DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0546-24**	**Applicant:**	**Mrs K Cleary**
Proposal:	Change of use of site from fertiliser and seed storage area and distribution centre (approved under H23-0343-87) to use of site as a restricted within use class E(g)(iii)		
Location:	Yard At Eastern Forge Stockwell Gate Whaplode		
Terminal Date:	26th September 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
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 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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the Change of use of site from fertiliser and seed storage area and distribution centre (approved under H23-0343-87) to use of site as a restricted within use class E(g)(iii).

Site Description

The application site is located outside of the defined boundary for Whaplode, to its north east. The building is set back from Stockwell Gate accessed by a drive that leads to an existing rural business and the dwelling itself. The drive runs along the side of a neighbouring residential dwelling.

The house which is detached is made up of a red facing brick, with white Upvc windows and doors. The property benefits from gardens to the front and rear, with ample off-street parking.

The application site is located within flood zone 3 in accordance with EA Maps for Planning, the South East Lincolnshire SFRA shows the application site to be 'Danger for Some' (Hazard Mapping).

History

H23-0135-24 - Erection of directors house including garage, office & conference room - approved under H23-0342-87. Removal of Condition 6 restricting a person or persons employed either directly or engaged in a management capacity with the adjacent fertilizer & cereal seed storage & distribution centre (together with their family). Approved 12-02-24.

H23-0136-24 - Proposed change from agricultural pig unit to fertilizer & cereal seed storage area & distribution centre - approved under H23-0343-87. Modification of Condition 2 to allow the use of the site to be restricted with in Use Class E (g) (iii) Refused 12-02-24

H23-0020-94 - HAZARDOUS SUBSTANCES - NON-DETERMINATION

H23-0021-94- Siting of steel container for storage of agricultural chemicals Approved. 10-01-9 Approved

H23/0342/87 - Erection of directors House including garage, office and conference room. Approved 30th June 1987.

Consultation Responses

South Holland IDB

Whilst the site falls below our threshold for commenting, I'd like to ensure the applicant is aware of the riparian watercourse/s adjacent to the site and the associated riparian responsibilities. Guidance on owning a watercourse is available on the Government website https://www.gov.uk/guidance/owning-a-watercourse. Please note that consent would be required from the Board for any alterations or discharges to a watercourse, more information can be found on our website - https://www.wlma.org.uk/ .

Environment Agency

We have no comments to make on the application.

Highways & Suds

1st Response: No information has been submitted on the existing vehicle movements associated with the fertiliser and seed storage area and distribution centre.

2nd Response: I am happy that the numbers they have submitted in terms of proposed movements will not have an unacceptable impact on the highway network. I think a suitably worded condition to ensure that movements do not exceed what they have quoted should suffice.

Environmental Protection

No objections subject to the attachment of planning conditions relating to the control of vehicle movement and operating hours.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, 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 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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Key Issues for consideration are:
- Planning Principle
- Environmental Issues
- Highways Movements
- Character and Design
- BNG
- Flood Risk
- Planning Balance

Planning Principle

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.
The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The

countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It states that *The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In the Countryside development 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.*

SELLP Policy 7 is concerned with 'Improving South East Lincolnshire's Employment Land Portfolio. The section on 'Other Employment Sites' is relevant to this proposal. It states that:

New employment development/businesses or the extension of an existing business outside the above 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.

Part A relates to principle, whist the remaining points are discussed in the subsections of this report. In terms of the broader land use, this area whilst in a countryside location on the policies maps is located next to a number of residential properties. The storage unit itself was given permission and linked to the 'Eastern Forge' dwelling, which has now removed an occupancy condition (see planning history). The building is therefore already existing and the applicant seeks only a change of use to class E(g)(iii) (from B8) which is an appropriate business use in a residential location.

Therefore subject to an assessment on the remaining points and as the building is already in situ, and that the use is appropriate as regards neighbouring land uses, in principle terms the proposal is considered to be acceptable.
On this basis the proposal would accord with SELLP Policies 1 & 7 in general principal terms.

Environmental Issues

NPPF 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

SELLP Policy 2 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The building currently functions as a storage facility, which is a B8 use. The applicant seeks the change the use to Eg (iii) which is appropriate within a residential area. The use is not explicit however the applicant has provided information on vehicular movements as well as operating hours. The Environmental Protection officer has reviewed this information and has no objections subject to the development being controlled by condition relating to these proposed vehicular movements as well as the operating hours.

On this basis the proposal is considered to align with SELLP Policies 2, 3 and 7 as well as NPPF

Paragraph 135.

Highway Movements

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".

SELLP 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.

SELLP 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

The applicant has stated that there will not be more that two lorries, not exceeding 7.5 tonnes to enter and leave the site on a daily basis and no more 6 works vans.

Highway initially requested further information as regards the existing use, however given that the storage facility has not been used for some time reliance is made on what the existing permission allows for.; having reviewed that information highways now find the proposal acceptable subject to condition controlling the vehicle movements proposed.

On this basis the proposal would accord with SELLP Policies 2, 3 and 7.

Character & Design

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

SELLP Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

SELLP Policy 3 sets out the 'Design of new development' in part it states 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 proposal does not involve any physical alterations to the existing building and therefore it would accord with SELLP policies 2, 3 and 7.

BNG

NPPF Paragraph 186 sets out a criteria-based approach for LPAs to apply when considering

development proposals. The criteria in part includes methods to protect and encourage bio-diversity as well as preventing development resulting in the loss of priority habitats.

NPPF Paragraph 180d is also relevant requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has submitted a BNG statement which concludes that the proposal is exempt on Di Minis grounds. Given that this application relate to a change of use only, with no physical works this is considered correct. Furthermore as regards protected species the impacts are acceptable given the development is for a material change of use only, and does not involve operational development.

Flood Risk

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.
SELLP Policy 4 sets out South Hollands approach to Flood Risk. The application site lies within Flood Zone 3 in accordance with EA Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to be a 'danger for some' on both the South Holland District present day and 2115 flood maps

Notwithstanding the above the change in flood risk vulnerability classification (set out within Annex 3 of the NPPF) would not change. Furthermore, the building is already in situ and there would be no additional surface water created.
On this basis it is considered that the proposal would accord with SELLP Policies 4 and 7.

Planning Balance

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

The proposal represents appropriate development within this location. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 7, 28 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 (NPFF) (December 2023). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and 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.