DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0065-24**	**Applicant:**	**Anglia (UK) Ltd**
Proposal:	Proposed Manager's accommodation and access track (to replace that approved under planning permission (H14-0869-20), two storey office building, new storage building and stationing of 30 self-store containers - approved under H14-0295-22 Modification of wording of Condition 3 relating to scheme to deal with contamination of land or pollution of controlled waters		
Location:	The Anglia Business Centre Mill Green Road Pinchbeck		
Terminal Date:	3rd May 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

5 - Delivering a sufficient supply of homes
6 - Building a strong, competitive economy
12 - Achieving well-designed and beautiful places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application for Proposed Manager's accommodation and access track (to replace that approved under planning permission (H14-0869-20), two storey office building, new storage building and stationing of 30 self-store containers - approved under H14-0295-22. This application seeks a modification of wording of Condition 3 relating to scheme to deal with contamination of land or pollution of controlled waters at The Anglia Business Centre, Mill Green Road, Pinchbeck. No other elements of the application are to be altered.

The proposed dwelling will contain five bedrooms, four en-suites, five closets, a dressing room, storage room, study, cloakroom, utility, wc, a wc / shower, double garage, vehicle delivery office, vehicle delivery reception, and an open plan kitchen / dining / lounge area. Finished floor levels shall be set no lower than 3.3m AOD. Which is 300mm above existing average ground level. The dwelling will have a 1.2 metre high post and rail fence to the south, east and west. Materials of construction would be addressed by condition.

A turning circle will be provided to the front of the dwelling with two off-road parking bays to the front of the property in addition to the double garage provision. Beyond the turning circle to the north of the dwelling a small storage building will be located to provide an inspection and valeting point for incoming vehicles. The storage building will measure 18 metres in width, 9.1 metres in depth, have an eaves height of 3.4 metres, and a ridge height of 4.3 metres. The building will be constructed from green metal profile sheeting.

A new access road is to be sited running south of the existing site entrance. This access road is to be 5.5 metres in width. To the south of the dwelling and access road, a new hedgerow is to be sited. The earth bund sited to the east of the dwelling will help to obscure any possible views into the site from land outside of the applicant's ownership.

The Design & Access Statement states: "The proposed dwelling will essentially replace that approved under planning permission H14-0941-19 and H14-0869-20. The need for this accommodation has been proven under the extant permissions and that, in turn, replaced temporary accommodation that has been on site for a number of years in one form or another. It has now been decided that the company owner will occupy the dwelling and oversee the running of the business, so the design and size of the building has been revisited."

30 self store containers will be sited at the northern boundary of the site. The containers will measure 2.4 metres wide, 6.1 metres long, 2.6 metres in height and will be painted green. The proposed container business seeks to diversify the services offered on site, to strengthen the financial stability of the Anglian Business Centre as a whole. Access to the self-store containers will be via the existing track along the northern boundary of the site, and there will be a coded entry system allowing access to the container area which will be separated by temporary fencing from the vehicle storage area.

The two-storey office building will connect to the existing office buildings, adjacent to the vehicular entrance to the north west of the site. The depth of the building is 21.8 metres, measures 10.7 metres in width, has a 7.1 metres eaves height and 7.9 metres ridge height. Fenestration will be sited primarily in the north and west elevations, with two high level windows in the southern elevation. The ground floor will contain a reception, staff room, kitchen, lockers, disabled wc, female wcs, male wcs and a general wc. At first floor level two meeting / training rooms will be sited, as well as two wcs. The building will be constructed using metal profile sheeting in green to match the more recent workshop buildings in the complex. An existing single storey store will be demolished to make way for the office building.

This Section 73 application is now partially retrospective as tree planting either side of the access road has been undertaken, 30 self-store containers have been sited toward the northern boundary and foundations have been dug for the managers dwelling.

A condition compliance application was approved under reference H14-0893-22 for details of scheme to deal with external materials, design & position of external meter boxes, gas flues & soil vent pipes, existing & proposed site levels & proposed floor levels and means of foul & surface water disposal (Conditions 4, 5, 7 & 9 of H14-0295-22).

The approved materials for the dwelling are Red, Multi-faced (Wienerberger Tabasco Red Multi or similar), with Clay pantiles (Marley Lincoln Clay profile - Rustic Red or similar. Windows and doors are to be anthracite grey coloured aluminium.

The materials for the storage building are dark green Kingspan Trapezoidal Profile Cladding - vertical panels (or similar), with an Aluminium Polyester Powder Coated roller shutter door.

The materials for the dwelling are considered to be in keeping with other single storey dwellings in the area, although not visible from the dwelling. The proposed materials for the storage building are in keeping with the existing industrial style storage buildings in nearby proximity to the north and west.

The approved electricity meter box location is on the north facing frontage wall of the dwelling, but remains visually discrete and allows for easy access. For the storage building, the electricity meter box location is on the north facing frontage wall of the dwelling, but remains visually discrete and allows for easy access.

The existing site levels around the dwelling are around 2.95m AOD to 3.04m AOD. The finished floor levels of the dwelling will be set at 3.30mAOD, with the surrounding land unaltered. There is not considered to be an overlooking, overshadowing and overbearing impact from the single storey dwelling levels by virtue of the separation distances to other dwellings and the remote location of the application site.

The existing site levels around the storage building are between 3.05m AOD and 3.23m AOD. The proposed finished floor levels of the building will be set at 3.45m AOD, with the surrounding land unaltered. The storage building is to be 4.3 metres in height. As the storage building is sited to the north of the dwelling and the sun traverses the sky on a southerly trajectory from east to west, there will not be an overshadowing or overbearing impact on the property.

The approved Drainage Layout plan states: "Manager's dwelling to discharge to new gravity pipework and taken to a new foul water pumping station. The pumping station will deliver the flow to the existing sewage treatment plant on the southern site boundary. Proposed storage building and manager's dwelling plus parking area to discharge to the existing watercourse using a controlled 5l/s discharge rate with an attenuation pond sized to capture run off up to a 100yr + 40% climate change event." The foul water and surface water was considered to be appropriate for the site and should not materially impact capacity elsewhere in the system.

Applications for an additional 110 self-store units and a vehicle storage building have been approved on site under H14-0836-23 and H14-1073-23 respectively.

A site visit was conducted on Friday the 26th of January 2024.

SITE DESCRIPTION

The site is outside of defined settlement limits with a row of semi-detached dwellings to the north, a former nursery to the north and arable fields to the south and east. The site is within Environment Agency Flood Zone 3, and not impacted by increased flood risk or hazard on the 2115 South Holland Strategic Flood Risk Mapping. A small section of the field drain adjacent the new vehicular access is to be culverted. Foul water will connect to the existing system with a surface water attenuation pond providing controlled discharge to an existing field drain at the south of the site from the dwelling. Surface water drainage from the office building extension will connect to the existing on site system.

RELEVANT HISTORY

H14-0980-16

Full - Use of temporary building for occupation by site manager - retrospective - Refused - 18

November 2016.

H14-0193-17

Full - Use of temporary building for occupation by site manager (retrospective) - resubmission of H14-0980-16 - Approved - 11 April 2017.

H14-0941-19

Full - Proposed extension to existing workshop, relocation of existing store, erection of commercial mast, managers accommodation to replace existing mobile home and use of land for vehicle storage. - Approved - 14 November 2019.

H14-0607-20

Condition Compliance - Details of design and position of external boxes etc and means of foul water disposal (Conditions 3 and 5 of H14-0941-19) - Approved - 17 September 2020.

H14-0869-20

Full - Proposed managers accommodation, construction of new access track and use of land for vehicle storage - Approved - 03 December 2020.

H14-0812-21

Full - Proposed Manager's accommodation and access track (to replace that approved under planning permission H14-0869-20), two storey office building, new storage building and stationing of 30 self-store containers. - Approved - 15 October 2021.

H14-0295-22

Section 73 Modification - Proposed Manager's accommodation and access track (to replace that approved under planning permission (H14-0869-20), two storey office building, new storage building and stationing of 30 self-store containers - approved under H14-0812-21. Modification of wording relating to Condition 16. (to clarify implementation of managers accommodation) - Approved - 12 May 2022.

H14-0893-22

Condition Compliance - Details of scheme to deal with external materials, design & position of external meter boxes, gas flues & soil vent pipes, existing & proposed site levels & proposed floor levels and means of foul & surface water disposal (Conditions 4, 5, 7 & 9 of H14-0295-22) - Approved 18 December 2023.

H14-0836-23

Full - Use of land for siting of additional self-store containers - Approved - 20 December 2023.

H14-1073-23

Full - Erection of vehicle storage building (Use Class B8) - Approved - 30 January 2024.

H14-0303-24

Condition Compliance - Details of external lighting & external CCTV cameras (Conditions 5 & 6 of H14-0836-23) - Currently undetermined as of the 23rd of April 2024.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 25th January 2024 and 15th February 2024)

Pinchbeck Parish Council - 2nd February 2024

"No Comment."

South Holland District Council - Environmental Protection - Sue Armour - 8th February 2024

"No objection subject to the following conditions:

Condition 1

The office element 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).
The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing.

i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in
order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.
No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been
submitted to and agreed in writing by the LPA.

Condition 2

If contamination and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition # above and remediation is required, two full copies of a verification report shall be submitted to and approved in writing by the LPA prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met. Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A."

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 Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Highway Safety and Parking
Flooding Considerations / Drainage
Ecology
Outstanding matters from representation

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 above.

The policies and provisions set out in the National Planning Policy Framework (updated 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.

The Authority is also able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

The principle of development of manager's accommodation on site has already been established through previous approvals H14-0869-20 and H14-0295-22. However, for clarity, the assessment for establishing the principle of development has been shown again below.

To support the Government's objective of significantly boosting the supply of homes, paragraph 60 of the National Planning Policy Framework (2023) details that "it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

In identifying land for homes, paragraph 70 of the National Planning Policy Framework also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements, detailing that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly".

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 in terms of sustainability.

This proposal is assessed against SELLP Policy 1 title - Spatial Strategy. Part D - Countryside. This policy states:

"The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In 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."

When assessed against the above policy the following can be observed:

Economic - The proposal will diversify the services offered by a successful local business and help to ensure stability in economically uncertain times.

Community - The proposed access route, dwelling and parking area are at least 85 metres from the nearest dwelling. There is not considered to be a material impact on residential amenity, and the continuing success of the business can help retain jobs in the area.

Environmental - The proposal will provide additional landscaping features such as hedging along the southern boundary and an attenuation pond.

Furthermore, the accommodation may be considered essential to this location due to the specialist needs of the business on site in light of the further information provided. This policy is in accordance with guidance contained in Paragraph 88 of the NPPF.

The agent has provided confidential information to prove there is a need for a worker to live on site for the present time. The specialist nature of the site means that the site has to be accessed at all hours of the day and night. The system previously used meant that a number of staff members were required to hold a key and any one of those could be called on to attend the site as required. However, as activity on the site at unsocial hours is increasing, more key holders are required which has led to insurance and security issues. The applicant states that a Site Manager has therefore slept on the site since 2008 without impacting on the wider landscape. Employees travelling to the site at short notice has proven to be costly, unreliable and would also place employees at risk unnecessarily.

The company state that security personnel could not perform the function of the Site Manager due to the requirement to satisfy Financial Conduct Authority guidelines in their business practices.

Under application H14-0193-17 the applicant provided costing information which shows the business could not financially support a permanent night-time manager working all through the night.

The National Planning Policy Framework 2021 (NPPF) indicates significant weight should be given by the planning system in the support of sustainable economic growth. This is achieved by proactively meeting the development needs of businesses rather than acting as an impediment.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

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 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 layout of the application has not been altered from the previously approved design. The design of the dwelling is considered to compliment the existing buildings on site and is positioned in such a way that it should not be materially impacted by the operations of the site, but be close enough for the site manager should their presence be required. The orientation and design of the office building best enables the site to function by keeping facilities adjacent to the existing offices and provides a modern, professional appearance to visiting guests.

The new office building whilst visually prominent is not out of keeping with existing site and does not detract from the character of the surrounding area. The containers are located toward the north-eastern rear of the site and at a height where the character of the area will not be impacted. The new storage building approved under H14-1073-23 is not immediately opposite the managers dwelling and is not considered to materially impact the character of the dwelling site or surrounding area given that it is located centrally to the site. Aside from the office extension none of the proposed works are visible beyond the site boundary.

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

There is not considered to be a material increase in noise, odour or disturbance from the proposal. The dwelling and parking provision will be a significant distance from existing dwellings, approximately 85 metres to the nearest properties to the north-west. Occasionally late night operations are required but this is not a regular occurrence. If noise and disturbance from the site is frequently at a level which impacts residential amenity then this is a matter which should be addressed with the Environmental Health Technician. Crime prevention and community safety is considered to be improved by having a site manager on site whilst millions of pounds worth of recovered goods are in storage.

The proposal is not considered to constitute overdevelopment. Ample space remains within the ownership of the applicant to the south, east and west of site, including when the 110 self-store units and a vehicle storage building approved under H14-0836-23 and H14-1073-23 respectively, are taken into account.

There is not considered to be an overshadowing impact from the office building, new storage building, self-store containers of self-store containers. The nearest dwellings to the office building are Almauren, 51.55 metres to the north-west, Obvallaris, 64 metres to the north-north-west and 14 Mill Green Road, 68 metres to the metres to the north. Given the separation distance and the office building height of 7.9 metres, when right to light lines are drawn none of the properties or gardens are impacted by this building. Even if these trees are to be removed the dwellings to the north will likely be bordered by fencing that would prevent overlooking at ground level where the containers are accessed. The application site is flat as is the surrounding land, therefore, when site levels are taken into account an overlooking impact cannot occur from the land on which the containers would be sited to any adjacent land uses.

There is not considered to be an overshadowing impact from the proposed self-store containers. The containers are 2.6 metres in height and located approximately 3.2 metres from the northern boundary. The containers are 2.6 metres in height and the site is bordered by a 4 metre high hedge to the rear of properties to the west and 8 metre high trees and hedging to the northern boundary. The red line boundary of the container site is 47 metres away from the approved residential site under construction under reference H14-1162-18 and the approved outline application for residential development under H14-0078-23 is sited beyond the 4 metre high tree lined northern boundary. The indicative layout of H14-0078-23 shows four plots to the north of this boundary but does not show the footprint of any future dwellings. Even if these trees are to be removed the dwellings to the north will likely be bordered by fencing that would prevent overshadowing at ground level where the 2.6 metre high containers are located.

There is not considered to be an overshadowing impact from the dwelling or the proposed storage building. The storage building is 51 metres from the boundary to the north, and the dwelling is 89 metres away at the nearest point. Due to the separation distances and existing buildings in between, there is not considered to be a material overshadowing impact on neighbouring land uses.

There is not considered to be a material overlooking impact from any element of the proposed works. The containers due not contain any fenestration and the adjacent boundaries are bordered by established trees and hedging. This boundary treatment prevents overlooking from the self-store container customers. The storage building is 51 metres from the boundary to the north, and the dwelling is 89 metres away at the nearest point. Due to the separation distances and existing buildings in between, there is not considered to be a material overlooking impact on neighbouring land uses.

The two storey office extension to the front of the site has windows on the western frontage as well as the northern and southern side elevations. There is no fenestration on the western rear elevation. The south facing high level first floor windows serve a landing and face toward the existing buildings on site with arable fields beyond. The west facing frontage elevation has a large amount of glazing serving a ground floor reception and first floor meeting room. This fenestration directly faces the car park and site entrance, with an arable field on the opposite side of Mill Green Road. The dwelling at Almauren, 51.55 metres to the north-west can be viewed at an angle from these windows, however, given the separation distance and that the frontage of Almauren is largely open there is not considered to be a material overlooking impact from the western elevation windows. The nearest dwellings from the northern elevation are located Obvallaris, 64 metres to the north-north-west and 14 Mill Green Road, 68 metres to the metres to the north. The fenestration on the northern elevation contains fenestration for a staff room, kitchen and lockers at ground floor level. The first floor level contains windows serving meeting rooms. In between the office extension and these dwellings is a large triangle of land that contains grass and established trees, and is not in residential use. Both

dwellings at Obvallaris and 14 Mill Green Road are bordered by established hedging. Given the separation distances, the established trees on land inbetween and the hedges surrounding both dwellings, there is not considered to be a material overlooking impact from the north elevation windows of the office extension.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 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.

Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The proposed dwelling has five bedrooms and the residential site can accommodate the minimum of three off road parking spaces. Therefore, it is considered that parking provision is in accordance with Appendix 6 of the South East Lincolnshire Local Plan.

There is not considered to be a material increase in vehicular movements as a result of this proposal, which is designed to diversify the business offer and secure the site. The number of movements along Mill Green Road cannot solely be attributed to this business. The County Highways & SUDS Officer had no objections to the previous application and no comments have been brought forward for this application which solely seeks to amend a contaminated land condition.

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 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 site is within Environment Agency Flood Zone 3, and not impacted by increased flood risk or hazard on the 2115 South Holland Strategic Flood Risk Mapping. A small section of the field drain adjacent the new vehicular access is to be culverted. Foul water will connect to the existing system with a surface water attenuation pond providing controlled discharge to an existing field drain at the south of the site from the dwelling. Surface water drainage from the office building extension will connect to the existing on site system.

With regard to flood risk, there is nowhere on the site to locate the dwelling where it would be at a lower level of flood risk. Any discharge to riparian drains will be addressed via an application to the Welland and Deepings Internal Drainage Board, who have sent a letter confirming this to the agent.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, 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 (December 2023) in this regard.

Ecology

Because this is a Section 73 application following an initial application approved before the introduction of Biodiversity Net Gain (BNG), there is not a requirement to submit a Biodiversity Report in this instance.

Proposed amendment to Condition 3 of H14-0295-22 - Contaminated Land Scheme

A covering letter to support the application states "The reason for the application is to allow the development to proceed other than for the office element, which is to be the subject of a new ground investigation report. The submitted ground investigation report approved as part of the original application and listed in condition 2 adequately deals with the manager's accommodation element of the proposal."

The original condition stated:

"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).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:
i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any

land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019."

The Environmental Protection Officer when consulted had the following response:

"No objection subject to the following conditions:

Condition 1

The office element 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).
The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing.

i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in
order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.
No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been
submitted to and agreed in writing by the LPA.

Condition 2

If contamination and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition # above and remediation is required, two full copies of a verification report shall be submitted to and approved in writing by the LPA prior to the first occupation of the development. The report shall provide verification that the required works

regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met. Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A."

The agent response via email to confirm that they are content with the proposed new conditions related to contaminated land.

Outstanding matters from representation

None.

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.

There is not considered to be a material impact from the location or design of the proposed dwelling, office building, storage building or storage containers. It is not considered that a recommendation of approval would lead to other similar applications for dwellings in the vicinity in the open countryside as there is an evidenced need for a continued permanent occupation of the site by a site manager for a business that operates on a 24 hour 7 day basis. A condition will be attached to the dwelling that it can only be occupied by persons employed or last employed in connection with Anglia Business Centre. The modification of Condition 3 of H14-0295-22 will allow the development to proceed other than for the office extension element, which will be the subject of a new ground investigation report. The submitted ground investigation report is considered to adequately address the manager's accommodation element of the proposal.

In light of the above considerations the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 7, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 6, 12 and 14 of the National Planning Policy Framework, 2019.

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 into consideration the factors above, the proposal is considered to comply with Policies 1, 2, 3, 4, 7, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the Sections 5, 6, 12 and 14 contained within the National Planning Policy Framework (NPFF) (December 2023). There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

RECOMMENDATION

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

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.