

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0128-23 **Applicant:** Tears of Sutton Bridge

Proposal: Demolition of existing commercial buildings and erection of new office, admin buildings and workshops (B2) to accommodate the relocation of Tears Recovery

Location: Land To Rear Of 45-47 Bridge Road Long Sutton Spalding

Terminal Date: 30th April 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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (NPPF) (December 2023)

Section 2 - Achieving Sustainable Development
Section 4 - Decision Making
Section 6 - Building a Strong, Competitive Economy
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

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	1	0	2
OTHER STATUTORY BODIES	0	0	0	5

CASE OFFICER ASSESSMENT

Proposal

Planning permission is being sought through a full planning application for the demolition of existing commercial buildings and the erection of new office/admin buildings, along with two workshop buildings (B2) to accommodate the relocation of Tears Recovery.

Site Description

The application site is located on the northern side of Bridge Road, Long Sutton and consists of a disused commercial agricultural packing plant and yard. Within the site, as existing, there are still a number of dilapidated buildings.

To the east of the site is a two storey neighbouring property, with open countryside located further east, north and northwest. To the south of the site are commercial buildings and to the west is a car wash and petrol station.

The majority of the site is located outside the settlement boundary of Long Sutton, as defined by the supporting Inset Maps to Policy 1.

History

H11-0126-11 - Proposed photovoltaic renewable energy solar park - Approved April 2011

H11-1253-08 - Residential development comprising 49 dwellings, proposed office and 9 commercial units including wind turbines - Approved January 2011

Consultation Responses

Initial Responses Received (Consultation period between 15th February 2023 - 08th March 2023)

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:

Lincolnshire Police

Lincolnshire Police do not have any objections to this application.

Anglian Water

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information.

Historic Environment Officer

No archaeological impact.

Lincolnshire Wildlife Trust

We have no objections to the proposed development and have the following comments to make.

We are pleased to see that the appropriate ecological desk studies and habitat surveys using UKHab has been used. It is also highly encouraging to see the use of provision of a LEMP and the plans to increase the biodiversity on site. We suggest that the mitigation measures and biodiversity enhancements outlined in the ecology report are conditioned and that the LPA checks that these are undertaken.

We would ask that biodiversity net gain is delivered for this development to a minimum of 10%. We are aware that the Environment Act does not make this a mandated requirement until November 2023 however it is expected that developments within this transition period should address the requirement in light of the current biodiversity crisis.

The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment.

The South East Lincolnshire Local Plan (paragraph 3.3.12) states that 'Development proposals should also protect, and where possible enhance biodiversity, geodiversity and green infrastructure'. Policy 28 relating to the Natural Environment states that A high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. 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.

Byelaw 3 (Treated Foul Water)

I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note the presence of a Board Maintained watercourse (DRN201G4301 - K43 Main Road - West) adjacent to the southern site boundary and that works are proposed to alter this watercourse including construction of a new access road over the watercourse (drawing ref: 448SK02, I-Lid

Design, 10th December 2021). To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4) and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.

Byelaw 10

I note that the applicant intends to install an access road and planting within 9 metres of the aforementioned Board Maintained watercourse (drawing number 448SK02 REV D, Proposed Tears Recovery Site, i-lid, 10/12/2021). To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application.

Lincolnshire Bat Group

Thank you for consulting Lincolnshire Bat Group about the ecology report. And something of a surprise, with an important small colony of brown long-eared bats found in a most untypical location. Brown long-eared bats, despite the comment about their common national status (6.5.6) are far from common in this area, making it even more important that the replication of the roost facilities are maximised, as in the potential mitigation in section 7.3 with regard to the European Protected Species licence (aka known as a derogation licence) that will be required as a planning condition if the application is approved, and must be in place before any work can start on the building.

Environment Agency

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

LCC Highway and SUDS

No objection subject to the Condition and Informatives below:

The proposed development would be a suitable form of development on this brownfield site in highway terms. It would relocate a 24 hour commercial operation away from its existing location, in a wholly residential area, to a site that is adjacent to other commercial operations. The development will require a new vehicular access onto the B1359 Bridge Road, but the access would be at a point where there is suitable visibility for drivers to be able to emerge safely into this 40 mph section of public highway. It will be necessary to provide an alternative means of bracing the existing electricity supply pole adjacent to the new access as there is a stay wire on this pole where the access would be formed. It will also be necessary to provide a suitable replacement for the highway drainage kerb offset where the access is to be formed but this can be picked-up as part of the Section 184 Agreement works for the access construction. The vehicle access crossing will need to be the Heavy Duty type because of the type of vehicle that would be using it. Adequate space is shown on the submitted layout drawing to be provided for on-site parking of vehicles. No drainage strategy appears to have been submitted as part of the Application but there are options for providing a suitable form of drainage, so it is requested that the standard drainage Condition is applied to any Consent that may be granted for this Application, to allow this detail to be agreed post-determination.

I have been instructed to request that as a Condition of Approval for this Application, improvements are to be made to the three bus stops on Bridge Road that are closest to the Application site and that do not presently have elevated platforms, to provide those bus stops with elevated platforms.

Environmental Protection Officer SHDC

I request a standard contaminated land condition to be applied at this location.

We object to the application in its current form as we consider it will create additional noise and change the acoustic character of the area. In particular, we have concerns as follows:

- 24hr working in close proximity to residential properties may give rise to a significant adverse effect on nearby residents.
- Use of the workshop during the evenings may give rise to an adverse effect on nearby residents.

There are no noise mitigation measures proposed and so the application in its current form does not demonstrate that a good standard of amenity can be achieved for nearby residents.

Responses Received within Re-consultation

Environment Agency received: 11.05.2023 and 18.08.2023

11.05.2023

The amended drawing 'proposed building elevations/plans' (Drawing number: 448SK03, Revision D) shows the finished floor levels for the ground floor offices for the light vehicle workshop will be 300mm above the existing ground level we can therefore remove our previous objection dated 08 March 2023.

We note that the single storey heavy vehicle workshop does not have finished floor levels above the predicated flood depth, therefore you must be satisfied that the residual risk can be adequately managed through either a flood warning and evacuation plan or other appropriate measures, in accordance with your local flood risk standing advice.

18.08.2023

We have no comments to make on the amended plans and refer you to our letter dated 09 May 2023 for our position on this application.

Lincolnshire Police

Lincolnshire Police do not have any objections to this amended application.

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

Environmental Protection SHDC

We have reviewed the information submitted and do not consider that the applicant has provided sufficient detail and justification to demonstrate that a good standard of amenity can be achieved for nearby residents. We consider that even with the details proposed there will be additional noise and change the acoustic character of the area. In particular, we have concerns that the 24hr working, particularly recovery vehicle movement and operation, in close proximity to residential properties may give rise to a significant adverse effect on nearby residents and therefore not in a position to remove our objection at the current time.

Responses Received within Further Re-consultation (Consultation period between 06th February 2024 - 20th February 2024)

Inward Investment Manager

The Inward Investment Team are fully supportive of this application for the expansion of a long established local business.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

I cannot see that the applicant has identified a drainage strategy for the site within their application. We recommend a drainage strategy is provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. 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.

Byelaw 3 (Treated Foul Water)

I note that the applicant has not indicated how they propose to dispose of foul water from the

development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note the presence of a Board Maintained watercourse (DRN201G4301 - K43 Main Road - West) adjacent to the southern site boundary and that works are proposed to alter this watercourse including construction of a new access road over the watercourse (drawing ref: 448SK02, I-Lid Design, 10th December 2021). To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4) and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.

Byelaw 10

I note that the applicant intends to install an access road and planting within 9 metres of the aforementioned Board Maintained watercourse (drawing number 448SK02 REV D, Proposed Tears Recovery Site, i-lid, 10/12/2021). To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application.

Ward Member Cllr D J Wilkinson

I fully support this application, it is on a previous agricultural/industrial site that has been left for many years. The area will benefit from the site being developed and will significantly improve this area. I cannot see that the business will have any detrimental impact on the few residents close by, its last former use was to pack and distribute flowers which was from early morning to late evenings. The intended use will in my opinion have no more impact than the former, hence I give my full support to this business which has been trading in our area for decades and is a significant employer.

Lincolnshire Police

Lincolnshire Police do not have any objections to this application.

LCC Highway and SUDS

Please be advised that this amendment does not alter LCC's final response dated 21/03/2023.

Anglian Water

ASSETS

Section 1 - Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Sutton Bridge Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This response has been based on the following submitted documents: Application Form Due to lack of information we are unable to make an informed assessment. (a full assessment cannot be made due to lack of information, the applicant has not identified a connection point). Therefore, the development has the potential to have an unacceptable risk of flooding/or pollution from the network. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are

delivered in line with the development. We therefore request a condition requiring phasing plan and/or on-site drainage strategy

INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The preferred method of surface water disposal would be to a sustainable drainage system SUDS with connection to the sewer seen as the last option. There is no surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water and is unacceptable due to lack of strategy. We would therefore recommend that the applicant consults with Anglian Water. Further assessment is required to establish whether network reinforcement is required, please note that this assessment and any necessary reinforcement work will be at the developers cost. We request a condition be applied to the decision notice if permission is granted. The purpose of the planning system is to achieve sustainable development. This includes the most sustainable approach to surface water disposal in accordance with the surface water hierarchy. It is appreciated that surface water disposal can be dealt with, in part, via Part H of the Building Regulations, it is felt that it is too late at this stage to manage any potential adverse effect. Drainage systems are an early activity in the construction process and it is in the interest of all that this is dealt with early on in the development process.

Section 5 - Trade Effluent

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

"An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991."

Section 6 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

We have no objection subject to the following condition: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme. Reason To prevent environmental and amenity problems arising from flooding.

Surface Water Disposal (Section 4)

No development shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the strategy.

Historic Environment Officer

No archaeological input required.

Environmental Protection Officer

We remove our previous objection to this planning application following the submission of an acoustic assessment. This assessment states that there will be a limited impact of noise from the proposed activity at this location and noise would be below levels accepted in BS4142:2014.

However, I note that the proposed 2.1 metres fencing proposed at the rear and side of the closest residential dwelling may be insufficient for preventing impact of noise on the first floor of this dwelling. Therefore, I request a condition is applied for added noise insulation along these boundary's closest to this dwelling to protect the local amenity.

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.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing

development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan 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 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 majority of the site is located outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. For the purposes of the SELLP, the site therefore lies within the countryside.

SELLP Policy 1 states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Policy 7 of the SELLP indicates that new employment development outside allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated;
- and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map.

The above policies are consistent with advice within the National Planning Policy Framework (December 2023). Section 6 supports sustainable economic growth in rural areas. It stresses that planning policies and decisions should place weight on the need to support economic growth, taking into account local business needs. Section 6 goes on to express that planning policies and decisions should promote the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Paragraph 89 goes on to stress that planning decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. The use of previously developed land should be encouraged where suitable opportunities exist.

Addressing the above, the site is outside an allocated employment site and is partially located outside the settlement boundary; as such, proposals of this nature may typically be resisted. However, the proposal supports economic growth and involves the re-use of previously developed land; albeit incorporating new and additional built form. The business serves the needs of the local area and contributes to the local economy, as well as creating jobs; albeit relocating from an

alternative site.

It is considered that a development of this scale would not have a significant adverse impact upon the viability of delivering any allocated employment site. Given the aforementioned and advice within Section 6 of the Framework, there are no objections in locational terms.

In terms of its relationship to neighbouring land uses, the use of land does not conflict with neighbouring land uses which is a requirement of Policy 7, the immediate neighbouring land uses are a mix of residential, agricultural and commercial businesses. The proposed recovery business is therefore considered not to be out of character with the area. Whilst the majority of the site is outside any defined settlement boundary, it does not further encroach into the open countryside. As such it is not considered to conflict with Policy 7 of the SELLP and can on balance be accepted.

It is also noted that the proposal would likely result in the relocation of a 24 hour commercial operation away from its existing location, in a wholly residential area, to a site that is adjacent to other commercial operations.

Overall, whilst not strictly in accordance with all policies of the South East Lincolnshire Local Plan, the merits of the proposal and the characteristics as expressed above, means that the proposal is considered to be appropriate for the site and is considered, when viewed as a whole, to be acceptable in principle.

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.

The proposed development is located within an area that is mixed in character with both residential and industrial. Whilst not entirely commercial/industrial, a proposal and resultant use as proposed would not be out of keeping or unnatural for the application site and surrounding area given its neighbouring uses.

The light vehicle repair and reception office building would be the most prominent and visible from public vantage points, with the building measuring 35m by 18m with a maximum height of 6.4m. The building would be constructed of metal cladding in Anthracite Ral 7016 colour, with a metal cladded roof in the colour Merlin Grey. The west elevation of the light vehicle repair building comprises five roller shutter doors.

The heavy vehicle workshop would be located to the north of the light vehicle repair building. The building would measure 22m by 18m with a maximum height of 7.3m. The building would be constructed of metal cladding in Anthracite Ral 7016 colour, with a metal cladded roof in the colour Merlin Grey. The north elevation of the heavy vehicle workshop comprises three roller shutter doors.

The application also proposes a 2.1m high fencing decreasing in height to 1m towards the highway east of the light vehicle repair building. To the west of the site there is a 3m high acoustic fence proposed. Whilst a 3m high boundary acoustic fence is not ideal and could have the potential to have an impact to the character of the area, when considered against the proposed buildings measuring 6.4m and 7.3m in height, the impact of the 3m boundary fencing would be minimal. Given the location of the proposed buildings and the nature of the surrounding area it is considered that the proposal would not materially harm the existing character or appearance of the area.

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

Impact on Residential Amenity/Land Users

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

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

The nearest residential property is situated immediately to the east, with further dwellings located to the southeast and southwest; however, these dwellings are located with ample separation distances adjacent the site.

Policy 30 of the South East Lincolnshire Local Plan, which relates to 'Pollution', details that "Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts" upon matters that include noise (including vibration).

This policy goes on to express that "Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided".

The nature of the proposal is likely to cause a level of noise/disturbance to the immediate neighbour to the east (No.47). Environmental Protection were consulted at the start of the application and did initially raise objections to the application due to the additional noise impact.

Following this objection, discussions took place between parties, and the applicant provided a number of iterations of amended plans with noise mitigation methods, including acoustic fencing as well as providing an acoustic assessment report.

The most recent amendments, in which this application has been assessed and determined, the mitigation methods include acoustic fencing. To the west boundary of the site the proposed acoustic fencing is 3m high. To the west of the neighbouring dwelling the acoustic fencing is 2.1m high, decreasing in height to 1m towards the highway east of the application site. The details also included indication of hours of operation for each differing element of the site.

Following the submission of the acoustic assessment and the amendment of the proposal to include

the acoustic fencing, Environmental Protection removed their objections stating:

"We remove our previous objection to this planning application following the submission of an acoustic assessment. This assessment states that there will be a limited impact of noise from the proposed activity at this location and noise would be below levels accepted in BS4142:2014.

However, I note that the proposed 2.1 metres fencing proposed at the rear and side of the closest residential dwelling may be insufficient for preventing impact of noise on the first floor of this dwelling. Therefore, I request a condition is applied for added noise insulation along these boundary's closest to this dwelling to protect the local amenity."

In an industrial/commercial area such as this some noise/disturbance is expected, including traffic noise. Taking this matter into consideration it is considered that there is not sufficient reason to refuse the current application on grounds that it would harm the amenity of neighbouring residents to a significantly greater degree than at present in terms of noise and disturbance, lack of privacy, etc. Acoustic fencing is proposed to further reduce the impact on the neighbouring dwelling and no objections have been received.

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 Section 12 of the National Planning Policy Framework (December 2023), and Policies 2, 3 and 30 of the South East Lincolnshire 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 proposed development would be a suitable form of development on this brownfield site in highway terms. It would relocate a 24 hour commercial operation away from its existing location, in a wholly residential area, to a site that is adjacent to other commercial operations.

The development will require a new vehicular access onto the B1359 Bridge Road, but the access would be at a point where there is suitable visibility for drivers to be able to emerge safely into this 40 mph section of public highway. The Local Highway Authority have not raised any objections to the proposal, subject to certain conditions. It is therefore considered that the proposals would not result in any unacceptable impact on highway safety.

Notwithstanding this, it is noted that within the Local Highway Authority's comments, it was stated that "I have been instructed to request that as a Condition of Approval for this Application, improvements are to be made to the three bus stops on Bridge Road that are closest to the Application site and that do not presently have elevated platforms, to provide those bus stops with elevated platforms".

The National Planning Policy Framework (December 2023) details within paragraph 55 that "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition".

Paragraph 56 goes on to detail that "Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required

to be discharged before development commences should be avoided, unless there is a clear justification".

During the application process, all conditions (even those beyond pre-commencement) have been discussed with the applicants agent. All condition have been agreed in writing, with the exception of the condition relating to the bus stop.

The Planning Practice guidance provides further advise regarding imposing conditions as per paragraphs 55 and 56 of the National Planning policy Framework (December 2023). This details that "Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

necessary;
relevant to planning;
relevant to the development to be permitted;
enforceable;
precise; and
reasonable in all other respects".

These are typically known as 'the 6 tests'; albeit, the NPPF does express this within paragraph 56

In this respect, the proposed development relates to the use of the site as a recovery and repair service and as such, the likely use of an exisitng bus stop would be minimal and the it is considered that the use of such would not be significantly increased as a result of the proposal being permitted. Given the nature of the proposal and its resultant development, it is considered that such a condition would not be necessary, strictly relevant to the development to be permitted, or wholly reasonable. As such, this condition is not recommended.

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

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

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

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

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

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

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

The application site is within Flood Zone 3 on the Environment Agency Maps and in an area identified as "danger for most" within the South East Lincolnshire Strategic Flood Risk Assessment. The risk of flooding at the site is low and it is only the risk of tidal breach during the 0.5% annual probability (1 in 200 chance each year) even with climate change that could lead to flooding. However, the proposal constitutes commercial less vulnerable development. The building is not for habitation with only short term and intermittent occupancy by workers for employment purposes and practices.

Mitigation measures have been proposed. Drawing 'proposed building elevations/plans' (Drawing number: 448SK03, Revision D) shows the finished floor levels for the ground floor offices for the light vehicle workshop will be 300mm above the existing ground level.

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 in this regard.

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 hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents to an unacceptable extent, whilst predominantly conforming with the South East Lincolnshire Local Plan when viewed as a whole, albeit not being strictly in accordance with Policy 1, and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

In this instance, the benefits of the proposal are apparent and while some level of noise may increase, appropriate mitigation is considered to be proposed and as such there are no material considerations that weigh against the proposal to warrant refusal in this instance and as such, the planning balance is in favour of the development.

Conclusion

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4, 7, and 36, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

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.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.