DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0310-23**	**Applicant:**	**Boud Minerals & Polymers**
Proposal:	Proposed Open Storage Buildings, Concrete Yard and Access		
Location:	Boud Minerals & Polymers Warehouse, West Bank Road Sutton Bridge		
Terminal Date:	19th January 2024		

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
08	Prestige Employment Sites
28	The Natural Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 8. Promoting healthy and safe communities.
Section 9. Promoting sustainable transport.
Section 11. Making effective use of land.
Section 12. Achieving well designed and beautiful 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	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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	1	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

The proposal seeks full planning permission for the erection of an open storage and concrete yard to the north of the existing Boud Minerals industrial complex. The site boundaries to the south, east and west are to be 2m high palisade fencing for security purposes.

The proposed accesses are located on the eastern boundary of the site, accessible via West Bank.

SITE DESCRIPTION

The site (some 0.68ha) is industrial land (including a number of redundant sheds) on the western side of West Bank in Sutton Bridge. It is part of the established West Bank Industrial Estate Employment Site. It is mainly flat ground and has a number of trees along its western boundary.

The existing Boud Minerals industrial complex is located to the south and a staff car park on the opposite side of West Bank to the south-east. Land associated with Sutton Bridge Golf Club is located to the west and a building associated with the golf club to the north. The River Nene is located to the east beyond West Bank.

CONSULTATION RESPONSES

Sutton Bridge Parish Council

The Parish Council is concerned that any materials stored at the site are appropriate to the site and that any such materials are suitably covered and protected to ensure that there is no release of pollutants.

LCC Highways

No objections.

South Holland Internal Drainage Board

If a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse (which is not designated as a Main River), consent would be required under Byelaw 3.

Environment Agency

No objections.

Anglian Water

No objections. The applicant should check for any Anglian Water assets which cross or are within close proximity to the site.

Environmental Protection

No objections or comments.

LCC Historic Environment Officer

No archaeological input required.

Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust wishes to maintain a holding objection on this application pending the inclusion of Biodiversity Net Gain in the design of the proposed site, with a 30-year management and monitoring plan, as per Biodiversity Net Gain legislation.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

PLANNING HISTORY

H18-1343-21 - Full - Proposed change of use of land from D2 (Golf Course) to B2 (General Industrial) - Approved 18 February 2022.

MATERIAL CONSIDERATIONS

The main issues in this case are:
· Principle of development;
· Character/appearance;
· The likely effect upon local amenity;
· Highway safety;
· Other material considerations such as flood risk, drainage and ecology.

Evaluation

Section 38 (5), (5A), (5B) and (5C) of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023 specifically details that:

(5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to: (a)the

development plan, and (b)any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy."
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.

Policy/Principle of Development

The site is located within the defined settlement limit of Sutton Bridge within the South East Lincolnshire Local Plan (SELLP), 2019. It is part of SB003 in SELLP Policy 7 and its use is restricted to B1, B2, B8 - port related uses (albeit the use classes order has been updated). This is to ensure Sutton Bridge Port is maintained, and uses that support its ongoing port operation, such as manufacturing, logistics, distribution and waste management will be supported. It also states that proposals which assist in the delivery of economic prosperity would be supported.

The above policies are consistent with advice within the National Planning Policy Framework (December 2023). Section 6 supports sustainable economic growth. It stresses that planning policies and decisions should place significant weight on the need to support economic growth taking into account local business needs.

Addressing the above, the site currently has planning permission for a general industrial use (class B2) and is within an allocated employment area, plus the proposal would relate to an existing port related business (Boud Minerals), adjacent to the application site. The applicant has indicated that the proposal is for open storage falling within a 'B' use class and will allow for the better functioning of the enterprise by means of providing covered storage and working areas. It will provide some 2808sqm of floor space, all of which is open storage. The development will significantly enhance the existing working conditions and will futureproof the business.

The proposal will therefore enable this business to expand and support its economic growth. No objections are therefore raised in principle to the development.

Layout, Design and Consideration of the Character and Appearance of the Area

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), 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. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan 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. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that 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 building has a width of 52m and depth varying between 48m and 60m approximately. It would consist of two bays, each having a ridge height of some 7.6 metres. Its construction would consist of vertical wall and roof cladding, with the lower 3m being constructed in grain store walling. The proposed building would be of a scale, style and character which is commensurate with its industrial surroundings.

As such, the development would not be detrimental to the character of the area and is therefore acceptable in terms of its design and siting and in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 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) set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Addressing the above, the nearest residential properties are off New Road and Carnoustie Court some 250 metres to the west and East Bank Farm approximately 160m to the east on the opposite side of the River Nene. The site already has a general industrial use and the building would be used for the storage of materials. Given existing port related activity and the separation distances involved it is considered that the amenity of neighbouring residents would not be materially harmed in terms of noise and general disturbance, dust, odour, etc.

The Parish Council has raised concerns over ensuring that "any materials stored at the site are appropriate to the site and that any such materials are suitably covered and protected to ensure that there is no release of pollutants". In reply, Boud Minerals is "a leading UK processor and provider of specialist sands, decorative and functional minerals, and lightweight fillers." They are essentially dry mix products and will be stored under cover, thereby reducing the risk of dust. Any hazardous substances stored within the building would require separate hazardous substances consent.

The proposal accords with Paragraph 135 of National Planning Policy Framework (December 2023) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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.

The application site is accessed via West Bank, which serves the applicants' existing site as well as the Port of Sutton Bridge. The publicly maintained part of West Bank ends just before the application site, but Public Rights of Way exist over the part of West Bank at the frontage of the application site and continue through the Port.

This road is considered to be safe and suitable to serve the development proposed in this application. The proposed use is to provide additional covered storage for materials that are processed and sold by the applicant company. Movements between the applicants' existing site and the application site are expected to be made predominantly by vehicles and machinery rather than

by pedestrians.

In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 9 of the National Planning Policy Framework (December 2023) in terms of highway safety.

Flood Risk

Section 14 of the National Planning Policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zone 2 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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.

It is worth noting that large parts of the district of South Holland lie within Flood Zones 2 and 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (SFRA), 2017 as a basis to apply the sequential test.

The site lies within an area defined as danger for all within the SFRA. However, the site is within an allocated port related employment area and the proposal is linked to an existing port related business, so cannot be located elsewhere. Consequently, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding.

Annex 3 of the Framework defines industrial uses as "less vulnerable". Table 2 of NPPG indicates that an exception test is not therefore required given that the site is within Flood Zone 2. Nevertheless, given the SFRA classification, it is recommended that the applicant sign up to the Environment Agency Flood Warning Service and that a flood evacuation plan be prepared.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (December 2023) with regard to their provisions on flood risk.

Drainage

Percolation tests suggest that the site is suitable for the use of infiltration drainage techniques for disposal of run-off water. On this basis, surface water would be disposed of to underground cellular 'crate-type' features. They would be used for the storage and infiltration of surface water from the impervious areas on the proposed development into the sub-soil beneath the hard surfaced area.

Alternatively, the Lead Local Flood Authority has advised the applicants' drainage consultant that a discharge, via appropriate fuel interceptors, into the adjacent tidal part of the River Nene, at an unrestricted rate, would be looked upon equally favourably in this situation provided consent to discharge is granted by the appropriate body. This matter can be addressed by means of a condition.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

Paragraph 180 of the National Planning Policy Framework (December 2023) states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

The scheme originally submitted would have resulted in the removal of a number of existing trees along the western boundary, including Lombardy Poplars. However, the building has now been re-positioned and re-designed to ensure their retention. The application is also accompanied by a Biodiversity Net Gain Plan which includes new native mixed perimeter hedging to help compensate for the loss of existing scrub on the site. The Plan indicates that as the site is small it is unrealistic to expect new habitats to be created. However, as well as the new hedgerow, grass area and Hawthorn scrub, biodiversity net gain could be achieved from installing species specific habitats. It therefore includes the provision of 2 no. Bat and 17 no. Swift boxes.

The Lincolnshire Wildlife Trust has raised a holding objection on grounds that the biodiversity plan lacks transparency and doesn't take into account that the site was formerly occupied by more extensive habitat cover/planting. However, this was prior to the change of use to general industrial, which fundamentally changed the nature and character of the site, and no biodiversity condition was imposed at that stage. Moreover, the size and current industrial nature of the site is such that it is difficult to provide significant biodiversity enhancements and the provision of new habitats. Taking these matters into account and the fact that the site is an allocated employment site, the scheme is considered acceptable on balance given also that there is presently no obligation to provide a 10% biodiversity net gain.

Planning Balance

The principle of a storage building upon the site is acceptable as the site is part of the established West Bank Industrial Estate Employment Site. The development is considered appropriate and would not materially harm the character or appearance of this industrial area. No significant adverse impact is anticipated on residential amenity given there are no immediate neighbours. The proposal would not result in an unacceptable impact on highway safety. The proposal is considered acceptable on flood risk grounds given that it is a less vulnerable development and is necessary in

this location in connection with an existing port related use.

Whilst there are issues in terms of whether the proposal constitutes a biodiversity net gain, it is noted that the applicant has re-located the building to retain existing trees on/adjoining the site and also provided hedge planting and species specific habitats. The present industrial use of the site also means that there are limited opportunities to provide significant biodiversity measures on a site of this nature. This adverse impact does not significantly and demonstrably outweigh the economic benefits of the scheme.

Conclusion

As detailed above, Section 38 (5) and its subsections of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

Taking into account the considerations above, the planning balance is overall positive when assessing the proposal against the policies taken as a whole. In particular, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 8, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 6, 12 and 14 of the National Planning Policy Framework (NPFF) (December 2023). Although there is some conflict with Policy 28 of the SELLP this is outweighed by economic factors in favour of the scheme,

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.

RECOMMENDATION

That the application be approved under delegated powers, subject to conditions.