

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0103-25 **Applicant:** Bakkavor
Proposal: Demolition of redundant building - Retrospective
Location: Building H Sluice Road Holbeach St Marks
Terminal Date: 2nd May 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
- 28 The Natural Environment
- 30 Pollution
- 31 Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework December 2024

- Section 4 - Decision-making
- 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	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for the retrospective demolition of a redundant building known as Building H at Bakkavor, Holbeach St Marks.

Site Description

The site is located outside any defined settlement boundary and is therefore in the open countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). Access to the site is via Sluice Road which runs directly adjacent to Holbeach River, this leads directly to a somewhat rural industrial site home to various different businesses with the entire Bakkavor site being significantly prominent.

History

H09-1112-92 - Provision of additional car parking and resurfacing of existing - Approved

H09-0318-98 - Erect office block and laboratory and re-design of car parking. (Retrospective) - Approved

H09-0009-03 - To provide production facilities for the manufacture of pizzas, together with associated amenities and facilities - Approved

H09-0912-24 - Demolition of vacant factory building - Refusal

Consultation Responses

Holbeach Parish Council

Fully support.

South Holland Internal Drainage Board

Consent is not currently required under Section 23 and is not applicable under Byelaw 10.

Lincolnshire County Council Highways

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The application is for the demolition of redundant building and it is retrospective therefore as the works have been done there is no response required in respect of the public highway. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications.

This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

South Holland District Council Environmental Protection

I have no comments to make regarding the demolition of the buildings regarding land contamination only that the materials are disposed of correctly. As with this application there maybe a requirement to level the site with imported topsoil I ask that should top soil be imported to the site that this top soil be certified clean and appropriate for the end use.

Senior Ecologist

I have reviewed the Proposed Landscaping Plan, Existing Location Plan, and document labelled Biodiversity Metric Calculation Tool for the above retrospective application. Herein, I believe the authority can be confident that the proposals will achieve the mandatory 10% biodiversity net gain requirement since virtually the entire site is being put to grass. However, I note that the authority will require the applicants to submit a biodiversity gain plan and a completed/finalized copy of the statutory biodiversity metric to discharge the biodiversity gain condition.

The site also provides a good opportunity to provide additional biodiversity provision, and I would suggest to the applicants/landscapers that they explore over-sowing the area with a more species rich grass mix (more costly), but which would require reduced ongoing maintenance costs (e.g. typically one early cut February-March, followed by one hay cut with trimming removed mid-July to August). Planting native trees along the northern boundary would be another relatively inexpensive option to enhance biodiversity onsite.

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 Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity

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 2024) 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.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) 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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The application site in this instance is in the open countryside as detailed by Policy 1. Regardless of such, the proposal solely relates to the demolition of an existing, yet redundant, building at a well established commercial/industrial site. Therefore, the principle of such development is considered to be appropriate in this location and setting.

Policy 7 of the South East Lincolnshire Local Plan (2019), relating to 'Improving South East Lincolnshire's Employment Land Portfolio', seeks to retain and enhance existing employment sites. It should be noted that the demolition is only for one unused building within an existing employment site; therefore, this ensures that there is not a loss of an entire employment site, but rather the removal of an unsafe and unutilised building.

As such, the proposal is considered to be acceptable with the requirements of the South East Lincolnshire Local Plan (2019) 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 residential amenities of neighbouring occupiers, and impact on highway safety, 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 2024) 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 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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 (2019) 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 (December 2024), 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 (December 2024) 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.

As the redundant building was demolished prior to the officer visiting the site, the LPA are unaware of the exact materials it was constructed from. Notwithstanding this, during the visit rubble and left over materials which had not been cleared, were still within the site. This indicates that the building was made from steel frames and featured concrete substructures and would have looked similar to other existing buildings on site, due to the nature of the location and use. It should be noted that the materials have now been removed from the site and have been recycled.

The loss of the building in this instance will not and has not caused material harm to the character of the area. In addition to this, a large area of grassed land will not appear out of character either, there are various points within the site which is predominantly grass and the entire site is not developed at this stage. It is not uncommon for there to be open spaces within the site covered with grass nor is the specific area in which the building was located visible from the highway to harm the street scene in this instance. As such, the retrospective demolition and works which follow this are considered to be suitable.

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 (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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.

Firstly, it is important to note that the demolition works have already taken place on site meaning any potential harm caused via the demolition through an increase in noise pollution will have already taken place. Furthermore, the demolition could have been approved under prior approval should the applicant have waited to start the works, until after that application was determined. As some work started during the prior approval stage, this meant the LPA had to refuse the application, despite this, full demolition continued retrospectively.

It is difficult for the LPA to assess the noise risk from this demolition as the works have been completed; despite this, the impact upon a modest demolition is not considered to give rise to an unacceptable or unduly harmful impact, particularly given the nature of the site in any event. During the officers site visit there was a high pile of rubble on the ground, with diggers and other equipment there to clear the site, one would assume that this pile is either clear or nearly cleared at this stage. This should therefore mean there is minimal additional work to be carried out and there would only be minimal noise disturbance caused.

Naturally, due to the retrospective nature and the fact the application is for a demolition of a building rather than an erection of a new building, there will be no material overshadowing or overlooking that would have occurred. 20 new site lighting are in place around the site, as seen on the landscaping plan to replace the light lost from the floodlights attached to Building H previously. Whilst this is a new addition, it should not increase the amount of light produced. Despite this, the land surrounding the site is all under the same ownership in that it should not materially harm surrounding sites/properties.

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 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan

(2019).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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".

The site lies within Flood Zones 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 (2019) 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.

Despite the property being within Flood Zone 3 and Danger for Some/Most within the SFRA, as the application is for a demolition rather than an erection of any new building, there would not be any significant harm raised on site or to the surrounding area. Further to this, South Holland Internal Drainage Board were consulted and raised no objection stating that consent is not currently required under Section 23 and is not applicable under Byelaw 10. With reference to Section 23, they state that there is the presence of a watercourse which is not maintained by the Board adjacent to the south-eastern boundary. Whilst not currently proposed, should the applicant's proposal change to include works to alter the watercourse they would require consent under the Land Drainage Act 1991 and Byelaw 4 subsequently. Finally, there are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

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.

Lincolnshire County Council Highways were also consulted on this application who raised no objections, detailing that 'The application is for the demolition of a redundant building and it is retrospective therefore as the works have been done there is no response required in respect of the public highway'. In that respect, there is not considered to be any harm caused through the highway, mostly due to the works already being completed.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

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.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements.

The site would not lose any greenspace or biodiversity, as the whole site is currently developed with hardstanding/ concrete yard. As part of the scheme they would grade the area replacing the concrete floor (5200 metres squared)/yard area (4505 metres squared) with new grass seeding approximately 9705 metres squared of additional grassland. Through using a standardised habitat metric weighing calculation tool the proposed scheme represents an approximate 19% biodiversity net gain.

SELCP Senior Ecologist was consulted on this application in line with the BNG Specification, their comments agreed with the net gain suggested in that 'Herein, I believe the authority can be confident that the proposals will achieve the mandatory 10% biodiversity net gain requirement since virtually the entire site is being put to grass'.

The LPA also advise the applicants to take into consideration the following comments: *The site also provides a good opportunity to provide additional biodiversity provision, and I would suggest to the applicants/landscapers that they explore over-sowing the area with a more species rich grass mix (more costly), but which would require reduced ongoing maintenance costs (e.g. typically one early*

cut February-March, followed by one hay cut with trimming removed mid-July to August). Planting native trees along the northern boundary would be another relatively inexpensive option to enhance biodiversity onsite.

Further to this, a 'Proposed Landscaping Plan' and 'Grass Seeding Specification' have been provided detailing the landscaping provided within the scheme as well as what type/process will be used. Within drawing number 'P24015-ARC-01-00-D-A-11101 Rev P02'. This shows the existing grassland, as well as the proposed grass seeding EG21 seed mix, which encompasses the entire site. This is a clear difference and increase in comparison to what is currently there and is a positive replacement in terms of the landscape. The seeding composition demonstrates 10% Agrostis Capillaris (Common Bent), 50% Festuca Ruba (Red Fescue) and 40% Festuca Ruba Ssp. Commutata (Chewing Fescue), the sowing rates will be 250kg/ha, 100kg/acre and 25g/m². These details are considered to be acceptable with a 19% increase being more than adequate.

Despite the details provided and the Ecologist comments, as the application is retrospective in nature and that the demolition works is on existing hardstanding and does not impact a habitat, it is considered to be exempt from any biodiversity net gain. The landscaping details provided are still beneficial to the site and area so will be included as a determined plan and will be controlled by condition, for the applicant to carry out and maintain.

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 (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 1, 2, 3, 4, 28, 30 and 31 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.