

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-1011-23 **Applicant:** Slator Bros Farms Ltd
Proposal: Erection of 2 new industrial units. (Use Classes B2 and B8)
Location: Beacon Farm Wisemans Gate Weston
Terminal Date: 15th January 2024

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
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 9. Promoting sustainable transport.
Section 11. Making effective use of land.
Section 12. Achieving well designed and beautiful 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	1	1	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for the erection of 2 additional industrial units (use classes B2 and B8). The specific uses are as follows:

Class B2 (General industrial) - Use for industrial process other than one falling within class E(g) (previously class B1) (excluding incineration purposes, chemical treatment or landfill or hazardous waste); and

Class B8 (Storage or distribution).

Site Description

The site (some 0.54Ha) is located on the northern side of Wiseman's Gate some 300 metres north of the A151. The eastern section is within the existing industrial curtilage and the western section is agricultural land.

A childrens home is situated immediately to the south-east and a pair of semi-detached properties some 75 metres to the south.

History

H22-0422-05 - Full - Change of use from agricultural to B1/B8 industrial use - Refused 25 May 2005 on policy and highway grounds.

H22-0530-11 - Full - Erect agricultural building Granted 1 September 2011.

H22-1165-19 - Full - Agricultural workshop - Granted 8 January 2020.

H22-1082-20 - Full - Change of use of farm buildings to commercial uses (E(g)(iii) B2 and B8) - retrospective - Approved 26 February 2021.

H22-0118-22 - S73A - Change of use of farm buildings to commercial uses (E(g)(iii) B2 and B8)- retrospective - approved under H22-1082-20. Modification of Condition 7 to allow a further period of 18 months to complete works to improve the public highway - Approved 29 March 2022.

Frontage property to the south-east

H22-1011-01 - Full - Change of use to residential children's home for 4 young persons - Granted 12 October 2001.

Consultation responses

Weston Parish Council

No response.

LCC Highway and Lead Local Flood Authority

No objections.

South Holland Internal Drainage Board

The applicant proposes to discharge surface water to a watercourse, however the discharge rate has not been provided at this stage. This proposal will require consent under Byelaw 3.

Environmental Protection

No objections in principle.

SHDC Economic Development

Supported.

Public

No comments received.

Key Planning Considerations

The main issues and considerations in this case are:

- Policy including such matters as principle, character/appearance, amenity, highway issues, etc.
- Other material considerations such as flood risk and ecology.

Evaluation

Section 38 (5), (5A), (5B) and (5C) of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

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

Policy

The site is located outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site therefore lies within the countryside.

SELLP Policy 1 states that development in the countryside will 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.

Policy 7 of the SELLP indicates that new employment development outside allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the

Policies Map.

The above policies are consistent with advice within National Planning Practice Guidance and the National Planning Policy Framework, December 2023. Section 6 of the latter supports sustainable economic growth in rural areas. Paragraph 85 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 88 states that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings. Paragraph 89 goes on to stress that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. Also, the use of previously developed land should be encouraged where suitable opportunities exist.

Principle of Development and Sustainability

The site is outside an allocated employment site and is not closely related to an existing settlement or public transport network. However, there is an identified need for industrial development within the district. The proposal supports economic growth. Moreover, it is relatively small scale and constitutes a form of rural diversification. It is considered that a development of this scale would not have a significant adverse impact upon the viability of delivering any allocated employment site. Given the aforementioned and advice within paragraph 89 of the Framework, there are no objections in locational terms.

Amenity/Neighbouring Land Uses

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 30 states that development proposals will not be permitted where, taking into account mitigation measures, they would lead to unacceptable adverse effects upon the amenities of the area, including noise, etc.

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

A childrens home is located to the south-east and a pair of semi-detached properties some 75 metres to the south. No complaints appear to have been received in respect of the existing industrial site. Environmental Protection has raised no objections. It is considered that the proposal would not significantly harm the amenity of nearby residents, subject to the imposition of mitigating conditions to address any noise issues arising as a result of the Class B2 or B8 uses.

The proposal satisfactorily complies with Policies 2, 3, 7 and 30 in terms of amenity.

Impact upon the Character/Appearance of the Locality

Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its landscape surroundings.

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 proposed would have a length and width of 18.4m and ridge height of 6 m approximately. It would be constructed in green metal cladding. Whilst the building is utilitarian in nature its appearance would reflect its industrial use and is similar to other buildings recently constructed on the adjoining industrial site. It is therefore considered appropriate to the local area and would not materially harm the character or appearance of the countryside.

The proposal therefore satisfactorily complies with Policies 2, 3 and 7 of the SELLP in terms of visual impact.

Highway Issues

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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".

Access to the site is via Wiseman's Gate, which is a rather narrow rural road. Whilst the application site is remote from both any established industrial complex or settlement, the principle of changing the use of the agricultural buildings on Wisemans Farm to Commercial use (E(g)(iii), B2 and B8) was established by the grant of Consent under H22-1082-20. Those uses have commenced and do not appear to be having an unacceptable impact upon highway safety or a severe residual cumulative impact upon the capacity of the local highway network.

The site is just a short distance from the A151 and joins the primary national highway network, at a priority junction that has very good visibility and a Ghost Island Right-turn Lane. Wisemans Gate is generally single track, but the provision of a passing place on this road was a Condition of H22-1082-20. This application is for an additional two, relatively modest, units in a single building on the west side of the existing site. No alterations are being proposed to the site access.

It is considered that the vehicular activity associated with the use of these units would not be expected to unacceptably harm roads safety or overwhelm the local highway network and therefore no objection is raised by the highway authority to the grant of Consent for this Application.

It is accepted that the proposal would involve the use of motor vehicles to access the site. However, it is considered that the economic benefits in this case outweigh the constraints and that the proposal is acceptable in policy terms also taking into consideration advice within paragraph 89 of the Framework.

Flood Risk

Section 14 of the National Planning Policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by a) applying the sequential test and then, if necessary, the exception test".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the sequential test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the exceptions test can be applied if appropriate.

SELLP Policy 4 is consistent with the above and states that development within Flood Zone 3 will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding and that more vulnerable development would provide wider sustainability benefits to the community that outweigh flood risk. Moreover, an application is supported by a site-specific flood risk assessment (FRA) which, amongst other matters a) demonstrates that the vulnerability of the proposed use is compatible with the flood zone and b) identifies flood mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from

flooding from any source.

In this case, the site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The sequential test therefore needs to be applied. However, these 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. It is worth noting that large parts of the district of South Holland 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.

In terms of the aforementioned, the Residual Flood Hazard Map classifies the site as "danger for most". However, the proposed use would be connected to the existing industrial premises, so it could be argued that there is a specific need for the development in this location. It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding.

The exceptions test is not necessary in this case because the use is classified as "less vulnerable".

The proposal therefore satisfactorily complies with Policy 3 of the SELLP and advice within National Planning Practice Guidance and the National Planning Policy Framework, Dec 2023.

Ecology

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 impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

The scheme includes a 8m planting strip with native tree and hedge planting. This can be addressed by means of a condition(s).

Planning Balance

As detailed above, Section 38 (5) and its subsections of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

The site is outside an allocated employment site and is not closely related to an existing settlement or public transport network. However, there is an identified need for industrial development within the district. The proposal supports economic growth. Moreover, it is relatively small scale and constitutes a form of rural diversification.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and is acceptable on highway safety and flood risk grounds.

The proposal therefore conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole. In this instance, the locational

constraints do not outweigh the economic factors in favour of the development.

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.

Conclusion

Taking the above considerations into account, the proposal is considered to be generally in accordance with the aim and objectives of policies 1, 2, 3, 4, 7, 28, 30 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). Although there are some locational issues, they do not outweigh the economic considerations in favour of the proposal and the policies and national advice referred to above.

RECOMMENDATION

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