

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0635-24 **Applicant:** Stagecoach Services Ltd

Proposal: Construction of a new concrete slab for a fuel tank, storage containers and walk around bus wash, new office cabins, cycle shed, car, mini bus, double decker parking spaces and ancillary works - Retrospective

Location: Pinchbeck Industrial Estate Wardentree Park Spalding

Terminal Date: 15th October 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2023

Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 12 - Making effective use of land
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

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	0	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the change of use of the land to the north of Wardentree Park to a bus depot, including works in order to enable the change. The previous use of the site was as an HGV depot. A total of 30 bus spaces (split 15 single decker and 15 double decker) are proposed. The site entry point would remain unchanged. The majority of the building works would be located towards the west of the site.

The works to the site include the construction of a new concrete slab for a fuel tank, storage containers and walk around bus wash, new office cabins, cycle shed, car, mini bus, double decker parking spaces and ancillary works. The erection of the cabins is applied for retrospectively.

The cabins would be two-storey in nature, measuring approximately 6 metres by 12 metres with a height of 5.5 metres. The structure is clad in PPC light grey textured cladding. White UPVC doors and windows, with grey shutters, are proposed. The cabins would have a similar layout on both floors, features a reception/ canteen, an office, and toilets.

Adjacent to these cabins would be the fuel store. An 80,000l capacity tank is proposed, with measurements 4 metres (width) by 12 metres (length) by 4 metres (height). This tank is significantly larger than its previous counterpart. The container would be painted green.

In addition to the above, two storage containers (approximately 3 metres by 3 metres) are proposed. Both would be reminiscent of a shipping container. A small bike shelter, containing six spaces, is proposed.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South East Lincolnshire Local Plan, 2019. Furthermore, the site is within the Wardentree Lane main employment area outlined in Policy 7. Naturally, this employment area is characterised by large scale commercial activities.

The site itself is located towards the northern extreme of Wardentree Lane, with Blue Gowt Drain and fields to the north of the site. The plot is currently covered in hardstanding and gravel, installed under its previous use as a HGV parking area. Large steel palisade fencing is present.

Relevant History

H14-0002-03 - Full. Use of land for HGV parking. Approved 07/03/03.

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:

Anglian Water

"Wastewater treatment: The foul drainage from this development is in the catchment of Spalding Water Recycling Centre that will have available capacity for these flows. When assessing the receiving water recycling centre's (WRC) dry weather flow (DWF) headroom we take an average flow over the past 5 years to take account of changing weather patterns. Where the average exceeds the WRC's permitted allowance we also take account of the following Environment Agency enforcement trigger - "has the DWF permit been exceeded in 3 of the last 5 years" - this must include non-compliance from the last annual data return. Based on the above assessment Spalding WRC is within the acceptance parameters and can accommodate the flows from the proposed growth."

"From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented"

The following informative conditions have also been requested:

1: Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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

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

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

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

Environmental Protection

No observations

Welland and Deeping Internal Drainage Board

Initial comments, received 20/08/24:

"The Board's Blue Gowt No 1 Drain bounds the site along the north and Scraggs Dyke bounds the site along the east; both drains are afforded the protection of a nine metre byelaw distance which prevents anything new being placed within this distance without the prior consent of the Board.

I have recently attended site and there has been a bicycle shelter erected directly in the path of our access route to undertake statutory maintenance. This is a contravention of the Board's byelaws. The bicycle shelter must be relocated elsewhere on site outside of the Board's nine metre byelaw distance strip.

It was also noted on site that a portacabin has been placed within the Board's nine metre access strip on top of an existing concrete slab without the prior consent of the Board having been sought. The Board will not be granting permission for the portacabin's placement, and if the Board ever require the portacabin to be moved/relocated for operational purposes then this will be done so at the applicants' expense subject to receiving notice from the Board.

An unattenuated surface water discharge into the Blue Gowt No 1 Drain has been proposed by the applicants' consulting engineers, Shields Wilson. Due to the small/minor impermeable area proposed and the difficulties to reduce this discharge to the Board's Greenfield run-off rate, this is agreeable in principle with the Board subject to an application for consent to discharge surface water being submitted which requires the agreement of technical details, payment of the £50 application fee as well as payment of the relevant Development Contribution, all in advance of connection to the Board's system. Based on the currently submitted information of an impermeable area of 0.021 hectares, the Development Contribution payable to the Board is £3,285.53."

Revised comments, received 27/09/24:

"I am happy using the attached plan that Rob has kindly forwarded directly to me that the Board are satisfied that all obstructions are now no closer than the Board's 9m byelaw distance - except for the cars that as per the emails Rob has today forwarded you the Board are again satisfied that by providing 48 hours' notice we will have a clear access strip for undertaking our statutory duties.

Beyond these items I am happy to deal with the surface water discharge element nearer the time."

SHDC Ecologist

Initial comments received 22/08/24:

"I am writing to provide feedback on the ecology and BNG assessment for the application above. There are several issues with the BNG assessment and the proposed management for achieving 10% biodiversity net gain for this development

1. The ecology report indicates that there is a zone of plant colonization along the gravel boundaries of the site, but erroneously states that there is no UK habitat classification category to cover this. However, the metric contains two different UK-Hab categories that be applicable: i) Sparsely vegetated land - ruderal/ephemeral, or ii) urban land - vacant/derelict. Therefore, to improve the accuracy of the baseline BNG assessment, an appropriate area of on-site habitat should be mapped as one of the above (probably ruderal vegetation). This will result in a larger number of baseline units, which will require additional off-setting either through on-site or onsite habitat creation/enhancement or purchasing onsite units to achieve 10% net gain.

2. I commend the creation of a 2m x 60 m shrub belt along the east side of the site, however, the site plan is not clear whether this belt is encroaching on the existing habitat associated with the drain? There may be a problem with too much overshadowing of the drain, and therefore, we need an estimation of how far the shrub/scrub habitat will be from the top of the drain bank. In addition, in relation to point 1, this margin of shrub could be extended to improve the post-development unit provision required to offset the inclusion of ruderal/ephemeral habitat in the baseline calculation.

3. There is another concern in relation to the drain. If any development (including additional asphaltting or 2m+ high fencing) occurs within 10 m of the top of the drain, then this would be considered to impact the watercourse, and 10% net gain will also have to be achieved in watercourse units. This may be possible with the appropriate ditch management, but we would also require a watercourse assessment, and the watercourse sections of the metric to be completed.

Thus, to be confident that the development can appropriately achieve 10% biodiversity net gain, I

would like to request clarification about the distance of the shrub habitat from the drain bank, and confirmation that no development work will occur within 10 m of the top of the drain bank. We will also require an updated metric containing the appropriate area-units of ruderal/ephemeral vegetation (e.g., areas where vegetation cover is between 10-50 %)."

Revised comments, received 09/09/24:

Satisfied with BNG assessment following further clarification and discussion with applicant.

Highway and Lead Local Flood Authority

"No Objection: The proposal is for the construction of a new concrete slab for a fuel tank, storage containers and walk around bus wash, new office cabins, cycle shed, car, mini bus, double decker parking spaces and ancillary works - Retrospective. Currently for storage and parking vehicles. The use is for Staff management, office, bus parking, fuelling and cleaning. It is located in an established industrial area. Relocating from Lime Walk, Long Sutton. Parking has been justified in line with the use/demand and there will be additional spaces within the site. There are good connections to the site so that employees have a variety of modes of transport available to them. There is no precise definition of "severe" with regards to NPPF Paragraph 115, which 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." Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues

In view of these criteria, the Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

Pinchbeck Parish Council

In keeping with the area.

Public Representations

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

Key Planning Considerations

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.

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

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

Principle of Development

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

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

The site is within the settlement of Spalding which is classed as a sub-regional centre within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

Where a proposal involves the extension, creation or loss of an existing employment site, Policy 1 is supported by Policy 7. As discussed above, the site is within the Warentree Lane Main Employment Area outlined within Policy 7. Policy 7 restricts development within this area to Classes B1, B2 and B8 (although since the time of publication, B1 use class now falls within class E).

Policy 7 states that "The South East Lincolnshire authorities will, in principle, support proposals which assist in the delivery of economic prosperity". Naturally, the proposal will achieve this goal via the expansion of an existing commercial venture, and the reoccupation of a currently vacant plot. This will ensure the long term viability of the Warentree Lane employment area, while also providing/ maintaining jobs within the District.

The proposed use does not fall into the above restricted use classes. That being said, the proposed use is consistent with the industrial nature of the area. The large volume of traffic and generalised disturbance created by a bus depot, coupled with the significant space requirements makes alternative sites, outside of an employment area, unsuitable. The previous use of the site (which itself was Sui Generis) is considered to be largely comparable, both visually and in terms of overall use, and therefore, the proposal is considered to maintain an industrial use on the site. As such, given the surrounding uses, the nature of the use being proposed and the details outlined above, its positioning here is considered to be suitable and acceptable.

Within the Design and Access statement, a justification statement has been provided. This statement outlines similar considerations to the above narrative, while also reiterating the sustainable benefits of the site, and its positioning within the settlement of Spalding. These sustainable benefits are discussed in further detail throughout the following report and are considered to carry some weight in favour of the proposal.

Section 11 of the NPPF "making effective use of land" gives weight in favour of the reuse of previously developed land. This is outlined within Paragraph 124c which states that planning decisions should "give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs". Naturally, the application adheres to this Paragraph and, as such, weight is given in favour of the proposal.

Paragraph 85 of the NPPF states: "Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development". As the proposal would expand an existing business, it is considered that, in line with this paragraph, weight should be given in favour of the proposal.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP and while the proposal does not strictly adhere to the provisions of Policy 7, it is still considered to be an appropriate location for this use. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states 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 NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. 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. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP 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 NPPF 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 use itself is considered to be in keeping with the industrial nature of the area. A large scale commercial activity such as this is wholly suited to this industrial setting.

The proposed portacabins would be in keeping with the character of the area. Comparable units are present throughout the wider Wardentree area, naturalising the proposal. The buildings are suitable for the commercial nature of the site. The use of materials is comparable to multiple units visible from the site, further ensuring visual continuity. The proposed scale of the buildings is far less than the majority of nearby development, reducing its visual impact. In any event, the positioning and relative scale ensures prevents visual intrusion into the countryside beyond. Likewise, fuel tanks are not uncommon in the area, and while the scale proposed here is large, it is in keeping with the industrial character of the area.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

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

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions. Policy 30 concerns pollution of all varieties, including noise and light pollution.

The area is industrial in nature, with no nearby residential units. As such, the impact from noise and disturbance, and the potential for overlooking or overshadowing is low.

Given the significant scale of the fuel tank, there is some potential for a wider impact in the event of a fault. As unlikely as this event may be, provisions should be clearly identified as to how leakage, fire etc will be prevented.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards. As the proposed use is Sui Generis, there are no defined parking requirements within Appendix 6. Instead, need is assessed on a case by case basis.

30 parking spaces are proposed. The submitted transport assessment identifies need on the site at 23 spaces, thereby providing adequate leeway in the event of increased demand. Likewise, 30 bus spaces have been provided despite demand for only 14 spaces being identified. These provisions are considered appropriate and will significantly reduce the likelihood of on street parking being required.

As the site is within the defined settlement boundaries, it is easily accessible via sustainable transport. While buses do not pass via the site itself, there are several bus stops within a short walk from the site, ensuring workers can utilise public transport. Within the inset maps of the SELLP, a cycle route runs near to the site, allowing workers to access the site via this means. It was stated within the transport assessment that the majority of employees live locally, and as such, there is a higher likelihood of workers utilising these sustainable transport methods.

As with vehicle parking standards, need for cycle storage for such developments is to be assessed on a case-by-case basis. A shelter providing six spaces has been provided. While this is a relatively small provision, given the scale of the site, it is considered adequate cycle parking space has been provided. If necessary, bicycles can be stored within the portacabins or elsewhere on the plot.

The Highway Authority are satisfied with the proposal, stating that they do not consider that the application would have a severe impact upon the highway infrastructure.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF 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: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " 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". The sequential approach is 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 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 SELLP 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 SFRA as a basis to apply the sequential test.

Within the SFRA the site falls under several hazard zones, ranging from low to danger for most. The maximum hazard depth of the site is 1 metre.

Despite the relatively significant flood risk on the site, the proposal is considered acceptable from a flood risk perspective. Annex 3 classifies the use as "less vulnerable" meaning it is an appropriate use for Flood Zone 3. The use is no more vulnerable than the previous use on the site.

It is impractical to request floor levels of both the wider site and the portacabins to be raised above flood depths, and therefore, measures must be taken to adapt to the risk. The occupants would be able to utilise the first floor of the cabins in the event of a flood, providing a safe haven. It is recommended that occupants sign up to the flood warning scheme, and evacuate the site in the event of a flood. All electricals etc should be elevated within the portacabin and the fuel tank should be anchored. It is recommended that a condition be placed upon any potential decision notice to ensure this.

In addition to the aforementioned flood risk considerations, Policy 4 also concerns site drainage. It is considered that the proposal would not exacerbate any drainage issues on the site. It is proposed that excess surface water would be discharged into the adjacent Blue Gowt No 1 Drain, controlled by Welland and Deeping Internal Drainage Board. This proposed method is agreeable to the board in principle, subject to the relevant contributions being paid to the board. These contributions are a separate matter to the planning regime, and therefore, their payment has not been sought via a Section 106 agreement or comparable within this application.

The IDB initially raised concerns regarding the proximity of structures to the relevant asset. Revised plans have relocated the bicycle shelter outside of the nine metre byelaw distance; thereby alleviating the concerns of the Board.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk and drainage.

Environmental Sustainability

In respect of the climate emergency, Section 14 of the NPPF states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 180 and 185 ensure sites of biodiversity value are protected through the planning system; while Paragraph 186 states that "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be

refused".

In line with both aforementioned sections of the NPPF, Policies 28 and 31 of the SELLP ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place.

The submitted biodiversity metric shows a net gain of 80%, well above the threshold of the Environment Act. Such a significant gain is likely a result of the lack of diversity currently in situ. This gain will be achieved through planting of low levelled native shrubs along the eastern boundary of the site. This is considered an appropriate strategy and will be secured via the relevant conditions.

Initial concerns were raised by the relevant consultee regarding the validity of the submitted BNG metric. However, following further discussions it is considered that there is a degree of subjectivity to the relevant habitat classification, and therefore, SHDC's Ecologist is happy for the application to proceed with the original metric.

Taking the above into account it is considered that given the details submitted, and those required by suitably worded condition, the proposal is acceptable with regards to environmental sustainability. The proposal would therefore be in accordance with Policies 28 and 31 of the SELLP and Sections 14 and 15 of the NPPF.

Planning Balance

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

While the proposed development, as a non-class B use, is not wholly in keeping with Policy 7, it is considered that the proposed use is appropriate on this site. The use is considered to be an appropriate within this industrial area, and would be inappropriate within an alternative setting. Adequate justification as to why this site is appropriate has been provided. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, without impacting upon local highway networks, whilst conforming with the SELLP and the provisions of the NPPF when viewed as a whole. The proposal would support the economic growth of the area and as such weight is given in favour of the proposal.

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 these factors into consideration, the proposal is considered to comply with Policies of the SELLP, as well as the NPPF, when viewed as a whole. While as a non-class B use the proposal does not wholly conform to Policy 7, it is still considered to be an appropriate use and in keeping with the spirit of the Policy. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

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