DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H20-1297-21** | **Applicant:** | **Mr A W Ellis** |
| **Proposal:** | Installation of two agricultural storage tanks - retrospective | | |
| **Location:** | Scalesgate Road Sutton St James Spalding | | |
| **Terminal Date:** | 15th 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 |
| 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 2021**

Section 2. Achieving sustainable development.
Section 3. Plan Making;
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 |
| SHDC INTERNAL | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

Full planning permission is sought for the erection of two 30,000 litre tanks used for the storage of liquid fertiliser. They are 3.05m in diameter and 4.6m in height.

### Site Description

The site is located on the south-eastern side of Scalesgate Road and forms part of existing horticultural premises. A lagoon/reservoir is situated to the north-east and glasshouses to the east.

The nearest residential property is White House Farm some 130 metres to the west. Thistlewood Farm and Northfields are situated approximately 170 and 190 metres to the south-west respectively on the opposite side of Old Fen Dike. Permission was recently granted for use of land to site 20 static caravans for workers accommodation on the holding on the land to the east (ref H20-0281-21).

### Relevant Planning History

H20-0281-21 - Full - Use of land to site 20 static caravans for workers accommodation - Granted 11 May 2021.

### Consultation Responses

Sutton St James Parish Council

No response.

Environmental Protection (Noise)

No objections.

Public

No response.

### Planning Considerations

Principle

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 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. Explanatory text indicates that there are certain types of use that need to function in the countryside, such as agriculture and forestry.

The National Planning Policy Framework, March 2021 promotes sustainable economic growth. Paragraph 83 specifically indicates that planning policies and decisions should support 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 storage tanks are used for the storage of liquid fertiliser in conjunction with an existing horticultural enterprise (A & H Nureseries Ltd/Poplar Farm Flowers). The proposal constitutes agricultural development in the countryside and satisfactorily complies with Policy 1 of the SELLP.

Character/Appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

The tanks are 3.05m in diameter, 4.6m in height and light green in colour. They are relatively small and would be seen against a backdrop of existing horticultural premises. They would not materially harm the rural landscape.

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

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 (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of 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.

The nearest residential property is White House Farm some 130 metres to the west. Thistlewood Farm and Northfields are situated approximately 170 and 190 metres to the south-west respectively on the opposite side of Old Fen Dike. Permission was recently granted for use of land to site 20 static caravans for workers accommodation on the holding on the land to the east (ref H20-0281-21).

The tanks would be used for the storage of liquid fertiliser. However, they are relatively small and are some distance from residential property outside the applicant's control. The nature and scale of the development and its general relationship to neighbouring residential property is such that the amenity of nearby residents would not be materially harmed in terms lack of privacy, noise and disturbance, possible pollution/contamination, etc. Concerning the latter, the tanks are enclosed within a 1 metre high brick wall which would contain any leakage onto surrounding land. If issues were to arise concerning pollution it could be dealt with under separate environmental legislation.

The development satisfactorily accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

Primary access to the holding is off Old Fen Dike. However, there is also a secondary access off Scalesgate Road near the tanks. There are no significant highway implications in this case.

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

Flood Risk/drainage

The site is within Flood Zone 3 on the Environment Agency Maps. The sequential test should therefore be applied.

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 no hazard. The proposal therefore satisfies the sequential test. A 1 metre high brick bund has been constructed around the tanks as a mitigation measure.

Planning Balance

No objections are raised in principle to agricultural development in this location. The nature, scale, appearance of the development and its relationship to neighbouring property is such that it would not materially harm the character/appearance of the countryside or amenity of nearby residents. Measures have been included to address possible pollution/contamination. There are no highway safety concerns or flood risk issues in this case.

The proposal generally accords with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no issues in this case that outweigh factors in favour of the proposal and the policies referred to above.

## Conclusion

The planning balance is in favour of the proposal.

## 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.