will all be severely impacted. The village infrastructure, roads, etc are inadequate to withstand additional development such as that proposed.
- What additional drainage is required to take away the natural slurry from potatoes should they be cleaned on site.
- Why is such a large building required if solely for applicant's own potatoes. Concerned that it will be used for the benefit of other potato growers and an increase in the volume of already high traffic will be experienced.

Key Planning Considerations

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

- Principle of Development and Sustainability.
- Character/Appearance.
- Impact on Neighbouring Residents/Land Users.
- Highway Safety.
- Flooding Risk Considerations.
- Foul and Surface Water Drainage.

Evaluation

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

In this case, the adopted South East Lincolnshire Local Plan (SELLP) 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 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP 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 of land. It goes on to state that agricultural and forestry are clearly uses which must function in the countryside.

The National Planning Policy Framework, 2023 promotes sustainable economic growth. Paragraph 84 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 and would bring economic benefits. It is a sustainable form of development in spatial terms and is 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 accord with the provisions of the National Planning Policy Framework and require that 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.

The building would have a width of 14m, length of 20m, eaves height of 7 metres and ridge height of 8.9m approximately. It would be constructed in profiled metal cladding (Olive Green), which is typical of modern agricultural buildings within the area. It would be viewed against a backdrop of existing agricultural buildings within the farmyard and the south-western (front) and north-western (side) boundaries are partially de-lined by tree planting. It is considered that it would not materially harm the character or appearance of the countryside, subject to additional landscaping to help integrate it into the rural landscape.

The development therefore satisfactorily accords with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework in this respect.

Impact on Residential Amenity/Land Users

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. Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

They are consistent with advice within the National Planning Policy Framework (2023). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest dwellings are no. 102 Fishergate to the north-west and no. 38 Fishergate to the south-east, plus other residential properties beyond. Horsemoor House is situated approximately 260m to the north-east off Horsemoor Drove.

The applicant has indicated that the building would be used solely for the storage of potatoes grown on the holding, which is an agricultural as opposed to industrial use. Potatoes would be brought in from the field, placed into boxes and then stored in the proposed store prior to being removed and graded off site as and when required. The main door serving the building is located on the south-western elevation facing into the farmyard. However, the applicant has indicated that loading/unloading would be between 8am and 4pm Monday-Friday as and when required, although Saturday mornings would not be unreasonable. Moreover, the proposed building is approximately 100 metres from the nearest dwelling (no. 102 Fishergate) to the north-west, which is an acceptable distance. There is tree planting along the common boundary. Properties to the south-east would be partially shielded by existing agricultural buildings within the farmyard.

The proposal includes air cooled condensing units positioned at the south-eastern corner of the building within the main yard and a floor mounted evaporator would be positioned inside the store at the rear. Details have been supplied, including sound levels. The condensing units would have acoustic lined compressor compartments to reduce the noise emitted and the projected sound level from these units would be 47 dB(A) 10m @80 Hz compressor speed. The evaporator would be two 900mm diameter fans installed with silencers before and after the fans. The latter would be

designed to run at a lower speed to the standard units to further reduce sound levels. The projected sound level from this unit would be 55dB(A0 @ 10m 90 degree directivity (ISO 1680).

Environmental Protection has been consulted and has raised no objections. Mitigation conditions are recommended, however, relating to such matters as agricultural storage only (no grading equipment), noise from fixed plant/equipment, hours of loading/unloading, etc.

Concluding, therefore, it is considered that the proposal would not result in unacceptable adverse impacts that are significantly greater than present activity within the farmyard in terms of noise and disturbance, health and safety, lack of privacy, etc, subject to mitigating conditions.

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

Highway Safety

Policy 2 of the SELLP indicates that sustainable development considerations should be met in relation to access and vehicle generation levels. Policy 36 and Appendix 6 of the SELLP set out the minimum standards for parking provision based upon the use class. In the case of agricultural development car parking should be assessed on a site by site basis.

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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 proposed potato store is to be constructed within the curtilage of an established agricultural holding, comprising a large yard area and existing buildings. The building is to be used for the storage of the applicant company's locally grown potatoes. No alterations are proposed to be made to the access arrangements for the holding which, according to LCC Highways, are proven through usage to be suitable for such purpose. Ample space is available within the yard for the manoeuvring/parking of vehicles.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

On the basis of advice from LCC Highways, the development 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 is clear in 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 above include where it can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, ie. there is a specific need for the development in that location.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. The sequential test therefore needs to be applied. In this case, the NPPG confirms that 'land and buildings used for agriculture and forestry' is classified as 'Less Vulnerable'. Table 2 of the NPPG 'Flood Risk Vulnerability and Flood Zone Compatibility' states that less vulnerable development is appropriate in Flood Zone 3. This fulfils the requirements of the sequential test and an exceptions test is not required. Moreover, the site is designated as low hazard within the South East Lincolnshire Strategic Flood Risk Assessment. Even if this were not the case, the development is necessary in

conjunction with the existing agricultural holding, so there is a specific need in this location.

In terms of drainage, Policy 4 of the SELLP states, inter alia, that new development should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

Surface water would be disposed of via soakaways, so it is not expected that the proposed development would increase surface water flood risk or put an additional burden on the local drainage network. No foul water drainage facilities are proposed. Potatoes would be stored in boxes/crates prior to removal and grading off site. Consequently, no significant amounts of slurry would be generated.

The development therefore satisfactorily accords with local and national policy in terms of flood risk/drainage issues.

Ecology

Policy 28 of the SELLP indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

It is unlikely that protected species are present upon the site. In accordance with Policy 28, a condition should be imposed requiring bio-diversity enhancement measures.

Planning Balance

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.

Policy 1 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 rural businesses are clearly uses which must function in the countryside. No objections are therefore raised in principle to the proposed development in this location.

The building would be of similar scale and appearance to other modern agricultural buildings seen across the district. It would be partially screened by existing planting/buildings or be viewed against a backdrop of existing agricultural buildings within the farmyard. It is considered that it would not materially harm the character or appearance of the rural locality or countryside.

It is considered that the amenity of nearby residents would not be harmed to a significantly greater degree than at present in terms of such matters as noise/disturbance, health and safety, etc, subject to mitigating conditions relating to use of the building, noise, hours of loading/unloading, etc. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. There are no significant flood risk/drainage issues.

The proposal is therefore in general accordance with the development plan and advice within the National Planning Policy Framework, 2023 as a whole. There are clear economic benefits and whilst the concerns of local residents have been taken into consideration there are no adverse matters in this case that outweigh factors in favour of the proposal, subject to mitigating conditions.

Conclusion

The proposal is considered to comply with Policies 1, 2, 3, 4, 30 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023. Whilst the concerns of local residents have been taken into account they do not outweigh the benefits of the proposal, subject to mitigating conditions. Therefore, in considering all the matters raised above, the planning balance is in favour of the proposal and in accordance with the policies referred to above.

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

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.