DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0599-22**	**Applicant:**	**Peloton Produce**
Proposal:	Change of use of agricultural land to commercial including coldstore extension		
Location:	Peloton Produce Ltd West Cob Gate Moulton		
Terminal Date:	3rd October 2022		

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
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

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

Planning Practice Guidance

Representations:

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

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for the change of use of land to facilitate the erection of a coldstore extension at Peloton Produce Ltd, West Cobgate, Moulton. The proposed extension would be constructed with white PIR panel walls and profiled metal sheeting cladding and roof.

Additional information has been provided during the course of the application outlining that the proposed coldstore would replace two off-site coldstores and is likely to result in an increase in staff operating from the site by 4-7 individuals.

Site Description

The existing site operates as a wholesale produce store on land south of West Cobgate, Moulton. The site is bound to the east and west by agricultural land with residential properties on Broad Lane south of the site. The site benefits from a large area to the front of the existing building for vehicular parking and HGV movements.

History

H13-0860-08 - Proposed extension to existing steel framed building - Approved 9th October 2008.

H13-0819-06 - Single-storey extension to form amenities and office space - Approved 14th August 2006.

Consultation Responses

Moulton Parish Council
Queried off-street car parking, increased traffic flow and foul sewage disposal.

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
No objections subject to the imposition of a condition.

South Holland District Council's Environmental Protection Team
Raised no objections subject to the imposition of a condition.

South Holland Internal Drainage Board
Raised no objections.

Planning Considerations

Principle

The site is located outside any settlement boundary and is therefore classified as 'Countryside' land in accordance with Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019). Policy 1 of the adopted Local Plan goes on to state that development in the countryside will be permitted where it is necessary 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.

Policy 7 of the adopted Local Plan states that the extension of existing business outside the allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

a. the development does not conflict with neighbouring land uses;

As discussed in further detail in the Impact on Neighbouring Amenity section, this criterion is considered to be satisfied.

b. there is not significant adverse impact upon the character and appearance of the area;

As discussed in further detail in the Scale, Design and Layout section, this criterion is considered to be satisfied.

c. the design is responsive to the local context;

As discussed in further detail in the Scale, Design and Layout section, this criterion is considered to be satisfied.

d. there will be no significant adverse impacts on the local highway network;

As the proposal would involve the erection of a coldstore that would replace two off-site coldstores, the proposal would result in fewer HGV movements to and from the site as more operations can take place within the site. Furthermore, Lincolnshire County Council Highway Authority raised no objections to the proposal.

e. there will be no significant adverse impacts upon the viability of delivering any allocated employment site;

Given the nature of the proposed development, the application is not considered to result in significantly adverse impacts upon the viability of delivering any allocated employment site.

f. proposals maximising opportunities for modal shift away from the private car are demonstrated;

By erecting a coldstore on site, the proposal seeks to reduce HGV movements to and from the site and whilst the proposal would see the number of staff on site increase by 4-7, it is noted there is an existing bus stop further north along West Cob Gate to encourage sustainable transport.

g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

Given the proposal seeks to reduce HGV trips by erecting a coldstore on the existing Peloton Produce Ltd site, the proposal is considered to meet this criteria.

Whilst the proposal would see the loss of agricultural land, it is considered that due to the scale of the proposed coldstore, there is no opportunity within the existing site to utilise previously developed land or the re-use/conversion of an existing building.

Overall, the principle of development is considered to be acceptable and would accord with Policies 1, 2, 3 and 7 of the adopted South East Lincolnshire Local Plan (SELLP, 2019), subject to all other planning matters being addressed.

Scale, Design and Layout

The existing building on site is of a double-gable end design and is finished in profiled metal

sheeting and PIR panels. The proposed extension would be of a gable design and constructed using matching materials to the existing building. Whilst the proposed building would exceed the height of the existing building, measuring approximately 8m to the eaves and 11.2m to the ridge, the proposal is considered to be of an acceptable design and layout in so that it would not result in detrimental impacts to the character and appearance of the area.

Flood Risk and Drainage

The site is partially located within Flood Zones 2 and 3 and is on land that is identified as no flood risk to people in accordance with the South East Lincolnshire Strategic Flood Risk Assessment (2017).

Given the proposal seeks permission for the erection of an extension to an existing commercial building, which would be classified as 'Less Vulnerable', development is considered to be acceptable in Flood Zones 2 and 3 and therefore an exception test is not required.

The application states that surface water is to be disposed of via soakaway and there is no additional foul sewage to be disposed of given the nature of the proposal.

The ground in The Fens region has a known poor infiltration performance which, combined with the seasonably high water table indicates that a soakaway is unlikely to be effective in this instance. A condition would be imposed on any planning permission granted to secure a surface water drainage scheme to the satisfaction of the Local Planning Authority and Lincolnshire County Council Lead Local Flood Authority.

Overall, the proposal is considered to be acceptable in terms of flood risk and is therefore in accordance with Policies 2, 3 and 4 of the adopted Local Plan (SELLP, 2019) and the guidance within the NPPF (2021).

Impact on Neighbouring Amenity

As the proposed extension would extend beyond the existing western side elevation of the existing property, away from the neighbouring residential properties along the north-side of Broad Lane, it is not considered to result in any detrimental impacts on the amenities of any neighbouring property. Furthermore, as the existing access to the site is north of the existing building, any additional general noise and disturbance impacts as a result of any additional comings and goings are not considered to impact on the neighbouring properties to the south.

Highway Safety

The site is accessed via an existing access off West Cob Gate, Moulton - a classified C road. As a result of the proposed development, the existing access arrangements and off-street car parking provision would remain unaltered.

During the course of the application, additional information has been provided as justification for the proposed development. Under current arrangements, the site experiences traffic movements of 50 tractor movements per week accessing two off-site coldstores in Moulton Seas End and Gosberton Risegate. As a result of the proposal, the proposed coldstore would reduce/eradicate these movements and is therefore to the benefit of highway safety.

The applicant has also indicated that as a result of the proposed development, the number of staff would increase by between 4 and 7 individuals. This is not considered to result in a significant level of traffic generation and there is considered to be sufficient area of off-street car parking within the site.

Overall, the proposal is considered to be acceptable in terms of highway safety. Furthermore, Lincolnshire County Council Highway Authority raised no concerns over the proposals impact over highway safety.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposal generally accords with Policies 1, 2, 3, 4, 7, 28, 30, 31, 32, 33, 36 and Appendix 6 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) plus advice within the National Planning Policy Framework (NPPF, 2021). There are no other material considerations that indicate planning permission should not be granted in this instance.

Conclusion

Approve.

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.