DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0535-24**	**Applicant:**	**Fix My Truck**
Proposal:	Temporary change of use from B8 to Sui Generis (HGV maintenance & HGV parking) for a period of 10 years		
Location:	11 Cresswell Close Pinchbeck Spalding		
Terminal Date:	12th August 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
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 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
SHDC INTERNAL	0	0	1	0

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the temporary change of use from B8 to Sui Generis (HGV maintenance & HGV parking) for a period of 10 years of 11 Cresswell Close. It is proposed that the currently vacant site, with the last use being a B8 storage use, would be occupied by "Fix My Truck/ LT Drive", a business which stores and maintains HGVs. No external alterations are proposed.

Site Description

The site is within the settlement boundaries of Spalding and Pinchbeck, as outlined within the South East Lincolnshire Local Plan, 2019 and lies within the Wardentree Lane industrial park. This area is outlined as a main employment area within Policy 7 of the Local Plan.

The site features a large, single storey steel framed industrial unit, split between two plots. The site is bounded with a 1.8-metre-high metallic fence, with access points to the north and south. The appearance of the plot is largely typical of the area.

Relevant History

H14-0406-11- Full. Temporary change of use from B8 (storage and distribution) to D1 (non-residential institutions) for a period of 11 years. Approved 15/07/11.

H14-0614-11 - Condition Compliance. Details of Green Transport Plan submitted (Condition 3 of H14-0406-11). Approved 06/09/11.

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

"The application benefits employment and economic growth in an employment area."

Highway and Lead Local Flood Authority

"This proposal is for Temporary change of use from B8 to Sui Generis (HGV maintenance & HGV parking) for a period of 10 years which will utilise the existing access arrangements for the previous business use and suitable parking and turning can be accommodated within the development site and therefore, it does not have an impact on the Public Highway or Surface Water Flood Risk.

No Objections:
Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application."

Environmental Protection

No observations

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

This can be summarised as:

- Concerns regarding potential traffic and parking implications; however, the response does state that subject to no increase in on street parking, no objections are made

Key Planning Considerations

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.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

Where a proposal involves the extension, creation or loss of an existing employment site, Policy 1 is supported by Policy 7. As discussed above, the site is within the Wardentree Lane Main Employment Area outlined within Policy 7. Policy 7 restricts development within this area to Classes B1, B2 and B8 (although since the time of publication, B1 use class now falls within class E).

Policy 7 states that "The South East Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity". Naturally, the proposal will achieve this goal via the expansion of an existing commercial venture, and the reoccupation of a currently vacant plot. This will ensure the long term viability of the Wardentree Lane employment area, while also providing/ maintaining jobs within the District.

As detailed, Policy 7 states that "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".

The proposed use does not fall into the above restricted use classes. That being said, the proposed use is already prevalent within the Wardentree Lane employment area, and is consistent with the industrial nature of the area. The nature of the business, being a Sui generis use to provide HGV maintenance and parking, means that it would be somewhat unsuitable for positioning in many locations outside of an employment area (via noise, traffic disturbance etc). As such, given the surrounding uses, the nature of the use being proposed and the details outlined above, its positioning here is considered to be suitable and acceptable.

Paragraph 85 of the NPPF states: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development". As the proposal would expand an existing business, it is considered that, in line with this paragraph, weight should be given in favour of the proposal.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP and while the proposal does not strictly adhere to the provisions of Policy 7, it is still considered to be an appropriate location for this use. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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 NPPF, 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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.

As no external alterations are proposed, the impact upon the character of the area is limited in respect of built form. The use proposed here is already prevalent in the Wardentree Lane area, ensuring no harmful character impacts occur. In any event, the use is industrial in nature and consistent with the local character.

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 SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As no residential properties are present within the area, there is limited scope for amenity impact. The use would not significantly increase noise pollution or general disturbance above what would be expected in this industrial area.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. No minimum parking level is provided for the proposed use. That being said, a B2 use require 1 space per 65sqm, and a B8 use requires 1 space per 150sqm. Adequate space is provided on the site to accommodate the parking required by either of these uses, and therefore, it is considered that parking provisions on the site are acceptable. It is not anticipated that the change of use would result in a significant increase in on-road parking in the area.

The Local Highway Authority has raised no objections to the proposal. Suitable parking and turning space are provided within the site, reducing the potential impacts upon the area. The level of traffic arising from this change of use would not significantly exceed what would be expected within an industrial area. In any event, the business is currently operating from the Wardentree Lane area, so, to a certain extent, the proposal would simply transplant traffic from one part of Wardentree Lane to another.

As the site is within the defined settlement boundaries, it is easily accessible via sustainable transport. While buses do not pass via the site itself, there are several bus stops within a short walk from the site, ensuring workers can utilise public transport. Within the inset maps of the SELLP, a cycle route runs past the site, allowing workers to access the site via this means. While no cycle parking provisions have been provided on the submitted documents, the site and internal buildings are large enough to easily accommodate cycle parking.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF 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: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " 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". The sequential approach is 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 Zones 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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA 2115 model the site is classed as "danger for most", with a hazard depth of up to 1 metre.

The use is classified as less vulnerable within Annex 3 of the NPPF, and as such, is appropriate within Flood Zone 3. In any event, the proposed use would be no more vulnerable to the impacts of flooding than the existing use of the site, and therefore, the need for significant adaptation is reduced. Appropriate adaptations and mitigation methods (such as signing up to the flood warning system, installing internal drainage systems, raising stock levels etc) are encouraged, although it is not considered appropriate to require these under condition, especially given the temporary nature of this application.

As the proposal represents a change of use, with no external alterations proposed, it is not anticipated that the development would have a significant impact upon site drainage.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF 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'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system; while Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the

preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics.

The site is currently entirely hard surfaced. No external alterations or further building works are proposed. As such, the proposal is subject to the de minims exemption outlined within the PPG and Environment Act 2021; and therefore, there is no statutory requirement for a net gain of 10%.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

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.

While the proposed development, as a non-class B use, is not wholly in keeping with Policy 7, it is considered that the proposed use is appropriate on this site. The use is already established within the wider Wardentree Lane area and is considered to be an appropriate use within this industrial area. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, without impacting upon local highway networks, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. The proposal would support the economic growth of the area and as such weight is given in favour of the proposal.

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 these factors into consideration, the proposal is considered to comply with Policies of the SELLP, as well as the NPPF, when viewed as a whole. While as a non-class B use the proposal does not wholly conform to Policy 7, it is still considered to be an appropriate use and in keeping with the spirit of the Policy. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.