DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0961-24**	**Applicant:**	**Naylors Flowers**
Proposal:	Proposed New Access, Extension to Parking Area & Erection of 1.8m Close Board Fencing		
Location:	Common Road Moulton Seas End Spalding		
Terminal Date:	23rd January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

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

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

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for a new vehicular access from Common Road, to serve Naylors Flowers. Consent is also sought for an extension to the existing car parking area, and the erection of 1.8m close boarded fencing. As the fencing is not next to the highway and is under 2m, planning permission is not required for the fencing, however, the positioning of the fencing has remained within the plans for clarity.

Site Description

The site comprises land at Naylors Flowers, to the east of Common Road, approximately 1km north of Moulton Seas End. The site features an existing car park and machinery storage area which is part of the wider Naylors Flowers site, within which there is a flower packaging facility.

The site is located outside any defined settlement limits as identified within the South East Lincolnshire Local Plan (2019). The site is therefore within the countryside in planning policy terms.

Relevant Planning History

H13-0941-11: (Full Application) Proposed agricultural implement store and associated lagoon - approved 24 February 2012

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

South Holland Internal Drainage Board: On the application form, the applicant has indicated that surface water will be disposed of via Sustainable Drainage System, however, I cannot see that the applicant has explained this disposal method further within their application. Should there be a discharge of surface water from a new impermeable area of more than 50m2, such as the road / car parking area, to a watercourse, then Land Drainage Consent under Byelaw 3 is required. I note the presence of a Board Maintained watercourse (P32 Moulton Common - West - DRN206G3202) adjacent to the eastern site boundary and that works are proposed to alter this watercourse via the installation of a new access culvert. The Board was contacted on 15th July 2024 (our ref: 24_28060_Q) by the agent who requested our requirements for this application. The Board provided detailed advice on 31st July 2024. I note that the applicant intends to erect 1.8m high close boarded fence and construct a new access road within 9 metres of the aforementioned Board Maintained watercourse. This will require Byelaw 10 consent. 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.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Environmental Protection: Ensure any lighting to the car park extension is positioned to avoid potential for nuisance to nearby properties. Advise Environmental Protection of any proposed high-level lighting.

Environmental Protection (Contaminated Land): No comments.

Lincolnshire County Council - Highways and SUDS Support:

First Response (12 December 2024): Additional information is required. Visibility needs to be demonstrated in accordance with Manual for Streets. The proposed access will have to cross a watercourse - approval should be sought from the Internal Drainage Board.

Second Response (10 January 2025): The proposal is for a proposed New Access, Extension to Parking Area & Erection of 1.8m Close Board Fencing. Visibility has been demonstrated in accordance with Manual for Streets. The access will have to cross a watercourse and so approval will be required from the IDB. Vehicles will enter by the north access and exit from this proposed access. There will be no increase in vehicle movements. Highway condition 13 and informative 03 are recommended.

Ecology Officer: No response received.

Moulton Parish Council: No response received.

Cllr T E Sneath: No response received.

Cllr A Casson: No response received.

Cllr A R Woolf: No response received.

Public Representations

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

Key Planning Considerations

Development Plan

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

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;

-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Biodiversity; and
-Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement limit and is therefore within the countryside in planning policy terms. Policy 1 sets out that within the countryside, development will 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. The proposed development is for a new vehicular access and a car park extension, which is intended to support Naylors Flowers.

Further justification has been sought from the applicant as to why the additional access is required, as there are already two vehicular accesses that serve the site. The applicant has clarified that the existing accesses were created in the 1940s for small vehicles and that they wish to install an additional entrance to allow for a one-way system within the site. The applicant considers that the existing accesses are no longer safe. For example, there is a canteen and site office building in between the existing accesses and vehicles therefore pass this building on both sides. The applicant considers that this is a health and safety issue. Furthermore, one of the existing accesses is located between the office building and Sycamores, which is the nearest residential dwelling to the site. This access cannot be widened, and the site plan clarifies that this access will only be used for Sycamores rather than for Naylors.

It is therefore proposed for vehicles to enter the site via the new northern access, and leave the site via the existing vehicular access which is located to the south of the site. The proposed new access would therefore negate the need for vehicles to wait for one another as the applicant considers that the existing accesses are too narrow to accommodate some of the larger vehicles that use the site and cars at the same time.

The proposed new vehicular access from Common Road would result in the loss of two trees and therefore a loss of some of the vegetation / green character along the site frontage. A tree survey has not been submitted and as such it is unclear how mature the trees are or what species of tree and their quality. The local planning authority generally encourages to retention of trees, however, it is acknowledged that the trees are not subject to a Tree Preservation Order and as such they could be removed without planning permission. Furthermore, some replacement planting is proposed to mitigate the loss of the trees.

As set out within the highway safety section later in this report, the Lincolnshire County Council's highways team considers that the proposed new access is acceptable. As such, the principle of development is acceptable, provided the development is acceptable in terms of other material planning considerations.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the Local Plan 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 proposed car park extension would be located to the east of the existing car park and machinery storage area within the site. A hedge and 1.8m high close boarded fencing are proposed next to the car park extension and this would help to screen the car park area. The car park extension would not protrude into the open countryside and as such the visual impact is acceptable.

As set out above, the proposed vehicular access would result in the loss of some trees and some of the green character along the site frontage. Some replacement planting is proposed to help mitigate this and some of the trees within the site are proposed to be retained where feasible.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is 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 Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed development would result in the extension of the existing car park which is located within the site. The proposed car park extension area would therefore be closer to Sycamores as the edge of the proposed car park and machinery storage area would be approximately 30m from Sycamores. A hedge and close boarded fencing are proposed on the edge of the site to provide screening, and this would reduce the visual impact of the development on Sycamores. The car park extension area could slightly increase the usage of the site, however, it is not considered that this would result in a significant increase in noise. Similarly, the use of a new vehicular access to the north of Sycamores is not expected to have an adverse impact on the amenity of the dwelling.

Furthermore, the submission sets out that the proposed development would not result in an increase in vehicles using the site. The new access is intended to distribute vehicles via a one-way system instead. Therefore, there should not be an increase in vehicle movements, and this weighs in favour of the proposal.

As such, it is considered that the proposal would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 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.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel

modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

Lincolnshire County Council's highways team initially requested additional information including a demonstration that the visibility splays accord with Manual for Street. The site plan was subsequently updated and the highways team have confirmed that the proposals are acceptable subject to a condition requiring that the access is kept clear from obstructions exceeding 0.6m in height. The proposal would therefore be acceptable in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 ensure sites of biodiversity value are protected through the planning system. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units.

The application is accompanied by a Preliminary Ecological Appraisal and Biodiversity Net Gain report. The report concludes that no protected species are considered to be within the site. The report also sets out that a net gain of 15.58%. This is largely proposed to be achieved through the planting of native hedgerows. The site plan does not contain details regarding the proposed hard and soft landscaping and as such it is considered appropriate to secure further details relating to this via condition.

The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk and Drainage

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps.

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 Local Plan allows for certain types of development within Flood Zones 2 and 3 where specific criteria is met.

Within the SFRA, areas of South Holland are categorised according to a hazard rating. The site is located within a 'Danger to SOME' area. As the proposal is for a non-major 'less vulnerable' use (as identified by Annex 3 of the NPPF), the SFRA sets out that it is necessary for appropriate mitigation to be identified for the development. The submitted Flood Risk Assessment (FRA) does not however identify any specific mitigation measures in this case. This is largely because the proposal would not result in the provision of any buildings, and the site would not be occupied by residents. According to the FRA, the site is at a low risk of flooding due to the flood defences that are in place within the wider area.

The proposed development is not required to pass the exception or sequential tests as the use is 'less vulnerable'.

As the proposed access would cross a drain which is managed by South Holland Internal Drainage Board, the applicant is required to obtain consent from the board before installing the access. This is separate from the planning process and it appears the applicant has contacted the board to start the process.

The proposed development is not considered to pose any significant flood risk issues. The development therefore satisfactorily accords with Policy 4 of the Local Plan and Section 14 of the NPPF.

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 proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4, 28, 33 and 36 of the Local Plan, as well as Sections 9 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal. Therefore, the planning balance is in favour of the proposal.

Recommendation

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

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.