DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0349-24**	**Applicant:**	**Flamingo Flowers Ltd.**
Proposal:	3 sunken bays and relocation of existing offices and plant room, plus new plants holding store (retrospective)		
Location:	Flamingo Flowers Ltd Stone Gate Weston		
Terminal Date:	31st July 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
28	The Natural Environment
29	The Historic Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
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 9. Promoting sustainable transport.
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1

HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	1	0	0	0
SHDC INTERNAL	0	1	2	0
OTHER STATUTORY BODIES	0	0	0	3
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 3 new sunken bays, plus relocation of offices and plant room and a new plants holding store. The application is retrospective because work has commenced on site.

Site Description

The site (some 5.5 ha) is a large flower processing/packing centre located off Stone Gate, Weston immediately to the north of the A151. Vehicular access is off Stone Gate.

Residential properties are located to the north (Chestnut House), east (Wimberley Hall Farmhouse) and south-east (Wimberley Hall Farm Cottage and South Cottage) on the opposite side of Wiseman's Gate/Stone Gate respectively. Residential dwellings are also situated to the south on the opposite side of the A151.

Relevant Planning History

H22-0624-09 - LDC - Use of site for processing and packing of flowers and vegetables (Class B2) with ancillary storage and offices - Approved 11 December 2009.

H22-0751-20 - Full - Alterations to loading bay/pits (2 areas). Part retrospective - Approved 9 November 2020.

Consultation Responses

The responses received from consultees during the initial consultation exercises can be summarised as follows:

Weston Parish Council

Concerns about the traffic congestion outside Flamingo Flowers on Stone Gate Weston. The increase in the number of bays will mean an increase in vehicles at this site. Lorries park on Stone Gate before being admitted to the site which makes for a traffic hazard. The condition of the road surface is also a cause for concern and this has been reported to LCC highways.

LCC Highways/SUDs

No objections.

South Holland Internal Drainage Board

It is unclear whether the drainage plan is to serve the new proposed extension. For the avoidance of doubt, we request that the applicant provides an updated drainage strategy, including details on any new connections (if any) to the existing drainage infrastructure serving the site currently, discharge rates and any associated modelling. Until this is provided, the Board objects.

Land Drainage Consent required from the Board under Byelaws 3 and 10.

SHDC Inward Investment

Supported.

Environmental Protection (Noise)

No concerns.

Environmental Protection (Contamination)

No comments regarding land contamination.

Anglian Water

No comments.

Active Travel England

No objections.

Historic England

No comments.

LCC Historic Environment Officer

Await submission of the final report and archive. Request condition.

Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. Objections have been received. The main points are summarised below:

- Already suffer from high levels of noise, including reversing beeps at night and the refrigerant units which can be heard over the traffic noise. Lot of banging noise which is either within the loading bay doors or the trailer doors banging.
- Potential for increased noise/disturbance to neighbouring properties.
- Stone Gate unsuitable for additional traffic. Already has potholes and road drains are blocked causing flooding, etc.
- Insufficient room at factory entrance for turning lorries.
- Trees at entrance overgrown.
- Workers speed along Stone Gate
- Detrimental to highway safety.
- Rubbish dropped by workers.

Planning Considerations

The main issues in this case are:

- Principle
- Character/appearance
- Impact upon the amenity of nearby residents

- Highway safety
- Other material considerations such as flood risk, drainage, archaeology and ecology/biodiversity

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 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 (updated 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.

Principle

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

In this instance, the site is an existing employment site (ref. WE001) within the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 7 of the SELLP indicates that such sites play an important role in the local economy and will be protected for new development or re-development in classes B1, B2 or B8. This is providing the proposed development is of a scale that respects the character of the area and/or neighbouring land uses. No objections are therefore raised in principle to the proposed development.

Character/appearance

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 quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area.

These policies accord with the provisions of the National Planning Policy Framework (December

2023) and require 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 proposal is for 3 sunken bays plus the relocation of offices and plant room and a new plants holding store. The new buildings would be primarily constructed in Hemsec insulated panels. The development is within the existing complex and would be viewed alongside/against present commercial buildings on the site. The sunken loading docks, plant room, offices, etc would not be readily visible from the A151 or Stone Gate due to existing buildings, fencing and/or planting. It constitutes a neutral development in this respect that would not materially harm the character or appearance of the locality.

The proposal therefore satisfactorily complies with the relevant criteria of Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023) in terms of visual impact.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 indicates that all new developments should take into account the potential impacts on people, etc, and that development will not be permitted where, taking into account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon the amenities of the area in terms of noise, etc.

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.

Residential properties are located to the north (Chestnut House), east (Wimberley Hall Farmhouse) and south-east (Wimberley Hall Farm Cottage and South Cottage) on the opposite side of Wiseman's Gate/Stone Gate respectively. Residential dwellings are also situated to the south on the opposite side of the A151.

The new plants holding store on the southern elevation of the existing building has no external openings other than an emergency fire door. The proposed loading bays and plant room are within the existing complex and are sufficiently shielded from existing residential properties by existing/proposed buildings, also bearing in mind the separation distances involved. Ambient noise levels within the locality are relatively high due to traffic noise from the A151. Environmental Protection has raised no concerns. Although the roadway serving the building/bays and entrance is more exposed the amount of additional traffic within the site would not be significantly greater. Subject to mitigating conditions, it is considered that the amenity of nearby residents would not be harmed to a significantly greater degree than at present in terms of noise/disturbance and that this is outweighed by the economic benefits of the commercial enterprise.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023) in terms of amenity.

Highways

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.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to

'Promoting sustainable transport'. Paragraph 115 of the Framework 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 entrance to the complex is via Stone Gate and this would remain unaltered. The applicant has indicated that there would be no increased traffic movements because the loading bays are replacing existing roller shutter door loading facilities at ground level. They have indicated that the reason for the loading bays is to load/unload safely as per other loading bays on site for health and safety & coolchain distribution.

LCC Highways has been consulted and has responded as follows:

There will be no increase in vehicle movements to and from the site associated with this proposal. There is no precise definition of "severe" with regards to NPPF Paragraph 115, which 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." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

· The highway network is over-capacity, usually for period extending beyond the peak hours. · The level of provision of alternative transport modes.
· Whether the level of queuing on the network causes safety issues.

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Having regard to the above comments, which carry significant weight, no objections are raised to the proposal on highway safety grounds. The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan and Section 9 of the National Planning Policy Framework (December 2023) in this respect.

Other Material Planning Considerations

Flood Risk/Drainage

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".

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.

SELLP Policy 4 is consistent with the above and states that development within Flood Zone 3 will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding and that more vulnerable development would provide wider sustainability benefits to the community that outweigh flood risk. Moreover, an application is supported by a site-specific flood risk assessment (FRA) which, amongst other matters a) demonstrates that the vulnerability of the proposed use is compatible with the flood zone and b) identifies flood mitigation measures that demonstrate how the development will be made safe and that occupants will be protected from flooding from any source.

In this case, part of the site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The sequential test therefore needs to be applied. However, 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. It is worth noting that large parts of the district of South Holland lie within Flood Zone 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 (2017) as a basis to apply the sequential test.

In terms of the aforementioned, the Residual Flood Hazard Map classifies the site as low hazard. Moreover, the proposed use would be connected to the existing industrial premises, so there is a specific need for the development in this location.

The exceptions test does not need to be applied in this case because although part of the site is within Flood Zone 3 the development is classified as "less vulnerable".

In terms of drainage, there is no additional hardstanding, with existing drainage to lagoons. The applicant has indicated that each loading dock would have submersible pump chamber systems that feed into the existing drainage system & the proposal replaces existing concrete hardstanding area with new concrete loading bays and associated drainage.

The Lead Local Flood Authority has been consulted and has responded as follows:

The sunken bays will be fully equipped with water pumps to eliminate the possibility of the flooding and water congestion in the bays. The existing drainage goes to the lagoons. The submersible pumps will feed into the existing drainage system. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regards to drainage on all major applications. The Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

The SHIDB has indicated that an updated drainage strategy is required, including details on any new connections (if any) to the existing drainage infrastructure serving the site currently, discharge rates and any associated modelling. This can be made the subject of a condition if permission is forthcoming. Separate Land Drainage Consent will also be required from the SHIDB under Byelaws 3 and 10.

The proposal is acceptable on flood risk/drainage grounds subject to conditions.

Archaeology

The site lies in an area of high archaeological potential. It is located close to finds of roman, late Saxon and medieval remains uncovered during the construction of the Weston Bypass in the early 2000s. These were spread across an area between the proposed development and the medieval parish church of Weston to the south and the site of Wimberley Hall manor house opposite on the other side of Stone Gate.

The proposal is for retrospective planning permission for the construction of 3 sunken bays and relocation of existing offices and plant room. The sunken bays will be excavated to a maximum depth of circa 1250mm below the current ground level according to the proposed sections provided by the applicant. The depth of any potential existing ground disturbance (ie: the canopies above the proposed development area) is unknown. The Weston Bypass archaeological works exposed Roman, Saxon and Medieval archaeological remains 500mm below the current ground level. Therefore, construction activity, considering its scale and design, will have a significant impact on any surviving archaeological remains present.

A Written Scheme of Investigation for Archaeological Monitoring and Recording has been submitted. The Historic Environment Officer has indicated that submission of the final report and archive can be addressed by means of a condition.

The proposal satisfactorily complies with Policy 29 of the SELLP and advice within the Framework, subject to conditions.

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 application is accompanied by a bio-diversity exemption statement on grounds that the site is fully industrial and that there will be no damage to greens or hedges.

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.

Development Plan Policy and the National Planning Policy Framework, December 2023 both promote sustainable economic growth. Paragraph 88 of the Framework specifically indicates that planning policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Subject to mitigating conditions, it is considered that residents in the locality would not be affected to a significantly greater degree than at present in terms of overlooking, lack of privacy, overbearing effect, overshadowing, dust, odour, noise and disturbance, etc.

LCC Highways has been consulted and consider that the proposal would not have an unacceptable impact on highway safety, or severe residual cumulative impacts on the road network.

There are no objections to the scheme on flood risk/drainage grounds, nor in relation to archaeology and bio-diversity, subject to conditions.

The proposal conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole. In this instance, there are no material considerations of such weight as to outweigh factors 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 be in accordance with Policies 1, 2, 3, 4, 7, 28, 29, 30 and 36, along with Appendix 6 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (December 2023). There are no significant factors in this case that outweigh the considerations in favour of the proposal and the policies referred to within the development plan as a whole.

Recommendation

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