

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0901-25 **Applicant:** G Scrupps

Proposal: Erection of Warehouse for Repair and Maintenance of trucks in association with the existing use of the site for HGV use

Location: 67 Wardentree Lane Pinchbeck Spalding

Terminal Date: 2nd January 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
28	The Natural Environment
29	The Historic Environment

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 6 - Building a strong, competitive economy
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16- Conserving and enhancing the historic 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	0	0	0	1

DEEPINGS INTERNAL DRAINAGE BOARD				
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 'Erection of Warehouse for Repair and Maintenance of trucks in association with the existing use of the site for HGV use'. The building would be 480sqm, measuring 24m wide and 20m deep with a height of about 8m (not measured). One quarter of the building would be dedicated to the office/stores/reception/canteen and toilet area and the remainder is one large workshop with 3 access bays the doors to which would be 4m wide and about 5m high.

Discussion on site with the applicant indicates that he intends to use the site and building for the maintenance of lorries that he rents out. The company is known as Truckrent Ltd.

Initially the red line for the application site was drawn tightly around how the workshop would be accessed, plus an area for BNG provision. Following correspondence with the applicant's agent the red line area has been expanded to allow for trucks to be manoeuvred in and out of the building and the area dedicated to BNG has been re-positioned.

Site Description

The application site lies to the south of Wardentree Lane and forms part of a larger site which, although in the same ownership, also includes an area leased out to another business. The 0.4ha site lies within a wider industrial estate. Ground cover is predominately tarmac/asphalt with deposits of hardcore (broken bricks) and piles of inorganic material.

On site there currently lies a large canopied structure which is used as a temporary covered workshop for trucks.

The site lies within an area allocated for employment purposes and is within Flood Zone 3.

Planning History

Application Site:

H14-0999-07. Change of use to vehicle hire depot. Approved subject to a number of conditions. It is unclear whether some of these were discharged or not.

They included:

Cond 2. Restricted permission to storage, maintenance and preparation of vehicles for hire.

Cond 3. Restricted hours 7-6 weekdays and 7-1 Saturdays

Cond 4. Noise - ,45dB(A) leq 15 mins

Cond 5. All work to be carried out indoors.

Cond 6. No washing out of vehicle contents on the site.

Cond 7. Landscaping (unable to see landscaping on the site and no details on electronic record)

Cond 8. Vehicle access improvements.

Conditions 2,3,4 and 5 likely to be because of neighbouring bungalow which was in residential use at the time, but that has now been demolished and now sits within the blue line area.

Within Blue Line

H14-0130-01. New Glasshouses, Office and staff room. Approved, implemented but now removed and superseded by H14-1065-17.

H14-1065-17. Extension to Warehouse. Approved, and implemented. It is in use by the other company that occupies the site dealing with tyres.

Adjacent Sites:

H14-0878-18. To the south (rear) of the site, approval was given for the construction of a new concrete hard standing area for pallet storage in relation to an existing industrial unit.

H14-0256-24. To the south (east) of the site approval has been given for the replacement of two temporary storage buildings for fruit packing.

H14-0721-09 & H14-0926-11. To the north of the site on the other side of Wardentree Lane approval has been given in outline for proposed industrial development.

There does not appear to be any planning history for the land directly to the east and west of the site, nor on the site of the former bungalow.

Consultation Responses

The responses received can be viewed in their entirety through the South Holland website, but are be summarised as follows:

Lincolnshire Country Council - Heritage and Archaeology

No archaeological or heritage assessment provided contrary to NPPF. Site has high archaeological potential. The HER lists several nearby assets and investigations to the west and north of the site confirmed presence of ironage, medieval and post medieval remains. Proposed development could have a significant impact on any surviving remains.

Any remains should be recorded prior to their destruction.

Recommend condition for archaeological impact mitigation strategy comprising a phased approach to investigation and mitigation to include a trial trench evaluation that shall inform a programme of further archaeological mitigation work.

Lincolnshire County Council - Highways

Requested more information as to whether this is an expansion of existing operations and if so a transport statement would be required. The applicants responded to this query to say that it is not an expansion but to assist the existing operation. LCC Highways were also notified of the amended plans.

Further comments have been received to confirm no objection. The proposed development would not have an unacceptable impact upon highway safety or undue cumulative impact upon the local highway network or increase surface water flood risk.

The vehicle movements will be comparable to the existing use as HGVs already use the existing yard. Any increase is expected to be minimal, and the existing access is satisfactory.

Pinchbeck Parish Council

Support the application as it helps secure and sustain employment within the parish in an area designated for such use.

BNG Ecologist

Some of the habitats on site have habitat potential for nesting birds. Request a condition requiring that works should not be carried out in the main nesting season (March 1st - August 1st). If not possible then a suitably qualified ecologist must perform a breeding bird survey of the site prior to any works beginning onsite. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.

Biodiversity assessment and metric calculations appear rigorous. The BNG metric indicates that

10% mandatory net gain can be achieved on-site with a predicted overall gain of 13.39% in Habitat units (increase of 0.1298 habitat area units).

Welland and Deepings Internal Drainage Board

IDB have stated that if in the future soakaways are not used for surface water disposal, re-consultation would be needed.

South Holland District Council Environment Protection Officer

No comments.

Public Representation

This application has been advertised in accordance with the Development Procedure Order.

No responses have been received.

Key Planning Considerations

Development Plan

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

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
 - Design and Visual Impact;
 - Impact on Amenity;
 - Highway Safety and Parking;
 - Biodiversity Net Gain; and
 - Flood Risk.
- Heritage Considerations

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan 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 boundary of Pinchbeck and is partly within an Existing Mixed Use Employment Site and partly within a Proposed Main Employment Area, both covered by Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio).

The relevant allocation SP001 suggests Class B1, B2 and B8 apply. The renting and maintaining of HGV's is more likely to be a Sui-generis use, however it remains one that is more suited to an industrial location than any other.

The principle of development and its sustainability from a land-use perspective is considered acceptable.

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 application proposal is for a fairly large warehouse building of a standard industrial design and thus is not of the highest aesthetic quality. It is however appropriate for the area and meets the functional needs of the operation. Taking all these factors into account, the proposal is considered to be acceptable. The building would be viewed entirely within the context of the existing light industrial site and as such would not appear as a visually incongruous development of feature in the surrounding landscape and settlement pattern. 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).

The relocation of the area to be dedicated to onsite BNG is better located within the amended plans to the rear of the site as it would be less likely to be compromised by moving vehicles and other operations within the site.

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.

There used to be a residential bungalow to the north of the site but this was purchased by the applicant and has now been demolished. Consequently the nearest residential properties are about 120m away to the west of Moortoft Lane. Given the separation distance involved, and the existing/established use of the site, the impact of noise on these properties is likely to be minimal and heard within the context of general noise from the wider industrial estate. Overall, the proposal would not include any design features/elements, nor a use that would adversely impact upon the amenity of any neighbouring properties or businesses in line with the requirements of Policies 2 and 3 of the SELLP and the NPPF.

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.

There are no details of parking, and although the site has plenty of space for the off-road parking of cars for workers and visitors, and trucks. The amended plan would assist with how these are to be manoeuvred around the site and into the building to accommodate the likely levels of traffic to be generated in a safe manner. This view is supported by the Highway Authority which raises no concerns or objection to the proposal.

The proposal would therefore be acceptable and would not have an adverse or harmful 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 (HMMP).

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.

A Biodiversity Net Gain metric calculation tool, a BNG Assessment and a BNG Plan have been submitted. These have been assessed by the Joint Services Ecologist who considers that the net gain can be achieved on site. The BNG Plan suggests that works could be secured by S106, but instead conditions are suggested in this instance so that the BNG is secured via an HMMP.

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.

The site was relatively devoid of habitat with inert materials placed around the vacant areas at the time of the officer visit. However there were some bushes/trees to the boundaries. The Ecologists have noted that some of these have potential for nesting birds and request a condition requiring that works should not be carried out in the main nesting season (March 1st - August 1st), or that a suitably qualified ecologist undertake a survey prior to any works beginning onsite to ensure suitable protection and sign off.

Due to the limited ecological significance of the site, and the lack of any discernible habitat, subject to the imposition of the above condition it is considered that the proposal would not result in any adverse ecological or environmental harm being caused. As such, the proposal would accord with the requirements of Policy "8 of the SELLP and paragraph 193 of the NPPF.

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.

A Flood Risk Assessment was submitted with the application. It concludes that:

"-The site is located within an Internal Drainage Board catchment and through the operation and maintenance of the pumping stations and the channel system the Board seek to maintain a general standard capable to providing flood protection to agricultural land and developed areas of 1 in 20 and 1 in 100 years, respectively.

-The proposed development is in Flood Zone 3. The proposed development benefits from tidal defences on the River Welland that provide protection the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200 chance each year) tidal event including climate change.

-There is a residual risk associated with a breach of the defences with flood depths at the site up to 0.5m.

- It is recommended that flood resilience measures are adopted to manage the risk of a breach including the use of flood warnings, a water entry strategy, and elevated electrical services.

- The development passes the Sequential Test and is therefore suitable for the proposed location."

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.

Heritage Considerations.

Policy 29 of the SELLP requires that any proposals should take every reasonable step to protect and, where possible, enhance the significance of archaeological remains, whether known or potential.

Applications ought to be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them. The policy indicates that developers can be required to undertake field evaluation in advance of determination.

Despite this the Country Archaeologist appears satisfied that in this instance a condition can be imposed to ensure any remains are recorded prior to their destruction. They recommend a condition for an archaeological impact mitigation strategy comprising a phased approach to investigation and mitigation to include a trial trench evaluation that shall inform a programme of further archaeological mitigation work.

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)".

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, an appropriate extension to an existing employment land site. Subject to development being carried out in accordance with the submitted details and proposed conditions, it conforms to the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

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, 29 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.

Proposed Pre-Commencement Conditions

The applicant's agent was notified of the intention to impose two true-Pre-Commencement conditions. One requiring that the HMMP be submitted prior to any vegetation clearance; and the other that no development shall take place until a written scheme of archaeological investigation (WSI), for the archaeological evaluation phase has been submitted and approved. The agent confirmed agreement with the first but their clients queried the reasonableness of the archaeological condition. Following discussion between agent and the County Archaeologist it was agreed that a watching brief (post-determination) would be acceptable.

Recommendation

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