

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0392-24 **Applicant:** Scania (GB) Ltd.
Proposal: Proposed extension to existing industrial building
Location: Scania Gb Wardentree Park Pinchbeck
Terminal Date: 24th June 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Not applicable for a Lawful Development Certificate section192 application as it is a legal determination.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application for a Lawful Development Certificate to confirm that the proposed extension to the existing industrial building at Scania GB, Wardentree Park in Pinchbeck is lawful and does not require the submission of a planning application.

Site Description

The application site is purely of industrial/business use, comprising warehouses, storage units and one office block. The buildings are along the northern boundary line and the remainder of the land is hardstanding surfaced area. A metal fence and rail gate are currently on the front boundary line.

History

H14-0857-18 - Advertisement Consent for proposed signage - Approved 22.10.2018

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Pinchbeck Parish Council

Supports employment

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Evaluation

The proposal involves the extension to the existing industrial building at Scania GB, Wardentree Park in Pinchbeck.

This application is a legal determination and planning policy is not relevant to the determination as to whether the proposed use would be lawful.

The key issue for decision is whether the proposed works are either (i) not development; or (ii) permitted development. The works are considered to be development, as defined by section 55 of the Town and Country Planning Act 1990, because they involve building operations that are either "structural alterations of or additions to buildings" or "other operations normally undertaken by a person carrying on business as a builder".

The planning history of the site was investigated. Permitted development rights had not been removed by any previous permissions and the proposal.

Planning Considerations

The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 7 Class H - extensions etc of industrial and warehouse

Class H states that the erection, extension or alteration of an industrial building or a warehouse is "permitted development" and as such does not require planning permission. This is subject to compliance with specific criteria, which are outlined and addressed in full below:

(a) the gross floor space of any new building erected would exceed:

(i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;

(ii) in any other case, would exceed 200 square metres;

- This would not be applicable because the proposal is an extension, not a new building.

(b) the gross floor space of the original building would be exceeded by more than:

(i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);

- The application site is not on article 2(3) land

(ii) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);

- The application site is not on a site of a site of special scientific interest

(iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);

- The proposal does not exceed the original gross floor space by more than 50% OR 1,000 square meters

(c)the height of any part of the new building erected would exceed:

(i)if within 10 metres of a boundary of the curtilage of the premises, 5 metres;

(ii)in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;

-This would not be applicable because the proposal is an extension.

(d)the height of the building as extended or altered would exceed:

(i)if within 10 metres of a boundary of the curtilage of the premises, 5 metres;

(ii)in all other cases, the height of the building being extended or altered;

- The proposed extension has a maximum height of 4.6 metres

(e)any part of the development would be within 5 metres of any boundary of the curtilage of the premises;

-The extension is not within 5 meters of any boundary

(f)the development would lead to a reduction in the space available for the parking or turning of vehicles; or

-The development would not lead to a reduction in parking space

(g)the development would be within the curtilage of a listed building.

-The development is not within the curtilage of a listed building

The proposal also satisfactorily complies with conditions referred to within Class H, which are outlined below:

(a)the development is within the curtilage of an existing industrial building or warehouse;

(b)any building as erected, extended or altered is only to be used:

(i)in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;

(ii)in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

(c)no building as erected, extended or altered is used to provide employee facilities:

(i)between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or

(ii)at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999 M1;

(d)any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and

(e)any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

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

The proposal as applied for complies with the criteria outlined above. This proposal is therefore considered to be lawful.