DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0763-22**	**Applicant:**	**O A Taylor & Sons Farm Ltd.**
Proposal:	Demolition of 3 existing agricultural buildings and erect new agricultural storage shed with additional open fronted lean-tos to side		
Location:	Whaplode Marsh Farm Washway Road Holbeach		
Terminal Date:	9th November 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
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN,	0	0	0	1

HISTORIC ENVIRONMENT OFFICER				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission to demolish 3no existing agricultural buildings sited within Whaplode Marsh Farm and erection of new agricultural storage shed or grain storage with additional open fronted machinery store.

The building would be constructed from concrete retaining panels in natural cement grey, sheet steel cladding in goosewing grey and box steek sheet guttering in goosewing grey.

Site Description

The site is located off Washway Road in Holbeach. It is located outside any defined settlement boundary and within the open countryside. It forms part of Whaplode Marsh Farm. The application site is on the north end of the existing yard and is currently occupied by three old existing agricultural buildings. Whaplode River is located to the east of the site.

History

No relevant planning history.

Consultation Responses

Historic Environment Officer

No archaeological impact.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

SHDC- Environmental Health

No objection but requests a condition restricting noise from fixed plant and machinery to not exceed the background noise level by more than 5dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership.

South Holland Internal Drainage Board

It is recommended that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Whilst not currently required for this application, if treated foul water is proposed to discharge to a watercourse at any time in the future, consent would be required under Byelaw 3. Whilst not currently proposed, should the applicant's proposals change to include works to alter the

watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). If works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Planning Considerations

Principle of development

The site is located in Holbeach and is outside any settlement boundary and within the open countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. It forms part of Whaplode Marsh Farm.

Policy 1 of SELLP sets out the local spatial strategy from which new development should be preferably steered to the most sustainable locations. A settlement hierarchy has been defined to provide guidance to do so. Any location out of the defined boundaries for urban settlements is classed as countryside. This policy states that "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".

The proposal is necessary in this location in conjunction with the existing agricultural holding and would bring economic benefits. It is considered to be a sustainable form of development in locational terms and therefore in accordance with Policy 1.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed building would have a large footprint, however, it would be sited well within the site (the applicant owns land surrounding the site). The size/materials are what would be expected from an agricultural storage unit for a holding of this scale therefore there are no concerns regarding its size and appearance. The building would be visible from the open countryside to the east of the site. Given the location and nature of the development it is not considered to be out of keeping with the rural character of the area.

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

Residential amenity

Paragraph 130 of NPPF (2021) states that planning decisions should create places with a high standard of amenity for existing and future users. At the local tier, Policies 2 and 30 of SELLP (2019) emphasise the importance that new development should not have any adverse impact upon neighbouring land uses by reason of noise and odour.

There are no immediate residential neighbours given the remote location of the site therefore there are no neighbouring amenity concerns.

The dwelling associated with Whaplode Marsh Farm is to the south of the proposed building, approximately 100 metres away.

The Council's Environmental Health Officer has not raised any objections to the scheme but has requested a condition restricting noise from fixed plant and machinery to not exceed the background noise level by more than 5dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership.

As such the proposal is on balance in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in terms of neighbouring amenity.

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.

The proposed storage building would not require any alteration to the existing vehicular access to this established farm. Satisfactory parking is available within the farmyard. LCC Highways have been consulted and have raised no objections on highway safety grounds. The development therefore 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 and drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has recommended that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that it is recommended that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. Whilst not currently required for this application, if treated foul water is proposed to discharge to a watercourse at any time in the future, consent would be required under Byelaw 3. It is noted that there is a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). It is noted that there is a Board Maintained watercourse known as P60 Whaplode River (DRN206G6001) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10. An informative has been placed on the decision advising the applicant of this.

The site is located within flood risk zone 3, however it is considered low risk therefore the proposal can be accepted in this location, especially given it would replace existing agricultural buildings in the same location.

Subject to the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on drainage and flood risk.

Ecology

The submitted Ecology Report states that there is no objection to the demolition of three agricultural barns and the creation of new single agricultural barn subject to the following:

1. If demolition starts during the bird nesting season (March to August), then a nesting bird survey will be required as all nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended). If a nest is found, then no works can commence until an ecologist has given the all clear for works to proceed within that area;

2. As there are signs of Barn Owl in Barn 1, then at least four Barn Owl boxes need placing around the site before works commence;

3. As there is Whaplode River (Drain) next to the site which is suitable for amphibians, then a

precautionary method statement needs to be applied to prevent amphibians being killed or injured as all amphibians are protected under the Wildlife and Countryside Act 1981 (as amended). This includes:
a. All materials to be stored off the ground (for example on pallets) to minimise the likelihood of amphibians accessing them for refugia;
b. All spoil/waste materials to be removed from site at the end of each working day or stored in a skip;
c. The site should be maintained as sub-optimal prior to the commencement of works;
d. All involved in the construction should be aware of the possible presence of amphibians and know what they look like.

Subject to development being carried out in accordance with the recommendations within the submitted Ecology Report no unacceptable impact is considered to result on wildlife. Conditions and informatives have been placed on the decision notice advising the applicant of the above.

Planning balance

The principle of developing a barn in this rural location is considered acceptable. On balance, it would achieve sustainable development without impeding other opportunities that would lead with greater benefits in this respect. The scale, height and position of the barn would be proportionate with the built environment in the area. The external appearance would be standard of this type of development. In light of the separation distances between the barn and the nearest dwellings, no significant adverse impact is anticipated. There are also no highway safety concerns, flood risk issues or biodiversity concerns.

In summary, any adverse impact of grating permission to the proposals would significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposals against the policies taken as a whole. In particular, the proposals are considered to comply with Policies 1, 2, 3,4, 28, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and Sections 2, 2, 4, 6, 12, 14 and 15 of the National Planning Policy Framework (NPFF), 2021.

It is accordingly recommended to approve this planning application via delegated powers.

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

The application can be approved under delegated powers.