

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H09-0319-24      **Applicant:** University of Lincoln

**Proposal:** Proposed external seating for staff and students including associated hard landscaping

**Location:** University Of Lincoln Peppermint Way Holbeach

**Terminal Date:** 13th September 2024

---

**Planning Policies****South East Lincolnshire Local Plan - Adopted: March 2019**

01                      Spatial Strategy  
02                      Development Management  
03                      Design of New Development

**National Guidance****National Planning Policy Framework 2023**

Section 9 - Promoting sustainable transport  
Section 12 - Achieving well designed and beautiful 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<br>SUPPORT                  | 0      | 0       | 0       | 1        |
| SOUTH HOLLAND<br>INTERNAL DRAINAGE<br>BOARD | 0      | 0       | 0       | 1        |
| SHDC INTERNAL                               | 0      | 0       | 1       | 0        |
| OTHER STATUTORY<br>BODIES                   | 0      | 0       | 0       | 1        |

## **CASE OFFICER ASSESSMENT**

### **Description of Proposal**

The proposal seeks full planning permission for the creation of external seating and hard standing at the Peppermint Way University of Lincoln campus. Two areas of seating are proposed, the first being an area of covered seating located on the south and the second being an area for picnic benches located east. In addition, approximately 110sqm of hardstanding is proposed on existing grassed spaces.

The covered seating area, which would be constructed of timber slats, would measure 6400mm by 3300mm. The proposal would feature a mono-pitch roof with a maximum height of 3100mm. A green roof is proposed

### **Site Description**

The site is outside of the defined settlement boundaries outlined within the South East Lincolnshire Local Plan, 2019, lying approximately 75 metres east of Holbeach. Despite this, the site is within the Food Enterprise Zone, a cluster of agri-research and related businesses. The campus itself is comprised of a squat rectangular building and associated grassed and hardstanding areas. A mowed grassed area is located between the A151 and the building.

### **Relevant History**

H09-0771-16. OUTLINE. Proposed Centre of Excellence in Agri Food with associated roads, car parking and landscaping. Approved. 08-11-16.

H09-0230-18. RESERVED MATTERS. Proposed Centre of Excellence in Agri-Food with associated roads, car parking and landscaping - outline H09-0771-16. Approved. 13-04-18.

H09-0949-19. NON MAT AMENDMENT. Proposed Centre of Excellence in Agri-Food with associated roads, car parking and landscaping - approved under H09-0230-18 - Amendments to include minor changes to elevational treatment. Approved 18-10-19.

H09-1147-19. CONDITION COMPLIANCE. Details of surface water drainage, ground investigation report, site and floor levels, construction management plan and foul water strategy (Conditions 6, 8, 9, 10 and 12 of H09-0771-16). Approved 20-01-20

H09-0661-20. ADV. CONSENT. Proposed signage on south and north elevation of building. Approved 17-09-20.

H09-0057-21 - S73. Proposed centre of excellence in Agri-Food with associated roads, car parking & landscaping - approved under H09-0230-18. Modification of Condition 1 to allow amendments to previously approved plans. Approved 12-04-21.

### **Consultation Responses**

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

#### **South Holland Internal Drainage Board**

Land Drainage Consent is required. "We note that there will be an increase in the additional impermeable area from the development as a result of this application which proposes to create an external seating area and extension of hard landscaping. However, we cannot see that an amended drainage strategy for the site has been submitted as part of this application to take these changes into account. Please also note that whilst the Board have previously granted consent under Byelaw 3 for the discharge of surface water for this site based on the originally proposed impermeable area of 4429m<sup>2</sup> (under reference 19\_01903\_C, 27 February 2020), the additional impermeable area

resulting from this application does not currently have consent from the Board. We recommend that an amended drainage strategy is provided which includes revised calculations that take into account the additional contributing impermeable area to drain from the site as a result of this application. The discharge of surface water from the additional impermeable area to a watercourse will require consent under Byelaw 3 and we recommend that the applicant contacts this office to discuss this proposal at their earliest convenience. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate."

#### Environmental protection

No observations

#### Holbeach Parish Council

Fully support area for the students

#### Highway and Lead Local Flood Authority

Additional information requested "Part of the proposal is to allow student to engage in recreational activities such as Ball Sport - there is no boundary treatment at the highway boundary and the green area is very close to the A151. This is concerning as it would be hazardous to the users of the public highway. "

#### Senior Ecologist

Initial comments - 29/07/24

"Technically, I see no reason why this proposal should not be subject to the BNG requirement. I approve of its aims to provide access to green space for students, however, the proposal will seal over a significant amount of modified grassland habitat, and therefore, appropriate habitat creation or enhancement should be implemented to mitigate the loss and meet the BNG requirement. My first recommendation would be to use Greenstones (under sown with an appropriate species-rich mix of hardy grasses/plants), rather than sealed paving blocks to underlie the seating area. I am unfamiliar with the entirety of the landscape plans for this site beyond what was provided with this application, but there appears to be ample space for scrub creation, wildflower/pollinator mixes, additional tree planting, etc., to offset the remaining biodiversity losses associated with installing the seating area."

Further comments received 12/08/24

"I've reviewed the recently submitted Small-sites metric assessment and believe that the suggested landscaping and development plans will achieve/surpass the 10% BNG requirement. I would also like to commend the grassland and tree planting management goals, and the incorporation of an invertebrate hibernacula and green roof into the development, and note the possible inclusion of greenstone paving for the expanded seating area."

#### 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, no letters of representation have been received.

#### **Key Planning Considerations**

##### 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.

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 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

### Principle of Development

Policy 1 of the SELLP 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.

While the site is outside of any settlement boundaries, it is within an established and clearly defined development unit, and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be in accordance with the requirements of the SELLP when viewed in principle. This is subject to the assessment against site specific criteria; including (but 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 in the following sections.

### Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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 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. 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP 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. Furthermore, Policy 3 of the SELLP 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 NPPF 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 additional hardstanding and seating would have no significant impact upon the character of the area. The proposed designs of the open air seating are typical and complement the character of the

plot well. The addition of these features may be considered an enhancement, adding some depth to what is a relatively sparse area currently.

The covered seating area would appear as a timber framed box adjacent to building, of height 2.4 metres. The feature would not look out of place in the site, and would add further visual interest to the site. The height of the structure, in comparison to the university building, is relatively small, reducing the visual impacts of the development.

The choice of materials, in particular the heavy use of timber, is considered appropriate. The materials are relatively tactile, enhancing their ability to achieve the aims of the development, while also complementing the existing design of the building.

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 SELLP and Section 12 of the NPPF.

### Impacts Upon Resident 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 SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As no residential units are present, no significant amenity impact would occur. The development proposed is of a relatively small scale, further minimising impact. The proposal would create seating and enhance accessibility for the site, thereby enhancing onsite amenity.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

### Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. The proposal would have no impact upon parking provisions.

The proposal would have no impact upon the existing highway infrastructure due to its nature. The additional hardstanding and seating would be entirely within the site and would be located a sufficient distance from any road.

The comments from the Highway Authority referred to additional recreational activities including ball sports. However, it is not considered that additional seating would in anyway create increased demand for ball sports, which could occur on the site regardless of the outcome of this proposal. The supporting statement advises that the area is utilised for this purpose as existing and as such, is not likely to be an element that is introduced to significant intensified, as a result of this proposal. It is not considered that the comments have a significant bearing upon the merits of this application.

The additional hardstanding will increase on site accessibility, creating a clear pathway for wheelchair users around the site. This is considered to be a boon to the site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

### Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " 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". The sequential approach is required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as danger for some, with a hazard depth of up to 1 metre. Despite this flood risk, the proposal is compatible. The proposal would not be at risk of the impacts of flooding, nor would it exacerbate flood risk elsewhere.

The increase in impermeable surfaces is unlikely to have a significant drainage impact, due to its relatively small scale. That being said, Land Drainage Consent may be required in order to accommodate the additional flows. It is recommended that the applicant discuss this with the relevant internal drainage board.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

### Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF 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'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system; while Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

The submitted biodiversity net gain plan has demonstrated a 17.14% net gain. This has been achieved via the introduction and area of neutral grassland to the north of the site, as well as the planting of four deciduous trees. Green roofs are also proposed, which themselves are an ecological benefit.

The comments from the Senior Ecologist has reaffirmed that the proposed plan is acceptable.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

In any event, the application is subject to the 'Biodiversity Gain Condition' and as such, details will be required in this regard as a mandatory requirement.

## **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 a defined development site. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, without impacting upon highway infrastructure, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. A suitable biodiversity net gain will be achieved.

## **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 proposal is considered to comply with Policies 1, 2, 3, 4, 28, 31, 33 and 36 of the SELLP, as well as Sections 9, 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.