DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0860-23**	**Applicant:**	**Peloton Produce**
Proposal:	Change of use of agricultural land to commercial including coldstore extension - resubmission of H13-0599-22		
Location:	Peloton Produce Ltd West Cob Gate Moulton		
Terminal Date:	26th December 2023		

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

National Guidance

National Planning Policy Framework 2023

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

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application at Peloton Produce Ltd, West Cob Gate, Moulton for change of use of agricultural land to commercial including coldstore extension - resubmission of H13-0599-22. The proposal seeks to provide an extension that projects 60 metres to the west of the existing building and is 36 metres in depth. The eaves height of the new extension is 8 metres, with a ridge height of 11.2 metres. The extension will contain an air lock, goods in area, despatch area, two new chill stores, a plant enclosure and an open fronted loaded canopy to the southern rear elevation. The area of the extension containing the plant enclosure will measure 24.8 metres in depth, 6.4 metres in width, have an eaves height of 3.83 metres and a ridge height of 6.15 metres. The extension will be constructed from goosewing grey profiled metal sheeting. Windows are to be dark grey aluminium with rainwater goods and trim constructed from merlin grey plastisol coated metal.

The size of the existing building is 3,247 square metres. When the extension is added the total size of the building will be 5,629 square metres. Therefore the proposed extension represents an increase in total floor area of 42% when compared to the previous site area.

A new depressed loading dock with 3 additional bays will be located forward of the northern frontage of the new extension. The dock will project 24 metres from the new extension and will measure 13 metres in width.

Around the site boundary a new 1.8 metre high black welded mesh security fence with be sited. A new concrete yard will be sited around the perimeter of the new extension. A 2 metre buffer strip and landscaped strip will be sited along the new western site boundary. The buffer strip hedging will contain hawthorn, beech, blackthorn and buckthorn plants. The landscaping strip will contain silver birch, hawthorn and whitebeam on a grass base.

The area of agricultural land to be converted to commercial use totals 6,137.40 square metres in area. The existing site area is comparison measures 14,910.44 square metres. Therefore the proposed change from agricultural to commercial land use represents an increase in total site area of 41% when compared to the previous site area.

The proposal differs from the previous approved application H13-0599-22 in that the landscape strip location has been moved and the refrigeration plant area is now an internal plant enclosure. Additionally a swale has been added toward the western boundary.

A site visit was conducted on Friday the 6th of October 2023.

SITE DESCRIPTION

The existing site operates as a wholesale produce store on land outside of defined settlement limits.

The existing Peloton Produce business is located to the east with the nearest dwellings to the south-east on Broad Lane 156 metres away. Arable fields are located to the south with the nearest building of Moulton Bulb Company approximately 261 metres away. Arable fields are located to the west of the site with arable fields beyond West Cob Gate to the north. Lowther Avenue is located 461 metres away to the north-east. The site benefits from a large area to the front of the existing building for vehicular parking and HGV movements.

The site is in a mixture of Environment Agency Flood Zones 1, 2 and 3. The entirety of the site is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. No foul drainage provision is required for the proposal with surface water drainage addressed via soakaways.

RELEVANT HISTORY

H13-1567-89

Full - Steel portal frame open general purpose - closed' general purpose and cold store agricultural extns.' - Approved - 08 March 1990.

H13-0463-96

Full - Proposed alterations to elevations - Approved - 09 July 1996.

H13-1125-99

Full - Process effluent treatment facilities - Approved - 13 January 2000.

H13-0301-00

Full - 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

Full - Extension to packhouse. Two additional water storage tanks - Approved - 21 March 2001.

H13-1669-05

Full - Use of existing building for storage, packing and distribution of flowers, plants and bulbs - Approved - 07 March 2006.

H13-0464-06

Condition Compliance - Details of landscaping and fencing (Condition 6 of H13-1669-05) - Approved- 02 May 2006.

H13-0466-06

Condition Compliance - Details of external lighting (Condition 7 of H13-1669-05) - Approved - 15 May 2006.

H13-0468-06

Condition Compliance - Details of parking, loading and manoeuvring areas (Condition 5 of H13-1669-05) - Approved - 05 May 2006.

H13-0819-06

Full - Single-storey extension to form amenities and office space - Approved - 14 August 2006.

H13-1456-06

Condition Compliance - Details of Landscaping (Condition 2 of H13-0819-06) - Approved - 30 October 2006

H13-0860-08

Full - Proposed extension to existing steel framed building - Approved - 02 December 2008.

H13-0599-22

Full - Change of use of agricultural land to commercial including coldstore extension - 28 September 2022.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 02 October 2023 and 23 October 2023)

South Holland Internal Drainage Board - 05 October 2023

The IDB have stated that soakaway infiltration tests should addressed by condition. Additionally they provide guidance should the applicant then wish to discharge to a watercourse should soakaways not prove viable.

Anglian Water - 06 October 2023

"This application is not relevant to Anglian Water - we have no comments to make thereon as they don't propose to
connect any drainage. Please note Anglian Water will only comment on drainage/surface water."

Environment Agency - 06 October 2023

No comments

Lincolnshire County Council - Highways & SUDS Officer - 10 October 2023

No objection subject to compliance with the drainage Condition below:

The development being proposed in this Application is very similar to that Consented last year under Application number H13-0599-22. The overall site is the same and the intention is still to use this established businesses existing vehicle access onto West Cob Gate. The main building is of the same size as previously Consented and the principle changes are to the ancillary buildings and the surrounding yard area. No highways objection was raised to the grant of H13-0599-22 and therefore, subject to compliance with the drainage Condition below, the highway authority again does not consider the development being proposed in this new Application would have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and so does not wish to object to this Application.

Planning Condition:

Highway Condition 33

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:
· be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
· provide flood exceedance routing for storm event greater than 1 in 100 year;
· provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
· provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare or provide results of infiltration testing, undertaken in accordance with BRE Digest 365, to demonstrate that the site's underlying soils have the capacity to absorb the quantity and the rate of discharge from the impervious areas of the permitted
development;

· provide details of the timetable for and any phasing of implementation for the drainage scheme; and
· provide details of how the scheme shall be maintained and managed over the lifetime of the development.

No part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

Lincolnshire Fire and Rescue - 11 October 2023

The Fire Authority would make no objection to the application provided that the following items were included within the development:

B5 ACCESS FOR THE FIRE SERVICE

Suitable and sufficient access for fire appliances and fire fighters should be provided, the criteria of which is specified within Building Regulations 2010 Part B5. Access roads should therefore have:

· Minimum carrying capacity of 18 tonnes (Lincolnshire Fire and Rescue requires this minimum carrying capacity for hard standing for pumping appliances, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5).
· Minimum 3.7m width between kerbs
· Minimum width of gateways 3.1m
· Minimum height access of 3.225m
· A turning circle, hammerhead or other turning point in a dead end access route that is more than 20m long.

These requirements may be satisfied with other equivalent standards relating to access for firefighting, in which case those standards should be quoted in correspondence.

B5 ADEQUACY OF WATER SUPPLY

Lincolnshire Fire and Rescue requires the installation of one fire hydrant conforming to BS750-2012 within 90m of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant.

South Holland District Council - Environmental Protection - 23 October 2023

No comments regarding contaminated land

South Holland District Council - Environmental Protection - 02 November 2023

"There are no details on plan regarding operating hours , particularly of the loading by area, which is close to residential properties. Need some clarification on this. I would advise against parking of refrigerated vehicles in this SE corner area overnight not clear if they would be but just to state) to protect amenity of nearby residents."

The agent has responded to this comments to state:

"The site currently runs from 3.30am to 8.30pm and this has operated in this position for over 3 years."

"There is a need for a nightshift that goes through the night, and this normally happens twice a year for a 10
day period but this is inside the building not outside so no noise to any residents."

"Re LGV (refrigerated vehicles) parking has not changed for the last 8 years ((peloton ownership and Green
Partners)) and would not change from current positions at the front of peloton and where the loading bays
are this is furthest point away from dwellings."

"Please also note that LGV (refrigerated vehicles) do arrive on site during the night and again this has not
changed in the last 8 years."

South Holland District Council - Environmental Protection - 06 November 2023

" We haven't got any history of issues so I don't think we case raise any objections. I wasn't sure if any of the elements of the application related to new activities so that is fine."

KEY PLANNING CONSIDERATIONS

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

Principle of Development
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking / Highway Safety
Flooding Considerations / Drainage
Assessment against Policy 7 - Improving S E Lincolnshire's Employment Land Portfolio
Impact on Biodiversity
Other matters raised

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 December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

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.

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.

When assessed against the relevant criteria the following can be observed:

In economic terms, the unit hereby being proposed will help to support the growth of an existing business, and therefore make a long term economic contribution to the local economy. There would also be short term economic benefits associated with the construction of the extended building. The economic benefits resulting from the proposal weigh significantly in favour of the proposal.

In community terms, the proposal enables a business that has been operating in the district for nearly 30 years to continue to operate, rather than the use being completely removed. This weighs in favour of the proposal.

In environmental terms, The application proposes the loss of 0.61 hectares of agricultural land. Whilst this is regrettable the environmental benefits are considered to justify the loss. The applicant will not seek to increase their carbon footprint through the development of a new site elsewhere and existing workers are likely to not increase their carbon footprint by travelling further afield to continue their role. Additionally the nature and intensity of agricultural storage work cannot be served by a site within the defined settlement limits of Moulton. Additionally, the likely amenity impact from noise and vehicular movements would not lead to significant environmental health concerns. A condition is proposed which satisfactorily controls noise to the effect that there are no adverse environmental effects as a result of the development. A ecology management condition is proposed to aid the environment and biodiversity in the area. In environmental terms, the proposal is considered neutral.

The proposal is for development of agricultural land in the open countryside. However, given the drive for sustainable development in the National Planning Policy Framework and the opportunity to support the growth of an existing successful local business, as well as retain and grow local employment, it is considered that a planning argument can be made that supports expansion of this site.

In respect of the National Planning Policy Framework, paragraph 85 states: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."

Paragraph 88 of NPPF goes on to state: "Planning policies and decisions should enable:
a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
b) the development and diversification of agricultural and other land-based rural businesses
c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

Furthermore, paragraph 89 of the NPPF states: "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

In respect of the above, when assessed against paragraphs 85, 88 and 89, it is considered that this proposal will allow Peleton Produce to invest, expand and generate economic growth. Whilst the criterion of points b, c and d of paragraph 88 are not considered applicable to the application at hand, the proposal is considered to accord with criterion a. in that the proposal would result in the erection of a new built form, in order to allow the site to undertake sustainable growth in a rural area with well-designed new buildings.

Furthermore, the proposal will aide business and community needs in a rural area. The development, although sizeable, is considered to be sensitive to the surrounding area. Whilst a footpath serving the site would be desirable, due to any route being impacted by drains and frontage gardens, a footpath would not be achievable.

Consequently to the above, the proposal is considered to accord with SELLP Policy 1 and paragraphs 85, 88 and 89 of the National Planning Policy Framework, December 2023. Further to this, subsequent assessment is shown below to demonstrate that the application is also considered to accord with Policies 2, 3 and 7 of the SELLP, 2019, as well as Sections 6 and 12 of the NPPF, December 2023.

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 (December2023), 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.

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.

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.

The size, scale, density and layout of the proposed buildings is considered to be appropriate for the site, resultant use and purpose to which it supports the existing business. The proposed siting is considered to be well positioned without being overdeveloped. 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. The extension will be constructed from goosewing grey profiled metal sheeting. Windows are to be dark grey aluminium with rainwater goods and trim constructed from merlin grey plastisol coated metal. These materials are in keeping with the existing buildings on site and other commercial / agricultural buildings in the surrounding area.

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.

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.

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. There is not considered there will be a material increase in noise, odour or disturbance arising from the proposal that would be deemed unacceptable. No formal complaints regarding noise have been made to the Environmental Protection Department. With regard to visual intrusion the following can be observed:

Overdevelopment - Whilst the existing site is being expanded, the proposal is not considered to represent overdevelopment. The existing density and design of the site is respected, and large distances to existing residential dwellings are maintained.

Overshadowing - When right to light lines are drawn, no buildings outside of the proposal site are impacted by a material loss of light.

Overlooking - The proposed door serving the extension are sited to the western side and northern frontage elevations. Due to the access doors being at least 156 metres from a property there is not considered to be an overlooking aspect from the proposed buildings.

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, 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 (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".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

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.

This proposed wholesale produce store extension 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.

As the proposal would involve the erection of a coldstore that would replace two off-site coldstores as detailed under previous proposal H13-0599-22, 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.

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.

Flooding Considerations / Drainage

Section 14 of the NPPF (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 Zones 1, 2 and 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.

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 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 partially located within Flood Zones 1, 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 (December 2023).

Policy 7 - Improving S E Lincolnshire's Employment Land Portfolio

Policy 7 of the SELLP relates to improving the South East Lincolnshire's Employment Land Portfolio to assist in the delivery of economic prosperity and jobs in the area. The Policies Map identifies Main Employment Areas, which are reserved for main employment uses including Class B8. Mixed use developments, incorporating main employment uses, will be supported in identified Mixed Use areas. Policy 7 also identifies Local Employment Areas. The application site is not within any identified Employment Area and is therefore assessed under the criteria of "Other Employment Areas."

This criteria states:

"New employment development/businesses or the extension of an existing business outside the above 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;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

When assessed against the relevant criteria the following can be observed:

a) The application site has operated as an agricultural. It is considered that subject to conditions, the impacts of the coldstore building can be sufficiently controlled.

b) The proposed wholesale produce store extension at 11.2 metres in height is higher than the existing building at 9 metres. The extension is located to the west of the site, away from residential buildings. It is therefore considered that impact on the character and appearance of the area is not impacted by the proposed works.

c) The extension will be constructed from goosewing grey profiled metal sheeting. Windows are to be dark grey aluminium with rainwater goods and trim constructed from merlin grey plastisol coated metal. It is considered that the proposed materials are appropriate for the site and are in keeping with the existing buildings.

d) 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) 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) By erecting a coldstore on site, the proposal seeks to reduce HGV movements to and from the site. 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. This is because there is an existing successful business on site which seeks to expand and potentially increase employment in the area. Given the location and size of the site, it is considered appropriate for the proposed use, and would be unlikely to be used for any other form of development such as housing due to being located outside of defined settlement limits.

The proposal is considered to accord with Policy 7 of the South East Lincolnshire Local Plan, 2019.

Paragraph 85 of the National Planning Policy Framework states that:
"planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses, and address the challenges of the future."

Significant weight should be attributed to the need for the existing business to invest to satisfy its business needs.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats.

The site operates as an existing agricultural storage and distribution business and therefore there are limited opportunities to improve biodiversity, but it is not impossible given that there are large areas of undeveloped space and numerous buildings that could accommodate bat and bird boxes and landscaping. It is suggested that ecology enhancement could be achieved using a standard condition. Subject to the imposition of a condition requiring ecology measures, it is considered that the proposal would not impact on ecology, especially if careful consideration is given to potential future lighting which can adversely affect light sensitive species including some bat species. The proposal does not conflict with Policy 28 of the SELLP as a result.

Outstanding matters from representation

None

PLANNING BALANCE

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.

The proposal represents appropriate development to support the growth of an established

agricultural business. 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

This application is considered to accord with Policies 1, 2, 3, 4, 7, 28, 30, 31, 32, 33 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 4, 6, 9, 12 ,14 and 15 of the National Planning Policy Framework, December 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.