DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0256-24**	**Applicant:**	**J. O. Sims Ltd**
Proposal:	Proposed replacement of two temporary storage buildings, complete with services unit and perimeter fencing with gates.		
Location:	J. O. Sims Ltd Pudding Lane Pinchbeck		
Terminal Date:	16th May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

6 - Building a strong, competitive economy
12 - Achieving well-designed and beautiful 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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at J.O. Sims Ltd, Pudding Lane, Pinchbeck for the proposed replacement of two temporary storage buildings, complete with a services unit and perimeter fencing with gates.

The submitted Covering Letter states *"The applicant currently has two temporary storage buildings on site (one either side of Pudding Lane) as approved under references H14-0108-22 and H14-0999-21 but these are now towards the end of their serviceable life. The applicant therefore seeks approval to remove these and construct 2 new permanent structures, both on the west side of Pudding Lane. The works will also include the provision of a small unit to accommodate incoming services and plant, and perimeter fencing and gates for security reasons. The fencing proposed will match that recently installed under approval H14-0408-23."*

"No new hard surfacing will be required because the existing concrete slab is already large enough to accommodate both buildings, plus the incoming services unit and appropriate external circulation space. The proposal includes erecting 2.4m high security fencing around the perimeter of the concrete hardstanding."

"An electricity supply and other services will need to be brought across to this area, so a small unit housing the is proposed. This will be nominally 3m x 2m on plan, and approximately 2.8m high. This will be finished in steel cladding in a grey finish."

The new storage buildings will measure 21.3 metres in depth, 12.4 metres in width, have a 4.7 metre eaves height and a 6.5 metre ridge height. The buildings will be sited 1.5 metres from the new perimeter fencing and 3.5 metres from the western rear boundary. A personnel door is sited in the southern side elevation of each building toward the rear, with a fire exit door sited in the northern side elevation of each building toward the frontage.

The combined floor area of the two proposed units will be equal to that of the two temporary buildings that are to be removed. The fencing will be located around the perimeter of the existing concrete slab.

The proposed services unit will measure 3 metres in depth, 2 metres in width and 2.8 metres in height. The entrance door will be sited in the south facing elevation of the building.

The two storage buildings and services unit will be constructed from goosewing grey colour profiled metal cladding. The roller shutter doors to the front of the buildings will be constructed from grey steel. The fencing proposed is Heavy Duty 868 Twinwire in colour Green RAL 6005. The height, finish and colour of new personnel gate on the western frontage boundary will be to match that of the adjacent fence.

Waste storage will be stored elsewhere on site. The proposed buildings require no additional waste storage provision. No trees or hedging is impacted by the proposed buildings and fencing.

A site visit was conducted on Wednesday the 27th of March 2024.

SITE DESCRIPTION

The proposal site is within defined settlement limits and the surrounding area is characterised by industrial buildings of varying ages and design. The topography of the site is flat. The proposed structures are to be constructed on a concrete pad toward the western boundary. 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. Foul water and surface water drainage is not impacted by this proposal.

RELEVANT HISTORY

H14-1066-18

Full - Temporary storage structure to support expansion requirements (retrospective) - Approved - 29 November 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.

H14-0999-21

Section 73a - Temporary storage structure to support expansion requirements (retrospective) - approved under H14-1066-18. Modification of Condition 1 to allow structure to remain on site for a further period of time - Approved - 28 October 2021.

H14-0108-22

Section 73a - 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 - Approved - 31 March 2022.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 26th March 2024 and 18th April 2024)

Pinchbeck Parish Council - 5th April 2024

Support - *"Because it will help employment"*

South Holland District Council - Environmental Protection - Oliver Abrams - 15th April 2024

"No comments."

Welland & Deepings Internal Drainage Board - 18th April 2024

"No comment."

Lincolnshire County Council - County Highways & SUDS - 19th April 2024

Will the proposal result in any increase in vehicle movements to and from the site?

Lincolnshire County Council - County Highways & SUDS - 29th April 2024

No objections - *"The application is a for a proposed replacement of two temporary storage buildings, complete with services unit and perimeter fencing with gates. The proposal will replace two temporary buildings and will be erected on existing hardstanding. There will be no increase in vehicle movements to and from the site as a result of the proposal. The proposal will not have an adverse impact on the public highway."*

"As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

KEY PLANNING CONSIDERATIONS

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

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

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 permanent storage buildings on site to replace temporary storage buildings and allow for the continued growth of the business. This application will allow for the growth of the main employment area.

This application accords with SELLP Policy 7.

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 South East Lincolnshire Local Plan indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The application site in this instance is within Pinchbeck, a Minor Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of two permanent storage buildings, a service unit, and perimeter fencing with gates, within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

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 (December 2023), 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.

Likewise, 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.

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.

The proposal is considered to improve the character of the surrounding area. This is because two temporary storage buildings will be replaced with permanent buildings in keeping with the built character of the surrounding buildings. The two storage buildings and services unit will be constructed from goosewing grey colour profiled metal cladding. The roller shutter doors to the front of the buildings will be constructed from grey steel. The fencing proposed is Heavy Duty 868 Twinwire in colour Green RAL 6005. The height, finish and colour of new personnel gate on the western frontage boundary will be to match that of the adjacent fence. The proposed materials of construction are considered to benefit the character and visual amenity of the surrounding area.

The layout of the site is considered to be appropriate. The site is secured by the new fencing and

the sides and rear of the new storage buildings are sited 1.5 metres from the boundary to allow for easy access and maintenance.

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 (December 2023).

Impact on 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.

The nearest dwellings are 65 Wardentree Lane which is 125 metres away to the north, 19 Walpole Close which is 158 metres away to the west, and 111 Wardentree Lane which is 222 metres to the north-east.

There is not considered to be a material impact on the amenity of the surrounding area. The proposal is not considered to constitute overdevelopment. This is because the buildings will be sited on an existing concrete pad beyond which no further development is to occur. Additionally, there are no dwellings in the immediate vicinity of the site.

There is not considered to be an overshadowing impact. The nearest building outside the ownership of the applicant is 86 metres away so is not impacted when right to light lines are drawn. There is not considered be an overlooking impact. There is no windows in the buildings and the roller shutter doors when opened would face the main building of J O Sims Ltd to the east.

There is not considered to be a noise or disturbance impact from the proposal as there are no dwellings in the immediate vicinity of the site.

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 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 (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

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".

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.

The two proposed storage buildings are of a matching size to the temporary buildings they are to replace. Therefore there is not considered to be an increase in the intensity of use as a result of the proposal.

The County Highways & SUDS Officer has the following comments:

"The application is a for a proposed replacement of two temporary storage buildings, complete with services unit and perimeter fencing with gates. The proposal will replace two temporary buildings and will be erected on existing hardstanding. There will be no increase in vehicle movements to and from the site as a result of the proposal. The
proposal will not have an adverse impact on the public highway."

"As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

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 (December 2023).

Flooding Considerations / Drainage

Section 14 of the National Planning policy Framework (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 Zone 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.

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.

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 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. Foul water and surface water drainage is not impacted by this proposal.

The submitted Covering Letter states: *"With regard to flood risk, we would acknowledge that the site is in Zone 3,*
however the application is only for continued use of an area for storage and is not therefore vulnerable to flood. On this basis a site-specific flood risk assessment is not considered necessary."

Overall, when considering the development on balance, it is considered that the proposal accords

with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2023) in this regard.

Biodiversity and landscaping

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Policy 28 of the South East Lincolnshire Local Plan (2019) outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The submitted application form states: *"We consider that this proposal would fall within the category termed "Small development" (article 2 (1)) which is exempt under the requirements if the application submission date is prior to 2nd April 2004. We believe this to be the case because the proposal complies with the definition for commercial development where floor space created is less than 1000 square metres and the total site area is less than 0.5 hectares."*

As the proposal is a minor application there is a requirement to demonstrate a biodiversity net gain of 10% from the 2nd of April 2024. However, because the requirement to demonstrate a biodiversity net gain for minor applications commences for applications submitted on or after the 2nd of April 2024 this is not a requirement for this application. This is due to the application being accepted on the 21st of March 2024. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This is can be achieved via a number of measures such as ponds, and hedge / tree planting.

A landscaping condition will be added to the decision notice to ensure that the site can satisfactorily demonstrate a material biodiversity uplift in accordance with Policy 28 of the SELLP.

Outstanding matters from representation

None

PLANNING BALANCE

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within a main employment area in the defined settlement limits of Pinchbeck. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents or businesses, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2023) 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

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 28, 36 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Sections 6, 12, 14 and 15 contained within the National Planning Policy Framework (NPFF) (December 2023). There are no significant factors in this case that would outweigh the benefits of the proposal;

therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

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.