

Officers Report

Planning Application No: 146617

PROPOSAL: Planning application for 1no. shipping container for storage for a temporary period of 36 months.

LOCATION: Nettleham Library 1 East Street Nettleham Lincoln LN2 2SL
WARD: Nettleham

TARGET DECISION DATE: 29/06/2023
DEVELOPMENT TYPE: Minor - all others
CASE OFFICER: Dan Galpin

Ward Members(s): Cllr F Brown, Cllr J Barrett
Applicant Name: Mr Mark Dodds

RECOMMENDED DECISION: Grant (subject to conditions)

The application is presented to Planning Committee due to the objection received from the Parish Council.

Description: Nettleham Community Hub is a mixed use facility in the centre of the village of Nettleham. The application site is located at the junction of Cross Street and East Street within the Nettleham Conservation Area. The site currently has two primary uses relating to Use Classes E (commercial, service and business) and F.2 (Local Community) of The Town and Country Planning (Use Classes) Order 1987 (as amended). To the rear of the main library and café area is a large double flat roof double garage which has a significant area of hardstanding to the front.

Planning permission is being sought for the installation of a shipping container for a temporary period of 36 months to support the use of a previously proposed soft play facility that was determined to have a lawful use via a Lawful Development Certificate application (146241). This application is retrospective as the shipping container was installed at some point between the determination of the previous application and the submission of this one. The shipping container is just over six metres in length and 2.4 metres in height. The shipping container has a pale or Reseda green colouration (RAL 6011/RAL 6021).

It is located within the Nettleham Village Centre as defined under Policy S35 of the Central Lincolnshire Local Plan 2023.

Relevant history:

144347 – Application for a lawful development certificate for the installation of planters and benches –Grant Lawful Development – dated 11th August 2022.

144977 – Application for a lawful development certificate for the installation of bike racks. Grant Lawful Development Certificate – dated 11th August 2022.

145126 – Application for a lawful development certificate to provide a small takeaway element and the showing of occasional films. Grant Lawful Development Certificate – dated 22nd November 2022.

146241 – Application for a Lawful Development Certificate for a Proposed use of the garage as a soft play and youth hub.

Representations:

Chairman/Ward Member(s)

No representations received to date.

Nettleham Parish Council

Objection – *‘The Parish council do not feel that the container is in keeping with the conservation area in which this site falls, and highlight Policy E - 4 of the current Nettleham Neighbourhood Plan, which states: “Historic buildings and the Conservation Area ... Within the conservation area development proposals will be expected to preserve or enhance the character of the area’*

Local Residents

One representation has been received raising an objection to the proposed development. The following comment was raised:

‘I consider the commercial container to be an eyesore in a conservation area which is easily visible from the path or road.’

LCC Highways/Lead Local Flood Authority

No objection – *‘The proposal is for the siting of a storage container and it does not have an impact on the Public Highway or Surface Water Flood Risk.’*

WLDC Archaeology

No reply received to date.

WLDC Conservation Officer

No objection (conditions) – *‘No objection - It is considered that the proposed development would be acceptable in the context of the existing garage which already has somewhat of an industrial appearance. It has been suggested that the shipping container could be moved back slightly to reduce to the visual intrusion. However, in the context of the existing garage, it is considered that the proposal would at least preserve the character and appearance of the Conservation Area. This is subject to the condition that the*

shipping container is removed as soon as the garage ceases to be used as a soft play area.'

ECM Checked: 23rd June 2023

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 (CLLP) (adopted in April 2023); the Nettleham Neighbourhood Plan (made March 2016) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan (Adopted April 2023)**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy
Policy S2: Growth Levels and Distribution
Policy S21: Flood Risk and Water Resources
Policy S35: Network and Hierarchy of Centres
Policy S40: District, Local and Village Centres
Policy S47: Accessibility and Transport
Policy S50: Community Facilities
Policy S53: Design and Amenity
Policy S57: The Historic Environment

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP) (Adopted June 2016)**

The site is not in a Minerals Safeguarding Area and Policy M11 of the Core Strategy does not apply.

- **Nettleham Neighbourhood Plan (Made 3rd March 2016)**

The relevant policies include:

Policy E – 4 Historic buildings and the Conservation Area
Policy D – 1 Access
Policy D – 4 Water Resources and Flood Risk
Policy D – 6 Design of New Development
Policy S – 1 Services and Facilities

The policies referenced above are considered to be consistent with the requirements of Sections 12, 14 and 16 of the NPPF and are therefore afforded full weight.

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/nettleham-neighbourhood-plan>

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 July 2021.

Paragraph 219 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 Design Guide (2019)**
- **National Design Model Code (2021)**

Draft Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Nettleham Neighbourhood Plan Review**

The Regulation 14 Draft Nettleham Neighbourhood Plan was published on July 2022. Therefore, the relevant policies outlined below are considered to be at a stage where they are a material consideration in the determination of this application.

- Policy E3 – The Historic Environment

- Policy D3 – Water Resources and Flood Risk
- Policy D4 – Design of New Development and Parish-wide Design Code Principles

Therefore, the relevant policies outlined above are considered to be at a stage where they can be a material consideration in the determination of this application, where relevant. However, in accordance with paragraph 48 they can only be afforded very limited weight in the determination of this application.

Other:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main issues

- Principle of Development
- Visual Amenity
- Residential Amenity
- Heritage Conservation
- Highways
- Flood Risk
- Other Matters

Assessment:

Principle of Development

Section 55 of The Town and Country Planning Act 1990 outlines that the definition of development involves either building operations on, over or under land or a material change of use to land. Unless covered by the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), planning permission is required for anything that meets the definition of development in Section 55 of the Act.

The placement of a genuinely temporary structure such as a shipping container would normally not require planning permission as they can be considered as temporary structures. However, a previous Lawful Development Certificate (146241) determined that full planning permission would be required due to the proposed use of the shipping container having a degree of permanency in being ancillary to a soft play facility. This well established in case law via decisions such as Skerritts of Nottingham Limited v SSETR [2000] 2 P.L.R. 102 and (Save Woolley Valley Action Group Ltd) v Bath and North East Somerset Council [2012] EWHC 2161.

Policy S1 of the CLLP establishes a settlement hierarchy for development within Central Lincolnshire. This aims to steer development towards larger settlements and in line with other relevant material considerations, aims to ensure that development proposals are of an acceptable design, nature, siting and form for the location that they would occupy. Throughout the CLLP, the

terms '*appropriate locations*' and '*developed footprint*' are consistently used. These definitions are contained within the glossary of the CLLP. Essentially, they require that unless contained within a site allocation or brought forward by a Neighbourhood Plan that development proposals are located in a location that does not unacceptably impact the character, appearance or form of a settlement. Development should also be contained to the continuous developed footprint of a settlement unless material considerations indicate otherwise or they can comply with other relevant policies relating to development in the countryside.

The shipping container is currently sited within the curtilage of the Nettleham Community Hub which is located within the centre of the village of Nettleham. Therefore, given the location of the shipping container, it is considered that the application site is within the continuous developed footprint of Nettleham. Policy S35 of the CLLP establishes a network of centres in order to comply with the overall spatial strategy for employment within the District. The application site is situated within Tier 3 of Policy S35 and is therefore classified as a 'District Centre'. Development proposals relating to 'town centre uses' should have regard to the following:

Development proposals for retail and/or other town centre uses will be directed to the Tier 1 to 4 centres identified in this policy, and will be appropriate in scale and nature to the size and function of the relevant centre and to the maintenance of the retail hierarchy as a whole. Within local and village centres in Tier 4 of the hierarchy, the scale of provision should be proportionate and strengthen their roles in providing mainly convenience shopping and local services to meet local needs.

It has been established in previous determinations that the application site already has a lawful use for both Use Class E and Use Class F2 of The Town and Country Planning (Use Classes) Order 1987 (as amended). In this specific instance 146241 established that it would be lawful to utilise the existing garage as a soft play facility as this would fall within Use Class E(d). Therefore, given that the proposed shipping container would be ancillary to this use, it is not considered that it would be in conflict with the overall strategy outlined within Policy S35 of the CLLP.

The proposed development is therefore also not considered to conflict with Policy S40 as Use Class E has already been established on site and the proposed development would be ancillary to the overarching use of the garage as a soft play facility. It is also proposed to be temporary in nature. Notwithstanding this, the proposed use of a shipping container in connection with a lawful use is considered to comply with the provisions of this policy as it would clearly be subservient in its nature and scale to the main use of the application site. Furthermore, weight should be afforded in favour of the expansion of existing community facilities against Policy S50 which states that '*The redevelopment or expansion of an existing facility to enhance, extend or diversify the level of service provided will be supported.*' The proposed

development would comply with this provision as it would support the expansion of an existing community facility.

The policies in the Nettleham Neighbourhood Plan and to a lesser extent, the Draft Nettleham Neighbourhood Plan are considered to be a relevant material consideration to the determination of this application. Policy S – 1 of the Nettleham Neighbourhood Plan is consistent with Policy S50 of the CLLP in the sense that it does not support the loss of existing facilities or services. In this regard, the proposal would help facilitate the expansion of a community facility and therefore would enhance the viability of the Nettleham Community Hub.

In more general terms, weight is afforded in favour of the application in terms of paragraphs 81 and 92 of the NPPF. Paragraph 81 makes it clear that planning decisions should create the conditions for businesses to invest whilst paragraph 92 supports the creation of healthy and safe communities. Given that the development would support the lawful use of the garage as a soft play facility (see 146241), it is considered that weight should be afforded to paragraph 92 in favour of this application. The proposal would also support the expansion of the existing site and therefore paragraph 81 is also afforded weight in terms of this application.

Extensions, alterations or other changes to an existing site are also considered to be acceptable in principle in their own right subject to compliance with any relevant policies in the development plan and any other material considerations. The main technical material considerations are set out in the remainder of this report.

Heritage Conservation

Policy S57 of the CLLP requires that development proposals do not have an unacceptable impact on various heritage assets ranging from non-designated heritage assets to designated heritage assets which are primarily Listed Buildings and Conservation Areas. Any development proposal should aim to preserve or enhance the setting and/or the architectural significance of Listed Buildings and preserve and/or enhance the character and appearance of designated conservation areas. Any harm to such heritage assets should have a clear justification and where such a harm cannot be justified or outweighed by the public benefits, planning permission should be refused. These requirements are also contained within national legislation and guidance.

Section 66 of the Planning (Listed Buildings and Conservations Act) 1990 places a statutory duty on the Local Planning Authority to have special regard to the desirability of preserving a Listed Building, its setting, and any features of special architectural or historic interest. Section 72 of the same Act requires the Local Planning Authority to have regard for to the desirability of preserving or enhancing the character or appearance of the land and buildings within Conservation Areas.

Paragraphs 194 and 195 of the NPPF requires an applicant to describe the significance of any heritage asset that may be impacted. Paragraph 197 requires the Local Planning Authority to take account of the desirability of sustaining and enhancing the significance of heritage assets, the contribution that these assets can make to sustainable communities and the desirability of new development in making a positive contribution to the local character and distinctiveness of the area. Great weight should be given to the conservation of a designated heritage asset, regardless of the level of harm to its significance (paragraph 199) and in turn, any harm to, or loss of the significance of a designated heritage asset should require a clear and convincing justification under paragraph 200. Paragraph 202 allows for development that leads to a *less than substantial harm* to the significance of a designated heritage asset, this harm should be weighed against the public benefits of a proposal. Paragraph 206 supports development in Conservation Areas that better reveal their significance. For non-designated heritage assets, paragraph 203 requires that the impact of a development proposal on the significance of a heritage asset should be considered in determining an application. Paragraph 207 also makes it clear that not all elements of a Conservation Area will contribute to its significance.

One objection has been received from a local resident relating to the application stating that they feel the development is an 'eyesore' that is clearly visible from the public road/footpath. Concern has also been raised from Nettleham Parish Council who commented that they do not feel that the shipping container is in keeping with the character and appearance of the Conservation Area. Concerns have also been raised by Nettleham Parish Council, who do not consider that the proposed development is in keeping with the character of the Conservation Area.

These comments are noted, however, the unique visual context and spatial heterogeneity of this area of East Street are considered to warrant a different recommendation in this set of circumstances. Below is another mapping image but this time using Ordnance Survey mapping software overlaid with relevant heritage/conservation GIS layers. For clarity, non-heritage/conservation layers have been excluded (next page):

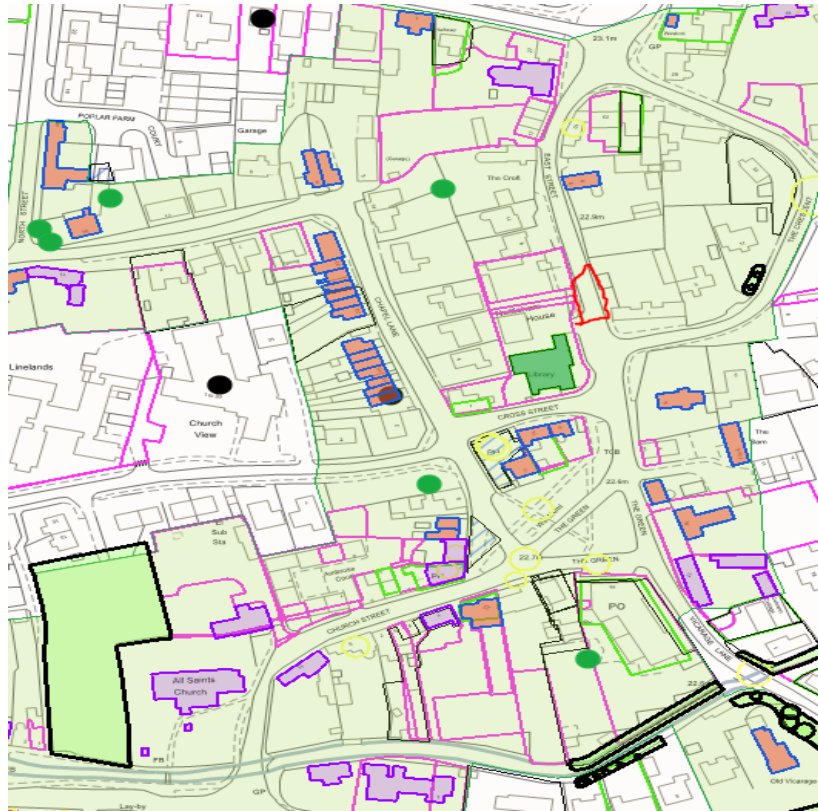


Figure 1: Nettleham Conservation Area/Heritage Assets

Figure 2 shows the Nettleham Conservation Area in lighter green, designated heritage assets (Listed Buildings) are shown in purple and non-designated heritage assets (buildings that positively contribute to the character of the Conservation Area) are shown in orange. The closest Listed Buildings are at least 100 metres to the north and south of the application site. Applying the statutory duty in Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990, it is not considered that the shipping container would cause any harm to the special architectural significance or setting of any Listed Building. The red line on Figure 2 shows that the visual intrusion created by the shipping container is spatially constrained and for the reasons explained in the visual amenity section, does not cause an unacceptable harm to the character and appearance of the area. Given the unusual contemporary appearance of the Nettleham Community Hub, Nettleham House and contemporary residential dwellings, it is considered that the shipping container would preserve the setting of any nearby Listed Building.

Taking into account other non-designated heritage assets, the closest of these is at least 50 metres from the application site and the same justification can be applied here as well. Noting as well that the setting of non-designated heritage assets is afforded less weight than designated heritage assets. It is therefore considered that the proposal accords with paragraph 203 of the NPPF. When taking into account Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990, it is also considered that the shipping container would at least preserve the character and appearance of the Nettleham Conservation Area. In the context of the double garage with an industrial character, the Nettleham Community Hub, Nettleham House and

constrained visual intrusion into the street scene, it is not considered that the proposed development would cause an unacceptable harm to the Nettleham Conservation Area.

Finally, taking paragraph 207 of the Framework into account, it is noted that not all areas of Conservation Areas contribute to their significance. For the reasons outlined in this report, it is not considered that the application site is located within the most sensitive area of the Nettleham Conservation Area. In addition, when observing the distribution of heritage assets in Nettleham, it can be seen that their distribution is heavily concentrated further to the west and south of the Nettleham Conservation Area and it is considered that the architectural and historic significance of Nettleham lies closer to the historic core of the settlement. This is also where the most sensitive and significant designated heritage asset in the developed footprint of Nettleham is located. The Church of All Saints is a Grade I Listed Building and dates back to the 13th century. Any harm to this heritage asset would require an exceptional justification, notwithstanding the large number of other Grade II Listed Buildings in the vicinity. However, the application site is located well away from the setting of these heritage assets. Therefore, the balance of policy shifts in favour of granting planning permission and significant weight is afforded to the paragraph 207 of the NPPF.

No objection has been received from the Conservation Officer in respect to this application as it was concluded that the proposal would at least preserve the character and appearance of the Conservation Area. Although it was noted that the shipping container could be moved back slightly, in the context of the existing garage which has an industrial appearance, it is considered that the character and appearance of the Nettleham Conservation Area is at least preserved. This is especially the case as the proposed development is of a temporary nature.

Therefore, the proposed development is considered to be in accordance with Policy S57 of the CLLP, Policy E – 4 of the Nettleham Neighbourhood Plan and Policy E – 3 of the Draft Nettleham Neighbourhood and Section 16 of the NPPF and the statutory obligations in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990.

Visual Amenity

Policy S53 of the CLLP requires that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.

The shipping container is located within the centre of Nettleham just off East Street which runs south to north out of the centre of the village towards

Scothern Road. The surrounding spatial constraints are highly mixed. Being situated within the Nettleham Conservation Area, there are a number of designated and non-designated heritage assets located in wider area. However, the immediate setting of East Street is more suburban/residential in character but with an undeniable sympathetic rural character comprising of principally limestone bricks and clay pantile roof tiles and interspersed with a mixture of hard and soft boundary treatments some of which are more traditional limestone walls but others contemporary garden walls. The closest designated Listed Buildings are in excess of 100 metres to the north and south.

This varied visual and spatial character is only made increasingly diverse by the presence of the Nettleham Community Hub and Nettleham House to the immediate north of the application site. The main section of Nettleham Community Hub is fairly contemporary in its character almost appearing as a late 20th century addition to the Conservation Area. The principal elevation utilises a combination of light brown facing brick, white uPVC windows and modern black timber cladding with the rear of the main building being mostly covered in a green wall further adding to the novel spatial character of the application site. To the rear there is a large and highly prominent double garage which is the width of a detached house and up to a storey in height with two blue garage doors which give the garage a highly industrial appearance relative to its context. Nettleham House to the north also has a late 20th century visual character almost with the appearance of a school extension of a hospital outbuilding.

The objection from the local resident and comments from the Parish Council are more relevant to heritage conservation section of the report but overspill into visual amenity as they relate to the character and appearance of the area. In many contexts, the concerns raised in these representations would be shared by the Local Planning Authority as the introduction of a shipping container into the centre of a Conservation Area would be a visually incongruous feature both on the immediate street scene but also to the wider character and appearance of the area. A recommendation for approval therefore must require a clear and convincing justification.

Reflecting further on the representations raised, the justification for granting planning permission depends on two considerations. The first is the scale and siting of the proposed development and the second is the design and form of the proposed development. Below is an illustrative satellite image:



Figure 2: Google Maps - Nettleham

The area highlighted red is the area of public vantage points where the shipping container can be viewed from. For context, this is just in excess of 20 metres off East Street which is not considered to be a substantial visual intrusion into the street scene. Beyond the extent of the red boundary shown in Figure 1, the shipping container is completely screened and therefore has no visual intrusion beyond its most immediate spatial context. At approximately 2.4 metres in height and six metres in length, the shipping container is considered to be modest in its scale (smaller than some single storey rear extensions); its vertical profile is less than a single storey. The shipping container is clearly subservient to adjacent development at the Nettleham Community Hub and therefore does not appear as a visually dominant form of development on the street scene and is partially tucked away between the large double garage and the main building.

Secondly, assessing the design and form of the shipping container in this immediate context is potentially more important as poor design can be sufficient to warrant refusal for most development regardless of scale. The introduction of a shipping container in this location is considered to be acceptable, despite the application site being located within the Nettleham Conservation Area. The introductory paragraphs of this section of the report highlighted that there is a highly varied character of the centre of Nettleham. Nettleham Community Hub and Nettleham House both have a relatively contemporary appearance, arguably resembling a late 20th century development in terms their character. Furthermore, the double garage has a highly industrial character due to its scale, design and form which sets a visual precedent for the immediate visual context. This in itself is not a reason to intensify an incongruous form of development but in the context of all the considerations outlined in this section, the introduction of a shipping container

is not considered to have any unacceptable harmful impact on the character and appearance of the area.

The shipping container is neatly hidden between two buildings for the most part with the exception of the small area outlined in Figure 1. The appearance of the shipping container reflects the contemporary/industrial appearance of the wider application site whilst managing to be well sited and having a modest scale, which prevents the further industrialisation of the immediate character. Not mentioned so far is the fact that the presence of a shipping container is completely reversible in principle as this is not a structure that is fixed to the ground in any way.

For the reasons explained above, it is considered that the proposed development is in accordance with Policy S53 of the CLLP, Policy D-6 of the Nettleham Neighbourhood Plan and Policy D-4 of the Draft Nettleham Neighbourhood Plan and Section 12 of the NPPF subject to the imposition of the above condition.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 130 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

The proposed shipping container is located within the curtilage of the Nettleham Community Hub and it is considered that by virtue of its static nature and modest scale that it does not pose any unacceptable harmful impact on the residential amenity of the closest residential dwellings to the north and south of the application site.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP and paragraph 130 f) of the NPPF.

Highways

Policies S47, S48 and S49 collectively require that development proposals do not have an unacceptable impact on highway safety or a severe cumulative impact on the wider highway network. Policy S48 requires that development proposals should facilitate active travel. It also requires that first priority should be given to pedestrians, cyclists, and people with impaired mobility. Policy S49 of the CLLP sets out minimum parking standards that are required for residential and non-residential development within Central Lincolnshire.

Paragraph 92 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 110 of the NPPF which requires that development proposals provide safe and suitable access to all users. Paragraph 111 of the NPPF in turn states that

development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.

No objection has been raised from the Local Highway Authority with respect to the above application. It is not considered that there are any highways implications associated with this application.

In respect of the above, it is therefore considered that the proposed development accords with Policies S47 and S49 of the CLLP and paragraphs 92, 110 and 111 of the NPPF and Policy D – 1 of the Nettleham Neighbourhood Plan.

Flood Risk

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. This policy is consistent with the requirements of paragraphs 159 and 167 of the NPPF and is therefore afforded full weight. Paragraphs 159 and 167 of the NPPF respectively require that development should be diverted away from areas at the highest risk of flooding and that all development proposals should not increase the risk of flooding elsewhere.

The application site is located within Flood Zone 2 which is considered to be at a medium risk of flooding. The guidance in Footnote 55 of the NPPF is noted relating to the provision of a site specific Flood Risk Assessment. However, it is not considered that there are any flood risk implications associated with this application.

Annex 3 of the NPPF as already stated the site sits within flood zone 2 and local policy LP14 and the National Planning Policy Framework (NPPF) requires a sequential approach towards locating development to areas at lower risk of flooding and the submission of a Flood Risk Assessment (FRA). An FRA (received July 3rd 2023) has been submitted in support of this application by the applicant.

The proposed use of the site for storage is classed under Annex 3 (Flood Risk Vulnerability Classification) of the NPPF as being less vulnerable. Given consideration to table 2 (Flood risk vulnerability and flood zone 'compatibility') of the NPPG the site would not be required to pass the exceptions test if the sequential test is passed. The Sequential Test should be applied first to guide development to Flood Zone 1, then Zone 2, and then Zone 3.

The proposed development would still need to pass the requirements of the sequential test as it is located within Flood Zone 2. The sequential test is applied by the Local Planning Authority. As noted, the proposed development is an ancillary storage structure to a soft play area. It therefore has to be located within the site in order to meet the needs of the applicant. It is also located in a preferable area where the visual intrusion into the street scene is

very limited in the context of a Conservation Area. There are areas of the site that are also within Flood Zone 3 whereas the shipping container is located within Flood Zone 2. The shipping container is also located on existing impermeable hardstanding and therefore does not increase the impermeable area of the application site or flood risk overall. This is considered to be sequentially preferable as it places the shipping container on an area of impermeable hardstanding that is not situated within Flood Zone 3 and is only just situated within the boundary of Flood Zone 2.

Based on the above assessment, it is considered that the development passes the flood risk sequential test. Although the submission is not a full FRA that considers all aspects of flood risk in detail, the Planning Practice Guidance advises that a pragmatic approach should be taken in terms of the level of detail and scope. It is considered that the applicant has provided a satisfactory justification, sequential analysis and brief description of the development. The minor nature/scale of the proposed and the siting on impermeable hardstanding would not have any impact on the risk of flooding. For the purposes of Annex 3 of the NPPF, the proposed development is also a *less vulnerable* use which is viewed favourably.

The proposal is considered to accord with Policy S21 of the CLLP, Section 14 of the NPPF and D – 4 of the Nettleham Neighbourhood Plan and Policy D – 3 of the Draft Nettleham Neighbourhood Plan.

Other Matters:

Energy Efficiency and Biodiversity

The requirements of Policies S6, S8, S13, S60 and S61 of the CLLP are noted. However, the proposed development is for the siting of a shipping container on existing hardstanding within the centre of Nettleham. It is not considered that there are any energy implications associated with the proposal and the proposal is not considered to be qualifying development for the purpose of Biodiversity Net Gain. These policies are therefore afforded no weight in the determination of this application.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S21: Flood Risk and Water Resources, Policy S35: Network and Hierarchy of Centres, S40: District, Local and Village Centres, S47: Accessibility and Transport, S49: Parking Provision, S50: Community Facilities S53: Design and Amenity, S57: The Historic Environment of the Central Lincolnshire Local Plan. Relevant policies in the Nettleham Neighbourhood Plan, Draft Nettleham Neighbourhood Plan and guidance in the National Planning Policy Framework has also been considered.

The proposed development is not considered to cause an unacceptable harm to the character and appearance of the area or the Nettleham Conservation Area and nor any relevant heritage assets. Weight is also afforded in favour of the application in terms of paragraph 81 of the NPPF and supporting the conditions to improve investment. The proposal is also viewed favourably in terms of paragraph 92 of the NPPF.

In light of the assessment outlined in this report, it is considered that subject to conditions, the proposed development is acceptable on its merits. It is therefore recommended that planning permission is granted subject to the following conditions –

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

1. The development is permitted for a period expiring on 10th August 2026 when the shipping container shall be removed from the site unless prior to that date the planning permission has been granted by the Local Planning Authority for its retention.

Reason: The shipping container is applied for temporary permission only.

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:

2. 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 Layout & Block Plan and Floor Plans and Elevations, received 4th May 2023. 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 S53 of the Central Lincolnshire Local Plan.

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

None.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European

Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for their private and family life, their home, and their correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.

Representors to be notified -
(highlight requirements):

Standard Letter **Special Letter** **Draft Enclosed**

Prepared by: Dan Galpin

Date: 25th July 2023

Signed: *D. Galpin*

Authorising Officer: *Rachel Gordon*

Date: 25th July 2023

Decision Level (tick as appropriate)

Committee