DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0243-23**	**Applicant:**	**C S M Carpets & Flooring**
Proposal:	Proposed industrial unit to include carpet showroom/store and office accommodation		
Location:	Bars Bridge Industrial Estate Bourne Road West Pinchbeck		
Terminal Date:	9th 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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development 5
Section 3 - Plan-making
Section 6 - Building a strong, competitive economy
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	0	0	0	1

SUPPORT				
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	2
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	1	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks full planning permission for a new industrial unit to include carpet showroom/store and office accommodation with associated parking, landscaping and boundary treatments.

It should be noted that the site layout plan has been amended to include 9no off-street parking spaces within the site instead of the originally proposed 8no spaces.

Site Description

The application site is located off Bourne Road in West Pinchbeck. It is located outside any defined settlement boundary and on land regarded as open countryside. The land appears to be used for storage and parking in association with the adjacent commercial unit (CMT Engineering). The site has an existing vehicular access off Bourne Road. The site itself is mainly flat surfaced with small areas of hardstanding.

History

No relevant planning history.

Consultation responses

Environment Agency

No objections subject to informatives.

South Holland Internal Drainage Board

No comments as the site in question lies outside the Internal Drainage District of the South Holland Internal Drainage Board as well as the Board's wider watershed catchment.

Black Sluice Internal Drainage Board

No objections. Discharge to any watercourse will require prior written consent from the Board. The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties.

Inward Investment

Supports the application.

SHDC

No objections.

Local Highway and Lead Local Flood Authority

No objections subject to conditions and informative with regards to the new gates and access.

Planning Considerations

Principle of development

As indicated in paragraph 47 of the National Planning Policy Framework, 2021, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside the defined settlement limit of West Pinchbeck within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as the open countryside therefore it would need to comply with Policy 1 of the South East Lincolnshire Local Plan, 2019.

Policy 1 of the Local Plan (Spatial Strategy) states that development in the countryside will only 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.

Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio) states that:

"New employment development/businesses or the extension of an existing business outside the...allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:
a. the development does not conflict with neighbouring land uses;
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."

Whilst it is not a requirement of the Local Plan that all new employment development/businesses be directed to an allocated employment site, Policy 7 does require that it be satisfactorily demonstrated that there is an identified need for the business location outside of identified employment areas.

The proposed expansion is considered acceptable as it would support an existing business. The proposed scheme will provide local jobs for the long term and also allow an existing business to remain in operation. The site is already an established commercial site and whilst it is outside any defined settlement boundary, it does not further encroach onto the open countryside as it would be an infill. The proposal is therefore not considered to conflict with Policy 7 of the SELLP and can on balance be accepted.

As such the principle of such development in this location is acceptable subject to other material considerations.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, among other considerations. 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 as per Policy 2 of the SELLP.

The proposed site layout is considered satisfactory and the unit is proportionate to the plot size. The proposed building would be an infill between the existing commercial unit to the east and the dwelling to the west therefore it does not unacceptably encroach on the open countryside. The proposed building when viewed against the wider site would not appear overly prominent given its relatively modest width. Given there is no strong built character in the immediate street the propose siting and use of external materials are considered acceptable.

As such the development is not considered to result in detrimental to the character of the area and is therefore acceptable in terms of its design and siting.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The closest and only residential neighbour is to the west of the site. The proposed unit would be sited close to the shared boundary with this neighbour, however, given this neighbour has a garage and driveway adjacent to the western site boundary, the main house is located a significant distance from the western boundary (some 13 metres). As such no overbearing impact or unacceptable overshadowing would result on this neighbour. With regards to noise levels it is not considered that the proposed business would create unacceptable levels of noise given its proposed use, especially when assessed in the wider context of the site with the existing commercial enterprise to the east of this neighbour.

An external staircase and balcony/viewing platform are proposed on the southern elevation, however, given a privacy screen is proposed on the south-west elevation no unacceptable overlooking or loss of privacy would result in respect of the residential neighbour to the west of the site.

As such the proposal would comply with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway safety

The Local Highway Authority has not raised any objections to the proposal subject to an informative with regards to the formation of a new access and a condition stating that the any gates proposed shall be set back from the nearside carriageway edge of the A151 Bourne Road and shall not open over the highway to enable calling vehicles, especially delivery vehicles, to wait clear of the carriageway of Bourne Road in the interests of highway safety. The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions and the proposal would therefore not result in an unacceptable impact on highway safety.

With regards to parking provision for the site the original scheme submitted proposed 8no parking spaces. In accordance with Appendix 6 of the SELLP the proposed use would require 4no parking spaces for the 4no proposed staff members for the office element and 5no spaces for the retail element as 100m2 of floor space would be created and 1 space is required per 20m2. As such an amended site layout plan was submitted which no shows 9no off-street parking spaces within the site.

Subject to informatives with regards to the formation or a new access and gates being set back from the carriageway it is considered that the proposals would not result in any unacceptable impact on highway safety.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps with a high probability of flooding. The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

Although the site has been classified as being a high flood risk area, it actually has a low risk of flooding from tidal and fluvial sources and from surface water due to the location, topography and standards of defence. The NPPF guidance in relation to flood risk in locations such as the application site location being within Flood Zone 3a confirms that the proposed building and its (less vulnerable) use are appropriate.

The submitted Flood Risk Assessment recommends that the finished ground floor level should be approximately 150mm above existing external ground level and first floor level would be a further 2.6m above ground which would be at a level that would provide safe refuge in the extreme event of any overtopping of floodwater over the existing raised flood defence embankments adjacent to the site. Furthermore the occupants would be advised to sign up for flood warnings to further mitigate any potential risks to occupants in relation to flooding.

As such the development is considered to pass the Sequential Test and is therefore suitable for the proposed location.

Black Sluice Internal Drainage Board has not raised any objections with regards to surface and foul water discharge but has advised that any discharge to any watercourse will require prior written consent from the Board. It also advised that the existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or properties. An informative has been attached to the decision notice advising the applicant of this.

Given the above the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Planning balance

The proposal involves an extension to an existing business to the east of the application site and would be sited on land which can be considered previously developed land as it is currently used for parking and storage associated with the units to the east therefore it can on balance be accepted.

The proposed building would not unacceptably change the overall appearance of the site and the area. No significant adverse impact is anticipated on residential amenity. There are no highway safety or parking concerns. The proposed building would be flood resilient construction therefore there are no flood risk concerns.

In summary, any adverse impact of granting permission to the proposals would not significantly and demonstrably outweigh the benefits of doing so.

Conclusion

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

The proposal complies with Policies 1, 2, 3, 4, 7, 28, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Section 2, 3, 6, 12 and 14 of the National Planning Policy Framework 2021. It is therefore recommended that the application be approved under delegated powers.

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.

RECOMMENDATION

That the application can be approved under delegated powers.