

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H14-0328-25      **Applicant:** Mrs K Newman

**Proposal:** Change of use of part ground floor offices from vehicle hire to kitchen facility providing hot meals for schools & meals-on-wheels, occasional evening events & cafe/takeaway

**Location:** Unit 3, Mayden House Wardentree Lane Pinchbeck

**Terminal Date:** 28th May 2025

### 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
24	The Retail Hierarchy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

#### National Guidance

#### National Planning Policy Framework December 2024

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	1	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

SHDC INTERNAL	0	0	1	0
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## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a full planning application for a change of use of part ground floor offices, from vehicle hire to kitchen facility, providing hot meals for schools & meals-on-wheels, occasional evening events & cafe/takeaway.

The plans show that part of the premises is proposed to be used as a cafe and takeaway facility with W/C. Segregated from this is the proposed preparation area for package meals, with access to 2x W/C a kitchen and office. The site plan shows that there are 4 number parking spaces along with secure cycle stand and waste/recycling skips.

The Land Use Gazetteer (3rd Edition) considers a 'food manufacturing plan not in school' as a B2 use. A Cafe is considered a Class E use and a take away is Sui Generis.

### **Site Description**

The application site is located in Pinchbeck, with Warden Tree Lane running along the south of the site, this is shown as a main cycle route within the policies map. Bervor Close is located to the north and this is where the site has vehicular access/egress.

The site is allocated as am 'Existing Main Employment Area' and the South East Lincolnshire SFRA shows that the site is in a predicated hazard area (2115) as 'Danger for Most'.

The building itself represents part of an established warehouse unit. Finished in grey sheet metal. Parking areas are all hard surfaced (concrete).

### **History**

H14-0428-07 - Two fascia signs. Approved 25-05-07

H14-0540-21 - Change of use from builders and timber merchant to flexible use consisting of B2(industrial)/B8(storage and distribution) with ancillary office/trade-counter/showroom facilities. Approved 12-07-21

H14-1024-21 - Siting of office portacabin and 'pop' site (point of presence) in yard frontage and upgrade of existing CCTV. Approved 22-11-21

### ***Adjoining Site***

H14-0617-23 - Change of use from B2 (Industrial)/B8 (Storage and Distribution) with ancillary office/trade-counter/showroom facilities to Council Depot. Approved 07-09-23

### **Consultation Responses**

#### **Parish Clerk**

The parish have stated *Appropriate use for area designated for employment*

#### **Environment Agency**

The EA have stated *We have no comments to make on this application.*

#### **Highways & Sud Support**

No Objections - Change of use of part ground floor offices from vehicle hire to kitchen facility providing hot meals for schools & meals-on-wheels, occasional evening events & cafe/takeaway - when compared to the former use the proposal will not have an adverse impact on the public highway.

### Environmental Protection

The EPO states *No comments*

### **Evaluation**

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.

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 within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

### **Planning Considerations**

The key considerations are relevant to this section:

- Principle of Development
- Retail
- Flood Risk
- Highway Safety
- Environmental Issues
- Biodiversity Net Gain
- Planning Balance

### Principle of Development

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) 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.

SELLP Policy 7 is concerned with Improving South East Lincolnshire's Employment Land Portfolio. The application site is located within a Min Employment Area identified within the policies map, SP001. The policy 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 AND*

*Mixed-use developments, which incorporate main employment uses together with other identified appropriate employment-generating uses, will be supported in Mixed-Use Areas identified.*

Key to this assessment is the changes to the Use Classes Order 1987 (as amended) since publication of the plan, which grouped B1 uses (along with other classes such as A classes) into a new Class E categorisation. This suggests that E uses are also supported within main employment areas. The proposal is for a cafe/takeaway, a cafe is a class E use and therefore succinct with the uses allowed within the employment area, the packaging of pre-prepared food also is likely to have a commercial use (B2) and so acceptable. The takeaway element, which is Sui Generis on represents a small portion of the overall use and can be considered as being ancillary to the effective functioning of the cafe.

On this basis the proposal is considered to accord with the broader aims of policy 7 of the South East Lincolnshire Local Plan, 2019.

### Retail

The retail hierarchy is set out under SELLP Policy 24. It states that *If planning permission is granted for retail development in an out-of-centre or edge-of-centre location (as defined by national policy) the range of goods sold may be restricted either through planning conditions or legal agreement.*

*It is considered that the cafe element of this scheme, which was former A Class, does not relate directly to retail, though is a recognised town centre use. Notwithstanding this, it is not inappropriate to have a cafe in this location, which would support the broader employment area.*

*On this basis the proposal is not in conflict with SELLP Policy 24.*

### Flood Risk and Drainage

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.

SELLP Policy 4 sets out South Hollands approach to Flood Risk. The application site lies within Flood Zone 3 in accordance with EA Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to be 'Danger for Most' rating on both the predicted 2115 Hazard flood maps.

NPPF Annex 3 sets out Flood risk vulnerability classification, within the 'less vulnerable' section it describes the following uses:

*Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.*

The proposal would therefore not have a change in terms of vulnerability and it is considered acceptable in flooding principle terms.

### Drainage

The proposal would use the existing surface and foul water drainage infrastructure and therefore considered acceptable.

On this basis it is considered that the proposal would accord with policy 4 of the South East Lincolnshire Local Plan, 2019.

### Highway Safety

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

In respect of highway matters, PSELLP 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.

SELLP 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 proposal would utilise the existing access arrangement and provided ample parking within the site. Moreover the location of this site within a main employment area means it is served by a robust highway network. LCC Highways have been consulted and have no objections to the proposal.

On this basis the proposal would accord with policies 2 and 3 of the South East Lincolnshire Local Plan 2019.

### Environmental Issues

NPPF Paragraph 135f of the National Planning Policy Framework (December, 2024) 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.

SELLP Policy 2 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The proposal is located alongside other commercial activity and away from sensitive receptors. The Environmental Protection Officer have 'no comment' to make. In terms of noise and disturbance given the activities of neighbouring land uses this proposal is considered acceptable, there is no control over the operating hours associated with the existing use, and therefore it would be unreasonable to apply in this instance. In terms of odour, any external extraction and ventilation system is likely to require some mitigation, prior to the use of the cafe/Takeaway. This will be conditioned.

On this basis the proposal would accord with SELLP Policies 2 & 30 as well as NPPF Paragraph 135f.

### Biodiversity Net Gain

NPPF Paragraph 186 sets out a criteria-based approach for LPAs to apply when considering development proposals. The criteria in part includes methods to protect and encourage bio-diversity as well as preventing development resulting in the loss of priority habitats.

NPPF Paragraph 180d is also relevant requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has provided a BNG statement which claims that the proposal would meet with the Di Minimis exception. This is defined as:

*A development that does not impact a priority habitat and impacts less than:*

*25 square meters (5m by 5mk) of on-site habitat.  
5 metres on on-site linear habitats such as hedgerows.*

The LPA are in agreement that this is in line with the exemption above and BNG is not required on this site.

## **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 would accord with SELLP Policy 7 and represent an appropriate use within a Mina Employment Area. In terms of flood risk, highway safety and environmental Issues the proposal is considered acceptable.

In this instance then, there are no material considerations that outweigh the benefits associated with the proposal, as such the planning balance is in support of the development

## **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.

## **Conclusion**

Taking into consideration these factors, the proposal is considered to accord with to Policies 1, 2, 3,

4, 7, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). On this basis the proposal is recommended for approval.