

Development Management Delegated Decision Report

B/21/0191



SUMMARY OF APPLICATION

Application Reference	B/21/0191		
Application Type	Major - Full Planning Permission		
Proposal	Construction of 11no. industrial units		
Location	7-9 Apollo Plant Hire Parts Dept, Redstone Road, Boston, PE21 8EA		
Applicant	Mr Steve Epton, Yarborough Developments Ltd		
Agent	Mr Nick Overton, NiCAD Consultancy Services Ltd		
Received Date:	21-Apr-2021	Consultation Expiry Date:	05-Jul-2021
Valid Date:	30-Apr-2021	Statutory Expiry Date:	30-Jul-2021
Date of Site Visit:	13-May-2021	Extension of Time Date:	---
Objections received?	No		
5 day notification record: Not applicable			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Full Planning Permission		
Report by:	Grant Fixter		
Date:	26/07/2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises a roughly rectangular parcel of land off Redstone Road and as per the South East Lincolnshire Local Plan, comprises part of the wider BO005 Established Employment Site. There is an existing building on site which serves the current commercial operations, with the site bound by Redstone Road to the north and fencing to the east, south and west boundaries. The site is essentially surrounded by industrial development, with the South Forty Foot Drain to the south.

DETAILS OF PROPOSAL:

This proposal seeks full planning permission for the erection of 11 industrial units, with a new access proposed off Redstone Road.

The units are proposed to be for B2 general industrial use, with the site being part of an allocation for B1, B2 and B8 uses.



From review of the plans, there will be a block of 4 units along the western boundary, 2 along the southern boundary and 5 along the eastern boundary.

All units appear to have the same layout, with a roller shutter door and personnel door to the front elevation, personnel door to the rear elevation, with a general internal workshop and single toilet.

All units measure 5.96m to the ridge, with the roofing and external walls comprising plastisol cladding.

Full details of the proposal are shown on the following plans:

- Location Plan;
- 21/RIE/02 Proposed Block Plan;
- 21/RIE/03A Proposed Layout/Elevations.

RELEVANT HISTORY:

The application site forms part of the wider BO005 Established Employment Site allocation in the SELLP.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2011-2036)

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio;
- Policy 30: Pollution;
- Policy 36: Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 6: Building a strong, competitive economy;
- 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.

CONSULTATION RESPONSES:

Environment Agency

Have no objections.

Black Sluice Internal Drainage Board

Did not respond.

Lincolnshire County Council

Made the following comments on 27/05/21:

“The proposal would seem acceptable and in order to support any further application, there will be a requirement to improve the existing accesses on Redstone Road that no longer serve their intended use due to the provision of only using one access and reducing to a minimum, the number of access points to the development site, in the interests of highway safety. Additionally, any gates be proposed to secure the site, then we would ask that they are set back as a minimum of 6.0 metres from the development boundary line, to ensure that vehicles are not encroaching on the highway in order to gain access to the site.

Therefore, we would ask the applicant to submit a detailed layout plan clearly demonstrate those access improvements, where the existing access point shall be permanently closed and returned to a frontage footway with full height kerbs and the gates set back as a minimum of 6.0 metres from the nearside carriageway edge. The specification and construction details for a standard footway can be obtained from the highways network team on 01522 782070 or alternately, the applicant can note on the drawing that the footway will be constructed in accordance with Lincolnshire County Council Specification.

Additionally, it is noted that the proposal is located in an area of surface water flood for a 1:30 and 1:100 year events to the eastern side of the site. The flood risk assessment submitted as part of this application has considered the risk and any mitigation measures by raising floor levels of the new units by 300mm. As the site is 100% impervious, we would ask the applicant to provide a surface water drainage system within the site to show the collection of surface water and connection to the positive Anglian Waters system, ensuring there is no increase in surface water flooding to the site, adjacent properties and surrounding land.”

Further information was provided and upon re-consultation, LCC Highways confirmed on 16/06/21 they had no objections.

Environmental Health

Have no objections and made the following comments:

- Within the AQ assessment are a number of mitigation measures indicated at table 8 for the Construction Phase to limit dust/particulate generation. This will require a suitable condition;
- Propose 'to construct a solid timber acoustic boundary fence along the perimeter on the South Elevation as a good acoustic barrier'. This is a sensible precaution as there are residential property across the river approximately 60m to the south and should be conditioned;
- The development of the units are for general industrial use and at the current time occupancy and nature of the operations are unknown however this could result in the installation of plant and equipment within an more importantly on the exterior of the units. It is therefore import noise from such fixed plant is controlled and this should be conditioned.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The key considerations in regard to this application are set out below:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on amenity;
- Flood risk; and,
- Highway safety and parking;
- Ecology;
- Air quality.

Principle of development

Policy 1 of the SELLP sets out the settlement hierarchy, stating development will be permitted within the settlement boundaries of the respective settlements providing the proposal supports the designated role of the settlement in which it is to be executed.

SELLP Policy 7 outlines where employment development will be supported. The application site comprises part of the BO005 Established Employment Area allocation in the SELLP. Such allocations perform an important role in the local economy and will be protected for new B1, B2 or B8 development and/or redevelopment in Class B1, B2 or B8, provided the proposed development is of a scale that respects the character of the area and/or neighbouring land uses.

The proposal is for 11 industrial units which will be for B2 uses, therefore, honouring the uses deemed acceptable as per the allocation.

The principle of development is, therefore, deemed acceptable subject to the other relevant policy considerations being met.

Impact on the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale,

layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The site is allocated in the SELLP for B1, B2 and B8 uses, with this proposal comprising 11 industrial units for B2 use. The form of development is, therefore, in keeping with the character of the area.

Turning to the appearance, the materials used are those commonly associated with such units, with plastisol cladding to the roofing and external walls. The units will measure 5.96m to the ridge, so will not lead to an overbearing development.

It is proposed there will be an acoustic fence running along the southern boundary of the site to help reduce the potential noise impacts from the development. Given the existing boundary treatment is palisade fencing commonly seen within industrial estates, an alternative solid fence would not detract from the character and appearance of the area.

The proposal will neither lead to an inappropriate form of development, nor a design which would detract from the character of the area.

The proposal, therefore, complies with policies 2 and 3 of the SELLP in regards to character and appearance of the area.

Impact on amenity

SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.

Paragraph 130 of the NPPF (2021) seeks, amongst other things, to create places that are safe, inclusive and accessible and which promote health and well-being. Furthermore, the NPPF advocates 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.

The application site comprises land allocated for B2 uses, with this proposal comprising 11 B2 industrial units. Should the use have led to a detrimental impact on surrounding amenity, the land would not have been allocated for such a use.

The main consideration in respect of amenity is the potential impact on the residential dwellings to the south of the site, beyond the South Forty Foot Drain. Albeit the land is allocated for B2 uses, as this is general industrial there is the potential for noise implications should this not be managed/ monitored effectively. Furthermore, as outlined in the submitted Air Quality Assessment, mitigation measures are needed during the construction works, one of which is the production of a dust management plan prior to works commencing on site. This will help ensure surrounding users are not negatively impacted by the potential extent of dust production and that appropriate measures are in place.

As such, Environmental Health have requested conditions which secure the provision of an acoustic barrier to the southern boundary, a suitable condition in regards to the recommendations in the Air Quality Assessment, in addition to one which relates to the amount of noise generated from the proposal.

It is considered the details can be secured by planning condition.

The proposal, therefore, satisfies SELLP Policy 2 and 3 in respect of the effect on amenity.

Flood risk

Policy 4 of the SELLP states a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, that it is essential infrastructure in FZ3a & FZ3b, it is highly vulnerable development in FZ2 or is more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk. Where supported by a site specific flood specific risk assessment a criteria will need to be adhered to.

The application site is within Flood Zone 3 and a Flood Risk Assessment forms part of this submission which outlines a number of mitigation measures that should be included in the design of the proposal, these have been secured through a planning condition.

Whilst it is believed surface water flooding can be overcome by an effective surface water strategy, insufficient information has been submitted with this submission to avoid further details being sought via planning condition.

It is deemed the proposal, subject to appropriate planning conditions, would not increase the flood risk in the area or have an adverse effect on surface water.

Highway safety and parking

Policy 36: Appendix 6 of the SELLP relates to parking standards. It requires 1 space per 65m² of B2 floor space.

From reviewing the proposed floor space, the proposal would generate the requirement of 19 parking spaces. The proposed plans show a dedicated parking area with 18 spaces, with their being ample room within the confines of the site for a further space if required. The proposed parking provision, therefore, complies with the parking standards set out in the SELLP.

The existing building on site will remain in place and from review of the plans, there will still be sufficient onsite parking space if needed, meaning the site will be able to accommodate the existing and proposed parking measures. From the plans, there are also arrangements to show effective vehicle circulation around and throughout the site can be achieved.

It is also important to note the Highway Authority have no objections and considered the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the highway network.

There is ample space for vehicles to enter and leave the site in a forward gear.

The proposal is, therefore, acceptable on highway safety and parking grounds.

Ecology

Policy 28 of the SELLP requires development proposals to protect, enhance or manage natural assets. All proposals are required to provide an overall net gain in biodiversity.

From attending site and reviewing the submitted plans, no trees will be impacted as a result of this proposal. It is also worth noting the Local Wildlife Site South Forty Foot Drain is to the south.

It is both a national and local requirement for new development proposals to achieve a net gain in biodiversity levels. From review of the submission, no such details have been submitted and it is deemed appropriate to seek such provisions through a planning condition.

Air quality

It is considered the proposal would not likely lead to a significant increase to air quality deterioration taking into account the existing level of vehicle movement to and from the site.

Table 8 of the submitted Air Quality Assessment (Ecus Ltd, April 2021, Ref 16713AQ/1.0), however, indicates a Dust Management Plan should be submitted prior to works commencing on site, in addition to a number of mitigation measures that should be following during the construction works. A condition has been attached which secures these.

CONCLUSION:

The proposal seeks full planning permission for the erection of 11 B2 industrial units within the BO005 Established Employment Area allocation in the SELLP. The proposed use is compliant with the allocation and, therefore, the principle of development has been deemed acceptable.

There will be no detrimental impacts on the character of the area and conditions have been put in place to ensure residential amenity is protected.

The proposal has been deemed safe from flooding and there will be no detrimental impacts on highway safety.

The proposal is compliant with local and national policies and is deemed acceptable. Accordingly, it is recommended to grant planning permission subject to conditions.

RECOMMENDATION:

GRANT Full Planning Permission subject to the following condition(s) and reason:-

CONDITIONS / REASONS	
Pre-commencement conditions?	Yes Agreed with applicant/agent - Date: 26/07/2021
1	The development hereby permitted shall be begun before the expiration of four years from the date of this permission. Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2	<p>The development hereby permitted shall be carried out in strict accordance with the application received on 30/04/2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> ▪ Location Plan; ▪ 21/RIE/02 Proposed Block Plan; ▪ 21/RIE/03A Proposed Layout/Elevations. <p>Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2019).</p>
3	<p>The development shall be carried out in accordance with the approved flood risk assessment (FRA) dated March 2021 and the following mitigation measures it details:</p> <ul style="list-style-type: none"> ▪ Finished floor levels shall be set no lower than 300mm above the ground level; ▪ Flood resilience and resistance measures shall be incorporated into the proposed development as stated to 500mm above the finished floor levels <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework (2019) and Policies 2 and 4 of the South East Lincolnshire Local Plan (2011-2036).</p>
4	<p>No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:</p> <ul style="list-style-type: none"> (i) separate systems for the disposal of foul and surface water; (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change); (iii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and (iv) details of how the scheme will be maintained and managed after completion. <p>The scheme shall be implemented in accordance with the duly approved details before the dwelling is first occupied, and shall be maintained and managed as such thereafter.</p> <p>Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 2 and 4 of the South East Lincolnshire Local Plan (2011- 2036).</p>

5	<p>No development shall take place above ground level until details regarding the provision of electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> ▪ The number of charging points; ▪ Location of charging points; ▪ Specification of charging points; ▪ Timetable for the implementation of the above measures. <p>The development shall then be carried out in strict accordance with the approved details.</p> <p>Reason: In the interests of promoting sustainable transport in accordance with Section 9 of the National Planning Policy Framework 2019 and Policy 31 of the South East Lincolnshire Local Plan (2011-2036).</p>
6	<p>No development shall take place until a Dust Management Plan as outlined in Table 8 of the approved Air Quality Assessment (Ecus Ltd, April 2021, Ref 16713AQ/1.0) has been submitted to and approved by the Local Planning Authority.</p> <p>The approved works shall then be carried out in strict accordance with the approved details and the remaining mitigation measures for the construction phase outlined in Table 8 of the approved Air Quality Assessment (Ecus Ltd, April 2021, Ref 16713AQ/1.0).</p> <p>Reason: To safeguard the amenity of the area in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036).</p>
7	<p>Prior to the commencement of the use hereby approved, details of a solid timber acoustic fence to be erected along the southern boundary of the site shall be submitted to and approved in writing by the Local Planning Authority.</p> <p>Such a fence as may be approved shall be erected prior to the first use of the site and shall be retained thereafter.</p> <p>Reason: In the interests of the residential amenities of neighbouring residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
8	<p>Noise from the fixed plant and machinery at the development shall not exceed a 'rating level' of LAeq (15min) 45dB as defined by BS4142:2014 when measured 3.5m from the facade of any residential property between the hours of 7.00am and 11.00pm and a 'rating level' of LAeq (15min) 40dB as defined by BS4142:2014 when measured 3.5m from the facade of any residential property between the hours of 11pm and 7am. Sound level measurements shall be undertaken in accordance with the main procedural requirements of BS7445:2003, parts 1-3.</p> <p>Reason: In the interests of the residential amenities of neighbouring residents in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>

9	<p>No above ground construction works shall take place until full details of the biodiversity enhancement measures across the site and a timetable for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.</p> <p>Reason: In the interest of enhancing the ecology of the area in accordance with Policy 2, 28 and 31 of the South East Lincolnshire Local Plan (2011-2036).</p>
10	<p>Prior to the commencement of the use hereby approved, details of the size, materials and design of the cycle stand shown on the Proposed Block Plan (Drg No. 21/RIE/02) shall be submitted to and approved in writing by the Local Planning Authority. The duly approved cycle stands shall be installed and made available for use before the use is first occupied, and retained as such thereafter.</p> <p>Reason: To encourage travel to the site by more sustainable modes of transport in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework.</p>
11	<p>Within seven days of the new access being brought into use, the existing accesses onto Redstone Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.</p> <p>Reason: To reduce to a minimum, the number of individual access points to the development site, in the interests of road safety in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

Highway Informative 03

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact vehiclecrossings@lincolnshire.gov.uk

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.