

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-0455-26	Applicant:	Brylaine Travel Ltd
Proposal:	Change of Use from General Industrial (Class B2) to Storage and Distribution (Class B8) - Retrospective		
Location:	Brylaine Travel Ltd. Glenside South West Pinchbeck		
Terminal Date:	12th August 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
 Section 9 - Promoting sustainable transport
 Section 12 - Achieving well designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	1	0	0	4
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking retrospective permission for the change of use from General Industrial (B2) to Storage and Distribution (B8) at Brylaine Travel Ltd, Glenside South, West Pinchbeck.

The proposal seeks to formalise the various permissions which were granted throughout the 1970s and to allow the site to be ran under the conventional Storage and Distribution (Use Class B8). The statement outlines that the site is currently used for:

- The open-air storage and parking of public service vehicles(buses), operated by Brylaine Travel
- The open-air storage and parking of heavy goods vehicles (fronts/cabs) and trailers operated by BMR Transport Ltd
- Associated ancillary uses including driver welfare facilities, administration and minor maintenance/storage activities

The maximum number of vehicles that will be on site are 20 Public Service Buses, 12 HGV Lorry Fronts/Cabs, 25 HGV Trailers, 5 vans and 25 cars used by staff. Furthermore, there are between 4-5 static staff members on site between 06:00am - 20:00pm as well as 20-25 remote/mobile staff which depart in the morning and return in the afternoon/evening.

The operating hours have been listed as 00:00 - 00:00 (24 hours), Monday - Sunday for the haulage departures and arrivals, primarily operated by BMR Transport Ltd. Further to this, Brylaine Travel Ltd use the site between 05:30am - 20:30pm, Monday - Friday and on Saturday and Sunday there are no public departures.

Finally, Brylaine Travel Ltd's peak vehicle movement would be 7 buses departing between 06:00am and 07:40am and would all return between 17:00pm and 20:00pm, Monday - Friday. BMR Transport Ltd's movements are spread across the operational day and night due to the haulage operation featured, the majority of the movements however occur during daytime hours.

Site Description

The site is located outside any defined settlement boundary and is therefore considered to be in the open countryside as outlined by the South East Lincolnshire Local Plan, 2019. Brylaine Travel is located along Glenside South in a predominantly rural area with multiple business also sited within the area. The site itself is set back from the highway and backs onto large agricultural fields.

History

SR514-72 - Change of use of dwelling and garden to store and road construction depot with access
- Approved

SR669-72 - Change of use of garden land to road construction depot - Approved

SR670-72 - Office - Approved

SR680-72 - Storage Shed - Approved

SR79-73 - Caravan - Approved

H14-0365-75 - Tower for radio transmitter - Approved

H14-0159-78 - Machinery and plant storage building - Approved

H14-0076-79 - Extension to existing store to provide mess room with toilet - Approved

H14-1239-81 - Accommodation extension to offices - Approved

H14-1003-82 - Change of use from agricultural land to yard extension for storage of civil engineering materials and plant with security fence and access (Full) - Approved

H14-1194-84 - Store shed - Approved

H14-0995-86 - New roof to workshop and enlargement of existing office accommodation - Approved

H14-0895-89 - Extension to existing office - Approved

H14-1114-91 - New roof to workshop and enlargement of existing office accommodation - renewal of H14-0995-86

H14-0785-95 - Four flagpoles - Approved

H14-1251-25 - Continuation of B8 use on the site currently consisting of open air storage of public use buses and a transport business's HGVs with a small admin building - Withdrawn

Consultation Responses

Pinchbeck Parish Council

The Parish Council objects to the retrospective application. The change of use has already resulted in an unacceptable increase in heavy goods vehicle and bus movements on the local rural roads serving the site. The Parish Council considers that these roads are unsuitable in terms of their character, width, alignment and capacity for traffic of this nature and scale. The Parish Council further considers that this type of use would be more appropriately located on a better-connected industrial estate or other site with direct access to suitable highway infrastructure.

Anglian Water

No comments.

Environment Agency

Whilst we have no objection to this application, we would like to draw the applicant's attention to the following informative comments:

Environmental permit - non-mains drainage

Foul drainage should be connected to the main sewer whenever it is feasible to do so. Where this is not possible, under the Environmental Permitting (England and Wales) Regulations 2016 any discharge of sewage or trade effluent made to either surface water or groundwater will need to either comply with General Binding Rules for Small Sewage Discharges or comply with a permit issued by the Environment Agency, additional to any planning permission that may be required. This applies to any discharge to ground, inland freshwaters, coastal waters or relevant territorial waters.

Further information about the permitting process can be found at Septic tanks and sewage

treatment plants: what you need to do.

Further advice is available at: Septic tanks and treatment plants: permits and general binding rules or alternatively you can contact us on 03708 506506.

Welland and Deepings Internal Drainage Board

No comments.

Lincolnshire County Council Highways & SUDS

Recommendation: No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Highway comments:

This proposal is for a change of use to Class B8 (Storage and Distribution) for use as a vehicle storage yard, and the access remains unchanged with satisfactory parking arrangements; therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

The development proposals will generate a low level of vehicle trips associated with the storage of PSVs and HGVs, with the submitted information confirming that peak activity is limited (circa 7 bus departures in the AM peak) and that HGV movements are spread throughout the day and night. The site already benefits from permission for a Class B2 (General Industrial) use, which would typically generate a comparable or greater level of trips due to higher staffing levels and more intensive operational activity. It is therefore not possible to raise an objection to the proposals based on traffic impact, in accordance with the NPPF.

Flood Risk and Drainage

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classed as a Major application by virtue of the site area; however, it relates solely to a retrospective change of use to Class B8, with no new built development or changes to site levels, impermeable areas, or drainage arrangements.

The submitted Supporting Statement confirms that the site is already fully hardstanding and served by an existing surface water drainage system, with runoff managed via an on-site network incorporating an interceptor and treatment system prior to discharge. No alterations to this arrangement are proposed as part of the development. Therefore, the Lead Local Flood Authority does not consider that this proposal would increase surface water flood risk in the immediate vicinity of the site.

Lincolnshire Wildlife Trust

No substantive comments.

Ecology

No comments.

Lincolnshire Fire & Rescue

I refer to the planning application reference H14-0455-26. The Fire Authority object to the application on the grounds of inadequate emergency water supply. It is the opinion of the Fire Authority that in order to remove the objection the following measures are required.

1 - Water Supply

- Lincolnshire Fire and Rescue requires the installation of one fire hydrant conforming to BS750-2012

within 90m of the premises entrance in respect of this planning application to be provided at the developer's expense. Fire hydrant acceptance testing will be carried out by a Hydrant Inspector on completion and a standard hydrant marker "H" plate will be fitted nearby. Following adoption, the Fire

Service will be responsible for the ongoing maintenance and repairs for the lifetime of the fire hydrant.

2 - Environmental

- Firefighting water run-off may endanger water supplies or the environment. Consider supplying a bypass system to divert run-off for safe disposal. There are a number of methods available, through which

the fire water runoff problem can be addressed, the most obvious being to use a fire suppression system

to contain a fire, thus not requiring large volumes of water and containment measures, such as bund

walls or drainage systems with lagoons, interceptors, reed beds or treatment plants. It is not for the fire service to stipulate which approach to take, simply to ensure that suitable measures are made a condition of planning approval through a fire fighting water run-off strategy.

Lincolnshire County Council Historic Environment

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

South Holland District Council Environmental Protection

Due to the history of the site, no previous complaints and retrospective nature of the application there are no comments to make on environmental protection.

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, one letter of representation has been received.

These can be summarised as follows:

- Planning application does not include the additional high positioned new lighting which has been installed and casts a glow across a wide area and is visible from distance, particularly noticeable in winter. Dark skies are an important part of country life!

- Noticeable increase of HGV and double decker bus traffic in the immediate area where roads are not suitable and incompatible with walkers, runners, cyclists and horse / carriage riders who use Moneybridge / Northgate / Glenside.

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 and 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 (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan (2019) sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including 'Minor Service Centres', with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The application site in this instance is outside any defined settlement boundaries, and therefore is considered to be in the countryside in planning terms as detailed by Policy 1. In context of this, the principle of development within this location would not usually be considered to be appropriate. Despite this, the site benefits from multiple previous permissions for a business use and therefore, the site comprises a brownfield site with which the land use would not conflict, in respect of that which could lawfully operate from site, and the location would be acceptable in this regard, despite its location outside a defined settlement boundary.

As such, whilst the proposal does not necessarily accord to the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle, due to its current use as a commercial business, the change of use is considered to be acceptable. Further to the above assessment of the broad principle, the proposal must also be assessed against Policy 7.

This Policy details that: *"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously developed land is not available or is unsuitable, proposals on non-allocated sites may be acceptable provided:"* that seven specific criteria, which outline the acceptability of the application for new employment sites, are met.

The criteria are as follows:

- 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 application in this instance would involve a new employment development as a material change of use would occur; however, as clearly stated in the policy wording, this would be supported as the proposal involves the re-use of previously developed land. From this, it is considered the proposal would be in direct accordance with Policy 7.

As a whole, the proposal is acceptable in principle, this is however, 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 residential amenities of neighbouring occupiers, impact on highway safety, flood risk, and biodiversity 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 2024) 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 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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 (2019) 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 (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) 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 supporting statement outlines that there are two existing hard standing areas which are used by the current unlawful business, as well as the previous businesses on site, which had previously been lawfully operated. Yard 1 features hard standing tarmac and a gravel surface which provides open-air parking for the vehicle fleet and staff car parking. Furthermore, Yard 2 also features a hard standing compound with concreted areas to provide the primary vehicle storage area and includes designed vehicle spaces for Brylaine buses and BMR haulage vehicles.

Alongside this, the existing buildings on site includes a small ancillary administration/welfare building which is used by both businesses and includes a driver rest room, logging in area and toilet facilities as well as a number of small workshop and storage buildings. No significant industrial

buildings are present and no manufacturing or processing activities are or have been carried out on site.

The site is considered to be of an operational transport nature and its appearance is appropriate to this use. Furthermore, it is considered that no external changes are proposed as the current business will make use of the current infrastructure. The existing access will also remain unaltered in this regard. It is therefore considered that as there are minimal alterations proposed throughout the site, there is no material harm in this regard.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

As outlined above, BMR Transport Ltd require 24 hour access 7 days a week in order to operate on the site, this would see haulage departures and arrivals throughout this period. The vehicle movement is stated as being more spread out across the operational day and night due to the nature of the business with the majority of movements being during daytime hours.

Brylaine Travel Ltd however only require their operating hours between 05:30am - 20:30pm Monday - Friday whilst the site would also be open on Saturday and Sunday, however this would solely be for on-site maintenance and security. Specifically, the peak vehicle movements for Brylaine Travel Ltd would be 7 bus departures between 06:00am and 07:40am with all buses returning between 17:00pm and 20:00pm during the working week.

Whilst the operational hours have been listed, the size of the fleets must also be taken into consideration to discuss the frequency of the movement during these hours. There would be a total of 20 public service buses and 12 HGV fronts/cabs. As such, it is fair to assume that the average most amount of movement for both businesses would be 64 vehicles throughout the course of each day (32 vehicles departing and arriving per day). Alongside this, there are a total of 4 - 5 static staff members which themselves would count for at least 8 - 10 comings and goings per day.

Based on this, it is considered that the main hours of operation would be predominately during normal working hours in the day time, with the exception of potential bus returns as late as 20:00pm. Although BMR Transport would require 24 hour access, they have outlined that the majority of their movement would be during the daytime.

Within a 200m radius to the site, there are a total of 16 residential properties due to the rural setting of the location. It should also be noted that there is a large nursery to the north east of the site listed as 'Glenside Nurseries' which itself is existing and established and therefore creates a high level of noise in any case. Whilst there are properties nearby, there are only three which immediately abut the site, with the others being some distance or across the river, as such there is a minimal amount which could be impacted following the change of use.

Further to this, the site itself has a long established history of being used as a commercial business, with this being the case since at least the early 1980s. As a result of this, although there could be the potential for an increase in vehicle movement and noise following on from this, it would not be to a materially harmful extent or one that is materially new to the area. The sites long established history paired with the existing business nearby and rural locality ensure that it is within a suitable location for development like this be located as it is, for the most part, away from high numbers of residential properties.

It also considered that relevant conditions will be attached to the decision notice should the application be approved which would help to limit the potential noise increase and ensure the majority of the noise takes place during typical working hours.

An objection has been received in relation to the proposal and raises concern from an amenity perspective. This outlines that the application does not include the additional high positioned new lighting which has been installed and "*casts a glow across a wide area*". Whilst the objection mainly focuses this point on the impact from a character perspective, lighting also holds weight due to the potential harm it could cause to the amenity of the nearby residents. Whilst no new lighting has been proposed within the submission, with the site making use of the existing lights on site, the LPA consider it appropriate to condition that no further lighting be introduced on site unless first agreed in writing.

Overall, it is considered that through granting the change of use on site it would not give rise to any material harm to the area and the amenity of residents. The rural location grouped with the historic permissions granting business uses for the area ensure that whilst a change of use would occur this would not necessarily be a new addition for the area. Conditions will be attached to the decision notice which limit the operational hours of both businesses as well as other aspects which could cause harm, these conditions would therefore be attached in the interest of residential amenity.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Flood Risk and Drainage

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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 strategic flood risk assessment being the tool to demonstrate this.

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

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

The site lies within Flood Zones 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 (2019) 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 Flood Zone 3 of the Environment Agency's flood maps and within a Danger for Most in the South Holland Strategic Flood Risk Assessment. It is considered that there will be no building or alterations required for this change of use with the site being commercially run with no habitable living accommodation. Furthermore, the change of use does not introduce new vulnerability or alter the site's flood risk profile. Alongside this, the Flood Risk Classification is considered to be fall under 'Less Vulnerable' and therefore there is not considered to be any harm from a flood risk perspective. It should also be noted that groundwater and surface water flooding risk is considered to be negligible at the site, however risk from surface water flooding is expected to increase due to climate change.

Finally, considering the development is a change of use to be used as storage and distribution, there are no specific mitigation measures proposed associated with the design.

Surface water drainage has been listed as being managed through the existing site infrastructure. The hardstanding areas have been in situ for an extended period of time and are able to drain to the existing systems. As such, no changes to drainage arrangements are proposed. Notwithstanding this, its important to discuss that the site is fully hardstanding and generates surface water run-off from rainfall, vehicle washing and minor maintenance activities. However, the existing drainage systems are considered to be suitable in this regard through it ensuring that any surface water is treated before disposal.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

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

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards.

The access arrangements have been managed to minimise any potential impacts on local roads

and neighbouring properties, to help achieve this the following arrangements will be put in place:

- *No Brylaine vehicle access to the site via Glenside South from B1180 to Money Bridge (the road is narrow and unsuitable for PSV movements in this direction). Drivers are required to use Glenside North to Money Bridge.*
- *All Brylaine AM departures are routed via Glenside South to the A151 to Spalding, or via Money Bridge to Gosberton Risegate, to avoid the narrow section of Glenside South.*
- *BMR vehicle routing follows similar principles, with access managed to minimise disturbance to the narrow residential lanes*

The supporting statement outlines that these restrictions have been agreed with neighbouring residents and are included within the operational procedures of both businesses (Brylaine Travel Ltd and BMR Transport Ltd). Furthermore, they have stated that the site is accessed mostly by staff and the company vehicles, with the site not being open to the public. It is considered that there is no requirement for public transport access due to the operational nature of the use.

As outlined above, there would be a total of 20 Public Service Buses, 12 HGV Lorry Fronts/Cabs, 25 HGV Trailers, 5 vans and 25 cars. These vehicles would operate within their respective allotted times. BMR Transport Ltd require 24 hour access 7 days a week to allow for haulage departures and arrivals whilst Brylaine Travel Ltd need access between 05:30am and 20:30pm Monday - Friday with this involving PSV departure and arrivals and public service operations. Furthermore, Saturday and Sunday would be used for on-site maintenance and security and would therefore see no public departures either. Should the application be approved these hours will be conditioned to ensure movements cannot take place outside of this, in the interest of amenity as well as highway safety.

Due to the extent of the change of use and the potential harm this could cause to the safety of the highway, LCC Highways have been consulted. They have outlined that they have no objections to the proposal and state that *"the access remains unchanged with satisfactory parking arrangements; therefore, it is considered that the proposal would not result in an unacceptable impact on highway safety"*. Alongside this, they state the proposal will generate a low level of vehicle trips associated with the storage of PSVs and HGVs and have gone on to reference the information from within the supporting statement.

Similarly, as the site already benefits from permission which granted B2, they believe that this *"would typically generate a comparable or greater level of trips due to higher staffing levels and more intensive operational activity. It is therefore not possible to raise an objection to the proposal based on traffic impact, in accordance with the NPPF"*.

Further to this, a public representation has been received which raises the point that there would be a *"notable increase of HGV and double decker bus traffic in the immediate area where roads are not suitable and incompatible with walkers, runners, cyclists and horse/carriage riders"*. Whilst there would be a natural increase in HGV and PSV movement to and from the site, LCC Highways have raised no objections from a highway safety perspective, as such, the proposal is considered to not cause material harm to the safety of the highway and its users despite the change of use. It is also considered that the as the site benefits from a long site history of previous business uses, the increase would not be as notable as a completely new use on site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Biodiversity Net Gain

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

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

biodiversity gains or statutory biodiversity credits".

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

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

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

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. The submitted BNG Exemption Statement outlines that the site falls under the de minimis exemption due to there being less than 25 square metres of onsite habitat that would be affected whilst there also being less than 5 metres in length of on-site linear habitat. The site is entirely hardstanding and buildings with no ecological features of significance, as such it does not impact an area of on-site habitat larger than 25 square metres.

In addition to this, the Council's Ecology Team have commented on the application and outlined they have no comments regarding ecology. As such, it is considered that the proposal would be exempt from BNG 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, and provides adequate parking whilst not harming the safety of the highway. It also presents no harm through flood risk and is exempt from the needs for mandatory biodiversity net gain. When viewed as a whole, it is considered to conform with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

In this instance, whilst the proposal seeks permission within a countryside location where such development would typically be resisted, the site comprises previously developed land, which has a lawful use to operate as a B2 use. In this regard, whilst not strictly in accordance with Policy 1, the proposal is considered to be acceptable in principle. Beyond this, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the

special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policies 2, 3, 4, 7, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

Recommendation

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