DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-1053-23**	**Applicant:**	**East Anglian Civils Holdings Ltd**
Proposal:	Proposed replacement offices & storage buildings including demolition of existing buildings - Part retrospective - approved under H01-0640-22. Modification of Condition 2 to allow amendments to previously approved plans		
Location:	Land At 66 Barrier Bank Cowbit Spalding		
Terminal Date:	8th March 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
30	Pollution
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

2 - Achieving sustainable development
4 - Decision-making
6 - Building a strong, competitive economy
11 - Making effective use of land
12 - Achieving well-designed and beautiful places
14 - Meeting the challenge of climate change, flooding and coastal change
15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full application for proposed replacement offices & storage buildings including demolition of existing buildings. This application is part retrospective and is very similar to an application approved under H01-0640-22. The current application seeks modification of Condition 2 to allow amendments to previously approved plans.

This proposal seeks to amend the dimensions and location of Unit B, as well as a small alteration to the car parking layout. All other elements of the application are not subject to change.

The original Unit B building approved under H01-0640-22 measured 36.5 metres in width, 12.2 metres in depth, had an eaves height of 4.2 metres and a ridge height of 5.78 metres. The building was to be constructed from goosewing grey metal profile cladding for the roof and olive green metal profile cladding for the walls.

The amended Unit B will measure 45.4 metres in width, 15.2 metres in depth, have an eaves height of 4.2 metres and a ridge height of 6.06 metres. The building is to be constructed from goosewing grey metal profile cladding for the roof and olive green metal profile cladding for the walls. Each of the three units will have two roller shutter doors, two frontage doors and two rear elevation doors. There is scope within the design for the three units to be subdivided to provide a total of six units.

An additional car parking place will be provided to the south of Unit B. The proposed offices have 14 parking spaces, 2 disabled parking spaces and 2 cycle parking spaces. Unit A has 6 parking spaces, Unit B has 8 spaces with 12 spaces located adjacent to the northern boundary.

A proposed 2 metre high metal palisade fence will be located to the east and western side boundaries as well as to the northern rear. Additional planting will be located along the northern rear boundary. Low level planting will be located adjacent to the proposed offices.

The existing site access is to be improved including relocation of the existing electricity transformer and poles which are located in the south-east corner of site. A concrete access will lead into the site with tarmac parking for the proposed offices and permeable surfacing in the yard area between Units A and B. An area of concrete is located to the front of the units.

The dimensions of Unit A are unchanged and measure 30.2 metres in width, 15.2 metres in depth, have an eaves height of 4.2 metres and a ridge height of 6 metres. The building is to be constructed from goosewing grey metal profile cladding for the roof and olive green metal profile cladding for the walls. Each of the two units will have two roller shutter doors, two frontage doors and two rear elevation doors. There is scope within the design for the two units to be subdivided to provide a total of four units. The construction of Unit A has commenced on site.

The office approved under H01-0640-22 is unchanged and contains eight office rooms, a reception, meeting room, two kitchens, 4 wcs, a disabled wc, and a stairs leading to a storage area in the roof. There is no fenestration at first floor level. The office building will measure 30 metres in width, 9 metres in depth, haves an eaves height of 2.65 metres and a ridge height of 6.8 metres. The building will be constructed from Ibstock Ivanhoe Katrina Multi facing bricks with Double Pantile Rustic tiles. Rainwater goods are to be black, bargeboards, fascias and the entrance door are to be anthracite grey, with light creams pvc-u windows. Stone cills are to be bath colour.

A site visit was conducted on Friday the 8th of December 2023.

SITE DESCRIPTION

The site is located on the northern side of Barrier Bank close to the western fringe of the village. It is presently occupied by a commercial building within the centre of the site. Part of the site is currently agricultural / paddock land which has recently been cleared and unbound permeable hardcore laid. A hedge is located along the site's frontage and a number of trees are situated along the western boundary. It is accessed via a layby. Houses are located to the east and west frontage of the site. Open land is situated to the north.

The site is located in Environment Agency Flood Zone 2 at the northernmost part of the site, with the remainder in Flood Zone 1. The proposal site is in a "Low Hazard" area with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

Foul water drainage from the office building is to connect to the existing Anglian Water sewer within the site. Surface water is to discharge to soakaways. Details of the soakaways will be addressed by condition.

RELEVANT HISTORY

H01-0120-17

Outline - Residential Development (5 plots) - Approved - 30 June 2017.

H01-0359-20

Reserved Matters - Erection of 5 dwellings - outline approval H01-0120-17 - Approved - 01 July 2020.

H01-0368-20

Section 73 Modification - Residential Development - approved under H01-0120-17. Removal of Condition 4 relating to maximum number of dwellings and maximum floorspace - Approved - 30 June 2020.

H01-0639-22 - At frontage of site

Full - Residential Development - 6 Dwellings - Approved - 14 November 2022.

H01-0640-22

Full - Proposed replacement offices & storage buildings including demolition of existing buildings - Part retrospective - Approved - 15 November 2022.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 06 December 2023 to 29 December 2023)

Anglian Water - 06 December 2023

"This application for variation of Condition is not relevant to Anglian Water - we have no comments to make thereon. Please note Anglian Water will only comment on drainage/surface water conditions."

South Holland Internal Drainage Board - 06 December 2023

"Having screened the details of the S73 modification, I can confirm that the South Holland IDB has no further comments to make an addition to those submitted in relation to application H01-0640-22 dated 22/08/2022 (Our Ref 22_06935_P)."

Lincolnshire County Council - County Highways & SUDS - 12 December 2023

No objection: *"The revised design of Unit B, being proposed in this Application, does not require any alteration to the access arrangements for, or the internal parking and manoeuvring space within, the previously consented development and would not therefore be expected to have any material impact upon the safe operation or the capacity of the adjacent highway network. Accordingly, the highway authority does not wish to object to the grant of Consent for this Application."*

South Holland District Council - Environmental Protection - Oliver Abrams - 27 December 2023

"No comments."

Cowbit Parish Council - 02 January 2024

"The PC has no objections to this application."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking / Highway Safety
Flooding Considerations / Drainage
Biodiversity and landscaping
Outstanding matters from representation

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

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 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.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

It is considered that the principle of development on the site has already been established by the extant permission H01-0640-22. However given that this application seeks amendments to the original permission, it is considered appropriate to re-establish this position.

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 in terms of sustainability.

The frontage of the site is within the defined settlement limits of Cowbit. Cowbit is classed as a Minor Service Centre in the settlement hierarchy of the South East Lincolnshire Local Plan, 2019. When assessed against the relevant criteria it is considered that the proposal will help to support Cowbit's role as a service centre and support existing facilities within the settlement. Whilst the site is not an allocated, committed or infill site, part of the proposal is seeking to replace an existing office within the red line boundary of the defined settlement limits.

The rear of the site is outside of the defined settlements of Cowbit. Therefore this area is classed as being located in the countryside. Policy 1 (Spatial Strategy) of the SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within the 'Countryside', development will be permitted that 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 environmental benefits.

When assessed against the relevant criteria the following can be observed:

Economic - The proposal will help to preserve existing jobs and provide increased opportunities for local employment.

Social - The proposal will preserve jobs within the area and the design is not considered to generate material amenity or character concerns.

Environmental - The proposal is partially within defined settlement limits and is easily accessible by existing footpaths and public transport. There will be a small loss of agricultural / paddock land to facilitate this proposal, however, it is considered that a biodiversity uplift can still be achieved on site through appropriate landscaping and boundary treatment.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Other Employment Areas and this section states:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, 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;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

When assessed against the relevant criteria the following can be observed:

a. The development does not conflict with neighbouring land uses and continues an existing office / light industrial use.
b. There is no significant adverse impact upon the character and appearance of the area as the proposed buildings are single storey and largely shielded from public view by the proposed boundary treatment and being sited behind dwellings approved under application H01-0639-22.
c. The design is responsive to the local context and provides a visual uplift of the existing appearance of the site, and dilapidated office building upon it.
d. The Local Highway Authority has not raised any objections to the proposal as the proposal would not result in any material change to the existing access arrangement. As such, it is not expected that the development would have an unacceptable impact upon highway safety.
e. There will be no significant adverse impact upon the viability of delivering any allocated employment site as there is an existing office building on site and the proposed light industrial buildings are not of scale that would materially impact the viability of existing allocated employment sites.
f. The proposal is partially within defined settlement limits and is easily accessible by existing footpaths and public transport.
g. There is an identified need for the business location outside of identified employment areas on the Policies Map as it seeks to provide a replacement office building for an existing business on site.

Whilst it is not a requirement of the Local Plan that all new employment development/businesses be directed to an allocated employment site, Policy 7 does require that it be satisfactorily demonstrated that there is an identified need for the business location outside of identified employment areas.

The applicants reasoning under application H01-0640-22 as to why this site has been chosen for the proposed development is that the applicant has two established local businesses which they would like to keep within the South Holland District and the parent company has not managed to secure a suitable site. The long established existing use of the site as commercial vehicle/engineering/haulage yard makes it an ideal location. In addition the previous owner wishes to remain in operation on part of the site rather than relocating or retiring from the business. The facility will provide local jobs for the long term and also allow an existing business to remain in operation.

Whilst it is accepted that the site falls outside of a designated employment area and that simply having other land in the ownership of the applicant is not sufficient justification, there are very specific matters of this case. The land in question is directly adjacent to the settlement boundary of Cowbit and existing employment areas and as such is an appropriate and sustainable location. As such in terms of location the proposed development can on balance be accepted as part of the site is already an established commercial site and the part outside the settlement boundary is not considered to unacceptably encroach on the open countryside, and is not isolated from a settlement.

The proposal is considered to accord with Policy 7 of the South East Lincolnshire Local Plan, 2019.

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

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.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

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.

These policies accord with the provisions of the National Planning Policy Framework 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 proposed buildings would be single storey therefore there would be limited views from the public realm. It is accepted that the proposed development will alter the character of the area, part of which is currently agricultural land with open views from the north of the site. However, the visual impact would be minimised through fencing and screen planting along the site boundaries. The existing high level trees/hedging along the eastern and western boundaries would be retained therefore the development would have a good level of screening. There would not be any prominent views of the proposed development from the front of the site as it would be blocked by the residential development to the front of the site approved under reference H01-0639-22.

Units A and B are to be constructed from goosewing grey metal profile cladding for the roof and olive green metal profile cladding for the walls. These are standard materials and colours for modern light industrial units. The office building will be constructed from Ibstock Ivanhoe Katrina Multi facing bricks with Double Pantile Rustic tiles. Rainwater goods are to be black, bargeboards, fascias and the entrance door are to be anthracite grey, with light creams pvc-u windows. Stone cills are to be bath colour. These are standard materials of construction for modern office buildings and it will not appear a discordant feature when compared to the approved dwellings along the frontage of the site, as these dwellings are constructed from matching materials.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

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) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed office building is sited 4.8 metres from the northern rear boundary of the dwellings approved under H01-0639-22 and 14.8 metres from the rear elevation wall of the dwellings. The offices are 20.2 metres from 56 Barrier Bank at the nearest point and 21.8 metres from 66 Barrier Bank. These separation distances have not altered from the previous approval.

Unit A is 38.8 metres from the offices, and 55 metres from the revised location of Unit B at the nearest point. Unit A is 3 metres from the northern boundary, 3 metres from the western boundary and 3 metres from the southern boundary at the nearest points. 56 Barrier Bank is 47 metres away at the nearest point. 54 Barrier Bank is 38 metres from Unit A at the nearest point.

The relocated Unit B is 31.5 metres from the offices, and 55 metres from Unit A at the nearest point. Unit B is 1.5 metres from the northern boundary, 2.5 metres from the eastern boundary and 32

metres from the southern boundary at the nearest points. 66 Barrier Bank is 46 metres away at the nearest point. 68 Barrier Bank is 50 metres away from Unit B at the nearest point.

The proposal is not considered to significantly or unacceptably increase noise levels given the existing use of the site.
The main entrance to the new office building would be on the northern elevation and parking for the site would also be on this side of the building therefore any potential noise from employees entering and leaving the office would be minimal. In addition there would only be 8 employees working in the office therefore it is not considered that there would be any significant noise generated.
Furthermore, it is not considered that noise levels would be significantly higher than the current use. Environmental Protection has no objections regarding the application.

With regard to overdevelopment the replacement office building is not significantly larger than the existing office building and there is a sizeable yard area between the office buildings and Units A and B. The application is not considered to constitute overdevelopment, and there are commercial buildings of a similar scale to the east of the site.

The proposal is not considered to have an overshadowing impact. The buildings are located to the north of dwellings and as the sun traverses the sky on a southerly trajectory there will not be a material loss of light. This matter is confirmed when right to light lines are drawn from each proposed building to adjacent buildings and gardens.

There is not considered to be a material overlooking impact. There are no windows or doors on the north or south side elevations of Units A and B and the doors of the single storey buildings are not raised above ground level. The rear doors of the units face land that is not in residential use and the frontage doors and roller shutter doors face the yard area in the centre of the site. The topographic plan approved under H01-0640-22 shows that the dwellings at the frontage of the site will be approximately 1 metre higher than the office buildings. The dwellings are approximately 4.55mAOD with the rear of the office building averaging around 3.55mAOD. Save for the meeting room window on the rear elevation of the office building the remainder of the rear elevation windows serve toilets and will be obscure glazed. The east and west facing side elevation window and door serving the larger offices do not directly face any properties. The entrance door and eight office windows are sited on the north facing elevation that looks toward the shared yard area. There is not considered to be an overlooking impact on the adjacent dwellings as the rear boundary is to be bordered by a 2 metre high timber close boarded fence.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Parking / 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".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

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 proposal is partially within defined settlement limits and is easily accessible by existing

footpaths and public transport. An additional car parking place will be provided to the south of Unit B. The proposed offices have 14 parking spaces, 2 disabled parking spaces and 2 cycle parking spaces. Unit A has 6 parking spaces, Unit B has 8 spaces with 12 spaces located adjacent to the northern boundary. The Local Highway Authority has not raised any objections to the proposal as the proposal would not result in any material change to the existing access arrangement. As such, it is not expected that the development would have an unacceptable impact upon highway safety.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

Section 14 of the NPPF 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 Zones 1 & 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 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.

The site is located in Environment Agency Flood Zone 2 at the northernmost part of the site, with the remainder in Flood Zone 1. The proposal site is in a "Low Hazard" area with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. The proposal is not for habitable buildings and the previous permission did not condition the raising of finished floor levels for the new offices or Units A or B. Foul water drainage from the office building is to connect to the existing Anglian Water sewer within the site. Surface water is to discharge to soakaways. Details of the soakaways will be addressed by condition. An informative that Anglian Water must be contacted to facilitate foul water drainage to the existing sewer will be added to the decision notice as per the previous approval.

Biodiversity and landscaping

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Policy 28 of the South East Lincolnshire Local Plan (2019) 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.

Agricultural / paddock land at the rear of the site will be lost to facilitate the additional hardstanding, therefore it is considered that biodiversity must be increased on site to cover this loss and provide a betterment from the existing state.

As the proposal is a major application there is a requirement to demonstrate a biodiversity net gain of 10% from the 12th of February 2024. However, because the requirement to demonstrate a biodiversity net gain for major applications commences for applications submitted on or after the 12th of February 2024 this is not a requirement for this application. This is due to the application being accepted on the 1st of December 2023. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This is can be achieved via a number of measures such as ponds, and hedge / tree planting. Extended boundary hedging is proposed for the site, however, this planting alone given the loss of paddock land is not considered to constitute a biodiversity uplift.

A landscaping condition will be added to the decision notice to ensure that the site can satisfactorily demonstrate a material biodiversity uplift in accordance with Policy 28 of the SELLP.

Outstanding matters from representation

None

PLANNING BALANCE

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The principle of redevelopment and expansion of an existing business premise is on balance considered acceptable. The proposed siting of the buildings is also considered acceptable and would not unacceptably impact the character of the area. No significant adverse impact is anticipated on residential amenity given the relationship with neighbouring properties. The existing access is to be retained therefore, it is considered that the proposals would not result in any unacceptable impact on highway safety. Subject to a suitable drainage provisions there would be no drainage/flood risk concerns.

The proposal represents appropriate development within the open countryside. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

CONCLUSION

The proposal is considered to accord with Policies 1, 2, 3, 4, 7, 28, 30 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 4, 6 11, 12, 14 and 15 of the National Planning Policy Framework, December 2023.

RECOMMENDATION

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

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.