DECISION DELEGATED TO HEAD OF PLANNING

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Application No:	**H09-1119-22**	**Applicant:**	**Stirlin Developments Ltd**
Proposal:	Erection of 12 commercial units with associated access road and parking spaces		
Location:	Land Off Cibus Way South Lincolnshire Food Enterprise Zone Holbeach		
Terminal Date:	28th February 2024		

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
05	Meeting Physical Infrastructure and Service Needs
07	Improving South East Lincolnshire's Employment Land Portfolio
08	Prestige Employment Sites
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (December 2023)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

South Lincolnshire Food Enterprise Zone (FEZ) Local Development Order (LDO)

Local Development Orders (LDOs) were introduced in the 2006 through the Planning and Compulsory Purchase Act 2004. LDOs grant planning permission for specific types of development as detailed in the order. These primary powers were amended by s188 of the Planning Act 2008 in June 2009.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks reserved matters approval for the erection of 12 commercial units with associated access road and parking spaces, following the adoption of the Holbeach Food Enterprise Zone (FEZ) Local Development Order (LDO) on 20 November 2018 and its subsequent extended and amended Order, the South Lincolnshire Food Enterprise Zone (FEZ) Local Development Order (LDO), which was adopted in November 2023.

The proposal comprises 12 commercial units within a site area of 0.50ha and proposes an arrangement comprising:

- Units 1, 2, 3 & 4 providing a linear arrangement of four units running north to south, along the eastern boundary of the site.

- Units 5, 6, 7, 8 & 9 - providing a central area of five units, comprising two larger and three smaller units.

- Units 10, 11 & 12 - providing a linear arrangement of three units running south to north, along the western boundary of the site.

The proposal comprises the formation of a new access point to the north-west of the site, with a sliding gate. The existing access to the site is to be removed, with access to the site ceased from this point.

Site Description

The application site lies to the west of the A151, being sited to the south off Cibus Way, the access road provided to serve phase 1 of the Food Enterprise Zone. The site lies immediately north of Rose View Drive, a residential area consisting of gypsy/traveller pitches. There is a sparse hedge separating the application site from Rose View Drive.

Wider Site Description

The application site forms part of a Food Enterprise Zone, commonly referred to as The Holbeach Food Enterprise Zone (FEZ). The site has, previously, been subject to the adoption of the Holbeach Food Enterprise Zone (FEZ) Local Development Order (LDO) which was adopted on 20 November 2018.

During the application process for reference H09-1119-22, the LDO was due to expire; having been established for 5 years in line with the legislative framework. The LDO was therefore due to expire in November 2023, unless renewed.

As such, the formal process to amend and extend this LDO was initiated and concluded. The legislative regime makes provision to refine and extend the timeframe of LDO's, subject to the need to update and formally consult upon renewed Orders. Given the initial success of the LDO, evidenced by the significant development undertaken on site, the Council undertook further formal consultation. This involved giving notice that the Council had reviewed the LDO and proposed to extend it further by effectively granting outline planning permission for continued on-site Agri-Food related development.

Following formal consultation with statutory bodies and the public, the amended LDO was formally adopted by the Council in November 2023. The refined LDO has an extended timeframe of 15 years, expiring in 2038 (unless further renewed).

As expressed within the publication of the LDO, the adopted LDO is designed to streamline the planning process by removing the need for developers to make separate planning applications for development within the South east Lincolnshire FEZ. The FEZ covers an area of 17 hectares and is located at the intersection of the A17/A151.

The LDO provides outline planning permission for those uses as specified in Schedule 1, parts 1 to 8 of the Order. It does not remove the need to obtain other statutory consents from the Council or other organisations, such as Building Regulations, highways consents, environmental permits or Integrated Pollution Prevention and Control licenses.

The permission detailed and any subsequent permissions or approvals gained, such as that hereby under consideration, are subject to the conditions outlined under Schedule 2 of the Order.

History

H09-0934-19. Reserved Matters to Local Development Order in relation to construction of additional road to facilitate future development of Phase 1 - APPROVED on 31-10-19.

Consultation Responses - Initial Consultation Period

Police Crime Prevention Design Advisor

Lincolnshire Police do not have any objections to this application.

SHDC Ward Member - Cllr F Biggadike

Consider the application to agree with the Council policy of supporting Business growth in this new

business investment area as well as providing more local employment.

SHDC Environmental Protection

Noise - No objection to construction management plan.

Contaminated land - The reports conclude that a clean cover system will be required in landscaped areas. I therefore request the following conditions for any permission granted: Condition for previously unidentified contamination. Parts (iii) and (iv) of the standard contamination condition to submit a remediation method statement and validation report.

Environment Agency

No specific comments provided. Advised to refer to existing standing advice.

Anglian Water

No comments to make.

South Holland Internal Drainage Board

The Board has consented a surface water discharge from this site as part of a master drainage strategy for a wider
section of the Food Enterprise Zone site. The Board is able to confirm that it seems as though this application is
compliant with the agreed impermeable area for plots 3, 4 and 5 (total 0.378ha); however, we recommend that the
applicant works with the grantee of this existing consent to ensure the surface water discharge from plots 3, 4 and 5
is in accordance with the conditions of the overall consent.

Lincolnshire County Council Highways & SUDS Support

No objections, subject to conditions expressed within the response.

Consultation Responses - Further Consultation following Noise Assessment

An outline noise assessment was previously carried out for the proposed FEZ by Bluetree Acoustics and the findings and recommendations presented in report reference 02859-130101 dated 14/10/2016. The noise assessment was carried out for South Holland District Council. The recommendations in the report were based on the criterion that the rating level of noise from the FEZ should not exceed the existing background noise levels at the closest residential properties, which in this case is the adjacent travellers site located at Rose View Drive.

A subsequent detailed noise assessment has been carried out by ANC Acoustic & Noise Consultants, report ref: 13631.02.v1 (May 2023), on behalf of the client, Stirlin Developments Ltd, which includes a number of recommendations at Section 4.

The response concludes no objections subject to the recommendations forming part of any approval granted.

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.

Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development & Sustainability
- Layout, Design and Consideration of the Character and Appearance of the Area
- Impact on Residential Amenity/Land Users
- Highway safety and parking

- Flooding considerations & Drainage
- Landscape Impact
- Contaminated Land
- Biodiversity
- Lighting/Hours of Use
- Developer Contributions

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

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

Principle of Development & Sustainability

As referenced above, the site has previously been subject to the adoption of the Holbeach Food Enterprise Zone (FEZ) Local Development Order (LDO) which was adopted on 20 November 2018. However, during the application process for reference H09-1119-22, the LDO was due to expire; having been established for 5 years in line with the legislative framework. The LDO was therefore due to expire in November 2023, unless renewed.

The legislative regime makes provision to refine and extend the timeframe of LDO's, subject to the need to update and formally consult upon renewed Orders. As such, the formal process to amend and extend this LDO was initiated and concluded. Following formal consultation with statutory bodies and the public, the amended LDO was formally adopted by the Council in November 2023. The refined LDO has an extended timeframe of 15 years, expiring in 2038 (unless further renewed).

As expressed above, a LDO is designed to streamline the planning process by removing the need for developers to make separate planning applications for development within the South east Lincolnshire FEZ. The FEZ covers an area of 17 hectares and is located at the intersection of the A17/A151.

The purpose of the Holbeach FEZ is to support and promote the Agri-Food industry in South East Lincolnshire and the surrounding area. Its aim is to offer a spectrum of accommodation, business support, technology, training and networking for Agri-Food in order to maximise the positive impact of this key sector on the local economy and act as a focus for future development.

The LDO provides outline planning permission for those uses as specified in Schedule 1, parts 1 to 8 of the Order. The Holbeach FEZ LDO grants outline planning permission, with all matters reserved, for employment and education-led schemes on the whole of the FEZ site for the following range of uses:

20,000 square metres -Business - Offices/Research and Development and 'Quiet Industries'
20,000 square metres - General Industrial (B2 Use)
9,500 square metres - Non-Residential Institutional Use (education and training) (F1 Use)
1,500 square metres - Conference Facilities (F1 Use)
1,500 square metres - Financial and Professional Services Use (E and E Use)
3,000 square metres - Hotel or Motel Use, (C1 Use)
Storage and Distribution will be allowed where they are ancillary to a larger operation (B8 Use); and Restaurants and Cafes will also be permitted where they are ancillary to a D1 Non Residential institution or a D2 Conference facility (E Use).

The Order is accompanied by a set of planning conditions. These are set out in Schedule 2 of the Order. The first of which requires details of the reserved matters (access, appearance, landscaping, layout and scale) to be submitted and approved by the Local Planning Authority, with a need for the development to be carried out in accordance with the site-wide Flood Risk Assessment. The conditions also require the prior installation of circulation routes, the provision of car parking and requires the submission of details relating to matters such as surface water drainage and foul water discharge, site and floor levels, construction managements and demolition control (amongst others - Full extensive list of conditions are within Schedule 2 of the LDO).

The sustainability of the development of the wider LDO area was considered during the preparation and adoption of the LDO. The LDO establishes the acceptability of such development within the FEZ site.

This Reserved Matters application proposes 12 commercial units within the applciation site, which comprises a parcel of the LDO land. The uses and quantum of development proposed, or those secured by conditions, by this application accord with the provisions of the LDO, and thus the development is acceptable in principle.

In respect of the sustainability of the proposal, as has previously been expressed within sites that have been approved or developed within the LDO site:
"This greenfield site lies south west of the A151/A17 junction, known as Peppermint Junction which has recently been upgraded. The Holbeach FEZ site has been designated as an employment allocation in the SELLP. Although the site could be considered to be remote from Holbeach, the delivery of the residential development and the Junction improvement scheme will ensure that the FEZ is part of a planned extension of Holbeach that will function as part of the town.

The FEZ site is part of a co-ordinated growth strategy for Holbeach which will help deliver sustainable economic development to support activity in the town and the wider Greater Lincolnshire area, within the context of an actively managed pattern of growth".

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be

adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

In this instance, the details proposed comprise the erection of 12 commercial units, each comprising a notable and sizeable built form that would be readily visible from a number of vantage points and from the immediately surrounding highway's.

Notwithstanding this, the use and built form propsoed is somewhat typical and not unfamiliar given the purpose of the LDO and the permission that this establishes on the site; albeit, rleating to the wider LDO site overall.

The units proposed are designed and comprise a layout that would provide two linear forms of unit; one to the east and one to the west of the site, with the remaining units comprising a central arrangement of smaller and more sizeable units.

Notwithstanding the development comprising a visible built form and sizeable collection of buildings, it is considered that overall, the layout and form of development accords with the intentions of the LDO, and would be finished in materials that would complement the existing buildings on the site and under completion, and would not be unusual for such a development type.

Taking account of the design, scale and nature of the development, as detailed above, coupled with the established nature and future use of the site, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area that would warrent refusal in this case and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The application site has little by way of neighbouring built forms to the north, east and west. Adjacent the site lies some built form such as the Hub and the University of Lincoln buildings. These are set with ample seperation.

Neighbouring to the south of the application site is the single residential development that neighbours the application site. This comprises 'Rose View Drive', a residential area consisting of gypsy/traveller pitches, which lies immeidtaely to the south. The site, at the time of visit, had a sparse hedge separating the application site from Rose View Drive, along with fencing.

It is noted that no comment shave been received from residents of Rose View Drive. However, during the application process, the Local Planning Authority sought to ensure that the residential amenities of these occupier's were protected to a suitable extent. As such, while an alternative arrangement was briefly discussed, an alternative layout was not taken forward for design and therefore, a noise impact assessment was sought.

This noise assessment was reviewed and it was concluded, as detailed within the comments provided by SHDC Environmental Protection, that the mitigation measures provided when viewed in regard to the potential extent of noise of the units when in use, would be adequate.

However, it is noted that this included the need for a 3.0m high acoustic fence, to be located quite extensively along the southern boundary with Rose View Drive. While discussions were had in regard to potential alternative means of mitigation, given the extensive nature of this acoustic fencing, no alternative or amended noise assessment has been provided at the time of writing this report.

As such, conditions have been attached that require the development to be carried out in accordance with the mitigation measures stated; with the exception of the acoustic fencing; with, a further condition requiring the need to submit details of an appropriately scaled and detailed acoustic fence along this southern barrier. This is conditioned as to allow for the commencement of development, with the details and impletion being required prior to the use of any unit.

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 that would warrent refusal, when also taking account of the conditions recommended (particularly those in respect of the noise mitigation measures) and those relevant in respect of the Local Development Order. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

The details provided illustrates parking within the application site, propsoed to serve the 12 units propsoed, along with the formation of an access point to the north-west of the site. This would therefore mean that the alternative access point as existing would be redundant and as such, would not be required.

Overall, the parking and servicing arrangements are considered to be acceptable and to accord with the intentions of the LDO.

Consultation responses have been gained from Lincolnshire County Council, which has expressed no objection to the proposal, subject to the attachment of a condition. This condition has been attached and requires the existing, but to be redundant access, to be removed and replaced s with a conventional footway.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations & Drainage

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The application in this instance comprises the submission of Reserved Matters details, following the grant of the Local Development Order as detailed within this report above. As such, the development of the site, including for the nature expressed within this submission has been accepted.

The LDO is supported by a Flood Risk Assessment (FRA), as has this Reserved Matters submission which details that "it is proposed that the finished floor level of the proposed pavilion will be raised 600mm above the existing ground levels". The submitted plans specify that the development is to be constructed with a finished floor level of 3.9m AOD, which is sufficient in respect of the Flood Risk Assessment.

The details of foul and surface water drainage are to be dealt with by a condition submission at a later date.

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

Landscape Impact & Biodiversity

The submitted drawings illustrate, in respect of landscaping, that boundary treatments and the provision of additional planting measures are specified. It is noted that details in respect of the boundary treatment, when considered in respect of the noise assessment, are to be provided as require dby the conditions attached.

Subjetc to the appropriate details to be submitted, it is considered that the proposals satisfy this requirement.

In addition, in respect of biodiversity, it is noted that Biodiversity Net Gain became mandatory on the 12th February 2024 for new Major applications; however there is not a mandatory requirement for minor development until April 2024, nor is there a requirement in this regard for this application given the timeframes in respect of submission.

Contaminated Land

The application has been supported by a 'Geo-Environmental Ground Investigation', along with a 'Preliminary (Geo-Environmental) Risk Assessment (PRA)', following the submission of additional information. Following the submission of this detail, comments received from SHDCs Environmental Protection team have stated that:

"The reports conclude that a clean cover system will be required in landscaped areas. I therefore request the following conditions for any permission granted:
Condition for previously unidentified contamination. Parts (iii) and (iv) of the standard contamination condition to submit a remediation method statement and validation report".

Notwithstanding these comments, it is also noted that condition 8 of the LDO (November 2023) specifically relates to contamination and initially details that "The development hereby permitted shall not be commenced until a scheme to
deal with any contamination of land or pollution of controlled waters has been submitted to and

approved in writing by the Local Planning Authority". This goes on to specifically state the requirements of such schemes.

As such, details will be required by way of a future submission in this regard.

Local Development Order - Conditions

The Local Development Order, as detailed within the 'Statement of Reasons' report, states that "planning permission is hereby granted for the development within the Holbeach South Lincolnshire Food Enterprise Zone set out in all Parts of Schedule 1 subject in each case restriction and conditions set out in the relevant Part of Schedule 2". This goes on to reiterate that "the Grant of Permission under any part of Schedule 1 is subject to the General Conditions set out in Schedule 2".

Schedule 2, in addition to conditions that require specific details at Reserved Matters stage, requires the submissions of details by way of a 'Discharge of Conditions application' for a number of matters. The most relevant conditions state (not an exhaustive list):

- Development in accordance with the submitted Flood Risk Assessment (dated June 2023) and the specific mitigation measure's stated.

- No development shall take place until the internal circulation road for the site, based on the principles set out in the Transport Technical Note for the LDO, has been submitted to and approved in writing by the Local Planning Authority.

- No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been
submitted to and approved in writing by the Local Planning Authority.

- The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

- Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing
by the Local Planning Authority.

- A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before
the development commences and the construction process shall be carried out in accordance with the scheme so approved.

- No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority.

As such, it should be noted that the development must accord with the requirements of the conditions as set out by; the LDO, the details as approved following the submissions of relevant 'Discharge of Conditions applications' for those required by conditions of the LDO, and those conditions to be attached to this Reserved Matters, as recommended.

Therefore, it is to be noted that the conditions relevant to the LDO, as outlined within Schedule 2, must be discharged independently in respect of this specific development and the details so approved must be accorded with.

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 an established employment site, that is

subject to a Local Development order. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28 and 36 of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The 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.

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.