DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0925-24**	**Applicant:**	**Mr S Few**
Proposal:	Proposed industrial units (use class B2)		
Location:	Land Off Phoenix Lane Crowland		
Terminal Date:	18th February 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	1	1	0
OTHER STATUTORY BODIES	0	0	0	4

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for industrial units on land at Phoenix Lane, Crowland. The submitted plans shown nine units, divided into two buildings. One of the proposed buildings is located along the site frontage, within the northern part of the site. The other building is located within the southern part of the site. A car park area is proposed between the buildings.

The site layout has been updated during the determination of the application to incorporate some planting along the site frontage, to extend the planting that is already in place along Phoenix Lane.

Site Description

The site comprises land at Phoenix Lane, Crowland. There are existing buildings to the east and west of the site. There is agricultural land to the south and north of the site.

The site is outside the settlement boundary of Crowland, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map. The settlement boundary is approximately 315m to the east of the site. There are however significant areas of Crowland which are not within the settlement boundary, however, these areas feature extensive residential, commercial and industrial development. The site is also identified within a 'Proposed Main Employment Area' as identified by Policy 7 of the Local Plan and the accompanying policies map.

Relevant Planning History

H02-0493-19: (Full Application) Construction of two further phases of industrial buildings for sub-division into small units - approved 05 September 2019

H02-0440-09: (Full Application) Erection of seven industrial units and associated works - approved 10 August 2009

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Anglian Water: There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

North Level Internal Drainage Board: No objections. Land drainage consent for discharge into the surface water sewer will be required.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. The site was subject to a previous archaeological monitoring: ELI10862 - Monitoring and recording at Crease Drove. Consequently, no further archaeological input is necessary for this application.

Inward Investment Team: The Inward Investment Team are supportive of this application, the existing units on Phoenix Way were originally built by SHDC and have enjoyed 100% occupancy since they were opened. In view of this, the application is both timely and to be supported as the success of the existing units shows there is demand for this type of unit.

Environmental Protection: No comments.

Lincolnshire County Council - Highways and SUDS Team: Secure fencing has been proposed around the site in keeping with adjacent commercial units in height and appearance. Parking has been provided for each unit with the inclusion of multipurpose bays for disabled users and electric vehicle charging. In total there are 26no. bays which is the same as previously approved and there is sufficient turning available within the site to allow vehicles to enter and leave in a forward gear. Internal cycle storage has been considered as part of the project with dedicated secure space being included as part of the development as per the proposed plans. Bus stops are located less than a 10-minute walk from the development via Peterborough Road which provide links to Peterborough, Crowland and the surrounding areas. The site is within a flood zone 3 but not at risk of surface water flooding. As part of the threephase development to all the land off Pinnacle Close, drainage infrastructure is already constructed with a piped system and discharge point to the IDB watercourse to the west of the development site. Underground storage provision will be made for roof top and car park collection. There will be no increase in Surface Water flood risk to the site or adjoining land or properties.

Environment Agency:

First Response (10 December 2024): In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused. To overcome our objection, the applicant should submit a revised FRA which addresses the points highlighted above.

Second Response (13 February 2025): We have reviewed the amended flood risk assessment dated January 2025, ref: 'Pinnacle Close, Phoenix Lane, Crowland', prepared by EnviroSolution Limited, which provides further clarification in Section 8.6 regarding points raised in our previous objection. We consider that the additional information satisfactorily addresses our earlier concerns. Therefore, we withdraw our previous objection, dated 10 December 2024 and would like to draw your Local Authority's attention to the following information.

Crowland Parish Council: No objections.

Lincolnshire Police: The following advice should be considered in relation the security of this development:

CCTV is recommended, alarm systems, roller shutters and grilles should be installed to a minimum standard, automated vents for any air conditioning systems are recommended, a sprinkler system might be required, external lighting should be appropriately designed, windows and doors should conform to relevant standards, boundary treatments should be appropriately considered.

Ecology Officer: The metric assessment submitted with the application above is accurate and I can confirm that the applicants will need to secure the equivalent of 0.76 area-habitat biodiversity units as stated. Technically, it would be more accurate to classify the site as ephemeral/ruderal habitat in the metric rather than "bare ground"(what the site is currently designated) based on what I can see on google maps and streetview, however, the metric calculation would remain equivalent so we can be happy to accept the unit-value above.

Cllr B Alcock: No response received.

Cllr J Astill: No response received.

Cllr A Harrison: No response received.

Lincolnshire Wildlife Trust: No response received.

Lincolnshire Bat Group: No response received.

Natural England: No response received.

Lincolnshire Fire and Rescue Service: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Biodiversity; and
-Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement limit and is therefore within the countryside in planning policy terms. Policy 1 sets out that within the countryside, 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. Notwithstanding this, the site is also within a 'Proposed Main Employment Area' as identified by Policy 7 of the Local Plan and the accompanying policies map. The site is identified within allocation CR001, Crease Drove Business Park, which is allocated for Use Classes B1, B2 and B8. The proposed industrial use therefore accords with Policy 7. The principle of development is therefore acceptable.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The proposed industrial units are divided into two buildings. The building within the northern part of the site is proposed to contain four units. This building measures approximately 50m by 20m. The building features a shallow gable end roof form and measures 8.2m up to the roof ridgeline.

The building within the southern part of the site is proposed to contain five units. The building measures approximately 54m by 12m. The building also features a shallow gable end roof form and measures 7.8m up to the roof ridgeline.

The existing industrial buildings which are located to the east of the site measure approximately 7.2m up to the roof ridgelines. The proposed buildings are therefore of a similar scale and appearance, however, they would be slightly taller. The scale and siting of the buildings is therefore acceptable.

As set out previously, the site layout has been updated during the determination of the application to incorporate some planting along the site frontage, to carry on the planting that is already in place along Phoenix Lane. No other soft landscaping is proposed as the area around the proposed southern building within the site is proposed to feature gravel. The area around the building comprises relatively thin strips of land and as such it is recognised that for maintenance purposes, soft landscaping within these strips of land is not particularly practical.

Fencing is proposed around the site which would be similar to the appearance of existing fencing which is next to the site. The visual appearance of this is acceptable as the fence would be in keeping with adjacent commercial units.

Both of the proposed buildings feature the same external materials including profiled insulated metal sheet cladding, and aluminium window and door frames. The materials are set out on the submitted elevation plans and are considered to be acceptable.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site is not adjacent to any dwellings and as such it is not considered likely that the proposed industrial units would have an adverse impact on residential amenity. Furthermore, the council's environmental protection team have not set out any specific concerns in terms of noise generation. As such, it is considered that the proposal would have no significant detrimental amenity impacts.

According to the submitted application form, the proposed operating hours are 7am to 6pm Monday to Saturday. No operating hours are proposed for Sundays and Bank Holidays. It is considered appropriate to secure these operating hours via condition to reduce the potential impact on residential dwellings within the wider area.

The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

Vehicular access to the site is proposed from Phoenix Land which is a private road and not an adopted highway. Parking is proposed for both of the proposed units and this includes multipurpose bays for disabled users and electric vehicle charging. Appendix 6 within the Local Plan sets out the recommendation parking requirements for development. For industrial developments, it is recommended that one space is proposed for every 65sqm of industrial floorspace. The proposed buildings contain a combined floorspace of approximately 1,650sqm. Therefore, the recommended number of parking spaces is 25 spaces for the development. 26 parking spaces are proposed and as such, this accords with the Local Plan.

Internal cycle storage has been considered as part of the project with dedicated secure space being included as part of the development as per the proposed plans. Bus stops are located less than a 10-minute walk from the development via Peterborough Road which provide links to Peterborough, Crowland and the surrounding areas.

Lincolnshire County Council's highways team have reviewed the proposals and have set out that they have no objections based on the proposed layout. The team have not recommended any conditions however informatives are recommended.

The proposal would therefore have an acceptable impact in terms of highway safety and as such, the proposal would accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph

187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units.

The application is accompanied by a Biodiversity Net Gain Assessment including accompanying metric calculations. The report summarises that the site lacks vegetation, with approximately 70% of the site covered in bare ground. The habitat is deemed to be of low strategic importance. The proposed development would result in a -100% net loss in habitat units (0.76 habitat units). There is limited scope to mitigate this loss within the boundaries of the site as landscaping proposals are unlikely to provide significant biodiversity gains. The council's ecology officer sets out that the submitted report is accurate and the officer accepts that the proposed 0.76 habitat units can be delivered off site through a financial contribution to a habitat bank. The applicant has contacted Heacham Habitat Bank about purchasing the necessary units, and the applicant has accepted a pre commencement condition requiring the purchase of the units. With the inclusion of this condition, the proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk

The site is within Flood Zone 3 as identified by the Environment Agency's flood risk maps. Large areas of South Holland are located within Flood Zone 3. Policy 4 of the Local Plan sets out that development within Flood Zone 3 will be permitted in instances where specific criteria is met.

The proposed use is defined as 'less vulnerable' within Annex 3 of the NPPF. It is therefore not necessary for the proposed development to pass the exception test. It is however necessary for the development to pass the sequential test due to the site's location within Flood Zone 3. The site is allocated for employment development within the Local Plan, and as such the sequential test is considered to be passed in this case as the site has already been assessed sequentially as part of the preparation of the Local Plan.

Within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is identified within a hazard rating area of both 'Danger to All' and 'Danger to Most'.

The recommendation mitigation set out within the SFRA for non-major 'less vulnerable' uses such as the proposed development includes the recommendation that storey buildings shall be built with finished floor levels above the flood level. The advice within the SFRA sets out that if this is not possible, an area for safe refuse will need to be provided or an appropriate flood warning and evacuation plan will need to be submitted. The SFRA also recommends that the Environment Agency should be consulted due to its location within the above referenced hazard areas.

Initially, the Environment Agency objected to the proposed development as the submitted Flood Risk Assessment (FRA) did not propose the recommended flood risk mitigation. For example, the FRA proposed that the finished floor levels will be set at 1.1mAOD to 1.0mAOD, which is required to tie into the site access for appropriate level access. This is lower than the recommended levels.

An amended FRA was submitted, and the Environment Agency has reviewed the amended FRA. The amended FRA provided clarification regarding why the floor levels are proposed to be lower than recommended. The Environment Agency has reviewed the amended FRA and has removed their initial objection, accepting that the lower floor levels are acceptable in this case due to the impractical nature of raising the site levels.

The submitted FRA also includes the proposed sustainable drainage scheme for the development. This is included within Sections 9.2 to 9.6. Whilst some forms of sustainable drainage have been discounted, the scheme will nonetheless incorporate some elements of sustainable drainage including a rain garden and cellular storage. The proposed drainage strategy therefore accords with

Policy 4 and the NPPF.

The proposed development therefore is not likely to increase the risk of flooding within the site. The development therefore satisfactorily accords with Policy 4 of the Local Plan.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposed development accords with Policies 1, 2, 3, 4, 7, 28, 33 and 36 of the Local Plan, as well as Sections 9, 11, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the

planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.