

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0583-24 **Applicant:** Acclaim Handling
Proposal: Erection of Equipment Storage Building
Location: 8 Benner Road Pinchbeck Spalding
Terminal Date: 3rd September 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 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

OTHER STATUTORY BODIES	0	0	0	1
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CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the erection of a storage building at 8 Benner Road, Pinchbeck. The building would be located to the east of the existing commercial unit on the site, on an area used for parking and as a yard. The building would measure 10 metres (width) by 15 metres (depth). It would feature a dual pitched roof, with an eaves height of 6 metres, rising to 6.93 metres at the ridge. It is proposed that the building, including the roof, would be finished in metal cladding in Goosewing Grey.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019, within the Wardentree Lane industrial area. This area is listed as a "Main Employment Area" within Policy 7 of the SELLP. The area is characterised by large scale industrial and commercial units.

To this extent, 8 Benner Road is typical of the area. The site currently features a large industrial unit located towards the cul-de-sac of Benner Road. The front is finished in white render, whilst the rest of the building is a rudimentary sheet metal structure above an initial metre of brickwork. The height of the existing building is approximately 5.5 metres.

Relevant History

H14-1104-18 - Full. Re-roof and alterations. Approved 13/12/18.

H14-1000-09 - Full. Replacement industrial building. Approved 11/03/10.

H14-0033-91 - Full. Proposed alterations and extensions. Approved 05/03/91.

H16-0173-84 - Full. Proposed store offices and associated accommodation. Approved 17/02/84.

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:

Anglian Water

"Thank you for your email for the application above. This falls outside of the remit for comments by Anglian Water"

SHDC Environmental Protection

No comments

Highway and Lead Local Flood Authority

"The proposal is for the erection of equipment storage building. The site is Industrial and the existing use is B2/B8 Commercial equipment storage and offices. There will be no change to parking - 10 spaces. The unit will be to store equipment that is currently on site making it more secure. The proposal does not present any changes in use and so therefore it 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."

Pinchbeck Parish Council

"The Parish Council supports the application as the proposed development benefits local business whilst being appropriately sited within an area designated for employment"

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, no letters of representation have been received.

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 Warentree 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. The proposed use is considered to fall within the restricted classes (listed above), and as such, the site is considered an appropriate location for development in principle.

Therefore, the proposal is considered to be in accordance with Policies 1 and 7 of the SELLP. 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.

The height of the proposed building, at 6.93m would dwarf the existing building on the site, standing approximately 1.4m above it. As a result, the proposal would, to a certain extent, appear as a discordant building out of keeping with its neighbour. That being said, there are numerous comparable buildings within the wider area, both in terms of site orientation and scale, which would help to naturalise the proposal somewhat.

The significant height is a functional necessity of the development. The height is required to enable vehicles to safely move in and out of the building and for the storage of larger objects. A reduction in the height, to a level more akin to its existing counterpart, would make the scheme unviable. As such, it is not considered appropriate to resist the proposal on this basis.

In any event, as the area is industrial in nature, the design qualities of the area are relatively weak, with a great emphasis being placed on function over form. While there is a clearly defined character, it is not considered that the proposal would result in significant aesthetic harm to the area, despite the potential juxtaposition of the proposal with the host.

The use of metal cladding is considered to be in keeping with the character of the area. The extant building on site, along with virtually all buildings visible from the plot, feature a comparable material.

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.

The wider area is industrial in nature. As such, the potential amenity impacts arising from the development are negligible. No overshadowing of residential units would occur. No windows are shown within the submitted elevations, and in any event, there are no residential units to be overlooked as a result of this development.

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 and requires at least one space per 65sqm for a B2 use and one space per 150sqm for a B8 use.

Parking provisions would not be altered as a result of the development, and the resultant development would not necessitate an increase in parking spaces. The relevant consultee from the Highway Authority has raised no objections.

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 the site is classed as danger for most, with a hazard depth of up to 1 metre.

The proposed use is classified as "less vulnerable" within Annex 3 of the NPPF. With regards to developments of this nature, the standing advice matrix, produced by the Environment Agency, states the following:

"The finished floor levels shall be raised as high as practicable (minimum of 300mm above existing ground level). The Environment Agency recommends that appropriate mitigation measures/ flood resilience techniques are incorporated into the development".

"Single storey buildings should be built with FFLs above predicted flood depth. If this is not practicable an area of safe refuge will need to be provided or an appropriate flood warning and evacuation plan will need to demonstrate how this risk will be managed."

From the details submitted, the proposed building would not be raised, instead featuring flood resilient construction up to 300mm above FFL. The justification for this being that as a dry store for plant equipment, level access to the building is required. Therefore, despite the recommendations from the Environment Agency, it is considered impractical for FFLs to be raised; and requiring the scheme to do so would result in it being unviable. As such, it is considered that an exception can be made here, subject to adequate adaptation and mitigation methods being put in place. Therefore, it is considered appropriate to request a condition, if permission was granted, requiring a detailed flood management plan to be submitted to the Council.

The submitted flood risk assessment outlines a basic flood evacuation/ management plan, in line with the requirements outlined within the standing advice matrix.

The building would be located on top of an existing area of hard surfacing. As such it is not anticipated that the works would result in a significant impact upon surface water 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.

As the proposed location is on an area of hard surfacing, the proposal is subject to the de minimis

exemption. As such, there is no statutory requirements for net gain in line with the Environment Act 2021.

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.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. While the orientation and the scale of the building is somewhat discordant with the existing structure on the site, it is not considered that the resultant development would harm the character of the area.

While the proposal does not wholly conform to the guidance outlined within the standard advice matrix prepared by the Environment Agency, the nature of the site means that the tangible impacts of flooding are low. Therefore, subject to an adequate flood management plan being submitted, the proposal would still conform to Policy 4 of the SELLP.

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 1, 2, 3, 4, 7, 28, 31, 33, 36 of the SELLP, as well as Sections 12, 14, and 15 of the NPPF. 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.