

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0821-24 **Applicant:** Neil Brown Engineering Ltd

Proposal: Erection of 11 industrial units (Use Classes E(g), B2 and B8) - Approved under H14-0221-21. Modification of Condition 2 to allow amendments to previously approved plans

Location: Land Adjacent To Neil Brown Engineering Ltd Benner Road Pinchbeck

Terminal Date: 24th January 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
27	Additional Retail Provision
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section(s) 6 and 12 of the National Planning Policy Framework (2024) (NPPF):

6 Building a strong competitive economy.
12 Achieving well designed places.

Representations:

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

ENVIRONMENT AGENCY	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	2	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Erection of 11 industrial units (Use Classes E(g), B2 and B8) - Approved under H14-0221-21.
Modification of Condition 2 to allow amendments to previously approved plans.

This proposal relates to slightly different plans associated with the previously approved scheme. In the approved scheme there were three blocks of employment floor space approved, subdivided into 11 units in total. In the current scheme there will be 2 blocks in total, with a slightly smaller floor space, with two previous units combined into one unit. The proposal also includes solar panels on the southern elevation of the larger block.

The position of the access road has been altered slightly from the approved plans. One of the three units previously approved is to remain in situ. Of the two remaining buildings as approved, instead of two buildings being retained and separated, one larger continuous structure is proposed, with associated alterations to parking.

The proposed new structure is: 18 metres wide. 9.5 metres high and 65 metres long. The floor space is 1818 square metres.

In the previously approved scheme Block 3 was 36.1m long, and 18m wide, and was called Unit B (648 square metres). This was divided into three units. This remains unchanged. There were 2 blocks labelled Unit A, Block 1 and Block 2. Each had 4 units within each block. The dimensions of Blocks 1 and 2, Units A and B were: 48m long and 18m wide (864 square metres). The total floor space of the previously approved 11 units were: 2,376 square metres. The current proposal is therefore slightly smaller than that approved.

Site Description

The proposal is within a Main Employment Area of Wardentree Lane within Spalding and is surrounded by employment uses. A supermarket, Morrisons, is also nearby. The site is within the defined settlement boundary and the surrounding area is characterised by industrial and commercial buildings of varying ages and designs. It is therefore within a sustainable location.

There is not a requirement to raise finished floor levels for non-habitable buildings. However, the units would be raised 300mm above ground level as per the approved Flood Risk Assessment under reference: H14-0221-21.

History

H14-0469-79 - Full - Use of land for parking of industrial vehicles for a temporary period - Approved - 19 June 1979.

H14-0085-87 - Full - Proposed garage and showroom - Approved - 25 March 1987.

H14-0095-87 - Advertisement Consent - Fascia Sign - Approved - 25 March 1987.

H14-0665-87 - Full - Proposed showroom and workshop - Approved - 12 August 1987.

H14-0617-91 - Full - Change of use from sale and repair of cars to Use Class B8 storage and distribution - Approved - 14 November 1991.

H14-1439-04 - Full - Erection of four industrial units with associated parking - Approved - 09 December 2004.

H14-0366-19 - Full - Change of use of land to self-storage facility comprising 150 storage container units (B8 Use), access and parking - Refused - 25 July 2019.

H14-0221-21 - Erection of 11 industrial units (Use Classes E(g), B2 and B8). Approved 17 August 2021.

Consultation Responses

Welland and Deepings Internal Drainage Board

The principle of surface water discharge is agreeable with the Board in theory. It requires consent to discharge surface water being made which is subject to the agreement of technical details, payment of the £50 application fee as well as payment of the relevant development sum prior to works commencing on site.

Based on the currently submitted information of a total proposed impermeable area of 0.6076 hectares and a proposed flow restricted to no greater than five litres per second, the development contribution payable in advance of connection is £14,259.22.

Environment Agency

We did not recommend Condition 2 on application H14-0221-21. We have reviewed the submitted information and have no objections to this proposal.

As your Authority will be aware, in accordance with Paragraph 015 of the PPG section on 'Flexible options for planning permissions', conditions imposed on earlier permissions that continue to have effect, should be restated for the purposes of clarity. Therefore, please ensure that Condition 3 of planning permission H14- 0221-21, relating to flood risk, is carried over to any new permission granted.

Lead Local Flood & Highway Authority

Response dated 12 November 2024

No objections.

Response dated 21 October 2024

The proposal is for minor amendments to Erection of 11 industrial units (Use Classes E(g), B2 and B8) - Approved under H14-0221-21. Modification of Condition 2 to allow amendments to previously approved plans. The minor amendments proposed will not have an adverse impact upon the public highway or surface water flood risk.

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.

Lincolnshire Police

No objections.

Anglian Water

Not relevant to Anglian Water.

Pinchbeck Parish Council

In keeping with the area.

SHDC Environmental Protection

No comments.

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.

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.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

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

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 National Planning Policy Framework, (NPPF) (December 2024) outlines, within Paragraph 61,

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

The application site in this instance is within Spalding, a sub-regional centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, 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 proposal relates to employment units which are similar to the scale and size of units in the immediate vicinity. The revised design is considered appropriate in the street scene and not out of character or keeping with the locality.

Having one large unit as opposed to two structures has no significant impact on the street scene and as such would not adversely affect the character of the main employment 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 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.

The proposals are not located close to residential occupiers as this is a commercial area. The uses are appropriate for the area. The scale, height and overall size of the structure will not impact on residential amenities to any significant degree.

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).

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. Car parking requirements are set out according to use class. For a B2 use, the requirement is for 27 spaces, for a B8 use, 12 spaces. E (g) uses equate to B 1 uses, of which the requirement is for 60 spaces.

The previously approved scheme had 21 car parking spaces for the two units to the south with 4 disabled spaces. Block 3 had 18 car parking spaces, 2 disabled spaces and 12 covered cycle storage spaces which is unaffected by this scheme.

The proposed scheme has, for the proposed single enlarged shed, 21 car parking spaces for Trade, 7 staff parking spaces along the eastern side, and 13 customer car parking spaces plus 2 disabled spaces. This doesn't affect the spaces for the unchanged block. The proposed scheme has more parking as a result to the previously approved 2 sheds.

It is considered, that the 41 car parking spaces, plus the 18 on the previously approves shed is broadly in line with Appendix 6. The Local Highway Authority also do not object to the scheme.

In terms of cycle parking, 12 covered cycle parking spaces were shown on the scheme previously. Cycle parking is considered necessary as the Policies Map indicates a cycle route is suggested along the front of the site. It is therefore suggested that a condition is imposed requiring the 12 covered cycle parking spaces to be provided.

Subject to such a condition it is not considered that the proposals will have any significant impacts on highway safety or the network either in terms of vehicular or cycle impacts.

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).

Flooding Considerations

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 Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (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.

As the scheme is varying a previous consent it is not considered that the principle of the development in flood risk terms is in question.

A Flood Risk and Drainage Assessment was submitted as part of the previous application by George Shuttleworth Limited reference 'Issue 01' dated 10th January 2020. This formed part of the approval under reference H14-0221-21 and recommended that floor levels, in condition 3 should be set at least 3.45m AOD, with flood resilient construction up to 4.45m AOD. Internal offices and less resilient areas should have a floor level of 3.75m. A similar condition is suggested for this scheme.

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.

Impacts of Climate Change

In respect of the climate emergency, Section 14 of the National Planning Policy Framework (December 2024) 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 ensure that, where development is brought forward in areas which are vulnerable, "risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems; and help to reduce greenhouse gas emissions, such as through its location, orientation and design".

Paragraph 166 of the National Planning Policy Framework (December 2024) details that when determining planning applications, Local Planning Authorities should "expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption", with 'significant weight' given to "the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights)".

The proposals include solar panels along the southern roof element of the structure and as such this is an improvement in climate change terms compared with the approved scheme.

Taking the above into account it is considered that given the details submitted and those required by suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan (2019) and Section 14 of the National Planning Policy Framework (December 2024).

Biodiversity & Ecology

Beyond this, Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:

"a) 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;
c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain

by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

As this is on an employment site and is varying a previous approval the scope to implement biodiversity measures is limited at this stage.

The development is exempt from the mandatory 10% net gain, and given the previous approval it is not considered that the proposal is contrary to Policy 28 of the South East Lincolnshire Local Plan, 2019.

Other Matters

Original and Revised Decision Notice

As this planning application is a variation of an original consent, the previous decision notice on the original approval is relevant.

The decision notice dated 17th August 2021 reference H14-0221-21 contained 4 conditions as follows:

- 1.The standard condition relating to beginning the development within 3 years.
- 2.The standard approved plans condition
- 3.The standard condition associated with carrying out the development in line with the submitted Flood Risk Assessment
- 4.Removal of permitted development rights associated with changes of use.

Proposed New Decision Notice associated with the Current Application

Standard Condition relating to the beginning of the development within 3 years

On the file associated with H14-0221-21, an email dated 5 August 2024 from the agents stated that development started on Friday 2nd August 2024. It is therefore not necessary to replicate condition 1 (ensuring development begins within 3 years) in the new decision notice for the current application because development has started.

This necessitates a renumbering of all subsequent conditions.

The standard approved plans condition

In the decision notice for the current application condition 1 contains all relevant plans in the current application, whilst omitting plans that depict the previous design.

Conditions relating to the submitted Flood Risk Assessment and Removal of permitted development rights associated with changes of use

These conditions are replicated exactly as in the original consent.

Additional Condition associated with Cycle Parking

A further condition is suggested in the new decision notice which requires the 12 cycle parking spaces to be provided on site. These were previously shown on drawing 1309-1_1_PL_SP01 which has been omitted from the new decision notice as the layout has changed and the revised layout is shown on drawing x which does not include the cycle parking previously shown. Condition 2 no longer contains drawing 1309-1_1_PL_SP01 and therefore the condition is necessary in order to secure the required cycle parking, now that a new layout has been agreed.

Informatives

The previous highway informatives are added to the decision notice, as is a Biodiversity Net Gain condition which has become necessary as a result of Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. A note associated with the requirements of Welland and Deepings Internal Drainage Board is added to clarify the latest position.

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 proposal represents appropriate development within the defined settlement boundary. 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 conforming 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, 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 1, 2, 3, 4, 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 (December 2024). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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