

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-1170-25 **Applicant:** C J & C A Penney Consulting Ltd

Proposal: Change of use of existing building to Class E Research & Development, including new first floor installation and alterations consisting of new windows and doors, mechanical plant and PV panels

Location: G & J Peck Office, Offices & Premises Elsoms Way Pinchbeck

Terminal Date: 13th March 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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	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	1	0	0	3

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for the change of use of the site to Use Class E (research and development). The site has previously been used for sales, maintenance and repairs of horticultural machinery. The site layout will remain broadly unchanged as the main external alterations include the installation of windows and doors, the installation of mechanical plant and solar panels, and the installation of an external stairway. A first floor is also proposed internally within the building.

Site Description

The site comprises approximately 1.01 hectares of land located to the west of Elsoms Way, and to the north of Platts Close. The site features a commercial building, areas of hardstanding, planting and perimeter fencing. There are vehicular accesses to the site from both Elsoms Way and Platts Close. The area around the site is characterised by a mixture of commercial and industrial uses.

The site is within the settlement boundary of Spalding, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map. The site is also within a Main Employment Area, as identified by Policy 7 of the Local Plan (Site SP001).

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

Relevant Planning History

H14-0712-95: (Outline Application) Erect buildings for use in Class B1, B2 & B8, together with construction of new roundabout - approved 16 July 1996

H14-0416-99: (Permission Renewal) Erect buildings for use in Class B1, B2 & B8 and construct new roundabout (renewal of H14/0712/95) - approved 02 August 1999

H14-0647-02: (Permission Renewal) Erect buildings for use in Class B1, B2 & B8 and construct new roundabout (Renewal of outline application H14/0416/99) - approved 13 September 2002

H14-0745-05: (Full Application) New units for sales and maintenance/repairs of agricultural and horticultural machinery, spares and associated ancillary equipment - approved 26 July 2005

H14-1287-05: (Discharge of Conditions) Details of landscaping scheme (Condition 2 of application H14/0745/05) - approved 10 November 2005

H14-1239-05: (Permission Renewal) Erect buildings for use in Classes B1, B2 and B8 and construct new roundabout (Renewal of H14/0647/02) - approved 03 January 2006

H14-0506-06: (Advertisement) Proposed two free-standing illuminated pole signs - approved 30 May 2006

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below; however, the responses can be viewed in their entirety on South Holland District Council's website.

Environment Agency: No comments.

Lincolnshire Wildlife Trust: No comments.

Lincolnshire County Council - Highways and SUDS: 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: The application does not comply with Policy 36 of the Local Plan in relation to cycle parking because the application form and proposed site layout make no provision for staff or visitors to park bicycles. If permission is granted, please impose conditions which require details of the cycle store to be submitted to and approved by the Council before the development begins, and the approved details to be implemented and available for use before the development is occupied.

Lincolnshire County Council - Historic Environment: The application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

SHDC Environmental Protection: No comments.

Anglian Water:

Assets Affected: There are assets owned by Anglian Water or those subject to an adoption agreement 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."

Wastewater Treatment: This site is within the catchment of Spalding Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows generated by the proposed development. However, Spalding WRC is included within our Business Plan as a named growth scheme with investment delivery planned between 2025-2030. To ensure there is no pollution or deterioration in the receiving watercourse due to the additional foul flows that would arise from the development, we recommend a planning condition is applied if permission is granted.

"Prior to occupation written confirmation from Anglian Water must be submitted confirming there is sufficient headroom at the water recycling centre to accommodate the foul flows from the development site. This condition shall cease to have effect if the development is first occupied after April 2030. Reason: to protect water quality, prevent pollution and secure sustainable development having regard to paragraphs 7/8 and 187 of the National Planning Policy Framework".

Used Water Network: The sewerage network at present has available capacity for the anticipated foul flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.

Surface Water Disposal: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application (Application Form/Flood Risk Statement) the proposed method of surface water management does

not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. If planning permission is granted, the strategy should be listed within the decision notice with any approved plans. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Pinchbeck Parish Council: No observations.

Cllr S A Slade: No response received.

Cllr J Avery: No response received.

Cllr E J Sneath: No response received.

Welland and Deepings Internal Drainage Board: No response received.

Lincolnshire Wildlife Trust: No response received.

Natural England: No response received.

Lincolnshire Fire and Rescue Service: No response received.

SHDC Ecology Officer: No response received.

SHDC Inward Investment: 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;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Flood Risk; and
- Biodiversity Net Gain; and

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.

The site is within the settlement limit of Spalding and within a Main Employment Area, as identified by Policy 7 of the Local Plan (Site SP001). Policy 7 sets out that these areas 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.

Whilst the proposal is for the use of the site under Use Class E (research and development), this previously fell under Use Class B1. Use Class E was introduced after the Local Plan was adopted. Therefore, it is considered that the principle of the development is acceptable as the proposed use of the site under Use Class E (research and development) accords with the aims of Policy 7.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

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

Policy 3 of the Local Plan 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.

No extensions are proposed to facilitate the proposed change of use and relatively minimal external changes are proposed. For example, the site layout will remain broadly unchanged. It is proposed to remove an existing external staircase on the eastern elevation and install a staircase further to the north on the eastern elevation. The visual impact of this is considered to be acceptable.

New windows are also proposed at the first-floor level on the eastern elevation and on the northern elevation at the ground floor level and the first-floor level. The northern elevation currently contains no windows. The visual impact of the new windows is acceptable as the windows would be similar in terms of their size and appearance as the existing windows on the building.

The northern and western elevations currently feature large roller shutter doors, and it is proposed to infill these areas with composite cladding panels, to match the existing external walls. The visual impact of this is considered to be acceptable given that the infill material will match the existing walls. Furthermore, these elevations are not located next to the adjacent roads which reduces their visual prominence within the area. A lean-to structure is also proposed to be reduced in length on the western elevation. The visual impact of this is acceptable. No changes are proposed to the southern elevation of the building.

The elevations show various air handling units on the eastern, western and northern elevations. Initially, the appearance and function of the units was unclear, and the applicant has subsequently provided further information to clarify that the units measure approximately 1m by 1m and project from the external walls by approximately 0.6m. The units operate at a noise level below 31 dBA, which is the equivalent to a soft whisper. The units are proposed to heat and cool the office and

laboratory areas. These is an operational requirement for each of the growth rooms shown within the submitted plans to have a wall mounted evaporator which is connected to a small external condenser unit.

Whilst the operational requirements of the growth rooms were acknowledged, the visual impact of the units on the western elevation was initially considered to be unacceptable as approximately 50 units were proposed at various heights. This would have resulted in a cramped and poor-quality facade, detracting from the appearance of the area. As such, a compromise was reached as fewer units are now proposed and only on the lower part of the building. The revised number and location of plant units on the western elevation is, therefore, considered to be acceptable. Some air handling units are also proposed at the ground floor level on the northern and eastern elevations. Due to the small number of units and their position at a low level on the elevations, the visual impact of these units is acceptable.

Therefore, the proposal 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 Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The site is not adjacent to any dwellings as the site is within a commercial / industrial area. As such, it is not considered that the proposals would affect the amenity of residents. Nonetheless, it would be considered appropriate to include a planning condition restricting the noise levels of the proposed air handling units to 31 dBA, as set out within the submitted information in the interests of clarity.

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.

There are currently two vehicular accesses to the site from both Elsoms Way and Platts Close. No changes are proposed to the site accesses. Similarly, no changes are proposed to the parking spaces within the site. Lincolnshire County Council's highways team have not raised any objections to the proposals.

There are no cycle parking spaces within the site currently and no spaces are shown within the submitted plans. Appendix 6 of the Local Plan requires 1 cycle stand per 200sqm of B1 floorspace. Appendix 6 does not refer to Use Class E(g), which is the use class of the current proposals; however, Use Class B1 is considered to be the nearest equivalent use class. As such, it is considered that 7 cycle stands are required and the installation of cycle stands can be secured via a planning condition.

Therefore, the proposal would have an acceptable impact 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 and Drainage

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. Therefore, it is not necessary for the proposals to pass the exception test. Furthermore, the site is allocated for development within the Local Plan and as such, it is considered that the proposal passes the sequential test in accordance with Paragraph 180 of the NPPF.

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. Within the SFRA, 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 the 'Low' and 'Danger to Some' hazard areas. For major 'less vulnerable' proposals in such areas, the SFRA recommends that finished floor levels are raised as high as practicable (a minimum of 300mm above the existing ground level). However, in this instance, the proposal is for a change of use and as such, the building is already in place. Therefore, it is not considered reasonable or practical to raise the floor levels and this is not recommended within the submitted Flood Risk Assessment.

As set out previously, Anglian Water have recommended a planning condition requiring the development to obtain written confirmation from Anglian Water that there is sufficient headroom at the relevant water recycling centre to accommodate foul flows from the site. This condition is not considered to be necessary or proportionate in this case as the proposal seeks to re-use an existing building. It is not considered that foul drainage from the site is likely to significant increase from the site's previous use. As such, the condition is not deemed to be reasonable or appropriate.

Therefore, in flood risk and drainage terms, 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 (BNG) 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.

It is considered that the development is exempt from the statutory 10% Biodiversity Net Gain requirements as the proposal falls within 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 proposed development is appropriate and would not materially harm the character or appearance of the locality. The development is acceptable in terms of highway safety and flood risk management. Overall, the proposed development accords with the Local Plan and the NPPF.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 7, 30 and 36 of the Local Plan, as well as Sections 6, 9, 11, 12 and 14 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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