DECISION DELEGATED TO HEAD OF PLANNING

| | | | |
|---|---|---|---|
| **Application No:** | **H16-0918-21** | **Applicant:** | **Ashley King (Developments) Ltd.** |
| **Proposal:** | Phase 2 of the Lincs Gateway development, to include 4 office buildings and 24 small industrial units | | |
| **Location:** | Lincs Gateway Phase 2 Land North Of Barrier Bank Spalding | | |
| **Terminal Date:** | 12th January 2022 | | |

**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 |
| 05 | Meeting Physical Infrastructure and Service Needs |
| 07 | Improving South East Lincolnshire's Employment Land Portfolio |
| 08 | Prestige Employment Sites |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 31 | Climate Change and Renewable and Low Carbon Energy |
| 33 | Delivering a More Sustainable Transport Network |
| 35 | Delivering the Spalding Transport Strategy |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2021**

NPPF 2021.

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| WARD MEMBER | 0 | 0 | 0 | 0 |
| PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 1 | 1 | 2 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 3 |
| RESIDENTS | 2 | 0 | 0 | 3 |

CASE OFFICER ASSESSMENT

PROPOSAL

Phase 2 of the Lincs Gateway development, to include 4 office buildings and 24 industrial units served from a private road.

Specifically the layout proposes new light commercial buildings and offices in a landscaped setting; the offices are to be located at the site's most prominent frontage, on land facing the roundabout on the A16 at the site's south-eastern edge.

Access into the site would be via the B1173 as it passes the site. Access would be via an existing adopted junction. Pedestrian access to the site would be primarily from the existing footpath from Fen End Lane, which runs along the western edge of site.

The floor space that would be provided by the development would be:

Office uses (Class E g i) - 4,104 square metres gross internal floorspace
Industrial (Class E g iii) - 6,012 square metres gross internal floorspace (any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.)

354 parking spaces are proposed, located across the site.

The roads and footways are intended to remain private within the application area.

The applicant advises that the layout of this has been dictated in part by the presence of the adjacent bund, which runs along the north-western side of the site and is included in this application. The decision has been taken to extend and retain this bund, because of its ability to screen views of the development, and any noise which may be generated, and to protect the amenity of adjacent residents.

The application is supported by a Design and Access Statement, Flood Risk Assessment, Preliminary Drainage Strategy, Archaeological Evaluation, Combined Phase I Desk Study & Phase II Exploratory Investigation, Noise Impact Assessment and Transport Assessment.

## SITE DESCRIPTION

The application site is 3.98 hectares of land,  located on the southern edge of Spalding, just over a mile south of the town centre. It is bounded by the B1173 to the south and A16 to the east, with residential development on Fen End Lane to the northwest and otherwise by agricultural land. To the west of the site is a public bridleway, which would be unaltered by the proposed development, with the exception of the addition of lighting, that has been previously approved.

The site itself was previously in a combination of uses, which still have a bearing on its current appearance. It has historically been largely in agricultural use, although part of it was previously occupied by a building in B8 use. This building was destroyed by a fire in 2006, and has since been demolished. However, the site retains some elements of hardstanding, and is in part previously developed land. Earth bunds within the site were constructed for the purpose of attenuating noise from the B8 use, and protecting the amenity of housing on Fen End Lane. These bunds have been altered in height and form several times in recent years and there is still bunding on the site.

The site is part of a wider policy allocation referred to as SP002 within the South East Lincolnshire Local Plan, and this is discussed below.

## RELEVANT HISTORY of the Local Plan SP002 allocation site

H16-0009-14. OUTLINE. Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works. Approved 10-10-14.

H16-0025-15. SEC 73 MODIFICATION. Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - approved under H16-0009-14.  Modification of condition 8 to amend requirement to set finished floor levels of the buildings within parcels B3a and B3b from 1 metre above existing ground level to not less than 600mm above ground level. Approved 23-06-15.

H16-0166-15. NON MAT AMENDMENT. Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works, approved under H16-0009-14. Amendments to include installation of photovoltaic cells on roof, solar shading to some windows and revised ventilation grilles. Approved 11-05-15.

H16-0195-15. NON MAT AMENDMENT. Conference and function centre to land parcel B2. Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works (Approved under H16-0009-14) - Amendment to Conference and Function Centre to Land Parcel B2, Omit 4 windows on north west elevation to room G17. Omit 1 window on north east elevation to room G18. Swap rooms G3 and G4 over including associated windows on south west elevation. Alter glazing arrangement to window on north west gable. Approved 20-04-15.

H16-0874-15. FULL. Proposed service station (Amended layout).  Approved 16 December 2015.

H16-0049-16. RESERVED MATTERS. Restaurant/cafe relating to area B3B (outline application H16-0009-14). Approved 02-03-16.

H16-0951-17. RESERVED MATTERS. Details of landscaping for Parcel 4 - outline application H16-0009-14. Approved 12-12-17.

H16-1029-17. NON MAT AMENDMENT. Proposed business park, hotel, public house/restaurant, conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - approved under H16-0009-14 - amendments to scheme. Approved 04-12-17.

H16-1028-17. NON MAT AMENDMENT. Proposed business park, hotel, public house/restaurant,

conference and function centre, petrol filling station, restaurant/cafe with ancillary retail together with associated landscaping, access, highways, parking, drainage, utilities and services and infrastructure works - approved under H16-0009-14. Modification of condition 8 to amend requirement to set finished floor levels of the buildings within parcels B3a and B3b from 1 metre above existing ground level to not less than 600mm above ground level - approved under H16-0025-15 - Amendments to scheme. Approved 04-12-17.

H16-1267-18. FULL. Commercial development comprising a B1 office building of 1,026 sq m, 8 small business units of 240 sq m in B1 and / or B8 use, and enabling residential development of 43 houses comprising 12 x 2-bed, 29 x 3-bed and 2 x 4-bed, landscaping, access routes, car parking and associated infrastructure. Refused 13-09-19. No appeal submitted.

H16-0172-21. FULL. Construction of a KFC and Taco Bell restaurant / drive-thru (Use Class E / Sui-Generis) with associated vehicular access and drive thru lane, car parking, landscaping and other infrastructure works. Approved 27-07-21.

## REPRESENTATIONS

SHDC Environmental Protection Officer- contamination

Has reviewed the GeoDyne report 'Lincs Gateway Phase 2 Combined Phase I Desk Study and Phase II Exploratory Investigation For Ashwood Homes' project no. D41115 dated 20/08/2021 and is in general agreement with the findings. Remedial action is required at this location in order to achieve a safe development. Therefore recommend that the following conditions are added to any permission granted:

Condition one
The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters, has been submitted to and approved in writing by the Local Planning Authority (LPA). The scheme shall include the following measures unless the LPA dispenses with any such requirement in writing. A written method statement detailing the proposed ground gas protection measures to be installed and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details as necessary. No deviation shall be made from this scheme without the express written agreement of the LPA.

If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Condition two
Prior to the first occupation of the development, two full copies of a verification report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required ground gas protection measures have been installed in accordance with the approved Method Statement(s).

Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met. Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

SHDC Environmental Protection Officer- noise

No objection but would wish to attach the following condition: Noise from fixed plant and machinery shall not exceed the background noise level by more than 5dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership.

Request the following condition: No deliveries shall take place between 8pm and 7am Monday-Saturday. No deliveries to take place on Sundays or Bank Holidays.

SHDC Inward Investment Team

The Inward Investment Team support this application as the first phase of the development of a prime commercial site.

LCC Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

The Applicants have confirmed that their intention is for the internal estate roads to remain private i.e. they will not be adopted as public highways. The same principle has been applied to the part of the Lincs Gateway development that has been built on the west side of the B1173. The site entrance junction, together with a Ghost Island Right-turn Lane on the B1173, have already been constructed.

Therefore, 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, a severe residual cumulative impact upon the local highway network or increase surface water flood risk to the site or neighbouring land and property and does not wish to object to this planning application.

Anglian Water

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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.

Section 2 - 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.

Section 3 - Used Water Network

This response has been based on the following submitted documents: FRA August 2021 Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. (a full assessment cannot be made due to lack of information, the applicant has not identified a discharge rate) We therefore request a condition requiring phasing plan and/or on-site drainage strategy

(1) INFORMATIVE - 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.

(2) INFORMATIVE - 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) INFORMATIVE - 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) INFORMATIVE - 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) INFORMATIVE: 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.

South Holland Internal Drainage Board

Pleased to see that the applicant intends to apply to the Board for consent to discharge surface water to watercourses at the design stage, and that the discharge rate from each outfall is to be limited to 2l/s. Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

I note that foul water will be disposed of by a pumped system to an Anglian Water foul sewer, we have no comments on this element of the application.

I cannot see that any alteration of a watercourse is proposed in the most recent plans, however please be aware that if the applicant's proposals change to include alteration of any riparian watercourse, this would require consent from the Board under Byelaw 4 and Section 23 of the Land Drainage Act, 1991.

Environment Agency

No objection subject to condition regarding a condition to ensure that development is carried out in accordance with the submitted flood risk assessment (ref: AH/LG/FRA) dated August 2021 and the mitigation measures.

LCC Historic Environment Officer

Has no comments to make as there are no known archaeological impacts.

Previous phases did include evaluations but didn't find anything of interest, only relatively recent (post-medieval) field boundaries and agricultural features.

Lincolnshire Wildlife Trust

No objections to the proposal, additional comments for consideration are below.

Management plan -
The planning application should include appropriate site management, maintenance and monitoring plans. These should include provision to secure long-term benefit, of any newly created or enhanced habitats.

Provision for wildlife -
The proposed Landscape Strategy (Ashley King dated July 2021) plan has some positive provision for wildlife including (which should be conditioned):

- Retention of existing grassland features and trees
- The SuDS features are designed with wildlife in mind
- Well sourced wildflower seed mixes (Emorsgate EM2)

From recommendations in the Preliminary Ecological Assessment - these need to be included on the plans -

- Nesting provision for birds, bats
- Bat friendly lighting scheme, which should conform to up to date guidance supported by the

lighting industry

Would additionally support -

- More native species with known benefit for wildlife in the shrub, tree and grassland planting regime around the site
- Low growing wildflowers seed mixes used adjacent to the roads and buildings. For example: Emorgsate EL1 flowering lawn mixture. If management instructions are followed, this can be regularly mown and still provide benefit for insects and birds.
- Provision for hedgehogs

Further Enhancement for Wildlife could include habitat areas for insects, amphibians, reptiles and mammals could enhance the development further and be incorporated into the design. E.g.

- log piles and retention of dead wood for insects;
- rock piles in sunny areas for reptiles;
- management of amenity areas, grassland and banks for pollinator species including management plans to maintain this
- hedgehog friendly fencing.
- Suitable vandal proof interpretation could be included on site to explain the features provided and their importance for wildlife.

Police Crime Prevention Design Advisor

Does not have any objections to this development.

Public

Objections have been received from three households (summarised):

No provision or intention to have the Barrier Bank footpath for pedestrian or cycle access to the site from town to be repaired, therefore, there is no safe pedestrian/cycle access to the site.
No plans or provisions being made to include a Bus Stop on site.
The current bund on the north side must not be reduced in height or length.
Bund should be maintained and cut back regularly.
Sewerage arrangements and water pressure.
Sewage smells from Applegate and Pub / B & B (plus the KFC and Taco Bell drive through when built).
Highway safety. 40MPH limit should be imposed.
"Existing pedestrian and cycle route" this is classed as a Public Bridleway Right of Way.
The Bridleway was meant to have lighting prior to occupancy of the Applegreen site. This NEVER happened.
If this Bridleway is to be used for site access, then a formal regular maintenance programme needs to be put into place, again to ensure safety and security of pedestrians.
Treatment and maintenance of adjacent dyke.
Impacts on broadband.
Noise pollution.
Light pollution.
Security of the site - access from the site to residential properties.
Flood risk.
Vermin control.
Loss of privacy.
Impact on traffic and parking in residential area.
Property values.

One objector also made the following comments (summarised):

All outside lighting should be low level LED.
There should be Electric Vehicle Charging Parking places.
All the industrial and office units should be fitted with Solar panels on its roof.
(As per the Ashwood Homes Offices)
The industrial units should be heated by heat pumps and insulated from heat loss.
More trees should be added to the landscaping

One further comment received regarding provision for Swifts

## PLANNING CONSIDERATIONS

The main issues in this case are:
Principle of Development
Sustainability
Layout and Design
Highway safety and parking
Impact on neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Contaminated Land
Heritage considerations
Archaeology
Biodiversity
Lighting/Hours of Use

### Principle of Development

The site is part of a wider policy allocation as a Main Employment Area, referred to as SP002 within the South East Lincolnshire Local Plan, which sets a development expectation on the entire 22.2 hectare land holding of Classes B1, B2, B8, A3, A4, C1, as previously defined by the General Permitted Development Order. This Order has been significantly updated and these current uses would now be considered to be Classes E and C1.

The proposed floor space, all within Class E, proposed by this application is set out above.

It is to be noted that Policy 7 of the SELLP expected that this site, along with the wider allocation would be supported in due course by a master plan. This has not been forthcoming however a draft master plan is included within the appendices of the SELLP.

Policy 7 also clarifies that mixed-use developments such as this site, which incorporate main employment uses together with other identified appropriate employment-generating uses, will be supported in Mixed-Use Areas identified.

The purpose of Policy 7, and the allocation of employment land was in order to:

- provide choice across South East Lincolnshire, seen as particularly important to help attract investment from new businesses that currently are not present in the area;
- enable business growth (and subsequent job growth) not to be constrained by a lack of available sites;
- provide flexibility, recognising the different delivery rates across different business sectors;
- recognise that some non-allocated existing employment sites will be lost to other uses (such as residential);
- reflect the length of time required to deliver infrastructure to open-up strategic sites (including three sites with planning permission in Spalding);
- reflect the fact that only estimates can be made of site area, floor space and job numbers; and
- ensure the Sustainable Urban Extensions and housing allocations across the higher tier settlements become thriving communities, supported by appropriate employment provision.

It is considered that the floorspace and form of development proposed by this application accords with the overall intentions of Policy 7 of the SELLP, and the indicative intentions of the draft masterplan.

### Sustainability

The site is considered to be a sustainable location for the form of development being proposed, and accords with the sustainability considerations of the SELLP, which was adopted in 2019.

### Layout and Design

The layout of the scheme proposes Office uses (Class E g i) - 4,104 square metres gross internal floorspace Industrial (Class E g iii) - 6,012 square metres gross internal floorspace (any industrial

process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.), to be accommodated within two discrete areas; one containing the predominantly industrial uses within 9 buildings comprising 24 small industrial units and the second area provide 4 office buildings

Each building is proposed to have parking and servicing from the private road, and a total of 354 parking spaces are proposed to be located across the site.

The existing bund to the western and north western boundaries of the site is proposed to be retained and additional plans and sections have been requested and provided to give detail to this. The bund is to be landscaped and along with the greenspaces around the site and the area closest to the public highway are to be landscaped in accordance with details that have been submitted and are to be conditioned.

Highway safety and parking

The details of the proposal set out parking for the units and details of the access arrangements. The internal estate roads are to remain private i.e. they will not be adopted as public highways. The same principle has been applied to the part of the Lincs Gateway development that has been built on the west side of the B1173. The site entrance junction, together with a Ghost Island Right-turn Lane on the B1173, have already been constructed.

Therefore, 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, a severe residual cumulative impact upon the local highway network or increase surface water flood risk to the site or neighbouring land and property. SHDC officers agree with this stance.

The quantum and form of parking proposed in the development is appropriately located and would be sufficient for the development. It is not considered that there would be impact on traffic and parking in the nearby residential area. Notwithstanding this, the local residential roads are public highways, and it is not considered that this development would require additional parking or waiting restrictions to be placed upon nearby roads.

Objection has been raised that the development does not make provision for the Barrier Bank footpath for pedestrian or cycle access to the site from town to be repaired. This has not been a stipulation of LCC as Highway Authority, nor is it an expectation in the SELLP. As such the development would have limited connection by foot to Spalding, however this is an employment site, rather than a residential development, and as such it would not be reasonable to withhold planning consent on this basis.

The suggestion that a 40MPH limit should be imposed has been submitted by a local resident. This is not the view of LCC as highway authority.

The plans do not show a bus stop on the site; as this is a private road network this would not be expected.

The lighting of the bridleway that has been previously approved is also included in this application and is to be controlled via condition. The lighting would improve safety to users of the bridleway.

Impact on neighbouring Residents/land users

The existing bund on the site is to be retained and landscaped, and drawings showing sections of this have been provided. The SHDC Enforcement Team Leader confirms that the details are adequate for monitoring and enforcement in the future.

It is not considered that there would be any loss of privacy to nearby residents as a result of this development, nor would there be a decrease in the security of adjoining residents. The bridleway that exists on the site has been in situ for several years, and other than lighting, that has been encouraged by residents in the past, the bridleway is not to be altered.

Control of hours of operation, as per the recommendation of the EHO, would safeguard the amenities of residents, and similarly control of the lighting scheme would minimise light pollution.

It is not envisaged that there would be issues of vermin as a result of the development. Control over outside waste storage can be controlled via condition.

It is considered that the development accords with Policies 2, 3 and 30 of the SELLP in this regard.

Flooding considerations, Foul and Surface Water Drainage

The site lies within Flood Zone 3 and is, therefore, assessed as having a 1 in 100 or greater annual probability of river flooding in any year (greater than 1%), and a 1 in 200 chance or greater annual probability of flooding from the sea (less than 0.5%). The map does not take into account flood defences as water can overtop or breach the defences in extreme conditions.

The South Holland District Council Strategic Flood Risk Assessment Report (SFRA), prepared by Haskoning UK Ltd dated January 2010, was also referred to. This shows the development site to be fully within Flood Zone 3 (without defences).

The development proposal is for the construction of a commercial development consisting of a business park, including light industrial and commercial units. Applying Table 3 of the NPPF, the flood risk vulnerability classification shows that the proposed end use will fall into the 'less vulnerable' classification.

The site is currently agricultural land and has no existing buildings or developments within the planning application boundary. Site levels within the development area are relatively flat at circa 2.78m AOD to the north and 2.15m AOD along the southern boundary.

There is an existing watercourse forming the northern boundary and running west to east originating from an existing culvert to the north of the development, with top of bank levels ranging from 2.78m AOD in the north to 2.28m AOD in the south, the origin and direction of the culvert are not indicated upon the topographical survey.

There is also a field drainage ditch originating from the approximate centre of the development area and running east. Development works will mean that infilling of a portion of this ditch will be undertaken as part of the development.

The application is supported by a Flood Risk Assessment, the recommendations of which can be delivered by condition.

Foul sewage is to be disposed of via the mains sewer and a package treatment plant. Matters of existing and proposed capacities are controlled by Anglian Water.

Surface water runoff is to be dealt with via SUDS principles. The discharge for the surface water drainage will be to the existing watercourse located adjacent or near to the site. The introduction of any headwalls or works to the watercourse will need the consent of the Land Drainage Authority, as will agreement to the proposed discharge rate.

Contaminated Land

The application is supported by a Combined Phase I Desk Study and Phase II Exploratory Investigation. The SHDC Environmental Protection Officer is in general agreement with the findings. Given the previous uses on the site, it is considered that remedial action is required at this location in order to achieve a safe development. This is to be delivered via conditions.

Archaeology

The LCC Historic Environment Officer made no comments as there are no known archaeological impacts. Previous phases did include evaluations but didn't find anything of interest, only relatively recent (post-medieval) field boundaries and agricultural features.

A standard informative can be included to cover unexpected archaeology if found.

Biodiversity

A biodiversity scheme has been submitted and the comments of the Lincs Wildlife Trust are set out

above. The management of the landscaping and biodiversity measures can be controlled by conditions.

Lighting/Hours of Use

Given the mix of light and general industry, as well as office uses, and the provisions of the recently published Use Classes Order and General permitted Development Order, in order to minimise impacts on adjoining residents, conditions to control lighting and hours of use of the site are recommended.

Other matters

Property values are not a planning matter that can be given weight.

Impacts on broadband relate to the facilities of private suppliers and permission cannot be reasonably withheld on this basis.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking and other servicing facilities. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 5, 7, 8, 28, 29, 30, 31, 33, 35, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

CONCLUSION

The are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

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.

## RECOMMENDATION

That permission be granted under delegated powers.

The application was considered by the Chairman's Panel meeting of 23 December 2021, and a delegated decision was considered to be appropriate.