DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-1095-24**	**Applicant:**	**Westfaliafruit Ltd.**
Proposal:	Construction of warehouse, to include larger packhouse, offices, new canteen & toilet facilities, larger dispatching area, loading docks & automation		
Location:	Westfaliafruit Ltd. West Marsh Road Spalding		
Terminal Date:	25th June 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
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	2	0
OTHER STATUTORY BODIES	1	0	0	5

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the construction of warehouse, to include larger packhouse, offices, new canteen & toilet facilities, larger dispatching area, loading docks & automation.

The developer is looking to develop the land currently used as the concrete car park and the main house office structure. This will be rebuilt into a steel portal structure to house a new packhouse and dispatch facility that will also incorporate an area for new offices.

An existing on site building is to be demolished and in its place an extension erected that would attached to the southern elevation of the existing factory. The proposed building will be a two-storey portal framed unit with modular offices to the West with a footprint of approximately 3190 square metres with a secondary concrete mezzanine floor. The internal warehouse space will house new automated packing lines with a temperature-controlled automated cold store for dispatching finished product.

The construction area is currently being used as a car park and office building so is a "hardstanding" area. It is situated between Vernatts Drain and B1180, the existing internal road will form the transport route for HGV vehicles.

The only access to the new building will be through Westfaliafruits's own main entrance off the B1180 and our own internal roadways. This applies to both vehicles and foot traffic. Specific walkways will be allocated and defined for the safe access and egress of employees, visitors and contractors to the new building via pedestrian doors. Three new loading docks will be built to allow HGV vehicles to load/unload.

Site Description

The application site is located within an existing Main Employment Area, identified on Policies Inset Map No 2 'Spalding and Pinchbeck'. The application site is located on West Marsh Road, to the east is Vernatts Drain, a wildlife corridor and the site has good access to an existing identified cycle route.

The application site is located within flood zone 3 in accordance with EA Mapping and considered to be a 'danger for most' by the South East Lincolnshire SFRA.

The site is currently owned by Westfaliafruit Ltd who supply other fresh produce including avocados, citrus, cherries, blueberries, & many others, to international markets. At this site processing occurs, given the use of the site a B2 classification.

History

H14-0100-06 - One entrance sign and three fascia signs. Approved 13-03-06
H14-0253-14 - Proposed two additional custom built ripening rooms (retrospective). Approved 04-06-14
H14-0239-15 - Siting of portacabin to be used as canteen and toilet facilities (retrospective). Approved 21-05-15
H14-0289-15 - Erection of warehouse extension to provide additional ripening rooms. Approved. 20-05-15
H14-0463-19 - New warehouse for the storing and ripening of avocados. Approved 15-08-19
H14-0858-19 - New warehouse for storing and ripening of avocados. Approved 02-12-19
H14-0743-22 - Developing waste land on the front of the site into a car park. Approved 14-11-22

Consultation Responses

Parish Clerk

Pinchbeck Parish Council supports planning application H14-1095-25, as it promotes economic growth and job creation within a designated employment area

Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

EA

We have no objection to the proposed development; however, we would like to draw your Local Authority's attention to the following information.

Highways and Suds Support

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact regarding NPPF. Approve with conditions:
- Construction Management Plan and Method Statement
- a Surface water drainage scheme

Lincolnshire Bat Group

The ecologist claims no further surveys needed from her survey on 3/12/24, when bats would have been in hibernation. We would argue that at least one summer bat survey, between May and August is needed to establish the level of bat use of this site, with a fully worked out report according to Bat Conservation Trust guidelines.

Ecology

We have reviewed the PEA and bat survey and lighting impact assessment and believe that it is thorough and includes one bat emergence survey which provides suitable information for this development. Within the survey work and assessment, there was no evidence of bat use and concluded that with the appropriate mitigation methods, light impact will cause very low impact on bats using the Vernatts Drain, and should not deter bats from commuting along the drain. We support all recommendations provided by the ecologist in the PEA and the bat survey and lighting impact assessment.

Historic Places Team

We recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site.

Environmental Protection

No comments regarding land contamination

IDB

There is some further modelling to be run and fed back to us and then I would be in a stronger position to respond to you formally once we have subsequently considered proposals in house. The Board do not see these background discussions as a barrier to South Holland District Council being able to determine the application within its given timeframe.

Police

Lincolnshire police do not have any objections to this application

Fire & Rescue

Lincolnshire Fire and Rescue requires the installation of one fire hydrant conforming to BS750-2012 within 90m of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption, the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant.

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.

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 within the report above.

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

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Planning Considerations

This is a full planning application for the construction of warehouse, to include larger packhouse, offices, new canteen & toilet facilities, larger dispatching area, loading docks & automation. The following topics are key to the consideration of this application:

Principle of Development
Highway Safety & Travel
Flood Risk & Drainage
Character & Design
Environmental Issues
Ecology
Other matters
Planning Balance

Principle of Development

SELLP Policy 7 is concerned with Improving South East Lincolnshire's Employment Land Portfolio. The application site is identified as being in a Main Employment Area' within inset polices map 3, Spalding and Pinchbeck. Of these areas SELLP Policy 7 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 proposed development is for an extension to the existing operations within the parameters of the existing site. It is therefore an ancillary/complicit use and on this basis the proposal is acceptable in principle. The proposal would accord with SELLP Policy 7.

Highway Safety & Travel

SELLP 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.

SELLP 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.

SELLP 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 (December 2024) specifically relates to 'Promoting sustainable transport'. It 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 proposed warehouse building is a two storey portal framed unit, with a footprint of approximately 3190sqm. The existing internal road with some amendments shown on the site plan will form the transport route for HGVs, there is no change to the main access arraignment. The erection of this extension to operations would see a reduction in 2 number parking spaces. However automated works are proposed within this scheme, and this is likely to have an overall reduction in personnel numbers.

The Highway Authority have been consulted and have no objections subject to conditions. The authority has stated that despite the reduction in 2 number parking spaces the available spaces is still sufficient to accommodate the business needs. Furthermore, this is supplemented as personnel also arrive on foot, by bicycle and motorcycle. Locationally given this is an already functioning operation within a main employment area and facilities exist, the proposal is considered sustainable, in travel terms.

Conditions proposed by highways relate to the submission of a construction management plan and method statement (and in their role as LLFA a condition on surface water drainage which is discussed under the flooding section).

Therefore, subject to applying the recommended conditions this proposal would accord with SELLP Policies 2 and 3 as well as section 9 of the NPPF.

Flood Risk & Drainage

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.
SELLP Policy 4 sets out South Hollands approach to Flood Risk. The application site lies within Flood Zone 3 in accordance with EA Mapping. The South East Lincolnshire Strategic Flood Risk Assessment (March 2017), indicates that the application site is shown to be a 'Danger for all' rating on the South East Lincolnshire SFRA Hazard flood maps for 2115.

Notwithstanding the flood implications, the proposal is in effect ancillary to an already well-established use. The EA have been consulted and have no objection in flooding terms. They do

make comment that *The submitted flood risk assessment dated March 2025, prepared by Ark Environmental Consultancy Ltd does not propose to raise the finished floor levels (FFL). We advise that the FFLs are raised as high as practicable. The proposed warehouse is two storeys and therefore provides an area of safe refuge for employees. As the proposal is for an addition to the existing Westfaliafruit Ltd site, we advise that any existing flood risk emergency procedures are appropriately updated.*

It is unlikely that the finished floor levels could be raised higher than the existing building and this offers a real constraint to the applicant. However, this is offset (as acknowledged by the EA) in that a safe refuge exists at first floor. An informative will also be attached to any permission to ensure that the applicant is aware that the EA recommend that flood procedures should be updated.

In locational terms, the extension to operations needs to be sited in this location, it would be unreasonable for the LPA to suggest other sites need to be searched. On this basis the term of the sequential test is met. The development would also provide wider sustainability benefits to the local economy. Whether the proposal is safe for the lifetime of the development is relevant to the drainage section below.

Drainage

The LLFA have made comments stating that there will be a small increase in impermeable area (the building will be sited over existing hard standing) and that the solution will be to discharge surface water in a controlled manner from the site to Vernatts drain. Below ground there is geo-cellular attention storage. Notwithstanding this the LLFA have insisted that a surface water drainage strategy is controlled through condition. This likely relates to the fact that there is no agreement as regards the speed of flows.

The IDB have confirmed they are ongoing conversations with the developer and do not wish to prevent the assessment of this application, their consenting process offer mitigation. Anglian Water have stated that there have assets are close to or crossing this site or there are assets subject to an adoption agreement. This matter should be (if not already) discussed with them and this will form an informative to any permission granted.

Therefore, subject to the aforementioned mitigation the proposal is considered to accord with Section 14 of the NPPF as well as SELLP Policy 4.

Character & Design

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 proposals should meet with sustainable development considerations specifically in relation to '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 "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".

The extension to the building is proposed to the south of the site (attaching to the southern elevation). It stands at approximately 16.5m, there are also two modular buildings located to the front of the western elevation that engage with the site entrance and are located close to the parking area. A series of access, some with ramps and some with steps are proposed. On the southern elevation there are 3 number roller doors that offer loading/unloading ability, there is also an external stair case the mezzanine level. The eastern elevation is blank.

The proposed extension is marginally higher that the existing building, however the overall scheme conforms to the site characteristics and whilst highly visible would be in-keeping with the other structures/buildings within the main employment area. The proposed building would be viewed entirely within the context of the existing site and buildings which for the backdrop to this development. As such, the extension would not be viewed as a visually incongruous development in this context and setting.

The walls are made up of a mix of light grey and blue vertical profiled cladding, this matches the roof. Rain water goods are grey with roller shutter doors white and personnel doors blue/white. It is considered that this is an acceptable plate of materials that would reflect the exiting site and the wider employment area, which would enable the development to effectively tie-in with the main buildings.

On this basis, considering the character of the area and the design of the proposal it is considered that the proposal would accord with SELLP Policies 2 and 3

Environmental Issues

NPPF Paragraph 135f of the National Planning Policy Framework (December, 2024) 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.

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

SELLP 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.

The proposal is an extension to the existing use on site and so represents an intensification of use rather than the need to reassess certain topics. In terms of polluting activities, it is considered that noise and odour is acceptable, given that no objection (or request for mitigation) on these grounds have been received by Environmental Protection or the Environment Agency. In terms of lighting there are no restrictions on the remainder of the site, and it would appear unreasonable to place them in this case in relation to an extension (the applicant has submitted a lighting impact assessment, though this remains more relevant to an assessment upon protected species).

In terms of the built form, the application site (and extension) are at a sufficient separation distances from all other neighbouring sites so as not to given rise to unacceptable impacts through overshadowing/overbearing or overlooking.
On this basis the proposal is considered acceptable, subject to the aforementioned mitigation, according with SELLP policies 2, 3 and 30.

Ecology

SELLP Policy 28 is concerned with the Natural Environment points 2 and 3 are relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

Protected Species

The applicant has provided both a preliminary ecological appraisal and bat roost assessment, this was followed by (due to the request for an emergence survey) ecological information that included a Bat Survey & Assessment including Lighting Impact Assessment.

The PEA sets out recommendations as regards potential impact avoidance to protected species. The Ecologist has reviewed the documents and is in agreeance with its findings. In terms of the emergence survey and lighting survey the recommendations are as follows:

As general recommendations with respect to the construction phase:

-Nesting birds. Demolition should either start outside the nesting bird season which runs from March to August inclusive, or otherwise follow an inspection by the works gang to confirm nesting birds are absent. If nests are found, then works should only proceed if these can avoid both destruction and disturbance of the active nest until the birds have fledged.

-Bats. In the extremely unlikely event of roosting bats being found during demolition works then works must cease immediately and advice be sought

Therese recommendations are also confirmed as acceptable by the ecologist. Lincs Bat Group also made comments, this was to request an emergence survey, no further comment have been made following the receipt of the survey. However, given the ecologist position this point has been satisfactorily mediated by the updated information. Any permission will therefore be granted subject to the emergence and light survey as well as the PEA.

BNG

In terms of BNG the ecologist has provided the flowing assessment:

Overall, the biodiversity assessment and metric calculations appear rigorous, and we can have confidence in their conclusions. In this case the metric indicates that 10% mandatory net gain can be achieved off-site within the blue line boundary to the north of the site, with a predicted overall gain of 172.02% in Habitat units.

Note, that the off-site biodiversity provision within the blue line boundary should be secured via a section 106 agreement to be in line with national guidance. However, due to the relatively simple habitat enhancement proposed, it may be beneficial to instead secure this area via a Grampian condition or it may potentially be appropriate to re-draw the red line boundary in the proposal such that there are two discontinuous red line boundaries (one encompassing the development, the other encompassing the BNG provision area to the North). In which case the biodiversity provision area can simply be secured via condition

On this basis given that there is a legislative requirement to provide the BNG and given its proximity to the site (within the same ownership), as well as its relatively small nature the use of a negatively worded condition in this instance is considered appropriate.

On this basis and subject to the aforementioned mitigation it is considered that the proposal would be contrary to SELLP Policy 28 due to the loss/deficit of BNG.

Other matters

Lincolnshire Fire and Rescue requires the installation of one fire hydrant conforming to BS750-2012 within 90m of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption, the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant.

It is likely that this type of legal agreement would sit outside of the remit of the district planning authority and should be taken up by the developer. The purpose of planning is to ensure all mitigation necessary is provided, also it is not evident at this stage whether a hydrant in this location is feasible. Therefore a condition which would require the developer (prior to the first use of the extension) to submit details to the LPA (and have them agreed) of the methods installed to facilitate fire and recuse teams in the even of an emergency to the proposed development.
On this basis it is considered that the requirements of the fire and rescue team can be met.

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 is acceptable in principle in accordance with eth overarching Spatial Strategy. Conditions regarding drainage, ecology, access to infrastructure to fire services as well as a construction traffic management plan are considered necessary.

The development would have a positive socio-economic effect upon the are and the environmental

issues would be effectively mitigated through the conditions proposed. On this basis it is considered that the proposal represents sustainable development.

Conclusion

Taking into consideration these factors, the proposal is considered to accord with to Policies 1, 2, 3, 4, 7, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). On this basis the proposal is recommended for approval.

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 npt 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.