

Development Management Delegated Decision Report

B/21/0049



SUMMARY OF APPLICATION

| SUMMARY OF APPLICATION | | | |
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| Application Reference | B/21/0049 | | |
| Application Type | Full Planning Permission | | |
| Proposal | Application for removal of condition ii attached to Planning Permission B03/0604/98 (as approved with appeal reference APP/Z25025/A/99/1022923). | | |
| Location | Sandygate, Lowfields Road, Benington, Boston, PE22 0EE | | |
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| Applicant | Mr & Mrs D White, Westhorpe Plants Limited, C/O Robert Doughty Consultancy Ltd | | |
| Agent | Mr Lewis Smith, Robert Doughty Consultancy Limited | | |
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| Received Date: | 05-Feb-2021 | Consultation Expiry Date: | 09-Mar-2021 |
| Valid Date: | 05-Feb-2021 | Statutory Expiry Date: | 02-Apr-2021 |
| Date of Site Visit: | 16-Feb-2021 | Extension of Time Date: | --- |
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| Objections received? | No | | |
| 5 day notification record: Not applicable | | | |
| Councillors notified | Date | Response received – date | Ok to continue |
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| Recommendation | APPROVE | | |
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| Report by: | Grant Fixter | | |
| Date: | 16/03/2021 | | |
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OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises a single storey detached office building off Lowfields Road and as per the South East Lincolnshire Local Plan, is within the countryside. The site is bound by land and outbuildings under the applicant's ownership which were used as part of the former horticultural business, with Lowfields Road to the east.

The site is essentially surrounded by agricultural land. Upon the cease of trading, the polytunnels and glasshouses associated with the former business have been removed.

DETAILS OF PROPOSAL:

This proposal seeks permission for the removal of condition ii of T/APP/Z2505/A/99/1022923/P9:

"The premises shall be used for offices ancillary to the existing horticultural unit and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town



and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)."

It is argued that as the horticultural business has now ceased and the majority of associated paraphernalia have been removed, the condition is restricting a new business to use the office building.

The following plans and documents have been submitted:

- 1399-2_PL_LP01 – Location Plan;
- 1399-2_PL_SP01 – Existing and Proposed Site Plan;
- 1399-2_PL_PL01 – Existing and Proposed Office Floor Plan;
- Covering letter;
- B03/0604/98 Planning Permission Appeal Decision.

RELEVANT HISTORY:

- T/APP/Z2505/A/99/1022923/P9 – Appeal against the refusal to grant planning permission for application B03/0604/98 – Appeal allowed;
- B03/0604/98 - Application for the removal of Condition No.4 attached to Planning Permission B03/0363/95 (which required the existing dwelling to be completely demolished within 3 months from the date of first occupation of the dwelling) and change of use from residential (Class C3) to ancillary office use – Refused on 26/01/1999;
- B03/0363/95 - Construction of replacement agricultural workers bungalow and construction of extension to existing glasshouses – Approved on 08/08/1995.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2011-2036)

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio;
- Policy 30: Pollution;
- Policy 36: Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2019)

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;

- Section 4: Decision-making;
- Section 6: Building a strong, competitive economy;
- Section 11: Making effective use of land;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change.

CONSULTATION RESPONSES:

Witham Fourth IDB

Have no comments.

Benington Parish Council

Have no objections to the removal of the condition and believe the building should not be a residential property or sold as such.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The key considerations in regard to this application are set out below:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on amenity;
- Flood risk;
- Highway safety and parking.

Principle of development

Policy 1 of the SELLP sets out the settlement hierarchy, stating development will be permitted within the settlement boundaries of the respective settlements providing the proposal supports the designated role of the settlement in which it is to be executed. Applications in the countryside (outside of settlement boundaries) will be approved provided it is necessary to its location and/ or can be demonstrated that it meets sustainable development needs of the area.

Policy 7 states for new employment development/businesses or the extension of an existing business outside the allocated sites will be supported where they reuse land and redundant buildings. If there are no suitable buildings capable of conversion, the proposal would be acceptable providing there are no adverse impacts on the amenity, character, highway network or the viability of allocated employment sites.

The first consideration is whether the proposal is necessary to its location. This application is solely seeking to remove the condition which restricts the office building to be used for purposes ancillary to the horticultural business and for no other uses. The glasshouses and polytunnels have since been removed from site as operations ceased over two years ago. The

removal of the condition would allow the building to be used as an office for purposes not related to the former horticultural business. However, it could be argued that as the horticultural business is no longer operating, the proposal of an office building for other uses would not be necessary to its location.

Turning to the sustainable development needs of the area, the proposal would help provide economic and community benefits by allowing a new business to operate from the site, which will provide input into the local economy and create jobs.

In respect of Policy 7, this proposal reuses an office building which is essentially redundant at present as it is restricted to a horticultural unit which is no longer present. Through the re-use of an existing building, there will be no detriment to the amenity and character of the area, there will be no unacceptable impact on the highway network and the viability of allocated employment sites would not be impacted.

As the agent rightfully highlights in their covering letter, should the original permission not have restricted the use, the applicant could apply to change the use of the building to a flexible commercial use as long as the criteria are met through Part R (agricultural buildings to a flexible commercial use), Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

In this instance, it is important to consider the planning balance. Whilst the proposal is not necessary to its location and, therefore, fails part 1 of Policy 1(d), it complies with part 2 of Policy 1(d) and Policy 7 and its existing use is as an office.

It is considered, therefore, that the principle of development is acceptable subject to meeting the other relevant policy requirements.

Impact on the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

There are no proposed external changes to the application building, simply the removal of the condition which restricts the office to be used in connection with the horticultural unit no longer in operation. Furthermore, from the submitted plans and attending site, the building appears to be capable of re-use without any significant alterations needed. It is unlikely one form of office use will be more detrimental than the other.

The proposal, therefore, complies with SELLP Policies 2 and 3 in respect of the impact on the character and appearance of the area.

Impact on amenity

SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.

There is a residential dwelling south of the proposal with ground and first floor windows to the north elevation, providing an outlook onto the site.

The removal of this condition to allow the application building to operate as an office (not in connection with the former business), will not be of detriment to the neighbouring property as there are no proposed physical alterations, there is ample parking provision on site and the use itself will likely be less harmful than its existing permitted use.

The proposal, therefore, satisfies SELLP Policies 2, 3 and 30 in respect of the effect on residential amenity.

Flood risk

Policy 4 of the SELLP states a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding and it can be demonstrated that essential infrastructure in FZ3a & FZ3b; highly vulnerable development in FZ2 and more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk.

Where supported by a site specific flood specific risk assessment a criteria will need to be adhered to.

This proposal seeks the removal of a condition which restricts the use of the building to an office use in connection with the previous horticultural unit. There are no proposed external changes and the removal of this condition would not increase the flood risk in the area.

Highway safety and parking

Policy 36: Appendix 6 of the SELLP relates to parking standards.

From attending site and reviewing the plans, it is considered there is sufficient parking provision on the site and the removal of the condition would not result in an unacceptable impact on highway safety.

The proposal is, therefore, acceptable on highway safety and parking grounds.

CONCLUSION:

It has been proven the principle of development is, on balance, acceptable whilst the removal of the condition would not lead to detrimental impacts in respect of amenity, character of the area, flood risk, highway safety and parking. For those reasons and the fact the horticultural business has since ceased, it is deemed acceptable to remove the condition.

RECOMMENDATION:

GRANT the removal of the planning condition.

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| CONDITIONS / REASONS | | | |
| Pre-commencement conditions? | | Agreed with applicant/agent - Date: | |
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| INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE |
| <p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p> |
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