DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0725-24**	**Applicant:**	**Peloton Produce Ltd**
Proposal:	New open fronted building for forklift storage and a new building for storage of packaging materials		
Location:	Peloton Produce Ltd West Cob Gate Moulton		
Terminal Date:	22nd November 2024		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed and beautiful places
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
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	1	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for an open fronted building for forklift storage, and a separate building for storing packaging materials on land at Peloton Produce, Moulton. The proposed buildings would be located to the north-east of the main building within the site.

Site Description

The site comprises land at Peloton Produce, which is located to the south-east of Moulton on West Cob Gate. The site currently operates as a wholesale produce store. The site is mostly surrounded by agricultural fields. There are however dwellings to the south-east of the site on Broad Lane, and Moulton Bulb Company is located to the south-west of the site.

The site is located outside any defined settlement boundary identified within the South East Lincolnshire Local Plan (2019). As such, the site is within the countryside in planning policy terms.

Relevant Planning History

H13-1567-89: Steel portal frame open general purpose - closed' general purpose and cold store agricultural extns - approved 09 March 1990

H13-0464-96: (Advertisement Consent) Erect fascia sign - approved 04 July 1996

H13-0463-96: Proposed alterations to elevations - approved 09 July 1996

H13-1125-99: Process effluent treatment facilities - approved 13 January 2000

H13-0301-00: Erection of an extension to Packhouse & wall to covered unloading area together with 2.3 metre security fence - approved 02 May 2000

H13-0150-01: Extension to packhouse. Two additional water storage tanks - approved 21 March 2001

H13-1669-05: Use of existing building for storage, packing and distribution of flowers, plants and bulbs - approved 07 March 2006

H13-0464-06: Details of landscaping and fencing (Condition 6 of H13/1669/05) - approved 02 May 2006

H13-0468-06: Details of parking, loading and manoeuvring areas (Condition 5 of H13/1669/05) - approved 05 May 2006

H13-0466-06: Details of external lighting (Condition 7 of H13/1669/05) - approved 15 May 2006

H13-0469-06: Details of external plant (Condition 10 of H13/1669/05) - approved 15 May 2006

H13-0819-06: Single-storey extension to form amenities and office space - approved 14 August 2006

H13-1456-06: Details of Landscaping (condition 2 of H13/0819/06) - approved 30 October 2006

H13-0860-08: Proposed extension to existing steel framed building - approved 02 December 2008

H13-0599-22: Change of use of agricultural land to commercial including coldstore extension - approved 28 September 2022

H13-0860-23: Change of use of agricultural land to commercial including coldstore extension - resubmission of H13-0599-22 - approved 21 December 2023

H13-0881-24: Details of surface water drainage (Condition 3 of H13-0860-23) - pending determination

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 the South Holland website.

South Holland Internal Drainage Board: I cannot see that the applicant has identified a drainage strategy for the site within their application. Whilst we acknowledge that the buildings will be constructed on top of an impermeable surface, we recommend a drainage strategy is provided for the site. I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the north and east site boundaries. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor. There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Highways and SUDS Support: No objections. The proposed development would not have an impact on the Public Highway or Surface Water Flood Risk.

Lincolnshire Wildlife Trust: No response received.

Inward Invest Manager: Support the proposal.

Moulton Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Anglian Water: No response received.

Natural England: No response received.

Ecology Officer: No response received.

Environmental Protection: No comments.

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 2023 (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 boundary 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.

Paragraph 88 of the NPPF also sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas (part a), and the development and diversification of agricultural and other land-based rural businesses (part b).

The proposed development is for a packaging store and a forklift cover which would support the existing business of Peloton Produce which operates from the site. The proposed buildings are relatively small scale when compared with the existing building, however, the proposed buildings would support the business to continue to operate. The proposed development therefore accords with Policy 1 of the Local Plan and Paragraph 88 of the NPPF.

Design and Visual Impact

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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 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. 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.

Similarly, Policy 2 of the SELLP 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. Furthermore, Policy 3 of the SELLP 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 development is for a packaging store and a forklift cover building. Both buildings would be located to the north-east of the main building within the site.

The proposed packaging store would be arranged in a L-shaped layout with blank elevations except on the elevations that face towards the south and east. The store would measure 13m by 8.9m. The store would feature a sloping roofline which would be 2.9m at its tallest.

The proposed forklift cover building is proposed to be located to the east of the packaging store and would be rectangular in terms of its building footprint. The proposed building measures 11.9m by 4m and would also feature a slightly sloped roofline.

The proposed buildings would be relatively small compared to the main building within the site. The buildings would be positioned within an existing area of hardstanding and would therefore not protrude significantly into open countryside.

Both buildings are proposed to be feature light grey cladding with dark grey flashing. The main building within the site features similar materials and as such the proposed materials are acceptable.

Taking account of the design, scale, and nature of the development, as detailed above, the proposed development 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 SELLP 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 nearest dwellings to the proposed buildings are located on Broad Lane, approximately 100m to the south-east of the site. It is not considered that the proposed buidlings would have a detrimental impact on the amenity of the nearest dwellings due to the relatively small scale of the buildings. For example, it is not considered that the proposed buildings would result in a significant increase in noise above the existing noise levels within the site. As such, it is considered that the proposal would have no significant detrimental amenity impacts. 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

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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".

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 SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The proposed development would not alter the existing access to the site. According to the application form, the proposed buildings would not result in the loss of parking spaces. Lincolnshire County Council's highways team have not raised any objections to the proposed development.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system. Paragraph 180(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. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024.

The applicant has submitted a Biodiversity Exemption Statement setting out that the development is exempt as it would not affect more than 25sqm of onsite habitat. The local planning authority agrees with this assessment as the area where the development is proposed comprises hardstanding which does not feature habitat.

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 Zones 1, 2 and 3 on the Environment Agency Maps. The proposed buildings are mostly located within Flood Zone 1. The site is also not within an area of hazard, as identified by the South East Lincolnshire Strategic Flood Risk Assessment. The proposed buildings are for storage purposes and therefore would only be used by employees sporadically. Consequently, there are no significant flood risk issues. The development therefore satisfactorily accords with Policy 4 in the SELLP, 2019.

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 proposal accords with Policies 1, 2, 3, 33 and 36 of the SELLP, as well as Sections 9 and 12 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.