DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0062-23**	**Applicant:**	**TFP Ventures Ltd.**
Proposal:	Proposed warehouse with associated offices, ancillary accommodation and yard		
Location:	Land Off Elsoms Way Pinchbeck Spalding		
Terminal Date:	23rd June 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
30	Pollution
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

Section 2 - Achieving Sustainable Development
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the erection of a warehouse, with associated offices, ancillary accommodation, and hard-standing yard. The site will measure 12,794 square meters in total, with 2287 square meters of internal floor space.

The site will be made up of the warehouse and ancillary buildings towards the site's south-west corner. To the immediate east of the warehouse is the site's parking, comprised of 31 car parking spaces. Entry to the site will be via the north-west, where a new access for LGV and HGV will be created. On the north and east of the site is a proposed yard, which would be covered in hard standing. To the far east of the site is an attenuation pond.

2024 square meters of the ground floor is to be used as warehouse space. The remaining space to the front of the building is to be used as office and canteen space. In this office area are steps to a first floor office space.

The building proposed is a typical development for the area. Proposed is a large warehouse, clad in grey, with limited windows on the principal elevation. Large rolling doors are proposed on the northern elevation for loading and unloading goods. The building would measure approximately 54 metres (length) by 47 metres (width) with a total height of approximately 15.75 metres (height).

Site Description

The site is approximately 2.65 acres of vacant land, currently grassed. The site is within the "Main Employment Area" of Wardentree Lane outlined within Policy 7 of the South-East Lincolnshire Local Plan, 2019 (SELLP). The site is within the settlement boundary of Spalding.

The area is dominated by Class B uses, and as such, there is a prevalence of large scale, industrial developments. To the south and west are examples of this industrial use. To the north and east are agricultural holdings. To the immediate north, however, is Blue Gowt Drain, a drain under the care of South Holland Internal Drainage Board. To the immediate east is another, smaller drain and then the A16.

Relevant History

No relevant planning history for site.

Consultation Responses

Lincolnshire Police Crime Prevention Design Advisor

No objections. The consultee has given advice, predominantly for the developer, on how to reduce the risk of crime via the design of the site.

Anglian Water

No objection, but requested conditions be placed to ensure the longevity of the local drainage and to consolidate the foul drainage arrangement.

Environment Agency

The proposal does not meet the requirements for consultation; therefore, no comment has been given.

Highways and Lead Local Flood Authority

Recommend approval with conditions. States that the vehicle movements can be accommodated on the existing network, but that agreement should be made prior to the installation of a new access point. No concerns raised regarding the drainage strategy.

Internal Drainage Board

Thank you for your consultation on the above application.

I note that foul water is to be disposed of via mains drains but surface water is to be discharged into the Board's Blue Gowt No 1 Drain. The proposed discharge of a maximum of 5 litres per second after being restricted via a flow control chamber is agreeable with the Board in principle, subject to the prior submission of an application for consent to discharge surface water which is subject to the agreement of technical details, payment of the £50 application fee as well as payment of the relevant Development Contribution in advance of connection to the Board's system.

Based on the submitted details of a proposed total flow of 5 litres per second and a total proposed impermeable area of 0.941 hectares, the relevant Development Contribution amount payable to the Board prior to connection is £20,991.97.

I am pleased to see that provisions have been made for the Board to continue to access the site in perpetuity to be able to undertake their statutory duties including an unobstructed 9m easement strip. To help facilitate this, a 14ft-wide gate should be provided along the proposed access roadway to the easement strip to enable the Board's machinery to pass through. I would recommend that there is a clear 6 metres of roadway provided from the site entrance roadway to the gate itself. This will enable the Board's machinery to be able to drive into site then turn left and park on the roadway whilst the driver opens the gate, which in turn leaves the site entrance roadway clear for lorries to access and egress without any health and safety issues.The client/developer will need to provide the Board with either a key copy or a combination code to be able to open and close the gate.

It is worth noting that on occasion a tracked excavator will need to access the Blue Gowt No 1 Drain weighing approximately 20 tonnes. Therefore, both the site entrance roadway as well as the access roadway to be provided for the Board's maintenance purposes will need to be robust enough to withstand this, as well as being a level surface without raised kerbs or similar features that the Board's machinery could easily damage. The Board are not liable for damage caused as part of undertaking their statutory duties. I recommend that any proposed services to run through the 9m easement strip, such as the surface water discharge pipework and inspection chamber, are installed so that they are able to withstand this heavy machinery travelling over them without causing damage.

A legal agreement will need to be drawn up between the client and the Board to secure the Board's right of access in perpetuity to allow uninterrupted undertaking of the Board's statutory duties. This agreement will need to be sought, paid for and implemented by the client prior to works commencing on site.

Planning Considerations

Principle of Development

Policy 1 of the SELLP directs development to the most sustainable locations. As the proposed site is within the settlement boundaries of Spalding, the proposal conforms to this policy.

The proposed site is designated, within Policy 7, as a "Proposed Main Employment Area" and is

within the employment area of Wardentree Lane. As such the principle of developing a large-scale commercial unit is sound.

The proposal conforms to Policies 1 and 7 of the SELLP, and as such, the principle of development on this site is acceptable.

Layout, Design, Size and Scale

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 proposed design is in keeping with the character of the area. The area already has a myriad of comparable developments, illustrated by the adjacent grey clad large-scale industrial building. The height of the development is proportionate to the surrounding area, while the proposed surface area is proportionate to the plot size.

The proposal therefore conforms to Policy 2 of the SELLP and section 12 of the NPPF in terms of design and scale.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The use of the area is solely industrial. Therefore, the potential residential amenity impacts are negligible. There is significant distance between the proposed site and any adjacent units, ensuring that no overshadowing would occur.

Windows would face the road or adjacent agricultural land. Therefore, there are limited concerns regarding overlooking.

The scale of the development would be proportionate to the area and there is suitable distance between itself and nearby sites, ensuring it does not appear overbearing.

The proposal therefore accords to Policies 2 and 3 of the SELLP in terms of amenity impacts.

Flooding and Drainage Matters

Policy 4 of the SELLP and Section 14 of the NPPF concern flood risk and drainage. They ensure that all buildings are designed in order to withstanding flooding, even with the enhanced risk due to climate change.

The vast majority of the site will be impermeable. The drainage strategy for the site is to capture water from the service yard and pass through an interceptor following which the capture roof water will also join the system. The water will then flow into either the open attenuation basin to the east or to below ground cellular crates. Afterwards, water will be discharged into the adjacent Internal Drainage Board drain. A SuDs strategy is being prepared in addition to these measures. The proposed drainage system is acceptable, provided that final details of the SuD strategy are submitted and approved by the council prior to development.

The proposed site is within Flood Zone 3 on the Environment Agency Maps. Within the Strategic Flood Risk Assessment (SFRA) the site is partly located within the "danger for some" category, with maximum flood depths of 0.5 metres. The proposal is classed a less vulnerable use.

The proposed flood risk assessment recommends that finished floor levels are raised by 0.15 metres, with the flood risk mitigation methods being incorporated into the design of the building. This includes a water entry strategy, raised outlets and utilising flood risk alerts. The raising of the floor levels is below the recommended 0.3 metres; however, as there are additional mitigation methods proposed, the scheme is considered acceptable.

The relevant consultee from the Highways and Lead Local Flood Authority have raised no objections to the submitted scheme of drainage.

Attention should be drawn to the comments of the Internal Drainage Board. While the proposed drainage scheme is agreeable to the Board, the applicant must still head their advice and are required to enter into a legal agreement with the Board prior to commencing development. Furthermore, the maximum discharge into the Blue Gowt No 1 Drain should be set at 5 litres per second as agreed with the Board. Access to the site is required by the Board and this should be agreed between the Board and the applicant prior to development.

The proposal therefore conforms to Policy 4 of the SELLP.

Parking and Highways

Policy 36 and Appendix 6 of the SELLP concerns parking levels. A minimum of one space per 65 meters squared is required, meaning a total of 31 spaces are needed. The proposal is for 31 car parking spaces, and therefore, conforms to policy.

The aforementioned policy also sets minimum level of cycle storage. One stand is required per 200 meters squared, meaning 100 are required in total. The proposal therefore conforms to policy.

The relevant consultee from the Highways Authority have raised no objection to the submitted scheme, stating that the existing roadway can accommodate the potential increase in traffic. While the authority raised no objection, they did reiterate that all works should be approved by the Highway Authority in accordance with Section 184 of the Highway Act.

The proposal is therefore acceptable in terms of Highway safety and parking provisions.

Economic Development

Policy 7 of the SELLP concerns the economic development of the region through large-scale units. The proposed site is within area designated for development in Policy 7, and therefore, conforms to guidance.

Section 6 of the NPPF concerns economic development and states that developments that support sustainable growth should be supported. The scheme would ensure the viability of the wider area as an employment zone moving forward. Additional employment will be created, enhancing the local economy.

The proposal therefore conforms to Policy 7 of the SELLP and Section 6 of the NPPF.

Sustainability of Proposal

Policy 32 of the SELLP ensures developments are socially sustainable, with a particular focus on community, health, and wellbeing. Policy 33 of the SELLP involves sustainable transport connections.

The relevant consultee from the Police Department has highlighted methods of using design to reduce anti-social behaviour, and therefore, maintain the sense of community. Consequently, It is recommended that the applicant incorporate these methods into the development moving forward.

The proposal is located along a cycle route. The site is, therefore, extremely accessible via cycling. As such the development conforms to Policy 33 by promoting sustainable transport and Policy 32 by promoting exercise. The site is also extremely accessible via bus, thus offering employees another sustainable method of access.

The proposal therefore conforms to Policies 32 and 33 of the SELLP.

Pollution

Policy 30 of the SELLP concerns pollution. The potential for light pollution is minimal due to the industrial nature of the area. It is not considered that there are sensitive uses in and around this site, so the lighting of the site is not required via condition.

The potential for unacceptable noise or air pollution is minimal due to the already industrial nature of the area.

Hours of Use

It is not considered that there are sensitive uses in and around this site, so the hours of use would not need to be controlled.

Planning Balance

The site is designated as an employment area within Policy 7 of the Local Plan. As such, the principle of development is acceptable.

The design of the proposal is in keeping with the character of the area and what is to be expected from a large-scale commercial development.

There would be no significant amenity impacts due to the limited residences in the area The potential for overshadowing or overlooking is extremely minor.

The proposed drainage scheme is considered acceptable in its current form. There would be an increase in the level of surface water runoff resulting from the development, however, the drainage measures should be sufficient to limit the potential impacts.

The site is in a flood risk zone. As such it is proposed that the finished floor levels are raised by 0.15 metres. Alongside this, it is proposed that a flood risk management scheme be created and that smaller scale flood mitigation methods are integrated into the design of the building. As such the scheme conforms to Policy 4 of the SELLP in terms of flood risk.

The relevant consultee from the Highway Department has raised no objections. The proposal would not damage the road safety of existing users or lead to an increase in traffic. Adequate on-site parking has been provided for cars and bicycles. The proposal conforms to Policy 36 and Appendix 6 in terms of parking and highway safety. The site is accessible via several means of sustainable transport, further improving the sustainability of the project.

The proposal is economically sustainable and would create jobs for local residents. Inline with Section 6 of the NPPF, proposal that create sustainable growth should be supported.

Concerns regarding pollution are minimal. The character of the area is industrial, and therefore, the slight increase in noise and light pollution arising from this development would have a negligible impact.

The proposal conforms to Policies 1, 2, 3, 4, 7, 30, 32, 33, 36 and Appendix 6 of the SELLP and Sections 2, 6, 9, 12 and 14 of the NPPF.

Conclusion

The recommendation is for approval.

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.