DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0487-24**	**Applicant:**	**J O Sims Ltd**
Proposal:	Details of external lighting & biodiversity net gain (Conditions 3 & 6 of H14-0256-24)		
Location:	J O Sims Ltd Pudding Lane Pinchbeck		
Terminal Date:	29th July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

Section 6 - Building a strong, competitive economy
Section12 - Achieving well-designed and beautiful places
Section14 - Meeting the challenge of climate change, flooding and coastal change
Section15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 3 and 6 of planning approval H14-0256-24, relating to

details of external lighting and biodiversity net gain.

Site Description

J O Sims Ltd is a food storage/processing facility located on the southern side of Wardentree Lane, to the west of Morrisons supermarket. Their site consists of a large industrial style building which is surrounded by areas of hardstanding and a car park to the front of the building. Undeveloped land is opposite to the west. There are further industrial premises to the west and south.

History

H14-1066-18 - Full - Temporary storage structure to support expansion requirements (retrospective) - Approved 29 November 2018

H14-0444-19 - Full - Concrete hardstanding area with temporary storage structure at fruit packing premises to support expansion requirements (retrospective) - Approved 29 May 2019.

H14-0999-21- Section 73a - Temporary storage structure to support expansion requirements (retrospective) - approved under H14-1066-18. Modification of Condition 1 to allow structure to remain on site for a further period of time - Approved 28 October 2021.

H14-0108-22 - Section 73a - Concrete hardstanding area with temporary storage structure at fruit packing premises to support expansion requirements (retrospective) - approved under H14-0444-19. Modification to Condition 1 to allow extension of planning permission for a further period of time - Approved 31 March 2022.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Pinchbeck Parish Council

The application benefits employment and economic growth in an employment area.

SHDC Environmental Protection

Ensure lighting units are suitably positioned downwards to avoid point source nuisance to nearby residential properties on Atherton Gardens development.

LCC Highway and Lead Local Flood Authority

Recommendation: No Objections
Details of external lighting & biodiversity net gain (Conditions 3 & 6 of H14-0256-24) - the street lighting will not impact the public highway. Neither conditions 3 or 6 were requested by Lincolnshire County Council.

Public Representation

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

Planning Considerations

Condition Details

The conditions detail:

Condition 3

Details of any external lighting proposed shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of the approved containers. There shall be no external illumination installed on or in the vicinity of the containers other than that so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

The proposed lighting is on the east elevation of store 1 and store 2. The lights are VIZULO Mini Martin 30 W 8 LED external light. The specification is as follows:

VIZULO Mini Martin 30 W 8 LED
-Lighting of slab area
-Average 10 lux
-Max 16 lux
-Min 3 lux
-Min / Avg 0.30
-Lamp output 3613
-LLF 0.9
-Input power 30

The relevant consultees have been consulted and have stated the following. "Ensure lighting units are suitably positioned downwards to avoid point source nuisance to nearby residential properties on Atherton Gardens development."

The proposed lighting is considered acceptable and therefore Condition 3 can be discharged.

Condition 6

Prior to the commencement of the development hereby permitted beyond oversite, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, December 2023.

The details provided are sufficient and acceptable to discharge Condition 6. The ecological benefit illustrated is the inclusion of two bat boxes and two owl boxes on the west elevation.

The provision of bat boxes and owl are sufficient to ensure the proposal complies with policy 28.

Conclusion

The details in relation to these conditions (3 and 6) are acceptable and can be discharged.

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.