

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0957-22 **Applicant:** DC Architectural Services Ltd

Proposal: Proposed Commercial Units

Location: Land Off Bervor Close Wardentree Park Pinchbeck

Terminal Date: 17th November 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

National Guidance**National Planning Policy Framework 2023**

6 - Building a strong, competitive economy
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL	0	0	0	1

DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at Land off Bervor Close, Wardentree Park, Pinchbeck for proposed commercial units. This application seeks to provide two buildings. The northernmost building toward the entrance of the site will contain Units 1 and 2. The southernmost building toward the boundary with Wardentree Lane will contain Units 3 and 4. The proposed units are for B1 and B8 use. The building to the north housing Units 1 and 2 will measure 33 metres in width, 24 metres in depth, have an eaves height of 7.2 metres and a ridge height of 9 metres. The building to the south housing Units 3 and 4 will be a mirrored L shape and measure 33 metres in width, 45.2 metres in depth, have an eaves height of 7.2 metres and a ridge height of 9.2 metres.

The proposed materials of construction are goosewing grey metal sheeting for the walls and roof. 22 parking spaces are proposed for the units. There is currently maturing screen of tree planting to the rear of the site it is proposed that these are maintained as part of the proposal.

A site visit was conducted on Wednesday the 23rd of November 2022.

SITE DESCRIPTION

Industrial use buildings are currently located to the north and west, with further buildings beyond a grassed area to the east and Wardentree Lane to the south. The site is in Environment Agency Flood Zone 3 and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. Surface water is proposed to be addressed a sustainable drainage system with foul water addressed by a mains sewer.

RELEVANT HISTORY

H14-0391-21

Full - Erection of chill store, collation and loading dock together with offices, self store containers and car parking - Approved - 18 November 2021.

CONSULTATION RESPONSES

Lincolnshire County Council - Historic Environment Officer

"No archaeological impact required."

Lincolnshire County Council - Highways & SUDS Officer

No objections. Requests a construction management condition, a surface water drainage scheme condition, a highways construction standard informative and a utilities informative.

"The proposed development is for an employment/commercial use on land that is Allocated for such use and which is an extension of an existing established industrial development. The principle of this classification of use being acceptable in Planning terms is therefore understood to already have been established."

"It is not clear, from the submitted details, if the intention of the Applicant is to offer the extension of the industrial estate road for adoption by the highway authority as a public highway. The highway authority's preference would be that the road is adopted, so that it can then be further extended to serve remaining Allocated Employment land lying to the east."

"The submitted layout shows all access to the site to be gained from Bervor Close. This is acceptable. The site does also have a frontage, on its southern boundary, to Wardentree Lane. Vehicular access into the proposed development from Wardentree Lane would not be acceptable to the highway authority. The Local Planning Authority may wish to consider whether it would be necessary to include a Condition that specifically prohibits vehicular access into the development from Wardentree Lane."

"A footpath and cyclepath connection between the proposed development and the existing shared footway and cycleway on Wardentree Lane would however be most desirable. Bervor Close is a public highway and both the foul water sewer and the surface water sewer within the carriageway are understood to have been adopted by Anglian Water under a Section 104 Agreement. The surface water sewer is understood to have a 'tail' beyond the last manhole into which the drainage system for the proposed development can be connected. When initially conceived, the surface water drainage system for the Wardentree Park Employment development would have been designed to accept an unrestricted discharge. However, current best practice is to restrict the rate of discharge from all new development to no greater than what it would be for the undeveloped land."

"It is therefore requested that the rate of discharge from the development is restricted to no more than 1.4 litres per second per hectare unless the surface water receiving body - in this case, Welland and Deeping Internal Drainage Board - agrees that a higher rate of discharge can be accommodated within their system. The layout shown on the submitted details does not include much undeveloped space within which a balancing lagoon could be provided so some form of underground storage such as cellular 'crates' or oversized pipes might be required."

South Holland District Council - Environmental Protection

"Thank you for your consultation on the above planning application."

"The Board have held informal discussions with the agent and we understand that a drainage strategy has not been commissioned yet but is to follow in due course and this should include confirmation of the total proposed impermeable area as well as the total proposed flow for surface water disposal."

"In line with current recommendations, the use of SUDS (Sustainable Urban Drainage Systems) should be considered as a first approach to dealing with surface water run-off. Lincolnshire County Council as Lead Local Flood Authority will have a key input into any SUDS or surface water disposal strategy. I would advise early engagement of discussions with them."

"The proposed surface water discharge from the development should be attenuated to the Board's accepted Greenfield Rate of 1.4 litres/second/hectare. If planning permission is obtained then the discharge would require the consent of the Board, payment of application fee, agreement of technical details and payment of the necessary development contribution all in advance of any site works."

"I am pleased to see that the submitted proposed site & location plans reference: dc/724F/42 Revision D, nicely observes as well as displays the Board's 9m byelaw distance from it's Wardentree Lane Dyke pipeline running along the south-east site boundary."

Lincolnshire Police

No objections.

Anglian Water

Request a drainage strategy prior to determination.

Environment Agency

No objections. Request that a Condition be attached stating that finished floor levels shall be set no lower than 3.15 meters above Ordnance Datum (AOD) and flood resilient construction measures to be implemented as stated within the Flood Risk Assessment Document.

Welland & Deepings Internal Drainage Board

No comments.

Pinchbeck Parish Council

Support.

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle
Flood Risk / Drainage
Character / Appearance
Amenity
Parking / Highway Safety

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed above.

The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle

Policy 1 of the SELLP directs developments to the most sustainable locations. As Pinchbeck is defined as a main service centre, it is therefore deemed to be a sustainable location for development. Furthermore, as the buildings are for commercial units in Wardentree Lane Industrial Estate, they are ideally located for the proposed use. The proposal also accords with Policy 7 of the South East Lincolnshire Plan. "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. A master plan will be required for prestige sites identified. Mixed-use developments, which incorporate main employment uses together with other identified appropriate employment-generating uses, will be supported in Mixed-Use Areas identified."

The proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring occupiers, and parking provision

which are discussed in turn as follows.

Flood Risk / Drainage

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 South East Lincolnshire Local Plan 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.

The site is in Environment Agency Flood Zone 3 and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As the buildings are not for residential use, there is not a requirement to raise finished floor levels to address flood risk. Surface water is proposed to be addressed a sustainable drainage system with foul water addressed by a mains sewer. Anglian Water have requested submission of a drainage strategy prior to determination. It is considered that this matter can be addressed via a beyond oversight condition to ensure that the application is not subject to further delay.

Character / Appearance

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details 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 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, 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.

There is not considered to be a material impact on the character and amenity of the surrounding area. The proposed materials of construction are goosewing grey metal sheeting for the walls and roof. These materials are in keeping with the construction materials of other buildings in the vicinity of the site.

The submitted elevational drawings show areas of the building where signs may be located, however, the location, design and lighting provision will be subject to the needs of the future occupier and subsequently be addressed by an application for advertisement consent.

There is not considered to be a material impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the National Planning Policy Framework (2023) 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.

Policies 2 and 3 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.

This application seeks to provide two buildings. The northernmost building toward the entrance of the site will contain Units 1 and 2. The southernmost building toward the boundary with Wardentree Lane will contain Units 3 and 4. The proposed units are for B1 and B8 use. The building to the north housing Units 1 and 2 will measure 33 metres in width, 24 metres in depth, have an eaves height of 7.2 metres and a ridge height of 9 metres. The building to the south housing Units 3 and 4 will be a mirrored L shape and measure 33 metres in width, 45.2 metres in depth, have an eaves height of 7.2 metres and a ridge height of 9.2 metres.

As fenestration is solely at ground level there is not considered to be an overlooking impact onto the adjacent units to the west. There is no east facing fenestration on the side elevation walls of the existing units. There is not considered to be an overshadowing impact from the proposed units which are lower in height than the adjacent units. The south facing elevation of Topp Tiles on the adjacent site has a fire door adjacent to the boundary. There is no other fenestration adjacent to this boundary therefore there is not considered to be a loss of light from the siting and massing of the adjacent buildings.

The south facing elevation of Rexel on the adjacent site has a fire door adjacent to the boundary. There is no other fenestration adjacent to this boundary therefore there is not considered to be a loss of light from the siting and massing of the adjacent buildings. The boundaries in all directions of the site are to be bordered by fencing. Exact details of boundary treatment will be addressed by condition.

As the proposed units are for B1 and B8 use the operations are considered to be in accordance with the other industrial / commercial businesses in the vicinity of the site.

Operational hours have not been submitted with this application. Given that the surrounding area is an established industrial estate, with many businesses operating 24 hours a day, there is not considered to be a need to restrict the hours of operation in this location. Given the surrounding uses, and scale of each unit, there is not considered to be likely to be a noise impact on adjacent units. Waste will be addressed by a commercial collection company.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the 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 provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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.

22 parking spaces are proposed for the units. This amount of parking provision is comparable to the adjacent units to the west of the site. The layout of the parking bays allows for manoeuvring without difficulty and the ability to exit the site in a forward gear. The County Highways & SUDS Officer has no objection to the submitted details.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

PLANNING BALANCE

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

It is considered that the units can be accommodated on site without a material impact on the character or amenity of the surrounding area. This is because the units are for a B1/B8 use, are to be constructed from similar materials to adjacent buildings and are of a siting and massing that does not impact neighbouring amenity.

CONCLUSION

This application is considered to be in accordance with Policies 1, 2, 3, 4 and 7 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6, 12 and 14 of the National Planning Policy Framework, 2023.

RECOMMENDATION

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

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.