

Officers Report

Planning Application No: 142598

PROPOSAL: Planning application for proposed change of use from agricultural to B8 - storage

LOCATION: 3 Southmoor Road Newton On Trent Lincoln LN1 2LJ

WARD: Torksey

WARD MEMBER(S): Cllr Mrs J Ellis

APPLICANT NAME: Mr Nathan McDougall

TARGET DECISION DATE: 29/04/2021

DEVELOPMENT TYPE: Change of Use

CASE OFFICER: Daniel Evans

RECOMMENDED DECISION: Grant Permission Subject to Conditions

The application is being referred to the Planning Committee for determination following an objection from the Parish Council and as the planning matters under consideration are deemed to be finely balanced.

Description:

The application site is located within the open countryside. It sits south of the A57 and the village of Newton on Trent. The site is currently accessed from Southmoor Road and hosts a detached agricultural storage building with associated land. A metal fence also runs around its perimeter. The site falls within Flood Zone 3 (high probability), a minerals safeguarding area and has a number of protected trees located along the southern and western boundaries.

This application seeks permission for a change of use of the site from an agricultural use to a B8 storage & distribution use associated with P And M Pavers (Lincoln) Ltd. The use of the site will be for the storage of plant, machinery and materials for the business. P and M Pavers web-site describes them as a Civil Engineering company dealing in civil paving, kerbing, groundwork, drainage and ducting.

Relevant history:

123968 – Planning application for the erection of an agricultural storage building – Granted Conditionally on 22 May 2009.

138182 – Planning application for change of use of land from agricultural to a builders yard. Withdrawn by applicant.

Representations:

Chairman/Ward member(s):

No representations received to date.

Newton on Trent Parish Council:

- Whilst opposing the application, mainly on the grounds that the business is not “agriculturally connected”, as other businesses in the Parish are, Council is concerned that should approval be granted, due consideration is given the need for the business to acquire the necessary permits and certificates which will be required for the proper running of the business.
- If possible this should be made a condition of any approval, and ideally my council should be able to have sight of the paperwork. Essentially, council would ask that this business is treated as other businesses in the Parish, in that all necessary paperwork should be in place whilst they are trading.
- It has also been suggested that a screen of trees should be planted to hide the inevitable piles of waste from the road. In the past the condition of the site has been unsightly and local businesses, such as camping provision, have been concerned for the effect the site may have on their businesses.

Local residents:

No representations received to date.

LCC Highways and Lead Local Flood Authority:

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Environment Agency:

17/05/2021 –

We have reviewed the FRA and consider that it satisfactorily addresses our earlier concerns. Subject to the condition below, we therefore withdraw our previous objection, dated 07 April 2021.

The proposed development will only meet the National Planning Policy Framework’s (NPPF) requirements in relation to flood risk if the following planning condition is included.

The development shall be carried out in accordance with the submitted flood risk assessment (ref: 2896) dated April 2021 and the following mitigation measures it details:

- Storage provisions for water vulnerable items and equipment shall be provided and set no lower than 6.18 metres above Ordnance Datum to mitigate against the risk of damage to property.

07/04/2021 –

Initial objection based on the absence of the Flood Risk Assessment.

WLDC Trees and Landscapes Officer:

16/06/2021 – Requests a condition that there shall be no storage within the tree Root Protection Areas as indicated by the hatched areas on the plan submitted.

04/06/2021 - If the oak has a girth/circumference of 4.75m, that converts to a diameter across the stem of 1.51m. This is a very wide stem indicating an exceptionally old oak tree that would be classed as a veteran tree i.e. living longer than the usual oak. If the circumference measurement is correct, then this veteran tree that should have extra special consideration and would automatically be a category A tree of high importance. This large stem width converts to an RPA of 18.12m radius around the tree, but RPA's are generally capped at 15m radius, however, due to being a veteran tree then care should be taken to avoid anything just outside the 15m RPA that could potentially harm the tree, such as keep chemicals, cement, bonfires further away from the tree. No storage of items or driving vehicles over its RPA, as they can cause ground compaction leading to root damage and asphyxiation.

For the ash, a stem circumference/girth of 2.55m converts to a stem diameter of 0.811m, which then converts to an RPA of 9.73m radius around the tree. This tree is adjacent an existing entrance which has been used for many years. Excluding the existing entrance and where vehicles are regularly drive over the ground, no additional encroachment for storage or driving area should be created within the trees 9.73m radius around it.

The RPA of both trees should be excluded from any storage area within the compound to minimise harmful impact to tree roots and their growing environment, in the interests of the trees future and amenity.

Trent Valley IDB:

The Board maintained Newton Sewer, an open watercourse, exists along the boundary of the site and to which BYELAWS and the LAND DRAINAGE ACT 1991 applies.

The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board maintained watercourse or the edge of any Board maintained culvert.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material

considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan 2012-2036 (CLLP)**

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP5: Delivering Prosperity and Jobs

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is in a Minerals Safeguarding Area and policy M11 of the Core Strategy applies.

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in February 2019. Paragraph 213 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

National Planning Practice Guidance -

- *National Planning Practice Guidance*
- *National Design Guide (2019)*

Main issues

- **Principle of Development**
- **Flood Risk**

- **Character and Visual Impact**
- **Residential Amenity**
- **Minerals**
- **Highway Safety and Parking**
- **Other matters**

Assessment:

Principle of Development

The proposed site is located within the open countryside and is seeking the change of use from agricultural land established through planning permission 123968 to a B8 Storage use associated with P and M Pavers (Lincoln) Ltd.

Tier 8 of policy LP2 advises that unless allowed by any other policy in the Local Plan (such as LP4, **LP5**, LP7 and LP57), development will be restricted to:

- *“that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *renewable energy generation;*
- *proposals falling under policy LP55; and*
- *to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents”.*

An assessment of policy LP55 is below, nonetheless the proposal does not fall within any of the other above specified categories above that could be supported.

Policy LP5 referred to above as a possible exemption supports the delivery of economic prosperity and job growth to the area subject to certain criteria being met. This sets out a hierarchy as follows based upon the designation of the location for the development:

- Strategic Employment Sites (SES)
- Employment provision within Sustainable Urban Extensions (ESUEs)
- Important Established Employment Areas (EEA)
- Local Employment Sites (LES)

This application site is not located within any of the four designations and would therefore be considered under ‘Other Employment Proposals’.

In considering ‘Other Employment Proposals’ policy LP5 states:

“Other employment proposals in locations not covered by SES, ESUE, EEA and LES categories above will be supported, provided:

- *there is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement;*
- *the scale of the proposal is commensurate with the scale and character of the existing settlement;*

- *there is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;*
- *there are no significant adverse impacts on the local highway network;*
- *there is no significant adverse impact on the viability of delivering any allocated employment site; and*
- *the proposals maximise opportunities for modal shift away from the private car."*

The site is located outside of the existing settlement in the countryside.

The applicant's supporting statement does not address policy LP5 or set out clear operational requirements that would prevent the business from being located onto a nearby employment site.

Following a request for further information, the applicant has advised the location is suitable "*because it has very good transport links and easy access*". The applicant also explains that the cost to purchase a pre-existing storage site in Lincoln or Gainsborough would have been incredibly costly to the business and potentially financially unviable. The applicant concludes that there are "*no sites potentially suitable for the storage of plant, machinery and equipment*", within the immediate area.

P and M Pavers web-site describes them as a Civil Engineering company dealing in civil paving, kerbing, groundwork, drainage and ducting all over the country. Whilst it is noted the site has good connectivity to the strategic highway network such as the A57, the access requirements alone do not justify the countryside location. Given that P and M Pavers operate on a local and national scale, there are allocated employment sites with similar connectivity to the highway network. No financial information has been provided to demonstrate that alternative sites are unviable, despite the applicant's suggestion. Although suggesting there are no suitable sites within the immediate area, the applicant has not provided any search parameters or any other commentary on the suitability of any nearby employment sites. It is therefore unclear how this conclusion has been determined.

It is considered that there are more suitable, alternative sites for this type of development. The site is approximately 4 miles from 3 business parks at Saxilby; Saxilby Enterprise Park, Riverside Enterprise Park and Allens Business Park which are either allocated under the CLLP (E22 Allocation in connection with Policy LP5) for B1, B2 and B8 uses or in the Saxilby Neighbourhood Plan (Site 1, 2 and 3 of Proposal Map 3 in connection with Policy 7 of the Plan) for such uses. Both Policy LP5 of the CLLP and Policy 7 of the Saxilby Neighbourhood Plan allow for appropriate new B1/B2/B8 employment developments and/or redevelopment of sites for B1/B2/B8 uses.

Saxilby Industrial Area (described above) is in close proximity to one of the district's larger villages, Saxilby and close to rail and bus public transport links. These business parks offer a range of business sizes and uses (B1, B2 and B8).

No evidence has been provided to demonstrate that sites within the Saxilby Industrial Area are inappropriate and/or unsuitable, or that there is a particular locational requirement for the present commercial operation to operate at the application site; albeit it is operating out of a building only permitted as an agricultural building and not for commercial uses.

Newton on Trent has limited sustainable transport links such as bus services to surrounding large population centres such as Gainsborough and Lincoln and therefore due to the location of the site, within the countryside, there would be a heavy reliance on the use of the private car.

Given the countryside location, policy LP55 also applies. Policy LP55 Part E considers non-residential development in the countryside. Policy LP55 part E states that *“proposals for non-residential developments will be supported provided that:*

- a) The rural location of the enterprise is justifiable to maintain or enhance the rural economy **or** the location is justified by means of proximity to existing established businesses or natural features;*
- b) The location of the enterprise is suitable in terms of accessibility;*
- c) The location of the enterprise would not result in conflict with neighbouring uses; and*
- d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.”*

As explained above, the applicant has not demonstrated the functional requirements that justify the countryside location for this business. Whilst the proposal is acceptable in terms of accessibility, its compatibility with neighbouring uses and the impacts on character and appearance of the area these points alone do not overcome the locational issues identified.

The NPPF, at paragraph 80, sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The NPPF goes on to advise that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

As is the case with the application site, in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

P and M Pavers are an existing business and have occupied the site for 7 years. The business includes 5 no. full time employees who work from the site, but the business employs approximately 50 – 70 staff members that work off-site. The proposal provides an alternative use to an existing otherwise redundant site. Significant weight is applied to the need to support economic

growth, in this case for an established business. This decision also takes account of Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which allows for change of use from an agricultural building (and land within its curtilage) to flexible commercial use including Class B8 (storage or distribution), subject to certain requirements being met. It is acknowledged that the floor area of the existing building marginally exceeds the 500m² size limit, and the requirement for the building to be in agricultural use for more than 10 years (as required by Class R criteria). Notwithstanding this, the existence of Class R provides an indication as to what central government considers an acceptable alternative use to an agricultural building (and land within its curtilage). Overall, these factors weigh in significant favour of the development.

It is therefore considered that this proposal is finely balanced with the proposal considered to be in an unsustainable location contrary to Policy LP1, LP5 and LP55 of the Central Lincolnshire Local Plan balanced against the fact that the existing commercial operation provides 5 no. full time and has been operating out of the present agricultural building on the site for approximately seven years.

Flood Risk

The site is located in flood zone 3 (High probability) as designated by the Environment Agency. Flood zone 3 is land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. Policy LP14 states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

In relation to flood risk issues raised by changes of use, the NPPF advises that the sequential and exception tests do not need to be applied for minor development and changes of use.

The NPPG advises that: *“A change in use may involve an increase in flood risk if the vulnerability classification of the development is changed. In such cases, the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework’s policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.”*

In this regard the Flood risk vulnerability classification shown in table 2 of the NPPG indicates that both uses (Agriculture and Storage and Distribution) would fall in the less vulnerable category and as such no change in vulnerability brought about as a result of this application.

A flood risk assessment (FRA) has been submitted with the application. The FRA advises that no changes are being made to the building as it is a change of use development. The building construction already has a concrete ground floor slab, steel portal frame and external cladding which is resilient to flooding. No other measures to protect the building are required. Some of the intended stored items, such as plant units, are vulnerable if flooding occurs. It is therefore recommended to store any water vulnerable equipment 600mm above current floor level or 300mm above the predicted flood height during a 1 in 100-year storm event (6.18mAOD). The development proposal will not increase the impermeable area of the site, so will have negligible to no impact upon areas elsewhere. There is not expected to be any increase in water discharge, foul or surface.

The Environment Agency have no objection to the proposal subject to a condition to secure the mitigation measure proposed by the submitted FRA.

It is considered that the proposal does not increase vulnerability or risk of flooding to the development site or to other existing properties; it does not affect the integrity of existing flood defences and could be safe during its lifetime. Consequently the proposals are in accordance with Policy LP14 of the Central Lincolnshire Local Plan and guidance within the NPPF and NPPG.

It is considered that policy LP14 is consistent with the flood risk guidance of the NPPF and can be attached full weight.

Character and Visual Impact

Policy LP26 seeks to ensure development respects the existing topography, landscape character and identity, and relates well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths.

LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape, including setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural or man-made features within the landscape and townscape which positively contribute to the character of the area.

LP55 and LP5 also similarly guide that the development is of a size and scale commensurate with the proposed use and with the rural character or settlement character of the location.

The National Planning Policy Framework (NPPF) in Chapter 12. Achieving Well-designed Places states that the *“creation of high quality buildings and places is fundamental to what the planning and development process should achieve”*. Paragraph 127 goes on to state that planning decisions should ensure that developments are visually attractive as a result of good architecture.

The application site although within the open countryside and adjacent to agricultural fields is also located directly alongside the A57 and therefore has

a public presence along this A route road. It is noted that the existing agricultural building is visible from it but is somewhat screened by the landscaping around the site. The only other real visual presence of the site is gained immediately outside of it from Southmoor Road. This element of the site is again somewhat screened by trees/bushes, with some being subject to preservation orders. The site is also bordered by high palisade fencing.

The application relating to the change of use of the site for the storage of plant, machinery and materials for the business. The site visit undertaken revealed all these aspects are already being undertaken within the site.

Although a majority of the externally stored items/materials/waste was not highly visible from the A57, the visibility of all the externally stored items is more prominent from Southmoor Road. There is some screening evident along the southern boundary but it is not as extensive as that to the north which adjoins the A57.

With no control over the height of stored materials or the screening surrounding it; the change of use has the potential to have a detrimental impact on the character of the site and in turn the wider area and landscape. As such a condition which restricted storage height and ensured screening within the site to be provided is considered necessary should planning permission be granted.

With specific regard to the protected trees (1 Oak and 1 Ash), the applicant has provided the root protection areas for the trees which is shown on the 'Tree Protection Plan'. In order to secure the longevity of these trees, a condition is recommended that there shall be no storage of any plant/machinery or materials or any vehicular parking within the root protection areas.

Subject to the aforementioned conditions, the proposal accords with policy LP17 and LP26 of the CLLP.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

Residential Amenity

Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

LP55 and LP5 take a similar stance in advising that the location of the enterprise would not result in conflict with neighbouring uses and the amenity of the occupiers significantly impacted upon.

It is not anticipated there would be any impacts in relation to the above amenity considerations.

However, policy LP26 also requires development to demonstrate that proposals will be compatible with neighbouring land uses, and will not have an adverse impact in relation to amenity considerations, such as, but not exclusively, adverse noise and vibration and adverse impact upon air quality for odour, fumes, smoke, dust and other sources.

To the west of the site lies an open field. To the south-western corner of the adjacent field lies a pumping station and a small touring caravan site known as Hall Farm¹. The caravan site is located approximately 140m to the western boundary of the site. Beyond them is a residential dwelling which is approximately 200 metres from the site. The site is otherwise bordered by the A57 and Agricultural fields. No objections have been raised to the proposals in terms of impact on the amenity of nearby properties/uses. This is despite P and M Pavers being present on site for several years now.

The Local Planning Authority have not been made aware that the existing business is causing a nuisance to nearby neighbours. The application is proposing the use of the site for the storage of plant, machinery and materials. The application advises that in the morning (after 7 am) any plant and machinery is 'started up' to check it is working but then the plant is taken away off-site to go onto jobs. This process usually takes between 30-60 minutes. The plant and machinery is generally returned at the end of the day and stored overnight. Aside from the noise of testing at the start of the day, other noise and disturbance is likely to be associated with the transport and the loading and unloading of materials onto vehicles. The A57 is located directly adjacent to the site and those neighbouring properties mentioned above. The A57 is a busy highway which, as experienced during the site visit, does provide a degree of constant background noise which is likely to be more significant than loading and unloading of materials within the site. The proposed operational hours are stated as follows: Monday – Saturday 07:00 – 17:00 and Sunday/Bank Holidays 08:00 – 13:00.

It must be noted that this permission **only** relates to the storage and distribution of materials. The permission does not permit any making, grinding or any other processing associated with the materials on site.

When taking this into consideration the Local Planning Authority are of the opinion that providing the current use on site relates to that proposed then the amenity of neighbouring properties and uses would not be significantly affected in amenity terms. The proposal therefore accords with policy LP26 in this regard.

It is considered that policy LP26 is consistent with the residential amenity guidance of the NPPF and can be attached full weight.

Minerals

¹ <https://www.caravanclub.co.uk/certificated-locations/england/lincolnshire/lincoln/hall-farm-2/>

The Lincolnshire Minerals and Waste Local Plan (Core Strategy & Development Management policies) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area. The site is not within an allocated Minerals Site or Waste Site/Area. Policy M11 of the Minerals and Waste Local Plan seeks to ensure that developments do not prevent the exploitation of mineral deposits as an economic resource within identified Minerals Safeguarding Areas (MSAs) without adequate justification. Within MSAs proposals for non-minerals development should be accompanied by a Minerals Assessment, unless the development falls within one of the exemptions to the Policy.

In accordance with policy M11, the change of use of an existing development unless intensifying activity on site is exempt from being applied to the policy. It is considered that this proposal would be exempt from the requirements of M11 consequently there is no requirement to supply a minerals assessment or assess the developments impact on mineral resources.

Highway Safety and Parking

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users.

The site is located along Southmoor Road which branches off from the A1133 (Collingham Road). Southmoor Road narrows to a single track which leads to the application site. The application form indicates that the business contains 10no. on-site parking spaces as existing. There is no change to the parking provision as proposed.

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) have concluded that the proposed development is acceptable and has offered no objection to the planning application. Overall, the proposed access arrangements are acceptable and the proposal will not result in an adverse impact on the local highway network. The proposal therefore accords with policy LP13 of the CLLP.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

Other matters

Surface Water Drainage

There is no change to the existing drainage arrangements on site. To the western boundary lies an Internal Drainage Board maintained watercourse. An advice note will be added to the decision notice which provides the advice contained within their consultation response regarding any future works within or nearby to the watercourse.

Comments from Newton on Trent Parish Council

Newton on Trent Parish Council have provided comments on the proposed development. In response to their comments a landscaping condition is recommended to provide some additional screening for the site, this will require the agreement of the LPA.

The Parish Council have requested that consideration is given the need for the business to acquire the necessary permits and certificates which will be required for the proper running of the business. The Parish Council have also requested that this be required by a planning condition. However, this application considers only the land use planning implications for a material change in the use of the building from an agricultural building to a B8 (storage and distribution) use. The acquisition of necessary permits and certificates required for the proper running of the business is not a material planning consideration, and are matters covered by areas of law separate from planning law. Furthermore, planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. A condition which requires the applicant to provide the Parish Council with paperwork relating to the business is not relevant to planning, nor necessary nor reasonable and as such would not meet the six tests set out within the NPPF.

Planning Balance and Conclusion

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan and Policy M11 Safeguarding of Mineral Resources of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016 in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

The site is located in a countryside location and the application does not provide a clear demonstration that there are no suitable or appropriate sites or buildings within allocated employment sites or within the built up area of a settlement.

It is considered that there are more suitable, alternative sites for this type of development. The site is approximately 4 miles from 3 business parks at Saxilby; Saxilby Enterprise Park, Riverside Enterprise Park and Allens Business Park which are either allocated under the CLLP (E22 Allocation in connection with Policy LP5) for B1, B2 and B8 uses or in the Saxilby Neighbourhood Plan (Site 1, 2 and 3 of Proposal Map 3 in connection with Policy 7 of the Plan) for such uses.

Granting permission in the absence of such information would represent a clear departure from policies LP5 and LP55 of the Central Lincolnshire Local Plan which form the development plan for the area. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The NPPF, at paragraph 80, sets out that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. In this case, P and M Pavers are an existing business and have occupied the site for 7 years. The business includes 5 no. full time employees who work from the site, and the business employs approximately 50 – 70 staff members that work off-site. The need to support economic growth, in this case for an established business, provides a significant material consideration which weighs in positive favour of the development. Weight is also applied to the provisions of Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), which, although not providing a 'fall back' position, provide an indication as to what central government considers an acceptable alternative use to an agricultural building (and land within its curtilage). In addition to this, the proposal has brought an otherwise disused site back into operational use and has been found to be acceptable in all other regards, such as matters in relation to flood risk, the impact on the surrounding landscape, the impact on residential amenity, highway safety and minerals safeguarding. Therefore, the proposal is recommended for approval subject to conditions.

Conditions stating the time by which the development must be commenced:

None.

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

1. Within six months of the date of this permission a scheme of landscaping to include which existing trees are to be retained and details of the size, species, position and density of all trees, shrubs and hedging to be planted have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of the visual amenity in accordance with the National Planning Policy Framework and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

2. All planting, seeding or turfing comprised in the approved details of landscaping approved by condition 1 shall be carried within one year of the date of this permission; and any trees or plants which within a period of 5 years from the completion of their planting die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and occupiers of adjacent buildings and in accordance with Central Lincolnshire Local Plan Policy LP17 and Policy LP26.

3. No trees or hedges shall be removed from the site without the prior written agreement of the Local Planning Authority.

Reason: In the interests of amenity and protection of habitats, in accordance with the provisions of the National Planning Policy Framework and policy LP21 and LP26 of the Central Lincolnshire Local Plan.

4. Storage of materials within the site shall not exceed a height of 2.5 metres above existing ground levels unless otherwise agreed in writing by the local planning Authority.

Reason: In the interest of visual amenity, in accordance with the provisions of the National Planning Policy Framework and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

5. The development shall be carried out in accordance with the submitted flood risk assessment (ref: 2896) dated April 2021 and the following mitigation measures it details:

- Storage provisions for water vulnerable items and equipment shall be provided and set no lower than 6.18 metres above Ordnance Datum to mitigate against the risk of damage to property.

Reason: To reduce the risk of damage to property during a flood event, in accordance with the provisions of the National Planning Policy Framework and policy LP14 of the Central Lincolnshire Local Plan.

6. There shall be no storage of any plant, machinery or materials or any vehicular parking within the root protection areas as shown hatched on the 'Tree Protection Plan' dated 14th June 2021.

Reason: In the interest of visual amenity, in accordance with the provisions of the National Planning Policy Framework and policies LP17 and LP26 of the Central Lincolnshire Local Plan.

7. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

- Site Location Plan
- Site Layout/Block Plan
- Proposed Floor Plans and Elevations
- Tree Protection Plan
- Flood Risk Assessment 2896 / Apr 2021

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

None.