

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-1250-25 **Applicant:** GDS Travel

Proposal: Change of use of the former station yard to coach parking & maintenance - Approved under H06-0963-24. Removal of Condition 8 relating to acoustic fence along the northern boundary

Location: Station Yard Station Road Gedney

Terminal Date: 5th March 2026

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
33	Delivering a More Sustainable Transport Network
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - 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	0	0	1	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This is a Section 73 application seeking to remove Condition 8 of H06-0963-24 which related to acoustic fencing along the northern boundary of the site.

Within this submission a detailed Noise Impact Assessment, alongside a Covering Letter, have been provided to demonstrate why the condition can be removed.

Site Description

The site is located outside any defined settlement boundary and is therefore considered to be in the countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The site constitutes industrial premises to the rear of and associated with Station House, which is classified as a non-designated heritage asset.

It is currently occupied by a dark green fabricated steel storage building and a prefabricated office, plus storage compounds/areas. Access is via an existing surfaced roadway running along the northern boundary adjacent Station House. It also serves concrete works located further to the rear (east).

Breedon Concrete is located to the east of the site which has been in operation for many years and shares the access with this current site, this has 24-hour access.

History

H06-0077-17 - Proposed storage compound and storage building and offices associated with construction specialists - Approved

H06-0643-17 - Proposed storage compound and storage buildings and office in old station house associated with construction specialists (thus the existing B1 classification remains) (re-submission of H06-0077-17) - Approved

H06-0213-19 - Details of external materials, window frames and doors and palisade fencing (Conditions 4 (external materials), 6 (details of window frames), 7 (details of external doors) and 13 (details of palisade fencing) of H06-0643-17) - Approved

H06-1106-19 - Details of surface water drainage (Condition 16 of H06-0643-17) - Approved

H06-1210-21 - Storage compound, storage building & offices associated with existing use - retrospective - Approved

H06-1149-21 - Change of use of Station House from offices to domestic dwelling and timber clad garage - retrospective - Approved

H06-0742-24 - Erection of shed & garden building - Retrospective - Approved

H06-0884-24 - Details of Remediation Options Appraisal & Verification Report (Condition 3 of H06-1149-21) - Approved

H06-0963-24 - Change of use of the former station yard to coach parking & maintenance - Approved

Consultation Responses

Gedney Parish Council

No objection.

South Holland District Council Environmental Protection

I am happy for the condition to be removed providing the existing fence line is maintained in good order.

No comments regarding land contamination.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letter of representation has been received.

Key Planning Considerations

Evaluation - Section 73

The proposal relates to the removal of Condition 8 of H06-0963-24, through seeking permission under Section 73 of the Act. The purpose of an application made under Section 73 of the Town and Country Planning Act 1990 is to vary or remove conditions associated with an existing planning permission. These applications are used to allow for amendments to an approved scheme and can be made both retrospectively and prior to a permission being implemented, as long as the permission is extant.

The Act is very clear that: "On such an application the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted." As such, the Local Planning Authority are not able to revisit the principle of development and only matters relevant to the specific conditions can be considered. The effect of granting permission would be to issue a new permission with the relevant conditions amended, together with any other relevant conditions from the original permission, or subsequent relevant revisions since this permission.

Planning practice guidance highlights that where less substantial changes are proposed, amending a proposal can occur through 'Amending the conditions attached to the planning permission, including seeking to make minor material amendments'.

The PPG clarifies that "Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted". There is no statutory definition of a 'minor material amendment'; but this is likely to include any amendments where its scale and/or nature results "in a development which is not substantially different from the one which has been approved".

In this instance, the subsequent amendments, submitted under this Section 73 application, have not varied the description of development.

In the case of R (Vue Entertainment Limited) v City of York Council, it was concluded that the decision gives clear support for use of s.73 in respect of changes to condition which go beyond 'minor' amendments. It places a clear emphasis on preserving the precise terms of the grant. If an amendment to a condition can be made which keeps the description of the development intact it may well be appropriate to make such an application under a s.73, even if the effect of the change will be significant".

Assessment of Removal of Condition

As outlined above, Condition 8 of H06-0963-25 relates to requiring details of an acoustic fence along the northern boundary, with these details needing to be provided before the change of use is commenced on site. It is of the LPAs understanding that the change of use has been operational some time shortly after the change of use was granted, and thus the use has been unlawfully implemented.

In any case, this application has been submitted to remove this condition on the grounds that *'the proposed change of use from the former station yard to coach parking and maintenance is not expected to result in any material increase in baseline noise levels at the site'*.

In support of this, a Noise Impact Assessment has been provided with the findings confirming that *'the proposed change of use will not result in any significant adverse impacts on nearby residential properties, with additional coach movements remaining below existing background levels during both the daytime and early morning periods'*.

A summary of the measured background sound levels has been provided with the ambient sound level during the daytime (07:00am - 23:00pm) being 57dB and 51dB during the night time (23:00pm - 07:00am). These levels drop when assessed as background sound level to 54dB and 39dB respectively. Various noise levels for common activities undertaken on site have also been assessed, these are set out as follows:

- 1 - Coach Arriving Site - 74.2dB
- 2 - Wheel Gun - Maintenance Shed - 81.2dB
- 3 - Car Wash Machine - 62.5dB
- 4 - Fuel Pump - Coach Fuelling - 60.7dB
- 5 - Coach leaving fuelling site - 67.9dB
- 6 - Coach Leaving Site - 67.6dB
- 7 - Minibus Leaving Site - 55.9dB
- 8 - Staff Car Leaving Site - 57.7dB

From this, it was determined that since no changes are proposed to existing activities, with the only new source being vehicle movements associated with the 20 coaches on site, measurements 1 - 6 have been identified as the primary sources of predicted noise. It is predicted that there would be a +1.3dB change in ambient noise level from 79.3dB (existing 15 coach movements) to 80.6dB (proposed 20 coach movements).

Throughout the course of the day there is a dB level of 54dB with this dropping slightly during the night to around 52dB. The specific sound level would stay at the same level of 49dB for both day and night. Two dB is added as acoustic feature correction to take the overall dB rating level to 51, before three and one are taken from this to make the final number 48dB for the day and 50dB for night.

Ultimately, the assessment concludes that the change of use *'will not result in any significant adverse impact on nearby residential properties. The additional activity is expected to remain below current noise levels; therefore, no mitigation measures are required'*.

It should also be noted that the SHDC Environmental Protection Officer has commented on the application to state that they are happy for the condition to be removed providing the existing fence line is maintained in good order. As such, the LPA have no reason to believe there would be an increase in noise from the change of use and as such there is no need for an acoustic fence to be located on this boundary, nor an alternative means of boundary treatment beyond that which is currently located on site.

A condition will be applied to this decision notice however to ensure the existing fence line is maintained for the remainder of the sites lifetime.

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 above assessment has outlined the acceptability to remove Condition 8 of H06-0963-24, whilst the proposal conforms with the South East Lincolnshire Local Plan (2019) and the provisions of the

National Planning Policy Framework (December 2024) 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.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3, 4, 7, 28, 29 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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