DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0951-23**	**Applicant:**	**Industro Tech Ltd**
Proposal:	Proposed office and associated amenities, workshop and cycle shelter		
Location:	5 Cresswell Close Pinchbeck Spalding		
Terminal Date:	25th December 2023		

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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
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
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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	2

CASE OFFICER ASSESSMENT

Proposal

The development proposals are for the expansion of Industro Tech facilities at 6 Cresswell Close into the adjacent site, 5 Cresswell Close. The proposals involve the demolition of the existing building on the land at 5 Cresswell Close and the construction of two new industrial units for planning class B2 use. The proposals also include the construction of a new car park. The applicant already operates from unit 6 and an existing section of fence between units 5 and unit 6 is to be removed, to allow the two units to operate as a whole.

Site Description

The Application Site is currently an industrial warehouse, and it is bound on all sides by industrial / commercial land, with a Morrisons store to the north, GF Automotive Services to the east and Hilton's Distributions to the west. An existing Industro Tech facility borders the Application Site to the south at 6 Cresswell Close.

Cresswell Close is a cul-de-sac which serves a number of industrial units. Cresswell Close is connected to Benner Road via a simple priority junction, with a footway on the south side of the carriageway. There are no parking restrictions within Cresswell Close.

The application site is located within a Main Employment Area, allocated by the plan and within flood zone 3 in accordance with EA mapping systems.

History

H14-0826-15 - Proposed extension. Approved 26-10-15

Consultation Responses

Parish
It helps local employment.

Anglian Water
The Pre-Development Team provide comments on planning applications (FUL/RM/OUT) for major proposals of 10 dwellings or more, or if an industrial or commercial development, more than 0.5 ha. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.
Environment Agency
Please consider the proposals against the guidance of the standing advice.

Highways & SuDs Support
No objection:
The proposed development is to permit the Applicant Company, a successful and thriving local business, currently operating from the adjacent unit (unit 6) on the established Benner Road Industrial Estate, to expand its operations into the Application site (unit 5).

Benner Road industrial Estate, along with the adjacent, later Enterprise Park, is the principal employment area of Spalding, which enjoys very good connectivity with both the town and the national principal road network via the nearby A16.

The proposal involves the demolition of the existing building on unit 5 and replacing that with two new purpose-built buildings. The area between the two new buildings is to be laid-out to provide the business with some much-needed additional off-street car parking space. The proposed development is advised to meet the South-East Lincolnshire Local Plan standards for car parking.

The proposed development is to be accessed from unit 5's existing vehicle access onto Cresswell Close, with the unit's existing 'swing' gate being replaced with a sliding gate that will allow more space within the site for vehicle parking and manoeuvring. Additionally, a covered, secure area is to be provided on the site for cycle parking. An existing section of fence between units 5 and unit 6 is to be removed, to allow the two units to operate as a whole.
The Application is supported by a Transport Statement, prepared by a suitably qualified and competent Transportation Consultant, which provides evidence that the proposed development would not have a detrimental impact upon highway safety or network capacity.

The Application details also include a drainage strategy that makes provision to restrict the rate of discharge of surface water run-off from the site into the estate's existing surface water sewer, thus reducing the likelihood of surface water flooding downstream, with attenuated water being stored underground, within the site's sub-base material.

In consideration of the above, and 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.

Pedals
If planning permission is granted, please impose conditions requiring the cycle stands and shelter to be completed and available for use before the first occupancy of the development and to be available for their intended use at all times thereafter.

Environmental Protection
No comments

Historic Places Team
No archaeological input required.

Planning Considerations

The application site is located within an Existing Main Employment Area (SP001, Wardentree Lane, Spalding). The proposals involve the demolition of the existing building on the land at 5 Cresswell Close and the construction of two new industrial units for planning class B2 use. The proposals also include the construction of a new car park.
Both proposed buildings have a footprint of circa 420sqm, one building is stated to be used for B2 purposes and the other B1, which under the 2020 amendments to the UCO is Class E(g). Some training is also provided however this relates to the staff and so ancillary to the overall use of the site/business.

The following is therefore relevant as part of the consideration of this application:

-Principle of Development
-Character & Appearance
-Environmental Issues/Amenity
-Flood Risk & Drainage
-Highway Safety
-Trees

Principle of Development

Policy 7 of the SELLP is concerned with Improving South East Lincolnshire Employment Land Portfolio, of Main Employment Areas it 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

The applicant proposes B uses (though B1 is now classed as E(g)) and therefore in principle terms the proposal would accord with the strategic aims of the employment land allocation. Notwithstanding that some training facilities will be provided, this element of the scheme given it relates to the functioning of the existing business is ancillary to the overarching use of the site.

It is therefore considered that the proposal would accord with policy 7 of the South East Lincolnshire Local Plan 2019.

Character & Appearance

Policy 2 of the SELLP states 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. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'Ã?¢?¦ 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'.

Policy 3 sets out the 'Design of new development' in part it states that "Ã?¢?¦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"
Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

Specifically, paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are
visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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.

The workshop building includes 5 entrance bays and stands approximately 7.6m to the ridge. The building takes on a generic warehouse aesthetic with roof lights and finished in a 'Goosewing Grey' metallic cladding. This building is located the length of the western boundary.

The office building has two floors and is located to the north-eastern corner of the application site it is heavily fenestrated on its south and eastern elevations. It has a ridge roof light running the length of the building and a shallow pitch. The remaining elevations are a mix of cladding styles including vertical plank metal cladding, horizontally half round cladding and composite cladding, finished in Goosewing Grey.

A cycle shelter is also proposed and is screened by landscaping.

The proposals are considered acceptable and given the location of the application site within an existing employment zone, the proposals would be in-keeping with the scale and appearance of other buildings in this area. The proposed palate of materials is also considered acceptable (and will be secured through the approval of the elevations plans) and the scheme would represent an acceptable addition to the site and the wider employment allocation.

The proposal is therefore considered to accord with policies 2 and 3 of the South East Lincolnshire

Local Plan as well as section 12 of the National Planning Policy Framework.

Environmental Issues & Amenity

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.
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.

Paragraph 130 of the National Planning Policy Framework (2021) 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.

The application site is part of an Employment Allocation that promotes b-uses (E(g) post 2020). The business operation already functions on the neighbouring site and its use in terms of hours is unrestricted. The applicant has proposed operating hours within the application form, but given the separation distance from all neighbouring properties, and the wider allocation of the site, it is not considered necessary to restrict these. Furthermore, Environmental Protection have no comments to make.

In terms of light pollution, the applicant has not shown a scheme of external lighting, this does not need to be mitigated given that such fixtures themselves would require planning permission.

The use whilst B2 (in part) is therefore considered acceptable in noise terms for the purposes of planning (given that unit 6 is unrestricted as well as other business within the allocation), the building is arranged in a way that most of the noise of incoming and outgoing vehicles would be projected 'inwards'. Should noise be an issue at any time in the future then directives contained within environmental legislation would be sufficient to mitigate.

The proposal then is considered to align with policies 2 and 30 of the South East Lincolnshire Local Plan as well as paragraph 130 of the National Planning Policy Framework.

Flood Risk & Drainage

Policy 4 sets out South Hollands approach to Flood Risk. The application site for the most part is located within FZ 3 in accordance with EA Planning Maps. Policy 4 (1) states "(development will permitted if) Ã?¢?¦It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e., that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development1 or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).

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 a) applying the sequential test and then, if necessary, the exception test as set out below".

The South East Lincolnshire SFRA (2019) states that it is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the 1% fluvial event and 0.5% tidal event.

On this basis the applicant has stated that there is no requirement to carry out the sequential test. This approach is in accordance with how other application are considered by SHDC and so considered acceptable. The EA have been consulted and have stated that standing advice should be followed. The applicant has stated that the application site is within a 'low hazard area' on this basin (given that the use is less vulnerable) 'no comments' are made within the matrix.

Drainage Strategy

The applicant has provided a drainage strategy carried out by Jackson Consulting Engineers as well as an FRA.
The surface water and foul water disposal is to utilise the existing infrastructure that serves the employment site. The following conclusions are made within the drainage strategy document:

The flow offsite will be restricted to ensure they comply with DEFRA's, Anglian Water and LLFA standards.
-No above ground flooding is present for the 1 in 100 year + 40% climate change event.
-The proposed scheme does not increase the risk of flooding either on or off site as a result of the development, as storm water for all design storms are kept on site.
-A full maintenance strategy will be developed at the detailed design stage.
-A preliminary drainage layout can be found on JCE's Preliminary Drainage Strategy drawing: 0288-JCE-00-SI-SK-C-3000.
-Finished floor levels will be set at a minimum of 150mm above ground levels.
-It is proposed at detailed design a flow rate of 5l/s will be requested from AW, although the preliminary calcs have been designed to suit 2l/s. Both options have betterments of 68% and 88% respectively.
-The existing drainage model shows flooding in all design storm events, although no nuisance flooding has been reported. It is likely that the flooding is limited to the parking areas/soft landscaping and dissipates quickly.

Suds and Highways support have made comment and have no objections to the proposed surface and foul water drainage strategies, the rate of restricted flow is considered acceptable. The connections are governed by adoption processes that sit outside of planning and the process provide sufficient mitigation to approve the drainage strategy through compliance condition.
The proposal is therefore considered to accord with policy 4 of the South East Lincolnshire Local Plan as well as section 14 of the NPPF.

Highway Safety

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 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) 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".

The highway Authority have been consulted and have stated "The proposed development is to be accessed from unit 5's existing vehicle access onto Cresswell Close, with the unit's existing 'swing' gate being replaced with a sliding gate that will allow more space within the site for vehicle parking and manoeuvring. Additionally, a covered, secure area is to be provided on the site for cycle parking. An existing section of fence between units 5 and unit 6 is to be removed, to allow the two units to operate as a whole.

The Application is supported by a Transport Statement, prepared by a suitably qualified and competent Transportation Consultant, which provides evidence that the proposed development would not have a detrimental impact upon highway safety or network capacity."

The proposal then given it uses the existing access arrangement (albeit from the adjacent site outlined in blue) and that it would provide a commensurate level of parking for such an operation is considered acceptable in terms of highway safety. Furthermore, the transport statement shows how the proposal would be easily absorbed by the existing transport infrastructure not placing pressure on the existing roads and services that connect the site with the wider district.

The proposal is therefore considered to align with policies 2 and 36 of the South East Lincolnshire Local Plan as well as section 9 of the National Planning Policy Framework.

Trees

Policy 2 is concerned with Development Management, it states that "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"

A row of trees exists along the northern boundary of the site, located on Morrisons site. The applicant has provided an 'Aboriocultural Implications Plan' and this plan shows that the proposed built form is located outside of the RPAs of these trees. Furthermore, a protection plan has also been submitted that shows how these trees will be protected during construction. These two documents will be approved and so any permission must be carried out in accordance with their details.

On this basis the proposal would accord with policy 2 of the South East Lincolnshire Local Plan.

Conclusion

The proposal to demolish the existing unit 5 and replace with two main buildings is considered acceptable. The proposal which represents an amalgamation of units 5 and 6 does so providing uses that a commensurate with the requirements of the Main Employment Area Allocation. The drainage strategy is considered acceptable and compliance conditions will be attached to ensure that development is carried out in accordance with the submitted details. The proposed external material schedule is shown on the proposed plans and so a separate condition to ensure that the development is built out in accordance with them is not required. Conditions will also be applied in respect of the protection of trees.

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.