

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0339-26 **Applicant:** Lotus Sun Property Ltd

Proposal: Change of use from an MOT testing station, vehicle repair garage and petrol filling station to a flexible (Class Sui generis) commercial unit, while retaining the petrol filling station use

Location: 36 West End Holbeach Spalding

Terminal Date: 14th August 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
24	The Retail Hierarchy
27	Additional Retail Provision
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

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

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a change of use from a MOT testing station, vehicle repair garage and petrol filling station to a flexible (Class Sui generis) commercial unit, while retaining the petrol filling station use at 36 West End in Holbeach.

Site Description

The application site is a detached motor vehicle repair and MOT testing garage along with petrol filling pumps located on the northern side of West End in Holbeach. The application site is surrounded by a mix of residential and commercial units and is sited within the Holbeach Conservation Area. The application site in policy terms is located adjacent Holbeach Town Centre boundary.

History

H09-0015-89 - Advertisement Consent - Replacement offset pole mounted company' identification sign'

H09-0302-95 - Demolition of building (no. 38 West End) - Approved

H09-0674-95 - Details of screening (Condition 2 of application H09/0302/95) - Approved

Consultation Responses

Initial Responses Received (Consultation period between 21st April 2026 - 14th May 2026)

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:

Ward Member Cllr N J Chapman

The new forecourt and shop is something that's been sadly missing at that end of town, and will offer residents a choice for shopping and a modern forecourt.

Internal Drainage Board

Thank you for your consultation on planning application H09-0339-26. Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make.

BNG Ecologist

Having reviewed this application, we have no comments regarding ecology.

Conservation Officer

I wish to confirm I have no objections to the principle of this proposal.

The application contains several aspects which would not typically be acceptable in a conservation area setting (i.e. grey external cladding, box shutters etc) however, a site assessment shows that there is additional context which mitigates against these arguably harmful aspects. Namely, the site as extant is itself an eyesore, and whilst it is proposed to retain the relatively functional looking building, in a poor state of repair and is therefore considered an eyesore in the immediate area. As a result, the proposed works, which would result in a modernised and tidied appearance would represent a neutral, possibly even positive effect upon the CA, even though the proposal contains aspects which, in typical circumstances, would not be considered appropriate. In this instance, the proposal can be considered to assist in conserving and/or enhancing the historic environment.

However, having said that, should you be minded to approve the application, I would recommend imposing a condition that requires the submission of the details of the proposed box shutters. This is because an overly prominent box shutter would appear out of sorts and incongruous. The applicant should be minded that any shutter storage should be as discreet and low profile as possible.

SHDC Environmental Protection

Provide details of any proposed new mechanical extraction/refrigeration compressors prior to completion. We would advise using the west or south elevation for these to reduce any impact to nearby residents.

I request a standard land contamination condition be applied at this location

Historic Environment

Thank you for consulting us on this. Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request.

LCC Highways

Deferral: LCC is not currently in a position to support the application and requests further assessment, supporting evidence, revisions and/or dialogue, as set out in the response. **ADDITIONAL INFORMATION REQUIRED** Parking justification is required - 4 spaces for retail, cafe, office, services use is low. For food retail we'd expect to see 1 space per 14m² of gfa.

Responses Received within Re-consultation (Consultation period between 26th May 2026 - 25th June 2026)

LCC Highways

A servicing drawing is outstanding - how will delivery vehicles access and turn within the site when parking spaces are in use? A Delivery Management plan required.

Responses Received within Re-consultation (Consultation period between 27th July 2026 - 10th August 2026)

LCC Highway and Lead Local Flood Authority

Recommendation for No objection subject to: 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:

Change of use from an MOT testing station, vehicle repair garage and petrol filling station to a flexible (Class Sui generis) commercial unit, while retaining the petrol filling station use. The proposal relates to the change of use of part of the existing building to form a convenience store with a gross floor area of approximately 124 m². Deliveries will be limited to approximately two deliveries per week from the wholesale supplier, Booker. The servicing demonstrated is acceptable, and parking (option 5) is acceptable. Visitors to the shop will either be already on the site using the Petrol pumps or call in the shop for convenience. Either way they will be quick visits of no more than 10 minutes at a time. It is a Village location with only 2 petrol pumps on site the change of use will not create an unacceptable impact on the public highway.

Public Representation

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

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.

Principle of Development

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. 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.

The site is within the settlement of Holbeach which is classed as a 'Main Service centre' within Policy 1. As such, "within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) 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.

As the site is within the boundary of Holbeach, when viewed in broad principle, development within this location is broadly considered appropriate, subject to other policy and material considerations being met. The proposal in this instance is located near to the town centre; however, lies outside of the town centre boundary as defined within the inset map for Holbeach.

The proposal in this instance seeks to change the use of an existing MOT testing station, vehicle repair garage and petrol filling station to a flexible (Class Sui generis) commercial unit, while retaining the petrol filling station. Where a proposal would involve the 'creation' of additional retail space, Policy 1 is supported by Policy 7, 24 and Policy 27 of the South East Lincolnshire Local Plan.

Policy 7 relates to improving South East Lincolnshire's employment land portfolio and details that: "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" it meets specific criteria outlined under Policy 7.

In short, this section of Policy 7, relating to new employment development/businesses outside of allocated employment sites, must either comprise the re-use of previously-developed land or the conversion/re-use of redundant buildings, or should this not occur, must both evidence 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", and in such an instance where this is evidenced, must go on to comply with the criteria outlined in points a-g.

As detailed, Policy 7 of the Local Plan sets out that new employment development / businesses outside the allocated employment sites will be supported provided that the proposal involves the re-use of previously developed land or the conversion / re-use of redundant buildings. The application site is currently an existing MOT testing station, vehicle repair garage and petrol filling station, therefore the site comprises previously developed land, and comprises an existing built form that is being re-used; as such, the proposal accords with Policy 7 as the proposal is for the re-use of previously developed land.

Policy 24 (The Retail Hierarchy) sets out main town centre uses should be located in accordance with the policy hierarchy, which includes the following:

- Subregional centres (Boston and Spalding);
- The District Centre of Holbeach and Local Centres such as Crowland, Donington, Kirton, Long Sutton and Sutton Bridge;
- Outside the Retail Hierarchy; and
- New Local Centres within Sustainable Urban Extensions.

In this instance, as detailed above, although located within the settlement boundary of Holbeach, the site lies outside of the defined 'Town Centre' boundary. Part C of the policy sets out that the vitality and viability of centres in the retail hierarchy will be maintained and enhanced. Proposals for main town centre uses outside the town centre boundaries and where not provided for under Policy 27, will be required to demonstrate their suitability through a sequential test in line with the NPPF.

The proposal comprises the change of use of an existing built form to a flexible (Sui Generis) commercial unit, while retaining the petrol filling station, within a location situated outside of the defined town centre. Whilst the submission is not accompanied by the results of a sequential test assessment, and therefore, when viewed in respect of Policy 24 is not strictly in accordance, it is considered that the although the proposal is likely to be able to be accommodated on an alternative site within Holbeach Town Centre, the petrol station element of the site would not be able to be accommodated within the Town Centre.

Furthermore, the town centre boundary is located close to the site, approximately 18m to the east of the site. As such, the site is not located a significant distance from the town centre, and it is not considered that the re-development of the site would undermine the vitality or viability of the town centre.

Beyond this, policy 27 of the SELLP details that "There is no quantitative need for additional convenience goods floor space in the Local Plan area before 2021. There is expected to be a quantitative need for an additional 3,365 sqm (net) floor space by 2031. Such provision should be provided as small-scale units of up to 500 sqm (net) either within a new Local Centre to serve a Sustainable Urban Extension or to provide for an underserved area. Extensions which would take existing shops in these locations up to these sizes to improve their viability will be permitted".

This continues under Part C to detail that "Individual local shops, leisure uses and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents, without the need to use a car, will be protected. Proposed new shops in such circumstances, will be limited to a maximum 100 sqm (net) floor space, unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated".

The proposal in this instance would seek to provide a new convenience store, which would serve the petrol filling element of the proposal. This would be in lieu of the existing process. Whilst this would see the introduction of a new convenience store, and as such, would not be in accordance with Policy 27 in respect of sections B and C, the proposal is not atypical, in that it is commonplace for petrol filling stations to comprise an ancillary or supporting store.

It is considered in this case, given the nature of the development as a whole, in addition to the existing use which in part comprises a filling station, and the close proximity and sustainable location to which the site lies, that the proposal is acceptable in principle.

Therefore, whilst it is noted and appreciated that the proposal is in technical conflict with Policy 24 and 27 of the SLLP for the reasons outline above, the principle of the development is considered to be acceptable in this instance. This is subject to a consideration as to whether the proposed development accords with the development plan and national policy in terms of other material considerations.

Layout, Design and Consideration of the Character and Appearance of the Area

Paragraph 135 of the National Planning Policy Framework (updated December 2024) states that new development should function well and add to the overall quality of the area and should be visually attractive as a result of good architecture and appropriate landscaping.

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

Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (updated 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.

The site is located in Holbeach Conservation Area and The Priory (grade II listed) is located west of the application site as well as Grade II listed dwellings to the east. Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

Policy 29 within the South East Lincolnshire Local Plan states that "proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting."

The National Planning Policy Framework (NPPF) (December 2024) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments.

Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2024) states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

In respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The existing building is constructed in brick and cladding, the change of use only proposes alternations to the front elevation, the reaming elevations would remain unchanged. The front alterations include the heavy glazing and two entrance doors, as well as a dark grey aluminium frame. It is considered that the change of use would not harm the character or appearance of the building or conservation area and would not affect the setting of the listed buildings adjacent to the site.

The Conversation Officer has been consulted on this application who stated that the alterations proposed would not typically be acceptable in a conservation area setting. However, given the unattractive look of the existing building, it is considered that the alterations would result in a modernised and tidied appearance and would represent a neutral, and possibly even positive effect upon the Conservation Area, even though the proposal contains aspects which, in typical circumstances, would not be considered appropriate. In this instance, the proposal can be considered to assist in conserving and/or enhancing the historic environment.

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.

There are no proposed extension alterations to the building therefore it is not considered that that the proposal would overshadow, overlook or be overbearing to the neighbouring properties. The proposed opening hours are 06:00 to 23:00 Monday to Saturday with 07:00 to 23:00 on Sundays including Bank Holidays. The proposed opening hours will have a limited impact upon residential amenity. Due to the building being close to the town centre location, there is an assumed increased level of noise and foot traffic at all times of day. The opening times would not cause an unacceptable level of noise and foot traffic. It should also be noted that the opening hours are in line with competitors in the locality. It is also important to remember that the existing use is a MOT testing station and vehicle repair garage, which could already have an impact with noise for the neighbouring dwellings.

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).

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.

The proposal relates to the change of use of part of the existing building to form a convenience store with a gross floor area of approximately 124 m². Deliveries will be limited to approximately two deliveries per week from the wholesale supplier, Booker. The servicing demonstrated is acceptable, and parking (option 5) is acceptable. Visitors to the shop will either be already on the site using the Petrol pumps or call in the shop for convenience. Either way they will be quick visits of no more than 10 minutes at a time. It is a Village location with only 2 petrol pumps on site the change of use will not create an unacceptable impact on the public highway. LCC Highways were consulted and confirmed there are no objections.

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 of the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) 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 174 of the National Planning Policy Framework (December 2024) states "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". The strategic flood risk assessment provides the basis for applying this test.

Paragraph 175 of the National Planning Policy Framework (December 2024) states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."

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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the National Planning Policy Framework (December 2024). Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall"

The site lies within Flood Zone 2 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 SFRA as a basis to apply the sequential test.

Within the SFRA the site is located outside of any identified hazard zone.

Paragraph 176 of the National Planning Policy Framework (December 2024) states: "Applications for some minor development and changes of use should also not be subject to the sequential test, nor the exception test". Footnote 62 clarifies that this "includes householder development, small non-residential extensions (with a footprint of less than 250sqm) and changes of use".

On the basis of Paragraph 176 and Footnote 62 of the National Planning Policy Framework (December 2024), there is no requirement to apply the sequential or exceptions test. In any event, the proposed use would be no more at risk than the existing use and would not increase the risk of flooding elsewhere.

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 South East Lincolnshire Local Plan, and the intentions of the National Planning Policy Framework (December 2024) with regards to flood risk.

Biodiversity Net Gain

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

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

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

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan, or
- (c) the development is exempt from the biodiversity gain condition.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements under the de minimis exemption. The proposal does not result in any meaningful loss of habitat and will impact significantly less than 25m² of onsite habitat and no linear habitat (such as hedgerows).

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 development in this instance, for the reasons detailed above, fails to accord with Policy 24 and 27 of the SELLP. Notwithstanding this, the proposal is not atypical, in that it is commonplace for petrol filling stations to comprise an ancillary or supporting store.

The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking.

It is considered in this case, given the nature of the development as a whole, in addition to the existing use which in part comprises a filling station, and the close proximity and sustainable location to which the site lies, that the proposal is acceptable in principle. 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 into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 29 and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (2019); in addition to the identified sections contained within the National Planning Policy Framework (December 2024). 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.