DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-1043-22**	**Applicant:**	**J & N Properties**
Proposal:	Erection of storage building and change of use and recladding of existing glasshouse to storage (Use Class B8) in connection with existing industrial flooring business		
Location:	Newgate Hockney Hole Lane Whaplode		
Terminal Date:	21st December 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
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 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	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	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for the erection of a storage building and change of use and recladding of existing glasshouse to storage (Use Class B8) in connection with existing industrial flooring business. The new building would measure 21 metres x 20 metres and stand at 7 metres in height (5.9 metres to the eaves). It would be constructed from metal profile sheeting. Both the new building and the existing glasshouse would be covered in goosewing grey cladding and have anthracite grey trim and doors.

Site Description

The site is located on Hockney Hole Lane in Whaplode. The site is outside any defined settlement boundary and within the open countryside. The site is occupied by Acast Industrial Flooring Ltd and currently comprises a storage building, an office building and several glasshouses. One residential dwelling is located to the north-west of the site and another to the south-east (Hockley House) which is under the applicant's ownership. The site is within flood risk zone 3a.

History

H23-1049-08 - Change of use from agricultural to storage of machinery and equipment with ancillary maintenance of vehicles and equipment, including alterations - Approved

H23-1026-13 - Proposed office building (re-submission of H23-0804-13) - Approved

H23-0804-13 - Proposed portable office building - Approved

Consultation responses

SHDC

No objections.

South Holland Internal Drainage Board

No objections subject to compliance with the Board's Byelaws.

Whaplode Parish Council

Supports the scheme.

Local Highway and Lead Local Flood Authority

No objection as access and parking arrangements remain unchanged.

Residents

Two letters of objection have been received siting the following concerns:

·Potential light pollution from new lighting
·Increase in traffic

·The rural location is not suitable for this type of business expansion
·Loss of privacy from the security cameras
·Air pollution from dust from delivery of materials

Planning Considerations

Principle of development

As indicated in paragraph 47 of the National Planning Policy Framework, 2021, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside any defined settlement boundary and within the open countryside as defined within the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the Local Plan (Spatial Strategy) 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.

Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio) states that:

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

Whilst it is not a requirement of the Local Plan that all new employment development/businesses be directed to an allocated employment site, Policy 7 does require that it be satisfactorily demonstrated that there is an identified need for the business location outside of identified employment areas.

An objection has been received from a local resident siting concerns of the proposed business expansion not being suitable for this rural location. The concerns are noted, however, given the long established existing use of the site by Acast Industrial Flooring Ltd the proposed expansion is considered acceptable. The proposed scheme will provide local jobs for the long term and also allow an existing business to remain in operation. The site is already an established commercial site and whilst it is outside any defined settlement boundary, it does not further encroach onto the open countryside. As such it is not considered to conflict with Policy 7 of the SELLP and can on balance be accepted.

As such the principle of such development in this location is acceptable subject to other material considerations.

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.

It is accepted that cladding of the existing glasshouse would change its appearance, however, there are limited views over the high level boundary fence therefore there are limited views from the public realm. The new storage building would have a large footprint, however, it would not appear overly prominent in comparison to the wider site. Its design and materials are considered acceptable for the site. Both buildings would take on the appearance of agricultural buildings which re considered acceptable given the rural character of the area.

As such the development is not considered to result in detrimental to the character of the area and is therefore acceptable in terms of its design and siting.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Two letters of objection have been received siting concerns of potential light pollution from new lighting, loss of privacy from the security cameras and air pollution from dust from delivery of materials. The concerns are noted, however, it is not considered that the proposed development would result in any unacceptable impact on neighbouring amenity. No external lighting is proposed a part of this application, however, a condition has been attached to the planning permission requiring written approval of any external lighting proposed so the impact on neighbouring amenity can be assessed. With regards to concerns that the existing security cameras result in loss of privacy, these are not part of the proposals therefore the scheme cannot reasonably be resisted on this basis. In respect of the concerns of dust and air pollution from the delivery of construction materials, given the relatively small scale nature of the proposals it is not deemed necessary to request a construction management plan. In any case any potential dust resulting from the delivery of the materials would be temporary.

The closest and only immediate neighbour is The Bungalow located to the north-west of the application site. The proposed new storage building would be sited at least 50 metres from this neighbours boundary therefore no overbearing impact or unacceptable overshadowing would result. Given the building would be used in conjunction with the existing business on the site it is not considered that any additional unacceptable noise would result from the proposed development.

The proposal would therefore accord with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway safety

Two letters of objection have been received siting concerns of highway safety and increase in traffic. The concerns are noted, however, the Local Highway Authority has not raised any objections to the proposal as the access and parking arrangements would remain unchanged and the buildings would be used in conjunction with the existing business on the site. It is therefore considered that the proposals would not result in any unacceptable impact on highway safety.

Flood Risk

The site is located within Flood Zone 3a of the Environment Agency's Flood Maps. 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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The proposed development is classed as 'less vulnerable' therefore it can be considered in

accordance with details contained in the Standard Advice Matrix in the SELLP. As such the exceptions test is not required.

The risk of flooding at the site is very low and it is only the risk of tidal breach during the 0.5% annual probability (1 in 200 chance each year) even with climate change that could lead to flooding.

As detailed in the submitted flood risk assessment the proposed buildings would be of flood resilient construction therefore there are no flood risk concerns. It is proposed that the ground floor level for the proposed storage building be raised 150mm and the surrounding ground level set at a level of 3.35mODN. Gas, electricity and water metres should be located above the predicted flood levels. The ground floor should be constructed with a solid concrete floor with no voids beneath and no low level wall vents. In addition. Mineral fibre insulation should be avoided at ground floor level.

South Holland Internal Drainage Board has advised that if the existing soakaways are to be used to serve the new proposed store, it is recommended that you satisfy yourselves that they will be able to efficiently dispose of the surface water runoff associated with the proposed building. If new soakaways are proposed, it is advised that these are appropriately distanced from the existing soakaways and that infiltration testing in line with BRE Digest 365 (or equivalent) is undertaken to determine its efficiency. If this proves unfeasible, 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. There is a Board Maintained watercourse (DRN206G0701- P07 Crown Branch) 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). The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a 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 added to the decision advising the applicant of the Boards Bylaws.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Planning balance

The principle of development is considered acceptable as it would support the existing use on the site. The proposed building is considered relatively minor in relation to the wider site and would not unacceptably change the overall appearance of the site and the area. No significant adverse impact is anticipated on residential amenity. The existing access is to be retained therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. The proposed building would be flood resilient construction therefore there are no flood risk concerns.

In summary, any adverse impact of granting permission to the proposals would not 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, 7 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 6, 12 and 14 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

That the application be approved under delegated powers.