

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1056-23 **Applicant:** Castlebuild Scaffolding Ltd

Proposal: Proposed extension to existing site to include 8 storage units under corrugated roof with PV panels and erection of 3 Koda Pods

Location: Castlebuild Scaffolding Holbeach Road Spalding

Terminal Date: 12th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

- 4 - Decision-making
- 6 - Building a strong, competitive economy
- 12 - Achieving well-designed and beautiful places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for a proposed extension to the existing site to include 8 storage units under a corrugated roof with PV panels, and the erection of 3 Koda Pods at Castlebuild Scaffolding, Holbeach Road, Spalding.

The proposal seeks to extend the existing site eastwards onto an area of land in agricultural use. The extended area measure 46.7 metres in depth and 22 metres in width. The area will be bordered by a 1.8 metre high metal security fence. The area will be covered by hardstanding and will be used for scaffolding laydown storage.

8 storage units will be located adjacent to the existing scaffolding store. The storage units will measure 2.438 metres in width and 6.058 metres in depth. The total width of the storage units is 21.504 metres as there is a 1 metre roof overhang around the edge of the building. The eaves height of the storage units is 4.585 metres with a maximum monopitched roof height of 6.6 metres. The corrugated metal doors to the front of the storage units are 2.585 metres in height, with the side and rear walls of a matching height. Solar panels will be sited on the corrugated metal roof which slopes in a southerly direction. The panels measure 1.67 metres by 1 metre, and are 3.2 centimetres in depth.

Three Koda Pods are to be sited immediately to the west of the existing office on existing hardstanding. These pods measure 7.226 metres in depth, 3.93 metres in width and 4 metres in height. Each pod contains office space, a wc, and a store. The Pods will be sited close to an existing hedge on the western boundary, which is above 4 metres in height. The Koda Pods are constructed from dark steel cladding with glazing on the elevation containing the entrance door facing northwards. There are two narrow windows on the rear south facing elevation. There is no fenestration on side elevations.

The Planning Statement states: "Koda pods are prefabricated multi-use spaces which can be installed quickly and efficiently and for a range of purposes to suit. Larkfleet have experience of using them on other sites in the region to provide additional flexible floorspace in connection with their existing estate without the need for traditional and more permanent building works. They will be used as multi-use rooms/ flexible spaces in connection with the wider site - including but not limited to office space, training & workshops and break out space for their work force on an ad hoc basis."

"The Koda pods have a GIA of 26sqm (78sqm combined), are built on a steel reinforced structure and are easily reconfigurable to support a range of uses. The pods require a level footing and can be connected for water, electricity, and sewage via existing connection points."

"The prefabricated pods take advantage of MMC (modern methods of construction) which allows for exemplar levels of energy, thermal and acoustic performance. Offsite production minimises time on site and the associated traffic generation during the construction phases. The fact the units can be moved from one to another also helps minimise embodied carbon at a macro level."

The number of employees on site will remain unaltered at 10. The hours of opening are not subject to change.

A site visit was conducted on Friday the 19th of January 2024.

SITE DESCRIPTION

The proposal site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated, linear development along the A151. Pomona House is located beyond the western boundary, with the A151 and arable fields to the north, arable fields to the east, and arable fields to the south.

The site is in Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. To address flood risk finished floor levels of the Koda pods will be raised 300mm above ground level. As the proposal is office space and not habitable rooms, there is not considered to be a requirement to raised floor levels to meet the maximum predicted flood depth of 1 metre on the

2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H16-0294-03

Full - Change of use of farm yard and builder storage buildings to store and offices for scaffolding business - Approved - 27 August 2003.

H16-0924-03

Full - Change of use, farm building to forklift truck repairs and sales (light industrial use) - Refused - 03 November 2003.

H16-1452-03

Condition Compliance - External details and landscaping (Conditions 2 & 3 of H16-0294-03) - Approved - 07 January 2004.

H16-0053-04

Condition Compliance - Details of surfacing (Part of Condition 2 of H16-0294-03) - Approved - 06 February 2004.

H16-0597-08

Full - Change of use and conversion of agricultural building to MOT workshop - Refused - 09 July 2008.

H16-1093-15

Full - Office extension to existing commercial premises - Approved - 14 January 2016.

H16-0673-16

Non material amendment - Office extension to existing commercial premises - approved under H16-1093-15 - Amendments to include additional parking - Approved - 21 July 2016.

H16-0966-23

Prior Approval - Proposed roof mounted solar panels - Approved - 14 December 2023.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 15 January 2024 to 05 February 2024).

South Holland District Council - Environmental Protection - Oliver Abrams - 26 January 2024

"No comments regarding land contamination."

Lincolnshire County Council - Highways & SUDS - 31 January 2024

No objections - *"The proposal is for an extension to existing site to include 8 storage units under corrugated roof with PV panels and erection of 3 Koda Pods. The purpose of the proposal is to provide additional external storage space and flexible multi-use floorspace in connection with the site's day to day operations. The additional area of hardstanding will provide extra outside space for storage of scaffolding ancillary equipment. The additional external area and floorspace created by the proposals will not generate additional trips to/ from the site. The proposal will not have an adverse impact on the public highway."*

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

planning application."

South Holland Internal Drainage Board - 01 February 2024

Consent is required for discharge of water to a watercourse. *"As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application."*

This is considered to be a matter that can be addressed by a pre-commencement condition.

South Holland District Council - Environmental Protection - Oliver Abrams - 02 February 2024

"the use of the Koda pods should be restricted to office/meeting space or use of a similar nature. to protect amenity of nearby residential properties."

KEY PLANNING CONSIDERATIONS

The main issues and considerations in this case are (but are not limited to):

Principle of Development and Sustainability
Layout, Design and Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking / Highway Safety
Flooding Considerations / Drainage
Biodiversity and landscaping

EVALUATION

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 above.

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

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development and Sustainability

Policy 1 of the South East Lincolnshire Local Plan 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 in terms of sustainability.

Policy 1 (Spatial Strategy) of the SELLP indicates that 'the rest' of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. Within the 'Countryside', development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

When assessed against the relevant criteria the following can be observed:

Economic - The proposed site extension will allow for increase capacity on the site, providing opportunities for growth of the business.

Social - The proposal will help to secure the future of the business and local jobs. There is not considered to be a material impact on neighbouring residential amenity from the proposal.

Environmental - The proposal will provide increased capacity on site thereby reducing the need for potential off site storage. Additionally the solar panels to be provided will help to generate more environmentally friendly electricity. Whilst the proposal does require the loss of approximately 1000 square metres of agricultural land, this is considered to be the only area adjacent to the site to facilitate the growth of the business. Should the business wish develop without utilising agricultural land, they would highly likely need to vacate the site leaving an empty site.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan 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 amenities of neighbouring buildings, and parking provision which are discussed in turn as follows.

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Other Employment Areas and this section states:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

- a. the development does not conflict with neighbouring land uses;
- b. there is no significant adverse impact upon the character and appearance of the area;
- c. the design is responsive to the local context;
- d. there will be no significant adverse impact on the local highway network;
- e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
- f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
- g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

When assessed against the relevant criteria the following can be observed:

- a. The proposal does not conflict with neighbouring land uses. This area of Holbeach Road is home to a mixture of residential and commercial uses.
- b. There is not considered to be an adverse impact upon the character and appearance of the area.
- c. There isn't a defined local context and therefore there is considered to be negligible impact from the Koda pods.
- d. The proposal will not lead to additional trips to and from the site. County Highways has no objections.
- e. The proposal is not considered to impact any allocated employment site as the business already exists.

f. The proposal is not considered to positively or negatively impact car usage and the site can be accessed via public footpaths on the opposite side of the road leading into both Spalding and Weston.

g. Castlebuild Scaffolding has been in operation from this site for approximately 20 years. Therefore it is considered that the need for the business to continue on site remains.

Paragraph 88 of the National Planning Policy Framework (December 2023) is also considered to be of importance when assessing the proposal. Paragraph 88 states:

"Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

The application will allow the site to continue to operate whilst providing opportunities for growth through the increased on site storage. Whilst the proposal is not immediately accessible to local services, it is considered that the proposal remains ideally sited for the storage of large scaffolding equipment, and does not require substantial extension or alterations. The application is considered to accord with Paragraph 88 of the National Planning Policy Framework (December 2023).

Overall, the proposal is considered to be acceptable in principle. The development proposed would not be contrary to Policy 1 and would accord with Policy 9 of the South East Lincolnshire Local Plan (2019), along with the provisions of paragraph 88 of the National Planning Policy Framework (December 2023).

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 amenities of neighbouring buildings, and parking provision 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 2023) 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 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. 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.

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.

Policy 2 of the South East Lincolnshire Local Plan 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, 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 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.

It is considered that the design of the proposed Koda pods is appropriate for the site. The Koda Pods are constructed from dark steel cladding with glazing on the elevation containing the entrance door facing northwards. The materials of construction are in keeping with the existing scaffolding storage buildings on site, as well as generic agricultural buildings in the surrounding countryside. The scaffolding store is of a similar design and scale to the adjacent scaffolding store immediately adjacent to the west. The proposed store is to be constructed from corrugated metal which would match the materials of construction of the adjacent store. The proposed solar panels are sited on the south facing roof of the scaffolding store beyond which is arable fields. There is not considered to be a material visual impact from the solar panels by virtue of the siting. The boundary palisade fencing is of a permeable design. Therefore it is not considered to constitute a materially discordant feature in the countryside.

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 and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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 Koda pods are 1.3 metres from the western boundary, with Pomona House 10.7 metres away from the pods. The new scaffolding store is immediately adjacent the southern boundary.

The proposal is not considered to represent overdevelopment. The extension of the site to the east for storage purposes will allow for the safe storage of scaffolding materials. The Koda pods are to be located on existing hardstanding, and the scaffolding store can be easily accessed via workers and vehicles, with ample space for manoeuvring.

There is not considered to be an overshadowing impact from the proposed store or Koda pods. The store is not adjacent to any neighbouring buildings and the Koda pods at a height of 4 metres do not create an overshadowing impact when right to light lines are drawn to the western boundary and Pomona House beyond.

There is not considered to be an overlooking impact from the proposed store or Koda pods. The store is not adjacent to any neighbouring buildings and the windows of the Koda pods face toward Holbeach Road to the north. There are no windows in the western elevation of the pods toward Pomona House. Additionally a scheme of tree planting along the western boundary will reduce any overlooking from persons on site. There are some existing trees along the western boundary but there are no established trees adjacent the side elevation windows of Pomona House that face toward the application site. Therefore, whilst it is not considered that lengthening the tree line is a necessity, it will reduce any overlooking impact that already may occur on site. There is not considered to be a material impact on residential amenity from the solar panels. The panels are at the rear of the site on a south facing roof slope and do not face any residential properties. Therefore, there is not considered to be an overshadowing or glare impact from the panels.

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, and Policies 2 and 3 of the Local Plan.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

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.

The number of employees on site will remain unaltered at 10. The hours of opening are not subject to change. It is therefore considered that there will not be increased requirement for car parking provision. However, should the need arise, the increased amount of hardstanding will allow for additional parking facilities. The County Highways Officer has no objections and has commented: *"The proposal is for an extension to existing site to include 8 storage units under corrugated roof with PV panels and erection of 3 Koda Pods. The purpose of the proposal is to provide additional external storage space and flexible multi-use floorspace in connection with the site's day to day operations. The additional area of hardstanding will provide extra outside space for storage of scaffolding ancillary equipment. The additional external area and floorspace created by the proposals will not generate additional trips to/ from the site. The proposal will not have an adverse impact on the public highway."*

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations / Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "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 sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood 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 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.

To address flood risk finished floor levels of the Koda pods will be raised 300mm above ground level. As the proposal is office space and not habitable rooms, there is not considered to be a requirement to raised floor levels to meet the maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. The Koda pods do not have wc provision, therefore the occupants will have to utilise toilets in the existing office building.

The planning statement states: "The application site sits in a Flood Zone 3. (a high probability of flooding from rivers and the sea). However, the additional area of hardstanding created is de minimis, and the pods can be connected to the existing watermain, and drainage systems so do not result in an increased risk of flooding elsewhere. The additional storage spaces created are not identified as vulnerable uses as per the Flood risk vulnerability classification."

Surface water will be disposed of to an existing watercourse. South Holland Internal Drainage Board has stated that consent is required for discharge of water to a watercourse. *"As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application."* This is considered to be a matter that can be addressed by a pre-commencement condition.

Biodiversity and landscaping

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Policy 28 of the South East Lincolnshire Local Plan (2019) outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

Agricultural land approximately 1000 square metres in area will be lost to facilitate the additional hardstanding, therefore it is considered that biodiversity must be increased on site to cover this loss and provide a betterment from the existing state.

As the proposal is a major application there is a requirement to demonstrate a biodiversity net gain of 10% from the 12th of February 2024. However, because the requirement to demonstrate a biodiversity net gain for major applications commences for applications submitted on or after the 12th of February 2024 this is not a requirement for this application. This is due to the application being accepted on the 15th of January 2024. Landscaping and biodiversity does still remain of importance in local and national policy when assessing this application, with the proposal still expected to demonstrate a biodiversity uplift.

Whilst the need to demonstrate a minimum of a 10% biodiversity net gain is not a requirement for the application, it is considered that the application would need to demonstrate a satisfactory landscaping and biodiversity uplift layout that would constitute a betterment for the site. This can be achieved via a number of measures such as ponds, and hedge / tree planting. An extended western boundary hedge alone is proposed for the site, however, this planting alone given the loss of agricultural land is not considered to constitute a biodiversity uplift.

A landscaping condition will be added to the decision notice to ensure that the site can satisfactorily

demonstrate a material biodiversity uplift in accordance with Policy 28 of the SELLP.

Outstanding matters from representation

None

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 open countryside. 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 and the provisions of the National Planning Policy Framework (December 2023) 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.

CONCLUSION

The proposal is considered to accord with Policies 1, 2, 3, 4, 7 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Sections 4, 6, 12 and 14 of the National Planning Policy Framework, December 2023.

RECOMMENDATION

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

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.