

DECISION DELEGATED TO HEAD OF PLANNING

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Application No: H05-0616-23 **Applicant:** H Z Logistics UK Ltd

Proposal: New loading bays & external works

Location: H Z Logistics Ltd Washway Road Holbeach

Terminal Date: 3rd October 2023

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 places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	2	0	0	1
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at H Z Logistics Ltd, Washway Road, Holbeach for new loading bays and external works. The proposal seeks to provide seven 18 metre long depressed loading docks on the southern frontage of the existing warehouse. To the front of the loading dock an 18 metre long concrete ramp will be sited that slope downwards in a northerly direction. The depressed loading docks will be sited at 1.3 metres below existing ground level. The docking bays will be 4.5 metres in depth, 6 metres in width and 4.8 metre s in height above existing ground level.

A swale approximately 1 metre in depth will be sited toward the south-western boundary. The swale will be bordered by banks approximately 0.7 metres in height. The swale will measure approximately 11 metres in width and 21 metres in length. A mixed hedge will be sited on the western and southern boundaries with fourteen trees planted along the western boundary.

The site is currently owned by Angloflora Farms Ltd. A change of use application is not required as the site remains in a storage and distribution use class. HZ Logistics currently operate to the east of the Superflora building on the same site. No new vehicular accesses are proposed onto the adjacent A17 to the south of the site.

Amendments to the application have seen surface water drainage calculations provided and a swale relocated from the north-western corner of the site to the south-western corner of the site. The existing hours are the entirety of the site are 24 hour opening, 7 days a week. This proposal does not seek to amend those hours. The agent has stated *"The site is manned 24/7. Same as it's previous use and the other buildings within the complex."*

A site visit was conducted on Friday the 4th of August 2023.

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.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways and SUDS Officer

"Please ask the Applicants/Agent to provide details of how surface water run-off from the proposed new impermeable areas is to be managed." - Registered 01 August 2023.

"The proposed loading bays and the extended vehicle manoeuvring and Parking areas are to serve the Applicants' existing business that has operated from this site for many years. The site has an existing HGV access from the A17 and this Application proposes to make no changes to that access. A new surface water drainage management system is to be provided to collect, convey and condition the surface water run-off from the new impervious area within the proposed development before discharging that run-off at a controlled rate of 5 litres per second, into the Internal Drainage Board's system. Storm water, in excess of the discharge rate, is to be held within an on-site attenuation lagoon which will then be discharged at the controlled discharge rate into IDB system once storms have passed, so that the IDB system is not overwhelmed.."

"In consideration of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application." - Registered 11 September 2023

Lincolnshire County Council - Historic Places Team

"No archaeological input required."

South Holland District Council - Environmental Protection

"We don't have any current or recent noise complaints regarding this and do not have any concerns given its location."

Environment Agency

"This proposal comes under cell D4 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice."

South Holland Internal Drainage Board

"As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application." This is a matter that is considered can be addressed via condition.

Holbeach Parish Council

No objections.

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:

Increase in noise.
Increase in traffic.

The current access design is unsafe.
The site is in a residential area.
Disturbance during construction.

KEY PLANNING CONSIDERATIONS

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

Principle
Flood Risk / Site Levels / Drainage
Character / Appearance
Amenity
Parking / Highway Safety

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 above.

The policies and provisions set out in the National Planning Policy Framework (updated July 2021) 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.

Principle

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

Policy 1 of the SELLP 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 sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

Policy 1 (Spatial Strategy) of the SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. 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.

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 with significantly moving operations. There is not considered to be a significant community impact or benefit from the proposal as the business is moving from one side of the site to another. 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 the HZ Logistics operation.

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 neighbouring occupiers, surface water drainage and highway safety which are discussed in turn as follows.

Flood Risk / Site Levels / Drainage

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.

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 will be sited that slope downwards in a northerly direction. The depressed loading docks will be 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 will not materially impact the character or amenity of the surrounding area. With regard to drainage a strategy has been submitted to demonstrate how surface water will drain from the site and the rates at which it will drain. A permeable gravel surface will be sited to the east of the current boundary, beyond which the wild meadow land will be retained, on which a swale will be sited. At times of excess surface water this will be channelled toward the proposed swale, which is then proposed to discharge to an adjacent watercourse to the west. The discharge to a watercourse will be subject to South Holland Internal Drainage Board consent under Byelaw 3.

The proposed levels, flood risk and drainage mitigation is considered to be appropriate for the site.

Character / Appearance

Section 12 of the National Planning Policy Framework (2021) 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 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states 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.

The proposal is not considered to have a material impact on the character of the area. The dimensions of the existing vacant warehouse are not being significantly expanded save for the docking bays to the frontage. The permeable gravel surface to the front of the building is not considered to be materially detrimental to visual amenity. The surface is approximately 20cm below the height of the A17 to the south and is considered to represent a visual improvement on the existing area where a large concrete pad is located. Visual amenity is also considered to be improved along the western boundary by the planting of 14 trees as well as a native hedge.

There is not considered to be a material impact on character and appearance from this proposal

which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the National Planning Policy Framework (2021) 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. Complaints have been received from members of the public with regard to potential noise. The Environmental Protection team have confirmed that there have never been any noise complaints regarding the site, and they have no objections to the proposal. H Z Logistics is not changing operational hours and the nature of the business is not changing.

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 businesses or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) 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 Design and Access Statement states "The vehicle movements would not increase as this is a continuation of what they already do on site. Moving to this empty warehouse from the other warehouse the other side of the yard would relieve the pressure on the current warehouse and packaging. 50% of HZ Logistics HGV traffic would be at nighttime between the hours of 21:00 - 03:00, therefore at this time the A17 traffic passing is much quieter." 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.

Other matters raised which do not carry material planning weight

The current access design is unsafe.
The site is in a residential area.
Disturbance during construction.

The existing access onto the A17 is not being altered and there is not considered to be an increase in traffic as a result of this proposal. The County Highways & SUDS Officer has not objection to the submitted details.

The site is not considered to be in a residential area. The site is located in the open countryside, adjacent to the A17 which is the most trafficked road in the district.

Disturbance during construction does not carry material planning weight.

PLANNING BALANCE

It is considered that the proposed works does not materially impact the character or amenity of the site. The business already operates from the site and therefore there is not considered to be a material increase and noise or disturbance as a consequence of the proposal.

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

CONCLUSION

This application is considered to accord with Policies 1, 2, 3 and 7 of the South East Lincolnshire Local Plan as well as Sections 6 and 12 of the National Planning Policy Framework, 2023.

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.