

# Development Management Delegated Decision Report

B/21/0317



| SUMMARY OF APPLICATION                    |   |                           |                |
|---|---|---------------------------|----------------|
|   |   |                           |                |
| Application Reference                     | B/21/0317   |                           |                |
| Application Type                          | Major - Full Planning Permission                        |                           |                |
| Proposal                                  | Construction of 2no storage sheds (Class B8) for timber |                           |                |
| Location                                  | The Chestnuts, Green Lane, Algarkirk, Boston PE20 2AD   |                           |                |
|   |   |                           |                |
| Applicant                                 | Mr T Woodcock   |                           |                |
| Agent                                     | Mr Nick Overton, NiCAD Consultancy Services             |                           |                |
|   |   |                           |                |
| Received Date:                            | 01-Jul-2021   | Consultation Expiry Date: | 04-Aug-2021    |
| Valid Date:                               | 01-Jul-2021   | Statutory Expiry Date:    | 30-Sep-2021    |
| Date of Site Visit:                       | 23-Sept-2021  | Extension of Time Date:   |                |
|   |   |                           |                |
| Objections received?                      | None  |                           |                |
| 5 day notification record: Not applicable |   |                           |                |
| Councillors notified                      | Date  | Response received – date  | Ok to continue |
|   |   |                           |                |
|   |   |                           |                |
| Recommendation                            | GRANT Planning Permission                               |                           |                |
|   |   |                           |                |
| Report by:                                | Simon Eldred  |                           |                |
| Date:                                     | 23 <sup>rd</sup> September 2021                         |                           |                |
|   |   |                           |                |

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site is located at the junction of Green Lane with Red Barn Lane, and is in two parts, namely:

- land to the east of Red Barn Lane and west of the A16, which contains mixed-species, semi-mature trees, and appears to be in use for storage; and
- land to the west of Red Barn Lane and south of Green Lane, which contains: a two-storey detached dwelling within domestic gardens; commercial buildings (some steel-framed and clad in sheet materials, and some constructed in brick); and a yard used for processing logs, vehicle circulation, car parking, and storage. The commercial buildings and land are used for the processing and supply of firewood.

The site is located in the countryside, with agricultural land to all sides and is accessed by narrow, rural roads. The nearest residential neighbours are approximately 150m distant.

### DETAILS OF PROPOSAL:

It is proposed to erect two sheds for the storage of timber.



- Unit 1 will measure 48m x 18m in plan and will stand 6.5m-high at eaves level (7.3m at ridge level). It will be located close to the western end of the site, and approximately 4m to the south of Green Lane. Its walls will be constructed in concrete panels with Yorkshire Timber Boarding above, its roof will be in grey composite cladding, and its eastern elevation will be open; and
- Unit 2 will measure 20m x 10m in plan and will stand 6.5m-high at eaves level (7.1m at ridge level). It will be located immediately to the south of the existing commercial buildings. Its walls will be constructed in concrete panels with Yorkshire Timber Boarding above, its roof will be in grey composite cladding, and its southern elevation will be open.

### **RELEVANT HISTORY:**

B/20/0201 – application for change of use to class B1c (General Industry) for processing and supplying fuel wood to include wholesale and retail sales from the premises (retrospective application) was withdrawn.

Full planning permission (B/20/0393) was granted for change of use from Agricultural use to Class B2 (General Industry) for the processing and supplying of fuel wood wholesale and retail (retrospective application).

B/20/0393/CD1 – details relating to Condition 4 details relating to Condition 4 (Parking) of planning permission B/20/0393 were approved.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

The **South East Lincolnshire Local Plan 2011-2036** shows the site as being in the Countryside, approximately 860m from the nearest Settlement Boundary (Algarkirk), but no particular allocations or designation apply. The relevant Policies of the Local Plan are:

- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 4 – Approach to Flood Risk; and
- Policy 7 – Improving South East Lincolnshire's Employment Land Portfolio.

### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

#### **National Planning Policy Framework (2021)**

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

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

### **CONSULTATION RESPONSES:**

Boston Borough Council's Environmental Health department indicates that it has no objections.

The Health and Safety Executive indicates that it does not advise, on safety grounds, against the granting of planning permission.

Cadent indicates that there is a high or intermediate pressure (above 2 bar) gas pipeline in the vicinity of the proposal, but that it does not object. Nonetheless, it indicates that the applicant should:

- ensure that no works are undertaken in the vicinity of its gas pipelines and that no heavy plant machinery or vehicles cross the route of the pipeline until detailed consultation has taken place;
- carefully read guidance documents and maps showing the location of apparatus;
- contact the landowner and ensure that any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted;
- ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 – 'Avoiding Danger for Underground Services' and GS6 -0 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- in line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

The Welland and Deepings Internal Drainage Board notes that soakaways are to be used for the disposal of surface water run-off from the proposed sheds, and asks to be reconsulted if soakaways are deemed unsuitable or are not used in the future.

Algarkirk Parish Council indicates that it has no comments.

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority): notes that access and parking arrangements remain unchanged; considers that the proposals would not result in an unacceptable impact on highway safety; and concludes that the proposed development is acceptable.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations have been received.

### **EVALUATION:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations with regard to this application are: matters of principle; impacts on the character and appearance of the area; impacts on neighbours' amenity; and flood risk.

#### ***Principle***

Policy 7 of the Local Plan indicates that, on land that is not allocated for employment use, new employment development or the extension of an existing business will be supported provided that the proposal involves the re-use of previously-developed land.

It is considered that the proposals accord with these provisions, and that the erection of sheds for the storage of timber in this location is acceptable in principle.

### ***Character of the area***

Policy 2 of the Local Plan indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. The proposals involve the erection of sheds for the storage of timber, and will not increase noise or smoke emissions. Consequently, it is considered that potential impacts relate only to visual issues.

Unit 1 is proposed to be erected within approximately 1m of the site's western boundary, and will present a rear wall of 48m length to that boundary. It will also present a side wall to Green Lane (at a distance of approximately 4m) and this wall will have a length of 18m. These walls will be 6.5m-high in concrete panels with Yorkshire Timber boarding above. This part of the yard is currently used for the open storage of materials (in many places piled to a height of approximately 4m). Given that the site's western boundary is open and undefined by any boundary treatment, views of the yard are available from the west and south (from Green Lane), albeit softened and partially obscured by the presence of roadside trees on Green Lane's southern boundary. Although the proposed building is of a significant scale, and will represent a significant change to the appearance of this part of the site, it is not considered that it will appear out-of-place or alien in the context of: the existing yard; or the wider agricultural landscape (which contains several existing buildings of a similar scale and appearance). Furthermore, views of the building from public vantage points will be substantially obscured by the existing roadside trees.

Unit 2 is proposed to be erected immediately to the south of the existing commercial buildings on the site. No meaningful views of the building will be available from public vantage points, and it is therefore considered that it will have no impacts upon the area's character or appearance.

In all, it is considered that the proposals are in keeping with the character of the wider area, do not harm its appearance, and meet these requirements of Policy 2.

### ***Neighbours' amenity***

Policies 2 and 3 of the Local Plan require the amenity of neighbouring land users to be protected. The proposal involves the erection of sheds for the storage of timber, and will not increase noise or smoke emissions. Consequently, it is considered that only issues relating to overlooking, loss of privacy, overshadowing, loss of light, or harm to outlook need be considered.

The application site is surrounded by agricultural uses to all sides, and it is not considered that the proposal will have any adverse impacts upon these neighbouring land users. The nearest dwelling (not associated with the business) to Unit 1 is The Cottage – approximately 150m to the west. At this distance, it is considered that the proposed building will cause no adverse impacts in terms of overshadowing, loss of light, or harm to outlook. Given the use to which the building will be put and its lack of window or door openings in its western elevation, it is also considered that it will have no harmful impacts in terms of overlooking or loss of privacy. The nearest dwelling (not associated with the business) to Unit 2 will be Yew Lodge (approximately 200m to the south-east and on the opposite side of the A16). At this distance (and given intervening buildings and trees), it is considered that the proposed building will cause no adverse impacts in terms of overshadowing, loss of light, or harm to outlook. Given the use to which the building will be put and its lack of window or door openings in its eastern elevation, it is also considered that it will cause no impacts in terms of overlooking or loss of privacy.

In all, it is considered that the proposal will not have unacceptable impacts upon neighbouring land users, and that they therefore meet these requirements of Policies 2 and 3.

### ***Flood risk***

Policy 4 of the Local Plan seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere.

The application is accompanied by a Flood Risk Assessment (FRA) which identifies that the site is located within Flood Zone 3a, and that the use of the proposed buildings is classified as 'less vulnerable' in the National Planning Practice Guidance (NPPG). The FRA therefore indicates that additional flood mitigation measures are not required.

Given that:

- the NPPG identifies general industrial uses as 'less vulnerable';
- the NPPG table entitled 'flood risk vulnerability and flood zone compatibility' indicates that 'less vulnerable' uses are appropriate in Flood Zone 3a; and
- the proposals do not involve the raising of land levels

it is considered that these proposals meet these requirements of Policy 4.

### **CONCLUSION:**

The proposal:

- will have no unacceptably adverse impacts on the character and appearance of the area;
- will have no unacceptably adverse impacts on the amenity of nearby land users;
- are acceptable in flood risk terms; and
- meet the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2011-2036.

### **RECOMMENDATION:**

GRANT Planning Permission subject to the following conditions and reasons:-

| <b>CONDITIONS / REASONS</b>  |   |
|------------------------------|---|
| Pre-commencement conditions? | Agreed with applicant/agent - Date:   |
| 1                            | The development hereby permitted shall be begun before the expiration of four years from the date of this permission.<br><br>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.  |
| 2                            | The development hereby permitted shall be carried out in strict accordance with the application received 01-Jul-2021 and in accordance with the associated plans referenced: <ul style="list-style-type: none"><li>• Location Plan;</li><li>• Dwg: 20/TC/03 – Block Plan;</li></ul> |

|  |  |
|--|--|
|  | <ul style="list-style-type: none"> <li>• Drawing Number: 21/TC/04 – Proposed Layout and Elevations Proposed Storage units (Unit 1); and</li> <li>• Drawing Number: 21/TC/05 - Proposed Layout and Elevations Proposed Storage units (Unit 2)</li> </ul> <p>Reason: To ensure that the development is undertaken in accordance with the approved details, in the interest of residential amenity and to comply with Policies 2, 3, 4 and 7 of the South East Lincolnshire Local Plan 2011-2036.</p> |
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| <b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>   |  |
|--|--|
| <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 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>  |  |
| <p>Cadent identifies that there is a high or intermediate pressure (above 2 bar) gas pipeline in the vicinity of the proposal, and indicates that you should:</p> <ul style="list-style-type: none"> <li>• ensure that no works are undertaken in the vicinity of its gas pipelines and that no heavy plant machinery or vehicles cross the route of the pipeline until detailed consultation has taken place;</li> <li>• carefully read guidance documents and maps showing the location of apparatus;</li> <li>• contact the landowner and ensure that any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted;</li> <li>• ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 – 'Avoiding Danger for Underground Services' and GS6 -0 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <a href="http://www.hse.gov.uk">http://www.hse.gov.uk</a></li> <li>• in line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.</li> </ul> |  |