

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-1093-25	Applicant:	J O Sims Ltd
Proposal:	Proposed external loading dock and relocation of engineers store and baler buildings		
Location:	J O Sims Ltd Pudding Lane Pinchbeck		
Terminal Date:	12th January 2026		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
 Section 4 - Decision-making
 Section 6 - Building a strong, competitive economy
 Section 9 - Promoting sustainable transport
 Section 11 - Making effective use of land
 Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 16 - Conserving and enhancing the historic 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
WELLAND AND	0	0	0	1

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

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for an external loading dock and for the relocation of an engineer storage building and a baler building within the site. Within the western area of the site, there is an ancillary fruit packing building that has been granted temporary planning permission. This building is proposed to be removed. Within the eastern area of the site, there is a baler shed and an engineer's store. These buildings are proposed to be re-positioned within the site on either side of the loading dock.

Site Description

The site is located within a food storage / processing facility, J O Sims Ltd. The site consists of a large industrial style distribution building which is surrounded by areas of hardstanding and parking bays. Morrisons supermarket is located to the east and a number of industrial units are located to the west and south.

The site is outside the settlement boundary of Pinchbeck, as identified by the South East Lincolnshire Local Plan (2019) and the accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Planning History

H14-1921-88: (Full Application) Industrial development to provide relocated and expanded premises - approved 08 February 1989

H14-1922-88: (Outline Application) Industrial development to provide relocated and expanded premises - approved 08 February 1989

H14-0417-90: (Full Application) Erection of new warehouse/distribution centre with ancillary first floor offices and external works - approved 11 May 1990

H14-1163-90: (Outline Application) Industrial development (B1, B2, B8 Use Classification) - approved 22 November 1990

H14-1066-18: (Full Application) Temporary storage structure to support expansion requirements (retrospective) - approved 29 November 2018

H14-0308-21: (Full Application) Proposed single storey ancillary outbuilding at fruit packing premises to provide fruit processing rooms - approved 04 June 2021

H14-0999-21: (Section 73 Application) Temporary storage structure to support expansion requirements (retrospective) - approved under H14-1066-18. Modification of Condition 1 to allow structure to remain on site for a further period of time - approved 28 October 2021

Consultation Responses

Welland and Deepings Internal Drainage Board: No comments.

Pinchbeck Parish Council: The Parish Council supports the application as a reasonable measure to improve site efficiency and sustain local employment without significant impact on the surrounding area.

Lincolnshire County Council - Highways and SUDS: No objections. There will be no impact on the parking or the access to the site. The proposal will not have an adverse impact on the public highway.

Environmental Protection - Land Contamination: No comments regarding land contamination.

Environmental Protection: No concerns.

Lincolnshire County Council - Historic Environment: The applicant has not provided an assessment of the archaeological or heritage potential of the site, as outlined in the NPPF (paragraph 207). The site lies within an area of high archaeological potential, with evidence spanning the Iron Age, medieval and post-medieval periods. The Historic Environment Record (HER) lists several nearby assets, including medieval pottery north of Wardentree Lane (MLI82708), undated cropmarks north of the railway line (MLI23584), medieval ditches and pottery on land off Wardentree Lane (MLI116338), and Iron Age ditches also recorded on Wardentree Lane (MLI116337). Furthermore, archaeological investigations to the west and north of the proposal site; at Land off Wardentree Lane (ELI12733) and Land to the North of Wardentree Lane (ELI3113); confirmed the presence of Iron Age, medieval and post-medieval remains. The proposed development comprises 'Proposed external loading dock and relocation of engineers store and baler buildings.'. The proposed development groundworks will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present. As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 218). There is archaeological potential, and we do not possess evidence that previous limited development activity truncated possible present heritage assets. I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a mitigation work. This will initially comprise but may not be limited to a continuous archaeological monitoring (Watching brief) of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02, and 03 and is in accordance with National Planning Policy Framework paragraphs 207 and 218 and the South East Lincolnshire Local Plan (Policy 29).

Cllr S Slade: No response received.

Cllr J Avery: No response received.

Cllr E J Sneath: No response received.

Ecology Officer: No response received.

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 representations have been received from members of the public.

Key Planning Considerations

Development Plan

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 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Visual Impact;
- Impact on Heritage Assets;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan 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.

In this case, the site is within an existing main employment area as identified by Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio). The proposal seeks to support an existing business that operates from the site, J O Sims Ltd which is a food manufacturer. Policy 7 encourages the retention and expansion of existing businesses within identified employment areas. As such, the principle of development is therefore considered to be acceptable, as the proposed use comprises an appropriate form of development for the location which would be in accordance with the overall principles of the spatial strategy.

Visual Impact

Policy 2 of the Local Plan similarly outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 accords with the provisions of Section 12 of the NPPF as it 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.

The site comprises an existing concrete yard, featuring three buildings. One of these buildings, the temporary fruit packing building is proposed to be removed. The existing baler shed is proposed to be moved to the south-east of its current location, nearer to the eastern boundary of the site. The baler shed measures 11m by 6m, featuring a gable end roof form which measures 4m up to its ridgeline. The building features vertical cladding that is similar to other buildings within the site and within the wider area. The visual impact of the revised location for the building is acceptable as it is considered to be appropriate in terms of the character and appearance of the area.

The engineer's store is proposed to be relocated near to the western boundary of the site, away

from its current location near the eastern boundary. The store building measures 15.2m by 5m, featuring a gable end roof form that measures 4m in height up to its ridgeline. The store would be located closer to the site frontage along Pudding Lane than its current position; however, the building would be located behind steel palisade fencing within part of the footprint of the existing temporary building within the site. The visual impact of the engineer's store is preferable to the temporary building as the engineer's store is a permanent structure comprising more durable materials.

The engineer's store and the baler shed are smaller than some of the nearest buildings within the site and there are also various commercial and industrial buildings around the site. In this regard the proposal would be viewed entirely within the context and backdrop of the existing site. As such, the buildings are considered to be in keeping with the character and appearance of the area.

The raised loading dock is proposed to be located between the baler shed and the engineer's store. The dock is intended to comprise an open steel framed construction with steel posts and perimeter and intermediate beams. The dock will be open between its columns, featuring a mesh surface which would be suitable to carry pallets. No walls or cladding is proposed on the dock and no construction is proposed above the deck other than safety railings around the perimeter.

Therefore, it is considered that the proposed development would have an acceptable impact on the character and appearance of the area in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Heritage Assets

Section 16 of the NPPF contains guidance as to how local planning authorities should assess proposals that could affect designated and non-designated heritage. For example, Paragraph 207 of the NPPF sets out the following:

"Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 218 of the NPPF sets out the following:

"Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the record evidence of our past should not be a factor in deciding whether such loss should be permitted."

Part C of Policy 29 of the Local Plan sets out the requirements for proposals that might affect area with archaeological potential. For example, Part C.1 requires proposals that affect archaeological remains, whether known or potential, designated or non-designated, to take every reasonable step to protect and, where possible, enhance their significance.

As set out previously, Lincolnshire County Council's Historic Environment Team consider that the site contains high archaeological potential and as such, the team have recommended conditions to secure further archaeological investigation of the site. However, in this case, the proposal would not result in the excavation of the concrete slab within the site. The raised dock and two relocated buildings are proposed to be fixed down on top of the concrete, thereby not disturbing the ground beneath. As such, in this instance, it is not considered necessary or proportionate to require an archaeological investigation of the site such as trial trenching or on-site monitoring given the low potential for ground disturbance.

Impact on 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; 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 Local Plan sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Around the site, there is a mixture of commercial businesses and there are no dwellings located around the site. As such, the proposals would not affect the amenity of nearby residents. Furthermore, the proposal would not introduce a new use class to the locality, but instead support the existing business operation. Accordingly, there would be no adverse impacts caused to any surrounding businesses. Therefore, the development is considered to accord with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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 Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

No changes are proposed to the parking arrangements within the site, nor are any changes proposed to the site access. The proposal would not discernibly increase vehicle movements to and from the site, but streamline and improve the arrangements for the business. It is noted that LCC's Highways team has not raised any objections or concerns with the proposals and as such, it is considered that the proposal would have an acceptable impact and no material effects in terms of highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

Policy 2 of the Local Plan requires proposals to meet sustainable development considerations including in relation to sustainable drainage and flood risk (part 7).

Policy 4 of the Local Plan requires proposals in Flood Zones 2 and 3 to be supported by sufficient information relating to flood risks associated with the development.

The site is located within Flood Zone 3; however, the development is identified as a 'less vulnerable' use according to Annex 3 of the NPPF. As such, it is not considered necessary to apply to exception test to the development. Whilst it is still necessary to apply the sequential test, it is recognised that the proposal seeks to relocate two existing buildings within the site, and to install a loading dock to support the existing business within the site. As much of the surrounding area is also within Flood Zone 3, it is not considered that the development could be located on alternative land in this instance. As such, it is considered that the development passes the sequential test in flood risk terms.

Within the South East Lincolnshire Strategic Flood Risk Assessment, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is within a low hazard area. For 'less vulnerable' uses such as the proposed containers, the SFRA does not recommend any specific flood risk mitigation in low hazard areas.

Therefore, in terms of flood risk, it is considered that the proposed development accords with Policy

4 of the Local Plan and Section 14 of the NPPF.

Biodiversity Net Gain

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. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements as it is considered that the proposal falls under the de minimis exemption.

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 development hereby proposed does not materially harm the character or appearance of the locality or the amenity of residents given that there are no dwellings next to the site. The proposed development is considered to accord with the Local Plan and the provisions of the NPPF when viewed as a whole. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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 the above considerations into account, the proposal is considered to accord with Policies 1, 2, 3, 4, 7, 30 and 36 of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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