

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H08-0004-24	Applicant:	HCS Cladding
Proposal:	Erection of 3 manufacturing units and part change of use from agricultural land to light industrial (change of use to accommodate Units 2 & 3) - approved under H08-1220-22. Modification of Condition 2 to allow amendments to previously approved plans and Condition 6 to accommodate bund		
Location:	S M C Belchmire Lane Gosberton		
Terminal Date:	28th May 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment

National Guidance

National Planning Policy Framework 2023

- 6 - Building a strong, competitive economy
- 12 - Achieving well-designed and beautiful places
- 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application for S M C, Belchmire Lane, Gosberton. This application is for the erection of 3 manufacturing units and part change of use from agricultural land to light industrial to accommodate Units 2 & 3. The proposal seeks to amend Condition 2 of the previously approved application H08-1220-22 as well as Condition 6 of the same application to accommodate a bund on the eastern boundary.

The proposal seeks to provide three units to the south and east of the existing buildings, with Unit 1 sited within the existing site boundaries, and Units 2 and 3 on adjacent agricultural land to the east. The proposal area of agricultural land for conversion totals 1.2 hectares, with the total site area being 3.79 hectares in size. The proposal to convert the land would see an increase of the site by slightly less than 50%.

The three units will be used for the storage and manufacture of timber goods produced by the business on site. The current agricultural land will be provided with hardstanding to create suitable vehicle and pedestrian circulation. The boundary treatment will be either wire mesh fencing or steel palisade fencing. The existing number of on site parking spaces is 26, with an additional 24 spaces being sought, to bring the total number of on site parking spaces to 50. The hours of operation for the site are Monday to Friday 08:30 to 17:30 and are not proposed to change.

Unit 1 is to be 45 metres wide, 25 metres deep, have an eaves height of 4.5 metres, and a ridge height of 5.825 metres. Two 6 metre by 4 metre roller doors will be sited in the front elevation, along with two personnel doors. Two personnel doors will be sited on the rear elevation, with eight rooflights on each side of the roof slope. Proposed material of construction is goosewing grey Kingspan cladding panels on the walls and roof.

Unit 2 is to be 60 metres wide, 30 metres deep, have an eaves height of 4.5 metres, and a ridge height of 6.085 metres. Two 6 metre by 4 metre roller doors will be site in the front elevation, along with two personnel doors. One personnel door will be sited on the rear elevation, with ten rooflights on each side of the roof slope. Proposed material of construction is goosewing grey Kingspan cladding panels on the walls and roof.

Unit 3 is to be 25 metres wide, 55 metres deep, have an eaves height of 4.5 metres, and a ridge height of 5.825 metres. Two 6 metre by 4 metre roller doors will be sited in the west facing front elevation, along with two personnel doors. Two personnel doors will be sited on the rear elevation, with ten rooflights on each side of the roof slope. Proposed material of construction is goosewing grey Kingspan cladding panels on the walls and roof.

Units 2 and 3 will be moved less than 1 metre to the west to accommodate the 3 metre high, 10 metre wide bund to the eastern boundary. Other than the bund and the relocation of Units 2 and 3, no other elements of the approved application H08-1220-22 are subject to amendment.

A site visit was conducted on Wednesday the 13th of March 2024.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits to the south-east of Gosberton. The surrounding area is predominately rural, characterised by linear development of varying ages and design. The site is in Environment Agency Flood Zone 3 but is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. The Flood Risk Assessment document approved under H08-1220-22 states that a Flood Warning and Action Plan is to be created to protect workers on site. Surface water will be discharged to the existing adjacent watercourse to the south.

RELEVANT HISTORY

H08-0809-86

Full - (a) Change of use of land (agricultural to industrial) (b) Change of use of bungalow (domestic to industrial) - Approved - 03 November 1986.

H08-0067-91

Full - Extension to existing workshop - Phase 2 & erection of pattern store (Class B1 Gen Ind Use) - Approved - 12 June 1991.

H08-0677-92

Full - New office and workshop building and provision of new access - Withdrawn - 01 December 1992

H08-1236-92

Full - New offices and workshop - Approved - 28 January 1993.

H08-1272-92

Full - Open sorting shed and portacabin - Approved - 22 March 1993.

H08-0435-98

Full - A permanent travelling gantry crane facility - Approved - 29 July 1998.

H08-0427-05

Full - Alterations to external elevations (new screen and windows) - Approved - 18 May 2005.

H08-1606-05

Full - Industrial development - erection of 3 industrial buildings - Refused - 27 February 2006.

H08-0914-06

Full - Extension to existing industrial building - Approved - 04 October 2006.

H08-0227-21

Full - Erection of 2 Industrial Buildings - Approved - 22 June 2021.

H08-1140-21

Full - Erection of 3 GRP transformer cabinets in connection with existing use - Approved - 09 December 2021.

H08-0556-22

Full - Proposed Kiln - Approved - 05 July 2022

H08-1220-22

Full - Erection of 3 manufacturing units and part change of use from agricultural land to light industrial (change of use to accommodate Units 2 & 3) - Approved - 12 June 2023.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between the 5th of March 2024 to the 26th of March 2024)

South Holland District Council - Building Control - 15th March 2024

No comments.

South Holland District Council - Environmental Protection - Oliver Abrams - 21st March 2024

"No comments regarding land contamination."

Lincolnshire County Council - Highways & SUDS - 26th March 2024

"The proposals do not have an adverse impact on the public highway."

South Holland District Council - Environmental Protection - Diane Gordon - 27th March 2024

No concerns.

Welland & Deepings Internal Drainage Board - 18th April 2024

"Until now I have been engaged in informal discussions with the consulting engineer for the proposed scheme and am now able to confirm my comments. Should planning permission be granted an application for consent to discharge surface water will need to be submitted to the Board prior to connection. The application will be subject to the agreement of technical details, payment of the £50 application fee as well as payment of the relevant development contribution. Based on the currently submitted information of a proposed total impermeable area of 1.345 hectares and a restricted flow to a maximum of five litres per second, the development contribution payable to the Board in advance of connection is £21,043.06."

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
Highway Safety and Parking
Flooding Considerations / Drainage
Biodiversity and landscaping
Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

EVALUATION

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.

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 within the report 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.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

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.

However, paragraph 12 of the National Planning Policy Framework reiterates that "The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making".

Principle of Development and Sustainability

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.

Given the location of the site, this proposal is assessed against SELLP Policy 1 titled - Spatial Strategy, with the relevant section in this policy being titled Countryside. As outlined above, in 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:

The proposal is for development of agricultural land in the open countryside.

However, given the drive for sustainable development in the National Planning Policy Framework and the opportunity to support the growth of an existing successful local business, as well as retain and grow local employment, it is considered that a planning argument can be made that supports expansion of this site.

Taking the three strands of sustainable development:

Economic - The units hereby being proposed will help to support the growth of an existing business.

Social - The retention of a successful business on this site will prevent the applicant seeking a larger site, potentially outside of the district, and therefore, help to preserve local jobs. The proposal will also retain the use of and established office building and accompanying units, thereby not leaving empty buildings if the applicant seeks to grow their business elsewhere.

Environmental - The application proposes the loss of 1.2 hectares of agricultural land. Whilst this is regrettable the environmental benefits are considered to justify the loss. The applicant will not seek to increase their carbon footprint through the development of a new site elsewhere and existing workers are likely to not increase their carbon footprint by travelling further afield to continue their role. Additionally the nature and intensity of timber construction work undertaken cannot be served by a site within the defined settlement limits of Gosberton. Additionally, the likely amenity impact from noise and vehicular movements would not lead to significant environmental health concerns.

In respect of the National Planning Policy Framework, paragraph 85 states: "Planning policies and

decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential."

Paragraph 88 of NPPF goes on to state: "Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

Furthermore, paragraph 89 of the NPPF states: "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

In respect of the above, when assessed against paragraphs 85, 88 and 89, it is considered that this proposal will allow S M C to invest, expand and generate economic growth. Whilst the criterion of points b, c and d of paragraph 88 are not considered applicable to the application at hand, the proposal is considered to accord with criterion a. in that the proposal would result in the erection of a new built form, in order to allow the site to undertake sustainable growth in a rural area with well-designed new buildings.

Furthermore, the proposal will aide business and community needs in a rural area. The development, although sizeable, is considered to be sensitive to the surrounding area. Whilst a footpath serving the site would be desirable, the Highways Officer has previously observed that due to any route being impacted by drains and frontage gardens, a footpath would not be achievable.

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.

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.

Likewise, 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.

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.

The size, scale, density and layout of the proposed buildings is considered to be appropriate for the site, resultant use and purpose to which it supports the existing business. The proposed amended siting is considered to be well positioned without being overdeveloped. A line of established trees to the eastern boundary will be removed to allow for the expansion of the site. The buildings are in keeping with the existing buildings on site and the other light industrial buildings in the vicinity of the site. The design remains in keeping with the existing storage / manufacturing buildings on site, and the orientation best enables the manoeuvrability of vehicles on site without leaving large areas of undeveloped land.

The proposed material of construction is goosewing grey Kingspan cladding panels on the walls and roof. Whilst not comprising materials that have a specific impact on sustainability, this material is in keeping with the existing buildings on site and other buildings in the surrounding area.

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 (December 2023).

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 nearest properties to the site are Collys Cottage on Wargate Field Lane which is 430 metres to the south of the nearest new building. 60 Belchmire Lane, 200 metres to the north, and 29 Spalding Road, 500 metres to the east. Due to the siting of the buildings in close proximity to the existing buildings, there is not considered there will be a material increase in noise, odour or disturbance arising from the proposal that would be deemed unacceptable. The site does not operate during evening hours and no formal complaints regarding noise have been made to the Environmental Protection Department. With regard to visual intrusion the following can be observed:

Overdevelopment - Whilst the existing site is being expanded, the proposal is not considered to represent overdevelopment. The existing density and design of the site is respected, and large distances to existing residential dwellings are maintained.

Overshadowing - When right to light lines are drawn, no buildings outside of the proposal site are impacted by a material loss of light.

Overlooking - The proposed windows serving the three proposed units are 2 metres above ground

level. Due to the access doors being at least 200 metres from a property there is not considered to be an overlooking aspect from the proposed buildings.

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 residential 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 (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

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".

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.

An existing vehicular access is to be utilised to access the new buildings. Concerns have been expressed with regard to increase in traffic; however, Belchmire Lane is regularly populated by agricultural vehicles and heavy good vehicles serving other arable and light industrial businesses in the area. The existing number of on site parking spaces is 26, with an additional 24 spaces being sought, to bring the total number of on site parking spaces to 50. The site is realistically only accessible by private vehicle by virtue of the remote location and lack of footpaths serving the site. The County Highways & SUDS Officer has no objections to the submitted details.

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 (December 2023).

Flooding Considerations / Drainage

Section 14 of the National Planning policy Framework (December 2023) 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 Zone 3 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 in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Because the buildings are for non-residential purposes, there is not a requirement to raised finished floor levels to address potential flood risk. The submitted Flood Risk Assessment document states that a Flood Warning and Action Plan is to be created to ensure to protect workers on site. Surface water will be discharged to the existing adjacent watercourse to the south. Welland & Deepings Internal Drainage Board has requested an application to the Board for discharge of surface water to the adjacent watercourse. Anglian Water has requested a Condition seeking further foul water drainage details.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2023) in this regard.

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.

As the proposal is a minor application there is a requirement to demonstrate a biodiversity net gain of 10% from the 2nd of April 2024. However, because the requirement to demonstrate a biodiversity net gain for minor applications commences for applications submitted on or after the 2nd of April 2024 this is not a requirement for this application. This is due to the application being accepted on the 3rd of January 2024. 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 can be achieved via a number of measures such as ponds, and hedge / tree planting.

Condition 6 of H08-1220-22 states:

"Prior to completion beyond oversight, a scheme to provide planting adjacent to the new site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use."

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. It is considered appropriate that this condition is retained. The hedging on the eastern boundary is to be removed and therefore it is imperative that this lost biodiversity is replaced in accordance with local and national planning policy.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio - Other Employment Areas

This proposal is also assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio, given its relationship to economic growth and development of employment related proposals. 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.
- 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 not demonstrated by this proposal. However, the requisite increase in parking spaces has been provided, and the Highways Officer has observed that a public footpath to serve the site cannot be realistically delivered.
- g. There is an identified need for the business location outside of identified employment areas on the Policies Map. This is because there is an existing successful business on site which seeks to expand and subsequently increase employment in the area.

In light of this, along with the details outlined further above within the report, it is considered that the proposal appropriately accords with Policy 7 of the South East Lincolnshire Local Plan.

Outstanding matters from representation

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 proposal represents appropriate development within the defined settlement boundary. 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 when viewed as a whole.

There are no sections within the SELLP or NPPF that directly address the loss of agricultural land. However, whilst the loss of agricultural land in a primarily rural based economy is not desirable it is considered that the expansion of an existing business and the associated benefits it would bring to the local economy, in this instance given the matters raised above, outweigh the loss of what is comparatively a small amount of land in the local context.

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

Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 7 and 28 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Sections 6, 12 and 15 contained within the National Planning Policy Framework (NPPF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is 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.

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.