DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0108-22**	**Applicant:**	**J O Sims Ltd.**
Proposal:	Concrete hardstanding area with temporary storage structure at fruit packing premises to support expansion requirements (retrospective) - approved under H14-0444-19. Modification to Condition 1 to allow extension of planning permission for a further period of time.		
Location:	J O Sims Ltd Pudding Lane Pinchbeck		
Terminal Date:	31st March 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio

National Guidance

National Planning Policy Framework 2021

6 - Building a strong, competitive economy
12 - Achieving well-designed places

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 continuation application for a concrete hardstanding area with temporary

storage structure at fruit packing premises to support expansion requirements (retrospective) - approved under H14-0444-19. This application seeks a modification to Condition 1 to allow the extension of the planning permission for a further period of time at J O SIMS Ltd, Pudding Lane, Pinchbeck. The proposal seeks to retain a galvanised steel frame structure with grey PVC roof and walls, that is 12.2 metres in width, 21.5 metres in length, with a 4 metres eaves height and a 6.4 metre ridge height.

The structure has been on site since February 2019 and its purpose is to support the expansion requirements of this fruit packing premises. The building is in operational use Monday to Saturday 07:00 to 19:00 when the remainder of the premises is in use. The applicant is seeking a temporary permission for the site for a further period of three years. The application form states "It was intended for this storage facility to only be needed for 3 years, however, due to the uncertainty of Brexit and the disruption of Coronavirus, this facility is still required by the client and we seek permission for the temporary storage to be kept in place for a further 3 years, this will help to satisfy customer requirements and sustain employment."

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by industrial buildings of varying ages and design. The structure is constructed on a grassed area toward the western boundary and is sited on a concrete pad. The site is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H14-0878-18

Adjacent to application site - Construction of new concrete hard standing area and related external works to be used for pallet storage etc in relation to existing industrial unit - Approved - 22 October 2018.

H14-0444-19

Full - Concrete hardstanding area with temporary storage structure at fruit packing premises to support expansion requirements (retrospective) - Approved - 29 May 2019.

CONSULTATION RESPONSES

County Highways & SUDS Officer

No objections.

PLANNING CONSIDERATIONS

Principle of development

The proposal is to retain light industrial development in an established industrial estate. This application is primarily assessed against SELLP Policy 7 titled "Improving S E Lincolnshire's Employment Land Portfolio" however the principle of development in this location is considered to be acceptable.

Assessment against SELLP Policy 2 - Development Management

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

1. The size, scale and layout is considered to be appropriate for the site. The storage structure is on a concrete apron so no trees have or will be removed to allow it's retention. Due to the industrial nature of the vicinity there is not considered to be an impact on the character and appearance of the area and the structure remains in good condition.

2. The design is suitable for the use and the orientation allows for easy ingress and egress.

3. The materials of construction area are a galvanised steel structure with grey UPVC walls. This is

appropriate for the proposed food storage use.

4. Access and vehicle generation levels are not materially impacted by the proposal.

5. The capacity of existing community services and infrastructure is not impacted by the proposal.

6. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposal. There are no developments outside the ownership of the applicant within 90 metres of the site.

7. The site is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not for habitable residential rooms there is not a requirement to raise finished floor levels to address flood risk.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

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

1. There is not considered to be an impact on a sense of place from retention of the structure. The size, scale and layout is considered to be appropriate for the site. The storage structure is on a concrete apron so no trees have or will be removed to allow it's retention. Due to the industrial nature of the vicinity there is not considered to be an impact on the character and appearance of the area and the structure remains in good condition.

5. Access and vehicle generation levels will not be materially impacted by the proposal to retain the structure and this area of the site is not used for cycle or bin storage.

11. There is not considered to be a noise, odour, disturbance or visual intrusion impact from the proposal. There are no developments outside the ownership of the applicant within 90 metres of the site.

12. The site is in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the proposal is not for habitable residential rooms there is not a requirement to raise finished floor levels to address flood risk.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Main Employment Areas and this section states:

"The Policies Map identifies Main Employment Areas, as listed below, which are reserved for main employment in Classes B1, B2 and B8. On Mixed-use development sites, which incorporate main employment uses under Class B as specified for each site, together with other identified appropriate employment-generating uses, non-Class-B uses will only be supported where the applicant can demonstrate they are ancillary to the effective functioning of the Mixed-Use Area identified. A master plan will be required for prestige sites identified. Mixed-use developments, which incorporate main employment uses together with other identified appropriate employment-generating uses, will be supported in Mixed-Use Areas identified."

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

The proposal is required for additional storage to mitigate against continuing economic uncertainty. The retention of this structure is considered to be ancillary to the effective functioning of the wider J O Sims site.

This application accords with SELLP Policy 7.

PLANNING BALANCE

This temporary storage structure can be continue to be retained on site without materially impacting the character and amenity of the surrounding area. It is considered that a continued temporary permission of three additional years is acceptable in this location. This application accords with Policies 1, 2, 3 and 7 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 and 12 of the National Planning Policy Framework, 2021.

CONCLUSION

A delegated approval is considered to be appropriate.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.