

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0413-22 **Applicant:** S J Stanberry & Sons Ltd.

Proposal: Erection of Storage Shed

Location: Tretton Manor Barns Lowgate Tydd St Mary

Terminal Date: 9th June 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
28	The Natural Environment
29	The Historic 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 4. Decision making.
Section 6. Building a strong competitive economy.
Section 9. Promoting Sustainable transport.
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.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a building to be used for the storage of plant, machinery, materials, etc in conjunction with the applicant's business (S J Stanberry & Sons Ltd), who are agricultural and industrial concrete flooring specialists.

Site Description

The site forms part of industrial premises located on the northern side on Lowgate close to the junction with Mayner's Dike (B1165) and is presently used for external storage. High hedging is situated along the northern, eastern and southern boundaries. A range of converted barns are situated to the south-west (Tretton Manor Barns) and thereafter two dwellings (Tretton Cottage and Tretton Stables). A pair of semi-detached properties are located some 130 metres to the south (nos 2 and 3 Eaudyke Bank) and a dwelling approximately 200 metres to the south-east (Long Meadow).

Recent Planning History

H21-0299-99 - Full - Proposed barn conversion to form two annexes - Granted 22 June 1999.

H21-1031-02 - Full - Proposed touring caravan and camping site - Granted 5 April 2004.

H21- 0681-03 - Full - Change of use from domestic garage to business use (office) - Granted 24 March 2004.

H21-0504-05 - Full - Retrospective application for change of use for storage/repair of portable buildings - Granted 8 August 2005.

H21-0902-13 - S191 - Use of annexe as two independent units of living accommodation - Approved 30 April 2014.

H21-0142-14 - Full - Steel portal framed workshop and store - Granted 17 April 2014.

H21-0869-21 - Full - Siting of 2 static caravans - retrospective - Refused 19 November 2021.

H21-0195-22 - Full - Siting of 2 static caravans (retrospective) - re-submission of H21-0869-21 - Refused 9 May 2022.

Consultation Responses

Tydd St Mary Parish Council

No objections.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Environmental Protection

Contamination - No comments or objections.

Noise - No objections.

Public

No comments received.

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.

The site is located outside a settlement boundary as set out in the South East Lincolnshire Local Plan (SELLP), 2019 and is, therefore, classed as being in the countryside in planning policy terms.

Policy 1 (Spatial Strategy) of the SELLP states that development in the countryside will only be permitted that 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. Given that the proposed building would be used in conjunction with the applicant's existing businesses it would be unreasonable to locate such development elsewhere.

Policy 7 of the SELLP indicates that the extension of an existing business outside an allocated employment site will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings. It is in accordance with the general thrust and aims of the National Planning Policy Framework, 2021 which supports sustainable economic development and growth. Paragraph 83 indicates that LPAs should support the sustainable growth and expansion of all types of business in rural areas.

In this case the proposal relates to rationalisation/expansion of an existing business and is within the existing curtilage. The proposal therefore satisfactorily complies with the aims and objectives of Policies 1 and 7 of the SELLP.

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 complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. Policy 29 (The Historic Environment) suggests that proposals should mitigate the extent of harm to the significance of a non-designated heritage asset. All are consistent with advice within the National Planning Policy Framework, 2021.

The building would have dimensions of 18m x 18m with an eaves height of 5.8m and ridge height of 7.8m approximately. It would be constructed in brown corrugated steel sheeting with a grey corrugated steel sheeting roof. The building would be situated within existing industrial premises and would relate to the existing industrial workshop on the site. It would be partially screened by perimeter hedging. The scale and nature of the building is considered to be such that it would not materially harm the character or appearance of the rural locality or setting of the converted barns which could be classified as a non-designated heritage asset.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan 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 (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing

and future users.

The storage building would be situated within existing industrial premises. A range of converted barns associated with the site are situated to the south-west (Tretton Manor Barns) and thereafter two dwellings (Tretton Cottage and Tretton Stables). A pair of semi-detached properties are located some 130 metres to the south (nos 2 and 3 Eaudyke Bank) and a dwelling approximately 200 metres to the south-east (Long Meadow).

The proposal would be used for the storage of plant, machinery, materials, etc in conjunction with the applicant's business (S J Stanberry & Sons Ltd), who are agricultural and industrial concrete flooring specialists. It would essentially mean that existing materials stored externally on the site would be placed under cover and more secure. The main door would face south-west towards the existing industrial premises and related barn conversion. There would be no openings on the south-eastern elevation. It is considered that the amenity of neighbouring residents would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, noise and disturbance, etc, subject to a condition relating to loading/unloading. Details of any additional external lighting should also be submitted for approval prior to installation.

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.

Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class.

The existing vehicular access to the premises would be utilised and there would still be sufficient space on site for the parking and manoeuvring of vehicles. Lincolnshire County Council (as Highway Authority) does not consider that it would have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in terms of highway safety/parking requirements.

Other Material Planning Considerations

Flood risk/drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

In terms of flood risk, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

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 "Danger for Some".

In terms of the sequential test, the aim is to steer new development to areas with the lowest probability of flooding. The NPPF states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is important to note that the Sequential Test does not specifically mean that sites such as this cannot be developed, rather that sites at less risk should be developed first.

Moreover, National Planning Practice Guidance (NPPG) states that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications relating to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development to be located elsewhere.

Applying the Flood Risk Vulnerability Classification in Table 2 of NPPG, use for industrial purposes/storage is classified as "Less Vulnerable". Table 3 of NPPG states that development is appropriate in this location.

Concerning drainage, the applicant has indicated that surface water would be disposed of to a sustainable drainage system. This can be addressed by means of a condition.

The proposal is therefore in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 in this respect.

Planning Balance

The proposal would promote economic growth in a rural area and would help to create jobs. The building is acceptable in terms of design/appearance and the proposal would not harm the amenity of neighbouring residents to a significantly greater degree than at present, subject to mitigating conditions. LCC Highways have raised no objections on highway safety grounds. There are no material planning considerations that outweigh factors in favour of the proposal.

The proposal therefore satisfactorily complies with Policies, 1, 2, 3, 4, 7, 30 and 36 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The planning balance lies 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 permission be granted under delegated powers.