

## DECISION DELEGATED TO HEAD OF PLANNING

|                        |                                                                                                                  |                   |                          |
|------------------------|------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------|
| <b>Application No:</b> | H14-0391-21                                                                                                      | <b>Applicant:</b> | Project Three Point Five |
| <b>Proposal:</b>       | Erection of chill store, collation and loading dock together with offices, self store containers and car parking |                   |                          |
| <b>Location:</b>       | Freshlinc Distribution Bervor Close Pinchbeck                                                                    |                   |                          |
| <b>Terminal Date:</b>  | 18th November 2021                                                                                               |                   |                          |

### 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 |
| 36         | Vehicle and Cycle Parking                                     |
| APPENDIX 6 | Parking Standards                                             |

#### National Guidance

#### National Planning Policy Framework 2021

Sections 6 & 12 of the 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        |
| PLANNING LIAISON<br>OFFICER - FLOOD RISK<br>ASSESSMENT | 0      | 0       | 0       | 1        |
| HIGHWAYS & SUDS<br>SUPPORT                             | 0      | 0       | 0       | 1        |
| WELLAND AND<br>DEEPINGS INTERNAL<br>DRAINAGE BOARD     | 0      | 0       | 0       | 1        |

|                        |   |   |   |   |
|------------------------|---|---|---|---|
| SHDC INTERNAL          | 0 | 1 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 2 |
| RESIDENTS              | 1 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **PROPOSAL**

This is a full application at Freshline Distribution, Bervor Close, Pinchbeck for the erection of chill store, collation and loading dock together with offices, self store containers and car parking. The proposal seeks to provide an office building to the east of the site, measuring approx. 12 metres in width, 14.859 metres in depth and 2.5 metres in height. The building would contain an office, four wcs, two tea rooms, a lobby and a drivers reception. Two disabled parking bays are sited against a ramped access leading to the lobby adjacent to the office.

The bulk of the proposed chill store would measure approx. 36 metres in width, 71 metres in depth, has an eaves height of 12.3 metres and a ridge height of 14.296 metres. Four loading bays would be provided on the north facing elevation which would project slightly further out.

A ticket office would be sited at the entrance to the site and would measure 3.2 metres by 3.2 metres, and the height is 3.85 metres. The office can be accessed by steps.

The proposed 118 storage containers would be sited to the west of the site, being served by a separate access. The containers would measure 2.4 metres in width, 6 metres in depth and 2.5 metres in height.

All buildings would be set at 3.15mAOD to address potential flood risk concerns. The Planning Statement states that the total operations on the proposal site would create 37 additional jobs.

### **SITE DESCRIPTION**

The proposed site is within defined settlement limits and located in a main employment area. The surrounding area is characterised by industrial buildings of varying ages and designs. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre.

### **RELEVANT PLANNING HISTORY**

#### **H14-1060-91**

Outline - Class B1 & B2 industrial distribution units & Class A1 food & non food retail dev with garden centre - Refused - 24 January 1992.

#### **H14-0304-92**

Outline - Industrial development comprising classes B1, B2 & B8 including details of means of access - Refused - Appeal dismissed - 10 December 1992.

#### **H14-1005-92**

Outline - Industrial development comprising classes B1, B2 and B8 - Approved - 08 December 1992.

#### H14-0953-95

Outline - Industrial development comprising Classes B1, B2 and B8 (renewal of outline permission H14-1005-92) - Approved - 16 November 1993.

#### H14-0372-96

Full - Erect two span portal frame chill store and fruit packaging facility including two storey offices - Withdrawn - 20 May 1996.

#### H14-1183-97

Full - Construction of new access road - Approved - 16 January 1998.

#### H14-0409-98

Advertisement - Two signs - Aluminium sign plaque mounted on free standing brick wall at site entrance - Approved - 12 June 1998.

#### H14-0863-98

Outline - Industrial development (renewal of H14-0953-95) - Approved - 18 May 1999.

#### H14-0851-99

Section 73 Modification - Modification of condition on industrial development. To remove road links (Condition 8 of H14-0863-98) - Approved - 21 September 2000.

#### H14-0587-01

Full - Food production unit - Approved - 06 August 2001.

#### H14-0468-02

Outline - Renewal of outline application for industrial development (application number H14-0863-98) - Approved - 07 June 2002.

#### H14-0331-03

Full - Proposed factory development, incorporating offices, production area and warehouse with service yard and associated car parking - Approved - 20 June 2003.

### **REPRESENTATIONS**

#### LCC - County Highways & SUDS Officer

No objections - Requests a surface water drainage condition and standard access and utility informatives.

#### SHDC - Inward Investment Manager

Support - "The Economic Development Team are happy to support this application. FreshLinc are a well established, fast growing, nationally recognised company who through their various associated businesses, employ a large number of people in the district. FreshLinc are at the forefront of adopting new technology, and responding to the ever changing needs of their customers at either end of the supply chain. This extension to the business is necessary to keep them at the forefront of their sector, benefiting many other local businesses by becoming more efficient, and creating further employment in the process."

#### SHDC - Environmental Protection

No objections.

## Anglian Water

"There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."

"A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water."

Anglian Water request that the applicant submits a full drainage strategy to them before commencement of works.

## Welland & Deepings IDB

"The Board have had contact with the agent for the scheme at a pre-application stage. We understand that the proposed new surface water discharge will be restricted but if the application reaches a reserved matters stage the Board would wish to see a drainage strategy at that time. Any surface water discharge would be subject to the submission of an application form, the agreement of technical details, payment of the application fee as well as payment of the necessary development contribution all in advance of any site works. I have advised the agent also that the Board's Wardentree Lane pipeline runs along the south east boundary of the site and is afforded the protection of a nine metre byelaw distance, any site layout should take this into account."

## Environment Agency

"It has been confirmed by the applicant that the site proposals are unable to meet the Local Flood Risk Standing Advice contained within the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) due to operational reasons. Your authority should consider whether the submitted flood plan is sufficient to allow the finished floor levels to be set at 250mm above ground level rather than the required 300mm.

We can provide the following information on the characteristics of flooding at this site to help with your decision:

- The hazard mapping shows flood depths of 0.5m to 1m"

## Public

2 comments/objections received, summarised

- Concerns with existing parking behaviour by users of Bervor Close
- Why has a locked gate been proposed at the entrance to the site?
- Can a swept path analysis be provided to confirm vehicles can move safely around the site?
- Who is the parking on site being provided for?
- Who is the container storage being provided for?

## **PLANNING CONSIDERATIONS**

### Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Main Service Centres. This section of the policy states:

"Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) 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."

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

It is considered that the proposal would help support the role of Pinchbeck as a service centre and sustain existing facilities in the settlement.

This application accords with SELLP Policy 1.

#### Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. It is considered that the size, scale and layout of the proposed buildings and container site are in keeping with other buildings in the area. There is not considered to be a material impact on the character and appearance of the surrounding area, which is already industrial in appearance.

2. The design is to be in keeping with that of the adjacent buildings of Freshline to the north of Bervor Close. The orientation is to be on a north-south axis in keeping with the orientation of other buildings in the vicinity. The containers would be sited 10 metres from Wardentree Lane at the nearest point so are not considered to be out of keeping or impact the amenity / highway safety or the surrounding area.

3. The building would be constructed of materials of a colour and style as the existing local buildings. These would be goosewing grey insulated panel walls and roof, merlin grey profile metal cladding eaves, bonnet and gables, verge flashings, rainwater goods, doors and windows. The proposed shipping containers would be of a standard design and dimensions.

4. The proposed access points would be sited directly off Bervor Close. The County Highways Officer has no objection to the submitted details and is therefore satisfied that vehicles can move safely around the site. The existing parking behaviour of users of Bervor Close is not a matter for the Planning Department, but we are aware that the Highway Authority are considering introducing parking restrictions along Bervor Close. In terms of the access gate, it has been advised that no decision has been made as to whether the gate will be locked or not but, in any case, this is not a material planning consideration.

5. The proposal would not materially impact existing community services and infrastructure.

6. There is not considered to be a material noise, odour, disturbance or visual intrusion impact from the proposed buildings that is not out of keeping with normal light industrial operations in the vicinity of the site. Hours of operation have not been given within the submitted information, however, it is not considered that any restrictions are necessary in this location given that there are no residential premises in the vicinity of the site.

7. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre. The proposed finished floor level for the office building is 250mm. However, as the building is not for residential purposes and it would not be practicable to raise levels on such a site, it is considered that these levels are acceptable.

This application satisfactorily accords with SELLP Policy 2.

### Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. It is considered that the size, scale and layout of the proposed buildings and container site are in keeping with other buildings in the area. There is not considered to be a material impact on the character and appearance of the surrounding area, which is already industrial in appearance. There is not considered to be an impact on a sense of place.

4. The site can be accessed by public transport but would be predominantly served by private transport in common with the other buildings in the vicinity.

5. There is adequate space on site for refuse and cycle storage as well as car parking for 96 vehicles. The car parking proposed is for staff working on site as well as drivers. Dedicated parking is not provided for the container storage element of the proposal as customers will drive straight to their individual container.

11. There is not considered to be a material noise, odour, disturbance or visual intrusion impact from the proposed buildings that is not out of keeping with normal light industrial operations in the vicinity of the site. Hours of operation have not been given within the submitted information, however, it is not considered that any restrictions are necessary in this location given that there are no residential premises in the vicinity of the site.

12. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre. The proposed finished floor level for the office building is 250mm. However, as the building is not for residential purposes and it would not be practicable to raise levels on such a site, it is considered that these levels are acceptable.

This application satisfactorily accords with SELLP Policy 3.

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

The site sits within a Main Employment Area - SP001, Wardentree Lane - and this policy states that the site is reserved for main employment in Classes B1, B2 and B8.

The proposal incorporates a mixture of B1, B2 and B8 uses in the form of offices, a chill store and storage container element respectively. Whilst it would therefore appear acceptable in principle, self-storage container businesses typically generate very little in the way of direct employment and it can be questioned whether this is the most effective use of land in an allocated employment area.

Notwithstanding this, the Council's Economic Development team have commented in support of the application and the applicant has provided further supporting information during the course of the application on this particular matter, as follows:

*"Plot has been on the market since 1992 and has been waste land for almost 30 years. The site of approximately 3.5 acres is on the Wardentree Park industrial site at the end of Bervor Close between Jewsons and Screwfix. The site has been wasteland since that time on the open market but has not secured any development in that time. Policy suggests approval should be given to applications utilising unused sites.*

*The level of employment of this element of the box store development is indeed low per ha, however the direct on site employment does not show the full picture as there will be supporting employment to staff operating the company such as accounts and maintenances together with letting agents.*

*It is anticipated that there will be an uptake from local small or start up businesses who are looking at extra or start up storage space which will lead to other sources of employment needing storage space for their business.*

*Of course, if the level of employment per hectare of part of an application should be basis for refusal one could argue that the drivers parking area offering no employment should also be refused.*

*Alternatively, Freshlinc could remove the containers from the application and leave the area as waste land and zero employment as it has been for 30 years."*

Taking all of the above into account it is considered, on balance, that the proposal satisfactorily accords with SELLP Policy 7.

#### **PLANNING BALANCE**

There are no concerns with the principle of a chill store and offices associated with the existing business and, whilst it is typically a low employment generating use, the storage element can be accepted given wider benefits and the lack of an objection from the Council's Economic Development team. The proposed office, coldstore and storage containers can be accommodated on site without materially harming the character and amenity of the surrounding area. The Highway Authority have raised no objection and the on-site parking arrangements are considered appropriate.

#### **CONCLUSION**

In light of the above, the application is considered to satisfactorily accord with Policies 1, 2, 3, 4, 7, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well Sections 6 and 12 of the National Planning Policy Framework, 2021.

#### **RECOMMENDATION**

The recommendation is approval.

N.B. This application was presented to Chairman's Panel on 12th December and members were content for the decision to be delegated to officers.

## **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.