

# Development Management Delegated Decision Report

B/24/0079



| SUMMARY OF APPLICATION                    |  |  |                                 |
|---|--|--|---------------------------------|
| <b>Application Reference</b>              | B/24/0079                                    |  |                                 |
| <b>Application Type</b>                   | Full Planning Permission                     |  |                                 |
| <b>Proposal</b>                           | Erection of 2no buildings to house livestock |  |                                 |
| <b>Location</b>                           | Lamming's Marsh Farm, Low Mill Lane, Fosdyke |  |                                 |
| <b>Applicant</b>                          | Mr Neil Wilson, Woodlands Farm (Kirtan) Ltd  |  |                                 |
| <b>Agent</b>                              | Mr Jack Lawrence                             |  |                                 |
| <b>Received Date:</b>                     | 23-Feb-2024                                  | <b>Consultation / Publicity Expiry Date:</b> | 25-Mar-2024                     |
| <b>Valid Date:</b>                        | 23-Feb-2024                                  | <b>Statutory Expiry Date:</b>                | <b>19-Apr-2024</b>              |
| <b>Date of Site Visit:</b>                | 08-Apr-2024                                  | <b>Extension of Time Date:</b>               | -----                           |
| <b>Objections received?</b>               | None   |  |                                 |
| 5 day notification record: Not applicable |  |  |                                 |
|   | <b>Councillors notified</b>                  | <b>Date</b>                                  | <b>Response received – date</b> |
|   |  |  |                                 |
| <b>Recommendation</b>                     | Approve with Conditions                      |  |                                 |
| <b>Report by:</b>                         | Simon Eldred                                 |  |                                 |
| <b>Date:</b>                              | 9 <sup>th</sup> April 2024                   |  |                                 |

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site is located approximately 270m to the east of Low Mill Lane, accessed from that highway by a private road. The site is in use as an agricultural yard, and contains four buildings as well as areas for the open storage of machinery and materials. Surrounding land is in agricultural use, and the majority of potential views of the site from public vantage points are screened by hedges, trees and flood-protection banks.

### DETAILS OF PROPOSAL:

It is proposed to erect two sheds to house livestock on an existing concrete slab located towards the north-western corner of the yard. The buildings will each measure approximately 22m x 12.2m in plan and 5.9m at ridge-level. They will have walls of



concrete-panels and timber Yorkshire-boardings, and roofs in fibre-cement sheets containing GRP rooflights.

Full details of the proposals are set out in:

- DRG No. WOOD-11: Proposed Site Location Plan;
- DRG No. WOOD-12: Proposed Arrangement Plan; and
- DRG No. WOOD-13: Proposed Elevations.

The application is also accompanied by:

- DRG No. WOOD-10: Existing Site Location Plan; and
- Flood Risk Assessment.

### **RELEVANT HISTORY:**

B/07/0502 – full planning permission was granted on 28<sup>th</sup> September 2007 for new crew building and yard collection area.

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

The **South East Lincolnshire Local Plan 2019** shows the application site as being within the Countryside, approximately 2km from the closest Settlement Boundary (Fosdyke). The following policies are considered to be 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 28 - The Natural Environment;
- Policy 30 – Pollution; and
- Policy 31 – Climate Change and Renewable and Low Carbon Energy.

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

At the heart of the **National Planning Policy Framework 2023** 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 and beautiful places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change; and
- Section 15: Conserving and enhancing the natural environment.

### **CONSULTATION RESPONSES:**

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

**Lincolnshire County Council** (the Local Highway and Lead Local Flood Authority) indicates that *“the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.”*

The **Environment Agency** indicates that it has no objections, but “*would like to draw the applicant’s attention to the following informative comments: Advice to LPA / Applicant Advice on flood risk issues that are not in our direct remit The following issues are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development. Prior to deciding this application, we recommend that consideration is given to the issues below. Where necessary, the advice of relevant experts should be sought.*

- Adequacy of rescue or evacuation arrangements
- Details and adequacy of an emergency plan
- Provision of and adequacy of a temporary refuge
- Details and adequacy of flood proofing and other building level resistance and resilience measures
- Details and calculations relating to the structural stability of buildings during a flood
- Whether insurance can be gained or not
- Provision of an adequate means of surface water disposal such that flood risk on and off-site isn’t increased

We can provide the following information on the characteristics of flooding at this site to help with your decision: The proposal is located within an area that could experience depths of over 2 metres in the event of a tidal breach during both a 0.5% and 0.1% scenario in both present day and with climate change events. Therefore, we would recommend raising the finished floor level as far as practicably possible to reduce the impact of such an event on the proposal.

Flood resistance and resilience We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. If you’d like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in:

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- British Standard 85500 – Flood resistant and resilient construction  
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Signing up for flood warnings The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It’s a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

*Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.*

- *For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.*
- *To get help during a flood, visit <https://www.gov.uk/help-during-flood>.*
- *For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.”*

The **Welland and Deepings Internal Drainage Board** indicates *“I am pleased to see that soakaways are proposed for surface water disposal for the two livestock storage buildings. If this should ever change in the future I would wish to be reconsulted at that time.”*

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

No responses from third-parties 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 in regard to this application are:

- matters of principle;
- impacts on the character and appearance of the area;
- impacts on neighbours' amenity;
- flood risk; and
- impacts on biodiversity.

### **Principle**

The Local Plan identifies the application site as being within the Countryside, where Policy 1 indicates that *“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 reasoned justification to the Policy indicates that *“agriculture and forestry are clearly uses which must function in the Countryside”*.

The proposal involves the erection of 2 additional buildings (to house livestock) on an existing cattle farm, and are considered to clearly meet the requirements of Policy 1.

### **Character and appearance 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. Policy 3 states that all developments must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposed buildings are significant in scale and are utilitarian in their design and materials. However, they will be similar in appearance to existing agricultural buildings on the site and in the wider area and (as such) will not appear as alien or incongruous elements in the rural landscape. Furthermore, the site is well-screened from public view by hedges, trees and flood-protection banks.

In all, therefore, it is considered that the proposal will not have harmful impacts upon the character and appearance of the area, and will meet these requirements of Policies 2 and 3.

### **Neighbours' amenity**

Policies 2, 3 and 30 of the Local Plan require the amenity of neighbouring land users to be protected.

The yard is entirely surrounded by agricultural land, and it is considered that the proposals will have no adverse impacts upon these neighbouring land users. The closest existing dwelling (Seadyke Cottage) is situated at least 370m from the proposed location for the sheds and, given these separation distances and the nature of the proposed buildings, it is considered that there will be no adverse impacts in terms of overlooking, loss of privacy, harm to outlook, over-shadowing, or loss of light. The proposals represent an intensification in the use of the yard, but again, given the separation distances involved, it is considered that no harm will be caused.

In all, it is considered that the proposals will not harm neighbours' amenity and will therefore meet these requirements of Policies 2, 3 and 30.

### **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 3;
- the sheds will be built on an existing concrete hardstanding, and will therefore not increase: the impermeable area of the yard; or flood risk elsewhere;
- no residential floorspace is proposed; and
- the proposed materials are flood-resilient.

Three consultation responses have been received which deal with flood risk issues:

- the Environment Agency indicates that it has no objections but sets out advice for the applicant;
- the Internal Drainage Board supports the proposed use of soakaways for surface water disposal, and asks to be reconsulted if these proposed arrangements are changed; and
- the Lead Local Flood Authority concludes that the proposed development would not be expected to increase surface water flood risk.

As well as being within Flood Zone 3, the application site is exposed to a flood hazard of 'danger for all' and flood depths of more than 1.6m. In such circumstances, most applications would need to be accompanied by successful 'sequential' and 'exception' tests. However, in this case, the proposed sheds could not realistically be located elsewhere (given that they represent an intensification of the yard's existing use). It is therefore accepted that there is a specific need for the development in this location, and that a 'sequential test' is not required. Furthermore, the proposed use is classified as 'less vulnerable', and advice in the Planning Practice Guidance indicates that such a use is acceptable in Flood Zone 3 without the need for an exception test.

Given the above, the arguments put forward in the FRA, and the contents of the consultation responses, it is considered that the proposals will not be exposed to unacceptable flood risk, or increase flood risk elsewhere. However, it is considered that the relevant comments made by the Internal Drainage Board and Environment Agency should be attached as Informatives.

### **Biodiversity**

Policy 28 of the Local Plan requires all development proposals to provide an overall net gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.

The location where the sheds are proposed to be built consists of a concrete slab, and is considered unlikely to have any meaningful biodiversity value. However, the proposals include no measures that would enhance biodiversity value, and it is therefore considered that the application as it stands does not comply with these requirements of Policies 28 and 31. Nonetheless, it is considered that these matters can be satisfactorily dealt with by the attachment of a condition to require the submission and approval of details of measures to enhance biodiversity before the development can proceed above ground-level.

Subject to the attachment of the above condition, it is considered that the proposed development will provide an overall net gain in biodiversity, and meet these requirements of Policies 28 and 31.

### **CONCLUSION:**

The above assessment identifies that (subject to conditions) the proposed development:

- will not cause unacceptably severe harm to the character and appearance of its surroundings;
- will not cause unacceptably severe harm to neighbours' amenity;
- is acceptable in terms of flood risk;
- will provide an overall net gain in biodiversity; and

The proposal therefore accords with Policies 1, 2, 3, 4, 28, 30 and 31 of the South East Lincolnshire Local Plan (2019). In these circumstances, it is considered appropriate for planning permission to be granted.

### **RECOMMENDATION: Approve with Conditions**

| <b>CONDITIONS / REASONS</b>  |   |                                     |     |
|------------------------------|---|-------------------------------------|-----|
| Pre-commencement conditions? | No  | Agreed with applicant/agent - Date: | N/A |
| 1                            | <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p> |                                     |     |
| 2                            | <p>The development hereby permitted shall be carried out in strict accordance with the application received on the 23<sup>rd</sup> February 2024 and the following drawings:</p>  |                                     |     |

|   |  |
|---|--|
|   | <ul style="list-style-type: none"> <li>• DRG No. WOOD-11: Proposed Site Location Plan;</li> <li>• DRG No. WOOD-12: Proposed Arrangement Plan; and</li> <li>• DRG No. WOOD-13: Proposed Elevations.</li> </ul> <p>Reason: To ensure the development is undertaken in accordance with the approved details, and to comply with Policies 1, 2, 3, 4, and 30 of the South East Lincolnshire Local Plan 2019.</p>   |
| <b>Conditions which apply during the course of and following completion of the development:</b> |  |
| 3   | <p>No development shall take place above ground level, until details of measures to enhance biodiversity on the site have been submitted to and agreed in writing by the Local Planning Authority. Measures to improve biodiversity should, where appropriate, include the installation of boxes to accommodate nesting/roosting birds and bats.</p> <p>The details approved shall be implemented prior to the first use of the buildings and shall be maintained thereafter.</p> <p><b>Reason:</b> In the interests of biodiversity and in accordance with Policies 28 and 31 of the South East Lincolnshire Local Plan 2019.</p> |

## INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

### STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

The Environment Agency advises that you give consideration to the issues below. Where necessary, the advice of relevant experts should be sought.

- Adequacy of rescue or evacuation arrangements
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The Welland and Deepings Internal Drainage Board asks to be reconsulted if your proposed surface water disposal arrangements are changed.