

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H05-0190-24 **Applicant:** H Z Logistics UK Ltd
Proposal: External Yard Lighting
Location: H Z Logistics Ltd Washway Road Holbeach
Terminal Date: 12th July 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
07 Improving South East Lincolnshire's Employment Land Portfolio

National Guidance

National Planning Policy Framework 2023

6 - Building a strong, competitive economy
12 - Achieving well-designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for external yard lighting at H Z Logistics, Washway Road, Holbeach which is a warehouse and distribution business in use class B8 of the Use Classes Order. The three floodlights on the western boundary will face eastwards across the site, and the four floodlights on the southern boundary will face northwards toward the H Z Logistics building and the frontage loading bays. The proposal seeks to provide 300 watt LED lighting that projects for up to 60 metres at an angle of 120 degrees. The floodlight lighting units measure 0.8 metres in depth, 3.63 metres in width, and 4.7 metres in length. Two lighting units will be placed atop each pole. The seven floodlight poles will be constructed from die-cast aluminium and will be 6 metres in height.

The loading bays will have more localised lighting 100 watt above the bays at an angle of 120 degrees. The bay lighting units measure 0.61 metres in depth, 2.3 metres in width, and 3.14 metres in length. The six lighting units will be constructed from die cast aluminium and will be 4 metres above the ground, approximately 600mm above the door heads.

The lights are required for the safe working and manoeuvring of personnel and vehicles from the access into the new yard area in front of the loading docks.

A site visit was conducted on Wednesday the 27th of March 2024.

SITE DESCRIPTION

The proposal is outside of defined settlement limits and the surrounding area is predominately rural, characterised by linear, non-nuclearised development to the north and south of the adjacent A17. To the north of the site is the existing warehouse with arable fields beyond. To the east is existing warehouse buildings. To the south is a grassed field and the A17, with the single storey dwellings of Washway Road beyond. To the east are arable fields and then the businesses of R J Wilson and the Lodge Farm Cafe.

The site is in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

No additional foul water provision is required and surface water drainage is addressed by a sustainable drainage system, with a swale being site toward the south-western boundary of the site.

RELEVANT HISTORY

H05-0223-98

Full - Demolition of existing office/ packing shed and erection of new office - Approved - 27 April 1998.

H05-0540-99

Full - Erection of bulb store - Approved - 26 July 1999.

H05-0166-01

Full - Change of use from horticulture, erect new buildings for flower/bulb packing, storage & distribution - Approved - 15 March 2001.

H05-0616-23

Full - New loading bays & external works - Approved - 06 October 2023.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between the 21st of March 2024 and the 13th of April 2024)

Councillor Barnes - 28 March 2024

Concern about effect of light on nearby residents.
Concern about effect of light on passing A17 drivers.

Lincolnshire County Council - Highways & SUDS Officer - 28 March 2024

No objections - *"The proposal is for external yard lighting. The lights are required for the safe working and manoeuvring of personnel and vehicles from the access into the new yard area in front of the loading docks. The light fall areas are into the site and are not directed to the A17, the A17 at this location is street lit therefore the additional lighting internally to this site will not have an adverse impact on highway safety."*

South Holland District Council - Environmental Protection - 11 April 2024

"The current site lighting has given rise to light nuisance complaints. The new scheme is designed to redress this and reduce light impact on nearby residents and provide low level safety lighting which should reduce the overall impact on nearby residents if fitted as designed. I would therefore support this."

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, three letters of representation have been received.

These can be summarised as:

The current lights on site directly face properties on Washway Road.
Noise from trailer loading.
Noise from continuously running fridges.
Highway Safety and Parking

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Flooding Considerations / Drainage
Biodiversity and landscaping

EVALUATION

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.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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 in terms of sustainability.

Given the location of the site, this proposal is assessed against SELLP Policy 1 titled - Spatial Strategy, with the relevant section in this policy being titled Countryside. As outlined above, in 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.

Economically the proposal will help the business to continue to operate in the area without significantly moving infrastructure. There is not considered to be a significant community impact or benefit from the proposal as the business is replacing existing temporary lighting on site. Environmentally there is not considered to be material impact as the warehouse to be occupied is already constructed. There is not expected to be an increase in vehicular movements as a result of relocation of the proposed lighting. Light leaching beyond the site boundary should be reduced as none of the lighting on site directly faces dwelling to the south-west at Washway Road, on the southern side of the A17.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), 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. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments 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, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it 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. These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The three floodlights on the western boundary will face eastwards across the site, and the four floodlights on the southern boundary will face northwards toward the H Z Logistics building and the frontage loading bays. The lighting units are small and are not considered to be visually intrusive when viewed from beyond the site boundary.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be 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 South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal seeks to remove the existing on site lighting and replace with the new floodlights and loading bay lights. None of the lights face any other businesses, nor the dwellings to the south-west at Washway Road. It is considered that the proposed lighting reduces light pollution and will enable the safe movement of vehicles on site when dark.

Concerns have been expressed with regard to the noise from the site. This noise is said to occur from the loading and unloading of vehicles, as well as the continual operation of fridges on site. No fridges could be heard during the officer site visit. The Environmental Protection department has expressed no concerns with regard to existing noise on site, and has not notified the Development Control department of any formal noise complaints made.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises 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".

In respect of highway matters, Policy 2 details 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.

The lighting columns are not sited on car park land, and the provision of appropriately sited lighting should aid vehicular manoeuvrability on site. Concerns have been expressed that lighting may impact driver safety on the A17 beyond the southern boundary. The lighting does not directly face the A17 and the County Highways & SUDS Officer has no objections to the submitted details.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations / Drainage

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site is in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. To the front of the loading dock an 18 metre long concrete ramp is sited that slopes downwards in a northerly direction. The depressed loading docks are sited at 1.3 metres below existing ground level. Because the loading docks are located toward the rear of the site, the change in levels does not materially impact the character or amenity of the surrounding area. With regard to drainage a strategy was submitted to demonstrate how surface water will drain from the site and the

rates at which it will drain. A permeable gravel surface is sited to the east of the current boundary, beyond which the wild meadow land is retained, on which a swale is sited. At times of excess surface water this will be channelled toward the swale, which is then to discharge to an adjacent watercourse to the west. The proposed floodlights have no impact on site drainage and no concerns regarding flooding or drainage have been received from standard consultees.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2023) in this regard.

Biodiversity and landscaping

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Policy 28 of the South East Lincolnshire Local Plan (2019) outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

As the proposal is a minor application there is a requirement to demonstrate a biodiversity net gain of 10% from the 2nd of April 2024. However, because the requirement to demonstrate a biodiversity net gain for minor applications commences for applications submitted on or after the 2nd of April 2024 this is not a requirement for this application. This is due to the application being accepted on the 4th of March 2024 and the proposal floodlight columns not covering in excess of 15 square metres in area. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This can be achieved via a number of measures such as ponds, and hedge / tree planting. The previous application approved under reference H05-0616-23 proposed hedging along the southern and western boundaries. It is considered that the approved landscaping once established will provide a biodiversity uplift on the site, with no further biodiversity measures required for this application.

Outstanding matters from representation

None

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 proposal represents appropriate development within the countryside. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

CONCLUSION

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3 and 7 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Sections 6 and 12 contained within the National Planning Policy Framework (NPPF) (December 2023).

Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

RECOMMENDATION

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

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.