

# Development Management Delegated Decision Report

B/24/0041



SUMMARY OF APPLICATION			
Application Reference	B/24/0041		
Application Type	Major - Full Planning Permission		
Proposal	Proposed extension to existing storage building		
Location	North End, Boston Road, Swineshead, Boston, PE20 3NE		
Applicant	Mason Bros Transport Limited		
Agent	Mr Lewis Smith, Robert Doughty Consultancy Limited		
Received Date:	29-Jan-2024	Consultation/Publicity Expiry Date:	05-Mar-2023
Valid Date:	29-Jan-2024	Statutory Expiry Date:	29-Apr-2024
Date of Site Visit:	13-Feb-2024	Extension of Time Date:	06-May-2024
Objections received?	Yes – From Lincolnshire Wildlife Trust		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Councillor Evans	22-Apr-2024	22-Apr-2024	Yes
Councillor Welberry	22-Apr-2024		
Recommendation	Approve with Conditions		
Report by:	Charlie Parry		
Date:	22-Apr-2024		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The site to which the application relates is a existing industrial site that is currently used by a transport and warehousing company. The site is made up from 5 stores that vary in their size, with the largest being located at the south of the site and is specific to this application. The stores are constructed from large portal framed buildings and some also contain offices. A car park is also located within the yard.

A large grassed field in the applicant's ownership lies to the immediate west and a belt of trees to the immediate north and east provides some screening. Beyond that to the north, east and south is flat open farmland bisected by drainage dykes. To the west of the grassed field (c.100m from the existing and proposed buildings) is linear frontage housing on either side of Boston Road.

### DETAILS OF PROPOSAL:



The proposed development is for an extension to an existing agricultural store. The floor space of the extension would be approximately 36m by 36m and it would stand at approximately 10.6m.

### **RELEVANT HISTORY:**

B/02/0434 - Construction of a warehouse  
Granted: 18-Oct-2002

B/03/0192 - Change of use from agricultural land to industrial to form extension to existing car park and haulage depot.  
Granted: 09-May-2003

B/04/0865 - Construction of warehouse  
Granted: 16-Dec-2004

B/05/0732 - Erection of a warehouse (B8)  
Granted: 20-Dec-2005

B/07/0417 - Large individual lettering on the side of warehouse  
Refused: 14-Sep-2007

B/07/0484 - Construction of a warehouse and change of use of agricultural land to form car parking area  
Granted: 11-Oct-2007

B/07/0656 - Erection of sign  
Granted: 11-Jan-2008

B/21/0480 - Erection of agricultural produce store, canopy and surface water attenuation pond  
Granted: 02-Mar-2022

B/22/0181 - Excavation of surface water attenuation pond and landscaping  
Granted: 22-Jun-2022

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

#### **South East Lincolnshire Local Plan (2019)**

The following policies contained within the South East Lincolnshire Local Plan (2019) (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 28 - The Natural Environment
- Policy 30 – Pollution
- Policy 31 – Climate Change and Renewable and Low Carbon Energy
- Policy 36 – Vehicle and Cycle Parking

## **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

### **National Planning Policy Framework (2023)**

At the heart of the 2023 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 11 – Making effective use of land;
- Section 12 – Achieving well-designed places;

### **National Planning Practice Guidance (PPG)**

## **CONSULTATION RESPONSES:**

### **Swineshead Parish Council**

“At the meeting of Swineshead Parish Council, application B/24/0041 was discussed, No objections were raised.

However, the Parish Council suggests that the company and highways department explore the possibility of constructing a broader entrance from the highway. This would facilitate easier access for large vehicles to the site, thereby avoiding the need for them to traverse the opposite side of the road.”

### **Environmental Health**

No objections.

### **Black Sluice Internal Drainage Board (IDB)**

No objections but included some informatives to attach to the decision notice.

### **Lincolnshire County Council (Local Highway and Lead Local Flood Authority)**

“This proposal is for the extension to existing storage building that will utilise the existing access from Boston Road. Adequate provision for car parking and turning space can still be provided within the limits of the site to enable vehicles to enter and leave in a forward gear and sufficient visibility is available to allow drivers intending entering the highway to judge if it is safe to complete the manoeuvre. Therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application (expand as appropriate). Therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site. Surface water from the proposed storage building will be captured within the existing yard drainage system and discharged to the open water course in agreement with the Internal Drainage Board.

### **Lincolnshire Wildlife Trust**

19-Feb-2024

Placed a holding objection on the application on the basis that there should be a biodiversity net gain on the site.

18-Apr-2024

Following amended plans the Lincolnshire Wildlife Trust (LWT) stated that their concerns regarding land use have been mitigated but maintained a holding objection as no ecological survey or BNG plans are in place.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

None received.

### **EVALUATION:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regards to this application are considered to be:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on Amenity
- Flood Risk
- Highway Related Matters
- Biodiversity

### **Principle of Development**

The application site is located on an established industrial site within the countryside. Both Policy 1 and Policy 7 of the South East Lincolnshire Local Plan (SELLP) (2019) are relevant to this proposal.

The encouraging of sustainable economic growth is a 'golden thread' running through the NPPF and paragraphs 85 and 86 deal specifically with supporting rural economic growth. Economic development is also a theme of the Local Plan, with Policy 7 (Improving South East Lincolnshire's Employment Land Portfolio) stating that new employment sites beyond those allocated will be supported subject to proposals meeting the requirements of a set list of criteria.

SELLP Policy 1 seeks to concentrate development and activity into existing towns and villages. In respect of an open countryside location development will be permitted providing it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environment benefits.

Thus, SELLP Policy 1 essentially identifies two tests for whether a proposed development is appropriate in the countryside. The first test is whether or not a development is 'necessary to such a location'. The second test is whether the development 'meets the sustainable development needs of the area in terms of economic, community or environmental benefits'.

The submitted Design and Access Statement indicates that the existing buildings are operating over capacity and there is a need for additional space to meet customer requirements and therefore the future security of the business.

The proposed development is extending an existing building and it would therefore be unreasonable for the development to be located elsewhere (i.e. within a settlement boundary or on allocated employment land). Consequently, the development is considered to be necessary to its location and therefore meets first test of Part D of Policy 1.

Similarly, the proposal is considered to meet Policy 7 where it states that: *“new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported...”*.

The proposal is therefore considered to meet Policy 7 so long that it does not have an adverse impacts on the amenity, character, highway network or the viability of allocated employment sites.

The proposal will augment the efficient operation of a successful local rural enterprise and generate additional employment. The proposal is in keeping with national guidance and the requirements of the Local Plan and the principle of the development is considered acceptable.

### **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 first 3 points of the ‘Other Employment Sites’ section of Policy 7 of the Local Plan are also relevant as they state that proposals on non allocated sites may be acceptable provided:

- a) the development does not conflict with neighbouring land uses;
- b) there is no significant adverse impact upon the character and appearance of the area;
- c) the design is responsive to the local context;

The proposed development would be located in the north east corner of the large existing store that’s located to the south of the site. The development would extend past the existing side elevation, but would be a continuation of the built form. Furthermore, there is an existing store directly to the north of where the extension would be located which acts as a screen to the majority of public view points. The development would have materials that match the existing and would continue the existing ridge/eave height of the existing store.

The proposed development would ‘fit in’ with the existing use of the site without detracting from the surrounding countryside use. The proposed development is considered to be acceptable in respect of its impact on the character and appearance of the area in accordance with Policies 2, 3 and 7 of the Local Plan.

## **Impact on Amenity**

SELLP Policy 2, 3, 7 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.

There is a residential property to the north of where the proposed extension would be sited. However it would be located at least 74m away from the proposed extension. In addition, the proposed development is a continuation of an existing use and is not introducing 'new noise' to the site. Furthermore, there are existing vehicle movements day and night to the site and noise from the daily operations which currently take place on site. The proposal is therefore unlikely to have an added adverse impact on amenity in terms of noise, odour or disturbance when considered in relation to the backdrop of existing activities. Environmental Health have raised no concerns in terms of noise impacts.

The proposal, therefore, satisfies SELLP Policy 2, 3, 7 and 30 in respect of the effect on residential 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. It goes on to state that development will be permitted if it can be demonstrated that essential infrastructure in Flood Zone 3, highly vulnerable development in Flood Zone 2 and more vulnerable development in Flood Zone 3 will 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.

Development within all flood zones (and development larger than 1 hectare in Flood Zone 1) will need to demonstrate that surface water from the development can be managed whilst not increasing the risk of flooding to third parties. The application site is within Flood Zone 3.

In respect of the sequential test, the proposal is an extension to an existing building and it would be unreasonable for the development to be located in a different area with a lower flood risk rating. It is therefore considered to be acceptable in this regard.

The submitted Flood Risk Assessment (FRA) is contained within the design and access statement and identifies that no personnel will be within the building other than for loading and unloading. The other measures include all services being located at least 1m above the finished floor level.

In respect of drainage, the extension will connect to the existing surface water drainage already running across the site.

The proposed measures are deemed to be acceptable are in accordance with Policy 4 of the Local Plan.

## **Highway Related Matters**

Policy 2 of the Local Plan identifies vehicular access as a sustainable development consideration. In addition, Policy 36 of the South East Lincolnshire Local Plan requires all development to provide vehicle and cycle parking in accordance with the standards set out in Appendix 6 of the same plan.

The site benefits from an existing access off Boston Road. The Parish council did enquire about widening the access to the site in order to be facilitate the large vehicles entering the site. Whilst this is noted, the access is in use and is considered suitable for this use, which is reinforced by the Local Highway Authority having no concerns.

No new accesses or amendments to the existing are proposed and therefore the application is acceptable in this respect. The application form indicates that there will be no alterations to the existing parking layout. The Local Highway Authority have confirmed the scheme to be acceptable in respect of highway related matters.

The proposed development is therefore considered to be in accordance with policies 2 and 36 of the South East Lincolnshire Local Plan (2019).

As the proposal is acceptable in this respect it also meeting point d of Policy 7 of the Local Plan.

### **Biodiversity**

Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to provide an overall gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.

The Local Wildlife Trust were consulted on this application and objected on the lack of biodiversity and ecological survey being done. It is important to note that the application as submitted before the Biodiversity Net Gain Regulations became a national requirement. It would therefore be unreasonable to apply them to this application.

Nevertheless, the applicant did submit amended plans which showed some gain in biodiversity. However, these measures fall outside of the red line boundary and are therefore not applicable to this application. Nevertheless, the proposal is considered to be acceptable in respect of the biodiversity matters.

### **CONCLUSION:**

The proposed development is considered to be acceptable in principle, in accordance with Policy 1 and 7 of the South East Lincolnshire Local Plan 2019. It would not have a detrimental impact on residential amenity, the character and appearance of the area, flood risk, highway safety and biodiversity subject to the appropriate conditions. It is therefore considered that the proposal accords with policies 1, 2, 3, 4, 7, 28, 30, 31 and 36 of the SELLP 2019 and approval is recommended.

### **RECOMMENDATION: Approve with Conditions**

CONDITIONS / REASONS				
Pre-commencement conditions?		No	Agreed with applicant/agent - Date:	N/A
1	<p>The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.</p> <p><b>Reason:</b> Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>			
2	<p>The development hereby permitted shall only be undertaken in accordance with the following approved plans:</p> <ul style="list-style-type: none"><li>- Location Plan, Drawing No. 1178-10_PL_LP01, Dated 17.01.2024</li><li>- Proposed Elevations, Drawing No. 1178-10_PL_EL02 Rev A, Dated 23.01.2024</li><li>- Proposed Floor Plan, Drawing No. 1178-10_PL_PL02 Rev A, Dated 23.01.2024</li><li>- Proposed Site Plan, Drawing No. 1178-10_PL-SP02 Rev A, Dated 23.01.2024</li></ul> <p><b>Reason:</b> To ensure that the development is undertaken in accordance with the approved details, in the interests of residential amenity and to comply with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).</p>			
<b>Conditions which apply during the course of and following completion of the development:</b>				
3	<p>The development hereby approved shall be undertaken in complete accordance with the Flood Risk and Drainage Assessment, found within the Design and Access Statement (produced by Robert Doughty Consultancy, dated January 2024), unless otherwise agreed in writing by the Local Planning Authority, including the following mitigation measures;</p> <ul style="list-style-type: none"><li>- All services set at least 1m above finished floor levels.</li></ul> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p><b>Reason:</b> In the interest of reducing flood risk in accordance with Policy 4 of the South East Lincolnshire Local Plan (2019).</p>			
4	<p>The development hereby approved shall be carried out in accordance with the materials specified within the application form and following drawings:</p> <ul style="list-style-type: none"><li>- Proposed Elevations, Drawing No. 1178-10_PL_EL02 Rev A, Dated 23.01.2024</li></ul> <p>The materials shall be implemented and thereafter retained as approved unless otherwise agreed in writing by the Local Planning Authority.</p> <p><b>Reason:</b> In the interests of visual amenity and character in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan 2019.</p>			



**INFORMATIVES / NOTES****TO BE INCLUDED ON/WITH DECISION NOTICE****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 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

1	<p><b>Rainfall Runoff</b></p> <p>It is understood that surface water from the extension is to be discharged into a watercourse within the Black Sluice IDB district via an existing outfall.</p> <p>If this is the case, then the prior written consent of the Board is required (a relaxation of Board Byelaw No.3).</p>
2	<p><b>Works within watercourses within the Black Sluice IDB District</b></p> <p>There are believed to be a number of watercourses bounding or crossing the site.</p> <p>If the applicant or their successors intend to pipe or fill any watercourse, now or at any time in the future, then under Section 23 of the Land Drainage Act 1991 the prior written consent of the Board is required. Works may include any proposed permanent or temporary works or structures, infilling, diversion, or replacement of any existing structures, within any watercourse. This is mandatory.</p> <p>The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse, and any structures within such as piped access culverts, lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board, unless proved otherwise.</p> <p>Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within.</p>