DECISION DELEGATED TO HEAD OF PLANNING

| | | | |
|---|---|---|---|
| **Application No:** | **H02-0696-25** | **Applicant:** | **Peachtree Services Ltd** |
| **Proposal:** | Change of use of land to Use Class B2 and B8 alongside mixed-use car sales (Sui generis) purposes | | |
| **Location:** | Wyvale Garden Centres Ltd Postland Road Crowland | | |
| **Terminal Date:** | 23rd October 2025 | | |

## 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 December 2024**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
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
Section 15 - Conserving and enhancing the natural environment

## Representations:

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 1 | 0 | 0 | 0 |
| WARD MEMBER | 0 | 0 | 0 | 0 |

| | | | | |
|---|---|---|---|---|
| PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| HISTORIC ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |
| NORTH LEVEL INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 1 | 1 |
| OTHER STATUTORY BODIES | 2 | 0 | 0 | 1 |
| RESIDENTS | 0 | 3 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Description of Proposal

The application seeks full planning permission for the change of use of the application site to Use Classes B2 (industrial), B8 (storage) and sui generis (mixed-use car sales). According to the submitted covering letter, the majority of the site will be used for storage and maintenance of plant, machinery, HGVs, cars and vans within the B2 and B8 uses. There will be pre-delivery inspection stations, valeting and light workshop facilities for minor mechanical and bodywork repair. No extensions or external alterations are proposed within the site to facilitate the proposed change of use.

### Site Description

The site comprises a 3.6-hectare parcel of land located on the north-eastern edge of Crowland. The site has previously been used as a garden centre, however, the site has been vacant in recent years. As set out within the below summary of the planning history for the site, consent has been granted for alternative uses in recent years.

To the north-east of the site, there are ponds and areas of woodland. There are agricultural fields further to the north and east of the site. To the west of the site, there are various residential dwellings, including dwellings on Girdlestone Walk. Land to the west of the site is allocated for housing under reference Cro050 and an application is currently pending determination for 80 dwellings on this land under reference H02-0759-25.

The site is outside, though adjacent to, the settlement boundary of Crowland, as identified by the South East Lincolnshire Local Plan 2011-2036 and the accompanying policies map.

The site is located within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

### Relevant Planning History

H02-1274-80: (Reserved Matters) Camping, caravan, outdoor leisure and horticultural sales centre with alteration to existing access at Postland Road, Crowland - approved 23 December 1980

H02-0552-87: (Outline Application) Workshop and caravan storage compound and use of' existing building for repair and spray shop' - no decision issued

H02-1174-88: (Full Application) Steel portal framed workshop with lean-to' - approved 05 October 1988

H02-0612-91: (Full Application) Change of use of field to golf driving range - approved 15 August 1991

H02-0154-98: (Full Application) Erect new workshop building and external surfacing - approved 21 April 1998

H02-0218-01: (Full Application) Change of use to Garden Centre & use of 2 buildings for B1 (Business) - approved 10 July 2001

H02-0605-01: (Permission Renewal) Wksp & display bldg to replace open air display of camping, caravan, leisure/hort products (Renewal of H02/0263/96) - approved 24 January 2002

H02-0715-01: (Full Application) Proposed refurbishment, storage, display & sale of furniture & equip.for hotel, rest.& catering businesses - approved 08 October 2001

H02-0057-02: (Full Application) Change of use for the display and sale of caravan, camping and leisure products - approved 19 March 2002

H02-0413-02: (Section 73) Modification of condition 2 of H02/0218/01 to allow for the sale of pets, pet products and pet foods - approved 30 July 2002

H02-0154-02: (Full Application) Change of use for display and sale of camping, caravan and leisure products - withdrawn 02 May 2002

H02-0564-03: (Full Application) Plant shade within plant sales area - retrospective - approved 01 July 2003

H02-0599-03: (Full Application) Plant shade to protect small and vulnerable plants - retrospective - approved 01 July 2003

H02-0133-05: (Full Application) Erection of a conservatory display area - approved 15 April 2005

H02-1020-06: (Full Application) Miniature Railway - approved 26 September 2006

H02-0367-08: (Full -Application) Proposed offices, workshop and display area - approved 05 August 2008

H02-0708-19: (Full Application) Change of use from garden centre (A1) to mixed ( B1 & B8 uses) and associated building operations, car parking and infrastructure - approved 12 September 2019

H02-0143-20: (Full Application) Alterations and extensions to building following approval of change of use from garden centre (Use Class A1) to mixed B1 and B8 uses and associated building operations, approved under application reference H02-0708-19 - approved 26 March 2020

H02-0238-21: (Full Application) Extensions to roof of building, small extension between proposed units and minor alterations following planning approvals H02-0708-19 and H02-0143-20 - approved 13 May 2021

H02-0741-22: (Full Application) Change of use from garden centre (use class E) and the sale of caravans and related paraphernalia (use class sui generis) to a mixed use car sales (use class sui generis) and vehicle repairs and MOT service (use class B2) - approved 05 October 2022

H02-0906-22: (Full Application) Installation of ducting and extracts to serve vehicle spray painting booths - approved 11 November 2022

The following applications relate to land to the north-east:

H02-0868-17: (Outline Application) Outline application for the erection of up to 6 dwellings with access from James Road - refused 07 September 2018

H02-0669-19: (Outline Application) Outline Application for the erection of 6 self-build eco-homes with access from James Road (re-submission of H02-0868-17) - approved 3 April 2020

H02-0285-23: (Reserved Matters) Erection of 6 dwellings and associated works - outline approval H02-0669-19 - approved 07 September 2023

The following application relates to land to the west:

H02-0759-25: (Full Application) Development for 80 dwellings with access, landscape, drainage, open space and associated infrastructure - pending determination

## Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Lincolnshire County Council - Historic Environment: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

North Level Internal Drainage Board: No comments.

Crime Prevention Design Advisor (Police): No objections.

Environmental Protection: Any external lighting should be installed to avoid light nuisance to nearby properties. Hours of opening should not exceed 08:00-18:00 Mon-Sat and 10-16:00 Sunday.

Environmental Protection - Contamination: No comments regarding land contamination.

Environment Agency: This proposal comes under cell C7 of the local flood risk standing advice and involves a change of use within the 'less vulnerable' flood risk vulnerability classification. We therefore have no comments to make on this application. We do not need to be consulted further on this application.

Fire and Rescue Service: The Fire Authority object to the application on the grounds of inadequate water supply. It is the opinion of the Fire Authority that in order to remove the objection the following measures are required. WATER SUPPLY Lincolnshire Fire and Rescue requires the installation of a fire hydrant conforming to BS750-2012 within 90m of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption, the Fire Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant.

Crowland Parish Council: Objection, this area is becoming increasingly a residential area, a B2 classification is not in keeping with a residential area. Also have concerns about the level of screening. We already have a designated industrial area within the town.

Anglian Water:

Assets Affected: There are assets owned by Anglian Water or those subject to an adoption agreement close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before

development can commence.

Wastewater Treatment: Anglian Water objects to the proposed development under Planning Application H02-0696-25 due to the intended connection to the public foul drainage network. This site is located within the catchment of the Crowland Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. Anglian Water has determined that the site is unsustainable due to the associated environmental risk and the increased discharge rates, which could lead to a deterioration in water quality and an unacceptable risk of breaching environmental legislation at Crowland WRC. Considering these concerns, we recommend that planning permission be refused on the grounds of insufficient infrastructure capacity and to prevent environmental harm. Anglian Water collaborates with local planning authorities across the region to identify sustainable locations for future development, taking into account infrastructure capacity as part of the development plan processes. We also work closely with our regulators to identify opportunities for future growth investment. At present, no funding has been allocated at this Water Recycling Centre (WRC) for AMP 8 (2025-2030). However, we may seek to promote investment through our future business plans.

Used Water Network: The sewerage system at present has available capacity for the anticipated foul flows. However as advised above, any connection into our foul network from the proposed development will contribute to pollution and deterioration of the watercourse via the WRC as it cannot accommodate additional flows. If the LPA is minded to grant approval despite of our WRC objection, the developer will need to serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

This response has been based on the following submitted documents: Carter Jonas Covering Letter Dated 15 July 2025 The sewerage system at present has available capacity for the anticipated foul flows. However as advised above, any connection into our foul network from the proposed development will contribute to pollution and deterioration of the watercourse via the WRC as it cannot accommodate additional flows. If the LPA is minded to grant approval despite of our WRC objection, the developer will need to serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. 1

Informatives are recommended.

Surface Water Disposal: From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

Lincolnshire County Council - Highways and SUDS: There is an existing pedestrian gate that is closed at the highway boundary - pedestrian connectivity must be provided to the site from the public highway connecting pedestrians to the footway network so visitors/employees can walk to and from the site into Crowland. How will this be managed.

Cllr B Alcock: No response received.

Cllr J R Astill: No response received.

Cllr A Harrison: No response received.

Lincolnshire Wildlife Trust: No response received.

Natural England: No response received except automated response.

Conservation Officer: No response received.

Ecology Officer: No response received.

Inward Investment Manager: No response received.

Peterborough and Spalding Gliding Club: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the

Council's Statement of Community Involvement. In this instance, three letters of representation have been received. Two of the responses set out support for the proposal as follows:

-The town needs more opportunities for employment.
-The application is supported as the site has been empty for far too long and needs to be used to support a local business.

The other response set out concerns with the proposals which are summarised below:

-It is generally accepted that the site needs to be brought back into use for an operation which is compatible with its location. However, the application raises some issue and concerns.
-What permission presently exists on the site is not clear. The permission existing on the whole site does not appear to include the division of the large building. However, this application seems to include the division of the building and introduction of loading doors, including on the front elevation, which constitutes structural alterations, contrary to the assertion in the submission.
-Whilst a B2 use to accommodate an MOT facility is unlikely to create complaints, B2 across the whole site for eternity opens up the possibility of industrial uses which would not be compatible with the rural location and proximity to the built-up area of Crowland. Such a general unregulated use is normally found on designated industrial estates as the class covers a wide range of industrial operations likely to cause nuisance.
-There does not appear to be any opening or operational work hours proposed. Because of the proximity to existing and future residential properties it would seem appropriate to protect their residential amenity.
-Car transporters have visited the site as part of the last operation. However, they were not based on the site. Using the site as a base for several HGVs is a totally different proposition and if considered, careful consideration of where they are based needs to be given.
-Contrary to the report experience shows, with the previous operations, that transporters regularly travelled through the town despite it being possible to avoid doing so. They also regularly arrived missed the gate and turned round by backing into Girdlestone Walk, often then parking across householders' gates, on Postland Road, or parking on the approach to the site causing a hazard on the road near a bend. The anticipated increase in traffic can, in respect of this particular issue, only make matters worse unless off street parking is made available.
-From observation the parking area to the east of the large building floods. This may be due to the total lack of maintenance of the riparian drain along the southern and eastern boundaries which takes surface water not only from the site but as well water from the highway drains along Postland Road.
-There is no mention of the existence of a right of way running from Postland Road through the site to serve the land to the north of the site. This PROW is for all purposes, including vehicular, cycle and pedestrian. 24 / 7 and 365 days of the year.
-Part of the site to the north has a valid planning permission for the storage, display and retailing of Caravans, camping goods. It is presently used for storage but a wider use could be reintroduced depending on the fortunes of the user. Part of the submission is factually incorrect. The caravan and camping company did not voluntarily vacate the site at the end of the lease. The company was evicted, by the landlord, at short notice in preference of the now, sadly, defunct car business that replaced the previous uses. The caravan business has only survived by trading in a vastly reduced form from the site mention in the previous paragraphs. After a three-year struggle, it is now trying to re-build in a different location.

## Key Planning Considerations

Development Plan

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 adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Biodiversity Net Gain;
-Flood Risk and Drainage; and
-Minerals.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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 this case, the site comprises land within the countryside, outside of any settlement boundary. Section D of Policy 1 sets out that development within the countryside 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. Within the supporting policy text, paragraph 3.2.16 states that "Some land uses may also require a countryside location because of their functionality".

Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio) of the Local Plan is also relevant in this case. Policy 7 states the following:

*"New employment development/businesses or the extension of an existing business outside the...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."*

The proposal seeks to change the use of the site to Use Classes B2 (industrial), B8 (storage) and sui generis (mixed-use car sales). According to the submitted covering letter, a new tenant, GK Transport Ltd is interested to move to the site. This business is a car logistics operation which aims to make a strategic move into car and van storage, pre-delivery inspection (PDI), and vehicle refurbishment. The business stores, cleans and repairs cars. These works require workshops, inspection bays and other related facilities including storage plots for storing cars and vans ready for sales and delivery. The business also intends to offer MOT services to the general public, although this is intended to be a smaller element of the business operations, with the majority of the site will be used for vehicle storage.

No extensions are proposed within the site to facilitate the proposed change of use as the proposal seeks to re-use an existing building and previously developed land. The site has previously been used as an employment site and the proposal seeks to retain an employment use. For example, the proposal would provide employment for 20 full time workers, according to the application form. Therefore, it is considered that the proposal accords with Policy 7.

In terms of Policy 1, the proposal could deliver some economic benefits by bringing a vacant site back into use, providing employment. The proposal would help prevent the deterioration of the site by bringing the site back into use. If the site is left vacant, the site could become more unkempt. It is not considered that the proposal would deliver any specific environmental benefits as no changes are proposed to the site layout. Existing trees around the site are proposed to be retained.

Furthermore, the provision of employment opportunities could allow local people to work within the area, thereby reducing the need for local people to travel further afield for employment opportunities which might require the use of cars.

Previous planning decisions form a material consideration in the determination of applications. It is noted that permission has previously been granted to change the use of the site to a mixture of retail, B1, B2 and B8 uses under permission H02-0708-19, H02-0143-20 and H02-0741-22.

Therefore, the principle of development is considered to be acceptable, as the proposed use comprises an appropriate form of development for the location which would be in accordance with the overall principles of the spatial strategy. As such, the proposed development accords with Policy 7 of the Local Plan.

Design and Visual Impact

Paragraph 135 of the NPPF, 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.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan 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.

No external changes are proposed to the buildings within the site, nor are any changes proposed to the landscaping and hardstanding areas within the site. The site is relatively well screened from the nearest public viewpoints due to the location of various trees in and around the site. The storage of vehicles for sale has previously been found to be acceptable. The visual impact of storing vehicles outside within the site is considered to be acceptable on balance due to the relatively contained nature of the site and the positioning of screening around the site. As such, the proposal is not expected to have an adverse impact to the character or appearance of the area in accordance with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The nearest dwellings to the site are located to the west and south-west of the site on Postland Road and Girdlestone Walk. As set out previously, there is a housing allocation (Cro050) to the west of the site. According to Policy 10 of the Local Plan, this site could accommodate up to 70 dwellings. As set out previously, an application is currently pending determination for 80 dwellings under reference H02-0759-25. The submitted layout currently shows an area of open space including an attenuation basin and a wildlife corridor along the eastern side of the site. Dwellings are proposed further to the west.

It is also noted that reserved matters consent has been granted for 6 dwellings under reference H02-0285-23. These dwellings would be located to the north-west of the site if constructed.

The proposed change of use could result in some noise and disturbance, for example, from moving vehicles and from customers and employees visiting and leaving the site. It is not considered that the proposals would significantly exceed the noise levels of the previous or consented uses of the site. Furthermore, the council's environmental protection team have not set out any objections in terms of noise generation.

According to the submitted cover letter, the proposed use generally involves restoration of modern vehicles which may require cleaning, and lowkey repair works. the proposed maintenance and

restoration of vehicles would take place within the buildings

The existing garden centre building is approximately 130m from the nearest dwellings to the west of the site, including Northolme and other dwellings on Girdlestone Walk. The two northern buildings within the site are located approximately 60m to the east of the site boundary, which is next to the application that is pending determination for 80 dwelling under reference H02-0759-25. The approved 6 dwellings to the north of the site under reference H02-0285-23 would be approximately 125m to the north of the existing garden centre building. It is considered that there are suitable separation distances between the buildings and the nearest dwellings to prevent an unacceptable degree of noise and disturbance to the nearest occupants.

The council's environmental protection team have set out that any external lighting should be installed to avoid light nuisance to nearby properties. It is considered appropriate to secure further details of the proposed lighting via a condition in the interests of amenity.

The proposed hours of opening are not set out within the submitted application form. This has been queried with the applicant's agent and they have clarified that the proposed hours are:

05:00 to 22:00 Monday to Friday
06:00 to 18:00 Saturday and Sunday

These hours are considered to be unsuitable due to the proximity of existing, and potentially future dwellings around the site. The council's environmental protection team has suggested the following opening hours instead:

08:00 to 18:00 Monday to Saturday
10:00 to 16:00 on Sundays

These hours are considered to be more suitable and would help to protect the amenity of the nearest dwellings.

Therefore, it is considered that the proposed development would accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

There is an existing vehicular access to the site from Postland Road, to the south-west of the site. No changes are proposed to the access. Similarly, no changes are proposed to the existing car parking spaces which are located across the site. There are 166 parking spaces throughout the site. There is expected to be at least 20 employees as a result of the change of use. It is considered that there would be sufficient parking spaces for the proposed use of the site for both employees and customers.

Lincolnshire County Council's Highways Team have queried how pedestrian access to the site will be managed as there is an existing pedestrian gate that is closed at the highway. The gate is currently closed to the site to prevent unauthorised access to the site by vehicles whilst the site is

vacant. If the site becomes operational again, the gate will be opened during opening hours to allow for access by vehicles and pedestrians.

One of the public representations refers to a public right of way that runs through the site. A public right of way does not run through the site and as such, there is no need for specific provision to be made for a public footpath.

Therefore, the proposal would have an acceptable impact in terms of highway safety. As such, the proposal accords with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition".

The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

When taking the above into account, the development is considered to be exempt from the statutory BNG requirement as the proposed would fall under the de minims exemption. No extensions are proposed and the site would remain largely unchanged.

Flood Risk and Drainage

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site is within Flood Zones 1 and 2, as identified by the Environment Agency's flood risk maps. Flood Zone 1 is an area considered to be at the lowest risk of flooding, with an annual probability of less than 0.1% (or less than 1 in 1000) of river or sea flooding. Flood Zone 2, as defined by the Environment Agency, represents an area with a medium risk of flooding, specifically with a 1 in 100 to 1 in 1000 (0.1% to 1%) annual probability of flooding from rivers or the sea.

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. Within the SFRA, areas across South Holland have been identified according to the level of hazard that is posed in terms of flood risk. Appendix C of the SFRA sets out guidance in terms of the minimum measures that are required according to what hazard category areas fall under. The site is identified within the 'Danger to All' and 'Danger to Most' hazard areas. The SFRA recommends consulting the Environment Agency for less vulnerable uses such as the proposal in 'Danger to All' areas. The Environment Agency has set out that they do not need to be consulted in this case. Notwithstanding this, it is noted that the buildings within the site are within the 'Danger to Most' area and the 'Danger to All' area is largely located within the hard and soft landscaping areas within the site. The SFRA

recommends that proposals for less vulnerable uses within 'Danger to Most' areas, the finished floor levels should be raised as high as practicable) minimum 300mm above the existing ground level). The SFRA also recommends that appropriate mitigation measures / flood resilience techniques should be incorporated into the development.

It is not considered to be practical or necessary to raise the floor levels of the buildings in this case. Furthermore, no extensions are proposed and as such, the impermeable area within the site would not increase. The existing drainage strategy will, therefore, remain unchanged as a result of the proposals.

An objection has been raised by Anglian Water due to the intended connection to the public foul drainage network. The site is located within the catchment of the Crowland Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. Anglian Water has determined that the site is unsustainable due to the associated environmental risk and the increased discharge rates, which could lead to a deterioration in water quality and an unacceptable risk of breaching environmental legislation at Crowland WRC. Considering these concerns, Anglian Water has recommended that planning permission be refused on the grounds of insufficient infrastructure capacity and to prevent environmental harm.

Anglian Water has not recommended any potential mitigation to overcome their objection such as a financial contribution towards increasing the capacity of the foul drainage network, or specific foul drainage infrastructure for the site. Anglian Water did not object to the previous application to change the use of the site that was approved under reference H02-0741-22. As such, it appears that the infrastructure capacity issues have worsened since the previous permission was granted.

In this case, the proposal does not seek to erect any extensions or new buildings. The proposals seek to bring a vacant site back into use. Based on the specific circumstances of the application, it is not considered reasonable to refuse the application on the grounds that there is insufficient capacity within the foul drainage network. For example, the site could still be used as a garden centre or under other previous consented uses. The current use is not considered to generate a significant increase in the foul drainage requirements of the site compared to the previous use of the site. Anglian Water can require a financial contribution for a commercial connection to their foul network to fund improvements to the foul drainage network. This would be separate from the planning process. It is considered that this could be an appropriate way forward.

In flood risk and drainage terms, the development satisfactorily accords with Policy 4 of the Local Plan and Section 14 of the NPPF.

Minerals

The site is within a Safeguarding Area for Sand and Gravel as identified by the policies map within the Local Plan. Policy M11 (Safeguarding of Mineral Resources) within the Lincolnshire Minerals and Waste Local Plan Core Strategy and Development Management Policies (2016) sets out various exemptions for when the policy does not apply. One of these exemptions is for 'change of use of existing development, unless intensifying activity on site'. No external changes are proposed such as extensions or changes to the car parking areas. As such, it is considered that the development is exempt from Policy M11.

## 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 proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. Permission has previously been granted for a similar proposal under permissions H02-0143-20, H02-0741-22 and H02-0906-22. The proposal seeks to bring the site back into use, providing employment which could benefit the local community. The development is acceptable in terms of highway safety and flood risk. The objection from Anglian Water is noted, however, as set out previously it is not considered reasonable to refuse the application due to the lack of foul drainage capacity. Therefore, it is considered that the proposed development accords with the Local Plan and the NPPF.

## 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 these factors into consideration, the proposed development accords with Policies 1, 2, 3, 4, 7, 28, 30, 33 and 36 of the Local Plan, as well as Sections 6, 9, 11, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

## Recommendation

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