

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 04 October 2023

**(Author:** Mark Simmonds - Development Manager)

**Purpose:** To consider Planning Application H16-0521-23

**Application Number:** H16-0521-23

**Date Received:** 05 June 2023

**Application Type:** OUTLINE

**Description:** Erection of buildings to comprise up to 70,000 square metres (Gross Internal Area) of Class B8 (storage or distribution) floorspace to include ancillary Class E(g) (office) floorspace and provision of associated infrastructure including utilising existing vehicular access from B1173. Outline with means of access to be considered.

**Location:** Land North of B1173 Barrier Bank and West of A16 Spalding (Lincs Gateway) Spalding

**Applicant:** Alcan Properties Ltd.

**Agent:** Knights

**Ward:** Spalding St Marys

**Ward Councillors:** Cllr M E Le Sage  
Cllr D R Ashby

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0521-23>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 The proposal is presented before Committee for consideration because the proposal is classified as a major development.

### **2.0 PROPOSAL**

2.1 The proposed development seeks outline planning permission with all matters reserved except for access. The formal description of development is as follows:

Erection of buildings to comprise up to 70,000 square metres (Gross Internal Area) of Class B8 (storage or distribution) floorspace to include ancillary Class E(g) (office) floorspace and provision of associated infrastructure including utilising existing vehicular access from B1173. Outline with means of access to be considered.

2.2 The proposed development consists of the following elements:

- Erection of buildings (Unit 100, Unit 200 and Unit 300) to comprise up to 70,000 square metres (internal footprint) of storage and distribution floorspace (Use Class B8) with ancillary office floorspace (Use Class E(g));
- Existing access off B1173 utilised from the south of the site with internal roads and dedicated heavy goods vehicle and car parking spaces;
- New pedestrian and cycle links to connect to the existing network;
- Creation of a new open space and amenity area, connected directly to the public bridleway;
- Landscaping measures around the site boundary as well as enhancements across the site such as mixed planting, protection of existing trees and vegetation and further ecological

enhancements.

- 2.3 It is important to emphasise that the application is in outline form and whilst a wealth of documentation and plans have been provided, any recommendation would be based on the fact that only access is to be considered along with the principles of what is being proposed on the site, as stated in the description of development. Layout, scale, appearance and landscape are matters reserved for any prospective Reserved Matters Application. As such, officers must be content that what is stated in the description of development is ultimately achievable on the site taking into account the broad physical constraints of the site which contributes to establishing the total area that can actually be developed.

### 3.0 SITE DESCRIPTION

- 3.1 The application site lies on land south of Spalding, between the B1173 to the west and A16 to the east. The site extends approximately 18.6 hectares as defined by the redline on the applicants' supporting plans. The site benefits from an existing access for vehicles from the B1173 and some elements of hardstanding from the previous development on the land which consisted of a building and infrastructure used for storage and distribution and thought to have been fire damaged and subsequently demolished in 2006. From visiting the site, it appears that some of this material remains on the site and forms a number of covered earth bunds close to the access. The access was constructed under a Section 278 agreement following the grant of Full Consent ref. H16-0918-21, for four office buildings and 24 small industrial units. To the west of the existing bunding is a Public Right of Way which consists of a Public Bridleway which runs in a general north south direction from the edge of Fen End Lane to the boundary of the site. The proposed development is also accessible on foot via a footway running along the east side of the B1173 Cowbit Road.
- 3.2 As shown in the supporting documentation and described in picture form in the Design and Access Statement, the closest residential properties are at Fen End Lane which abuts the north western boundary. The western and southern boundary is bounded by the B1173 and the eastern by the A16. Arable agricultural land can be found adjacent to the northern boundary and beyond. The recently constructed services and offices at Gateway Business Park can be found on the opposite side of the B1173 to the south west of the application site.
- 3.3 The entire site is defined as a Prestige Employment Site (SP002) within Policy 7 of the SELLP as referred to as the 'Lincs Gateway'.
- 3.4 The application is accompanied by the following documents and plans:
- Documents:
- Application Form;
  - Air Quality Assessment;
  - Archaeological Assessment;
  - Daylight and Sunlight Report;
  - Design and Access Statement;
  - Ecological Appraisal;
  - Flood Risk Assessment;
  - Geotechnical Assessment;
  - Landscape and Visual Appraisal (and appendices);
  - Noise Impact Assessment;
  - Planning Statement;
  - Statement of Community Involvement;
  - Transport Assessment; and
  - Travel Plan.
- Plans:
- Site Location Plan 0501 Rev P03;
  - Indicative Layout Plan 0010 Rev P03;
  - Site Constraints Plan 0503 Rev P02;
  - Parameters Plan 0604 Rev P02
  - Illustrative Landscape Masterplan 08011 Rev A

### 4.0 RELEVANT PLANNING POLICIES

#### 4.1 **The Development Plan**

4.2 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### 4.3 **South East Lincolnshire Local Plan, March 2019**

Policy 1 Spatial Strategy  
Policy 2 Development Management  
Policy 3 Design of New Development  
Policy 4 Approach to Flood Risk  
Policy 5 Meeting Physical Infrastructure and Service Needs  
Policy 6 Developer Contributions  
Policy 7 Improving Employment Land Portfolio  
Policy 8 Prestige Employment Sites  
Policy 28 The Natural Environment  
Policy 29 The Historic Environment  
Policy 30 Pollution  
Policy 31 Climate Change and Renewable and Low Carbon Energy  
Policy 32 Community, Health and Wellbeing  
Policy 33 Delivering a More Sustainable Transport Network  
Policy 36 Vehicle and Cycle Parking  
Appendix 6 Parking Standards

#### 4.4 **National Guidance**

#### 4.5 **National Planning Policy Framework (NPPF), 2023**

Section 2 Achieving sustainable development  
Section 4 Decision-making  
Section 6 Building a strong, competitive economy  
Section 8 Promoting healthy and safe communities  
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

#### 4.6 **Planning Practice Guidance (PPG)**

### 5.0 **RELEVANT PLANNING HISTORY**

5.1 - 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 October 2014

5.2 - H16-0195-15 - Non-material Amendment (Section 96A of the TCPA) - 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. Approved 20 April 2015

5.3 - H16-0166-15 - Non-material Amendment (Section 96A of the TCPA) - 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 May 2015

- 5.4 - H16-0025-15 - Variation of condition (Section 73 of the Town and Country Planning Act (1990) (TCPA)) - 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 June 2015
- 5.5 - H16-0918-21 - Full - Phase 2 of the Lincs Gateway development, to include 4 office buildings and 24 small industrial units. Approved 12 January 2022.

## 6.0 REPRESENTATIONS

- 6.1 This application has been advertised in the local press and site notices displayed. In addition, internal and external bodies and individuals have been consulted by individual letter or email. As a result, the following responses have been received:
- 6.2 Active Travel England - Comments
- 6.3 Active Travel England provided comments that they are not currently in a position to support the application and requested further assessment, evidence, revision and dialogue as set out in full in their response. Areas of concern included:
- 6.4 Trip generation - Quantification of active travel movements generated by the development is missing from both the Transport Assessment and the Travel Plan and therefore the analysis presented provides very little basis / or evidence upon which to build an effective strategy for a healthy and inclusive development.
- 6.5 Route to Spalding - The key route between the site and the town centre (B1173) is derestricted (60mph speedlimit) for a significant section although no information on current or future traffic flows (including HGVs) has been provided. It is noted that this route has no cycling facilities and the walking facilities are not consistent.
- 6.6 A more detailed analysis is required of the above route in order to provide an understanding of the design of schemes which are required to embed active travel and ensure that the modal share targets within in the travel plan are met. The Level of Service Tool in LT1/20 and the Walking Route Assessment Tool (or a combination of the two) should be used to assess key routes and develop appropriate schemes compliant with current standards.
- 6.7 Notwithstanding the need for a survey of the route, it is noted that the speed of the B1173 necessitates the requirement for a fully kerbed cycle track in accordance with Figure 4.1 of LTN1/20. The current uncontrolled crossing of the B1173 that links the development to the services opposite does not conform to the table 10-2 in LTN 1/20 or Table 3 in Designing for Walking (CIHT) which requires a signal-controlled crossing on a road such as this.
- 6.8 Details of the surfacing of the bridleway and its integration into proposed schemes to link the site to Spalding should be provided.
- 6.9 Travel Plan- The submitted travel plan requires further detail on the level of active travel trips that are forecast to be generated. Initial targets for mode share should be provided, and while it is acknowledged that targets may be adjusted as surveys of the workforce are carried out, targets based on travel to work census should be part of the Framework Travel Plan. Details of the infrastructure to be provided and how its use will be embedded by initiatives and incentives in the travel plan should be outlined and committed to. Details of actions to be taken if the targets are not met should be outlined and committed to with the intention for these to be secured, implemented, and monitored through the planning conditions / S106 obligations. The

final travel plan should be submitted for approval prior to first occupation of each employment building in the development.

- 6.10 Cycle Parking and facilities- It should be noted that LTN1/20 states that as with car parking, a proportion of the cycle parking (typically 5%) should be provided for non-standard cycles to accommodate specialised cycles such as those for mobility impaired users and cargo bikes. Details of cycle parking infrastructure and changing facilities should be submitted for approval.
- 6.11 Bus Services - The nearest bus stop is 1.5km from the site which is considerably more than the 400m (5minutes' walk) as referenced in Planning for Walking (CIHT 2015). This is unlikely to encourage use of public transport. It is noted that the transport assessment states that the highway authority advice is to concentrate on improving infrastructure for active travel.
- 6.12 Active Travel England recommended the advice provided be forwarded to the local highway authority for review.
- 6.13 Anglian Water - Comments
- 6.14 Updated Comments:  
We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response PLN-0177634.
- 6.15 Original Comments:  
Assets Affected:-
- 6.16 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.
- 6.17 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.
- 6.18 Wastewater Treatment:-  
The foul drainage from this development is in the catchment of Spalding Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.
- 6.19 Used Water Network:-  
"This response has been based on the following submitted documents: FRA May 2023 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (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 "

#### 6.20 Surface Water Disposal:-

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. "From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. "

#### 6.21 Trade Effluent:-

6.22 The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

6.23 "An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

6.24 Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991."

#### 6.25 Councillor Ashby - Comments

6.26 The residents of Fen End Lane are concerned with the height of this development and proximity to the existing bund. Another extremely concerning matter is the current 60mph speed limit from Little London Bridge to the A16 roundabout. Currently bikes and cars race around the corner and with lorries entering and exiting the development slowly there is surely an accident waiting to happen. This limit must be reduced.

#### 6.27 Cycling Group - Comments

From PEDALS (Spalding's Cycle Action Group)

6.28 1. PEDALS welcomes the developer's stated intention to encourage active travel to the site through providing new pedestrian and cycle links which connect to the existing network.

2. The route for employees actively travelling from the direction of Little London will be along the B1173 as far as Burr Lane. Pedestrians and those using scooters and wheelchairs will be obliged to use the existing footway, and cyclists will be obliged to use the road. The footway is narrow, poorly surfaced and impassable in places. The road is fast (60mph limit), carries heavy traffic, and has no provision for the segregation of cycles.

3. We note that these concerns are recognised in the Transport Statement and are being discussed with LCC. We urge that any solution to the problem is engineered to a high standard as required by the DfT.

4. Catering outlets at the handy 'Applegreen' services will probably be attractive to employees. To access the facilities they will need cross the B1173 on an uncontrolled crossing. To protect them, a 30mph limit should be imposed, starting at the exit from the A16. To protect vulnerable road users at what will be an increasingly busy Little London end of the B1173 a further lowering of the speed limit to 20mph should be considered.

5. PEDALS wishes to draw attention to the existence of a public bridleway (New River Drove) which leads from near Little London bridge to 'Applegreen' services. This drove road, if enhanced through suitable surfacing and the creation of less than 100 metres of linkage alongside the A1175, could provide an attractive, traffic-free route to the site.

6. Finally, through its 'on the ground' local knowledge of cycling in Spalding, PEDALS wishes to freely offer its help and support to the site developers, SHDC and LCC in their ongoing discussions on the provision of active travel facilities.

6.29 Environment Agency - Comment

6.30 This proposal comes under cell D4 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice.

6.31 We do not need to be consulted further on this application.

6.32 Environmental Protection Team

Latest response:

6.33 Noise:-

6.34 Officers from the Environmental Protection Team have reviewed the Spectrum Acoustic Consultants report 'Proposal for a B8 Development at Lincs Gateway, Spalding, Lincolnshire Noise Impact Assessment to Support Planning Application' ref ARC7208/22426/V2 version 3 dated 11.05.2023.

6.35 The report has considered and established the current background levels at identified residential receptors. Continuous monitoring was undertaken at one location, although this was only over 24 hours.

6.36 A proposed layout was indicated and noise modelling was undertaken based on that proposed layout. Estimates of the proposed noise levels given by a projected use of the site operating over 24 hours a day were detailed. A significant adverse impact was identified at some residential receptors overnight and therefore further consideration was required.

6.37 Additional modelling with proposed noise mitigation measures in place was undertaken.

6.38 The noise mitigation measures included proposals such as:

1. Install a 2m high close boarded timber fence on top of the existing bunding just inside the northwest site boundary.
2. Upgrade the sound insulation of the west/north walls and roof of the nearest unit to NSR 1 to

Rw 38 and 30 respectively.

3. Provide a noise attenuation package of a combination of acoustic screening/acoustic louvres/silencers/acoustic lagging for each of the large mechanical plant zones to reduce sound power level from LwA 100dB to 90 dB.

4. Provide an extensive arrangement of effective acoustic bunding and barriers. Outline initial designs show these will be highly effective to the north and east in particular. These might comprise up to 8m total heights between the north facades of units close to the northern boundary of the site. Up to 5m high reducing to 3m on the north section of the eastern boundary (with the A16) and a barrier between the units on the west of the site at 6m in height increased from 5m.

6.39 This reduced the noise impact to levels they described as acceptable, but it is clear mitigation is required at this location to avoid noise giving rise to significant adverse impacts on health and the quality of life of nearby receptors.

However, these proposals are specific to the layout on which they were modelled, which may change at a later date, as may the exact modelling parameters used when considering the proposed use.

6.40 Therefore, I request the following condition be placed on any permission granted, to protect the residential receptors:

6.41 The rating level of the noise emitted from industrial and manufacturing process, fixed plant and equipment (mechanical and electrical), loading and unloading of goods & mobile plant and vehicles located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

6.42 Construction & Air Quality:-

6.43 I request that a detailed construction management plan be submitted for approval prior to the commencement of works.

6.44 Land Contamination:-

6.45 The previous land contamination comments still apply.

6.46 Scheduling of works:-

6.47 I am concerned that should part of the site be operational before the noise mitigation measures are fully in place, that residents may experience adverse impacts albeit short term - is it possible to condition the installation of these as yet unknown features prior to occupation?

6.48 Original response:

6.49 Having assessed the application and associated documents, the Environmental Protection Team asks that the following conditions be included in any permission granted: -

6.50 Noise:-

6.51 The developer will implement the recommendations from Section 10 of the Spectrum Acoustic Consultants Noise Impact Assessment Report ref. ARC7208/22426/V2, submitted with the application. These are:-

6.52 1. Install a 2m high close boarded timber fence on top of the existing bunding just inside the

northwest site boundary

2. Upgrade the sound insulation of the west/north walls and roof of the nearest unit to NSR 1 to Rw 38 and 30 respectively.

3. Provide a noise attenuation package of a combination of acoustic screening/acoustic louvres/silencers/acoustic lagging for each of the large mechanical plant zones to reduce sound power level from LwA 100dB to 90 dB.

4. Provide an extensive arrangement of effective acoustic bunding and barriers. Outline initial designs show these will be highly effective to the north and east in particular. These might comprise up to 8m total heights between the north facades of units close to the northern boundary of the site. Up to 5m high reducing to 3m on the north section of the eastern boundary (with the A16) and a barrier between the units on the west of the site at 6m in height increased from 5m. The detailed proposed scheme for this provision is to be submitted in writing to the Planning Authority for consideration and approval before works commence on site.

6.53 Contaminated Land:-

6.54 Condition 1 - A written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site 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.

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.

6.55 Condition 2 - accordance with Condition 1 above and remediation is required, two full copies of a verification report shall be submitted to and approved in writing by the LPA prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out 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: All work should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA.

6.56 Highway and Lead Local Flood Authority - No objection

Updated response:

6.57 In respect of the Authority's response, submitted 22 August 2023, the absence of a specific Lead Local Flood Authority comment was due this being an Outline Application with only Access to be considered. However, it is appreciated that the Local Planning Authority and its Planning Committee Members will require assurance that the proposed development will not have the potential to increase surface water flood risk. To this end, it is suggested that the standard, model drainage condition below should be applied to any Consent that may be granted for this Application.

6.58 Highway Condition 33

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per

second per hectare unless a higher rate of discharge is agreed with the surface water receiving body;

· provide details of the timetable for and any phasing of implementation for the drainage scheme; and

· provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No part of the development hereby permitted shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

- 6.59 It is understood that further comments have been received from one of the correspondents objecting to the proposed development, in respect of the highway authority's formal response on 22 August 2023. The first being that the footway along the east side of the B1173 had been closed off for longer than the 'several months' mentioned in the wording of the response. It is accepted that this is true however this inadvertently poor choice of words was not a deliberate attempt to trivialise or diminish this matter and in any event, repair works have been undertaken and the footway has been re-opened. It is acknowledged that this footway is not of the best standard and the highway authority would gladly accept any financial contribution towards the cost of upgrading. However, the Authority currently has no scheme in its programme of highway improvement works to which a contribution could be made. Furthermore, the NPPF is very clear in its advice that Planning Obligations should meet all three of the tests set-out at paragraph 57 of being;
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 6.60 Another of the correspondent's comments was that there is no footway linking the B1173 with Burr Lane and Fen End Lane. This too is true however the level of vehicular activity on these roads is very low, particularly on the northern end of Fen End Lane, so walking along these roads would not necessarily be so unsafe that consent for the proposed development would need to be withheld on highway safety grounds. If, however your Members did have concerns in this respect, then it would be possible for a footway to be constructed on either side of Burr Lane, between the B1173 and Fen End Lane and a Condition requiring such provision could be included on any Consent that may be granted. In respect of the correspondent's comment that an acceleration lane is required on the B1173 between the site access and the A16/A1175 roundabout, the Design Manual for Roads and Bridges CD123 requires no such provision. The existing junction arrangement is perfectly suitable for the use being proposed in this Application.
- 6.61 Original response:
- 6.62 The principle of an Employment Use of the Application Site land has been established by the relatively recent grant of Full Consent, under reference H16-0918-21, for four office buildings and 24 small industrial units. Both proposals utilise the same point of access onto the B1173 Cowbit Road, which is a Ghost Island Right-turn Lane junction that was constructed some years ago under a Section 278 Agreement with the highway authority.
- 6.63 This junction has therefore been constructed to the appropriate Design Manual for Roads and Bridges standards and is considered to be suitable to provide safe access and egress for the use being proposed in this Application. The appropriate junction visibility is available for drivers emerging from the proposed development and in-bound, right-turning vehicles are able to wait safely in the central right-turn lane for any on-coming vehicles to pass without impeding the passage of following vehicles. The eventual occupiers of the two proposed commercial units will enjoy very good connectivity with the principal national highways network via the adjacent A16/A1175 roundabout. The Application Site is Allocated in the South-east Lincolnshire Local Plan for Employment Use. The site's internal roads are not being proposed to be put forward for adoption by the highway authority as public highways. The proposed development is accessible

on foot but this does involve the use of the footway running along the east side of the B1173 Cowbit Road, where, being on an historic, man-made embankment, there has been a degree of subsidence that caused the footway to be closed for several months. Some emergency repairs have been undertaken by the highway authority and this footway has now been re-opened. It is however acknowledged that some more extensive repair work will be required as a long-term solution for this pedestrian route and the details submitted in support of this Application do include a tacit undertaking for the Applicants to assist the highway authority by possibly making a contribution towards the cost of the long term solution. However, no firm commitment has currently been made to programme this work as an active highway improvement scheme and therefore a Planning Condition or a Section 106 Agreement requirement to provide funding on the back of this Planning Application may fail to fully meet the requirements for Planning Obligations set-out within the National Planning Policy Framework document. The highway authority would however welcome any such contribution should a commitment be made to take this forward as an active scheme. For the benefit of your Planning Committee Members, a very rough estimate of the cost of undertaking the long-term solution is of the order of £500,000.

- 6.64 The inclusion of comments within the consultation responses to this Planning Application, regarding the speed of traffic along the section of Cowbit Road between the end of the town's existing 30 mph limit (just south of the Little London Bridge) and the A16, has been noted. It is considered likely that this part of the highway network could meet the qualifying criteria set-out in the Authority's Speed Limit Policy for a lower speed limit (although it has to be said, unlikely to be as low as 30mph).
- 6.65 To this end, it is requested that in the event that Consent is to be granted for this Application, the Applicants be required to enter into a Section 106 Agreement to cover the highway authority's legal and administrative costs in investigating and progressing a Traffic Regulation Order (TRO) for a reduced speed limit on this part of the network. The cost would be £4,500.
- 6.66 In view of the above and 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 subject to the completion of the Section 106 Agreement for the speed limit TRO process, the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.
- 6.67 Historic Environment Officer - Comments
- 6.68 Archaeological trenching was undertaken in 2013 for a previous application for this site. The results of this identified a very low archaeological potential for the site and therefore no further archaeological work is recommended for this application.
- 6.69 Internal Drainage Board - Holding Objection
- 6.70 The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.
- 6.71 The Board's Officers have reviewed the documents submitted in support of the above planning application.
- 6.72 The infilling of the watercourse across the middle of the site is not acceptable to the Board (in accordance with the policies outlined within the Board's Planning and Byelaw Strategy). Furthermore, as detailed within the Board's Planning and Byelaw Strategy, the Board will only approve an application to discharge surface water where the receiving watercourse can be evidenced as being connected to the wider watercourse network. Officers are concerned that the receiving watercourse is not currently connected to the wider network. Therefore, the Board currently objects to this planning application.

- 6.73 The reason for the Board's objection is to avoid likely conflict between the planning process and the Board's regulatory regime and to prevent increased flood risk in accordance with National Planning Policy Framework.
- 6.74 The Board will consider the proposals in detail on receipt of an application for Land Drainage Consent.
- 6.75 Inward Investment - Support
- 6.76 The Inward Investment Team at South Holland are fully supportive of this application. The Gateway site has been the districts biggest allocated employment site since the adoption of the current local plan and as the name suggests, has been promoted as the prime site in South Holland due to its proximity to the food manufacturing, horticultural and logistics hub based in Spalding. It also commands a prime position on the A16 with direct access to the A1 at Peterborough or via the A17 to Newark. The growth in the need for storage, and in particular cold storage in all of these sectors has been growing steadily since 2020 so an application such as this, which has the potential to be of great benefit to a wide range of businesses within the South Holland economy and beyond, is to be welcomed.
- 6.77 Lincolnshire Police - Comments
- 6.78 Perimeter Security:-
- Where fencing is to be used either internally (depending on location advice from DOCO) or as part of the external boundary this should be a minimum of 1.2 m (not security fencing) effective and to (quality and standard can be determined by local conditions and can be advised on by the DOCO) but not that creates a 'fortress' mentality. Fencing should not be positioned adjacent to convenient aids to climbing over the fence line, i.e. trees, lamp columns or buildings.
- 6.79 External Secure Areas:-
- The proposed perimeter fencing detail of the site if not shown should be tested and certified to LPS 1175 Rating 2 to a minimum height of 2000 mm, the vehicular gate should be to the same standard.
- 6.80 Security fencing materials may include welded mesh and expanded metal available in numerous coloured coatings, which are sometimes used in conjunction with timber. Railings of various designs can be used to good effect and all fencing types can be fitted with toppings to deter climbing. It is recommended that security fencing should be effective without creating a 'fortress' impression it is accepted that certain business locations such as this site may actively seek to promote the security of their premises and hence utilise fencing that creates a strong visual deterrent.
- 6.81 If planting is required adjacent to the boundary the use of thorny shrubs should be considered. Examples of this type of planting include pyracanthas, berberis and hawthorn.
- 6.82 Signage should make it clear that access to the secure area is restricted and provide direction to:
- Public and private or restricted areas
  - Public entrance / reception area
- Any fixed bollards should ideally be successfully tested and certified to BS 68:2007 or IWA 14-1-2013 'Specification for Vehicle Security Barriers' as required. The design, height, and construction of any gates within a perimeter fencing system should match that of the adjoining fence and not compromise the overall security of the boundary.
- 6.83 CCTV:-
- There is a requirement that CCTV systems provide an effective deterrent and when necessary, obtain identification images to improve the chance of an offender being identified and convicted.

- 6.84 The range and scope of any CCTV system on this site may be directly related to the proposed minimum staffing levels (i.e., reception and/or security staff) Such a scheme should be designed to monitor all vulnerable areas and be fit for purpose. Any system should be to a minimum of BS EN 50132-7:2012 CCTV surveillance systems for use in security applications.
- 6.85 A useful reference to help achieve this goal is the CCTV Operational Requirements Manual 2009 ISBN 978-1-84726-902-7 Published April 2009 by the Home Office Scientific Development Branch available at this link [CCTV OR Manual](#).
- 6.86 Intruder / Attack alarms systems:-  
A suitably designed, fit for purpose, monitored intruder alarm system must be installed. For police response, the system must comply with the requirements of the ACPO Security Systems policy, which can be at the following link: [Security Systems Policy PD 6662:2010](#)
- 6.87 Landscaping:-  
Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a minimum height of 2 metres, thereby maintaining a clear field of vision around the development. Trees when fully grown should not mask any lighting columns or become climbing aids.
- 6.88 Lighting:-  
Lighting should be designed to provide a uniform spread of light with clear colour rendition. Lighting incorporated within the perimeter protection should be designed including its use with CCTV. Security lighting, such as metal halide units, should be installed in all areas where surveillance is considered important, such as entrances, main pedestrian access routes and parking facilities. All fittings shall be vandal resistant and positioned out of reach.
- 6.89 Where there is no surveillance, informal or formal, lighting can only assist an offender, in such circumstances, appropriate 'switching off' of lighting should be considered after staff have left designated areas.
- 6.90 All ground floor and easily accessible glazing should incorporate one pane of laminated glass to a minimum thickness of 6.8mm (See Glossary of terms) or glass successfully tested to BS EN356:2000 Glass in building. Security glazing - resistance to manual attack to category P2A unless it is protected by a roller shutter or grille as described in paragraphs 52 above. With effect from January 1st, 2011, all laminated glass must be certificated to BS EN 356 2000 rating P3A unless it is protected by a roller shutter or grille.
- 6.91 External doors and windows:-  
The secured by design requirement for all dwelling external doors and accessible windows is PAS 24:2022 (doors & windows of an enhanced Security) or 1 (.21.1.3 STS 201 is the reference number for PAS 23/24 and is published by Warrington Certification Laboratories).
- 6.92 All external doors should have appropriate bulk-head style lighting.
- 6.93 Each door-set and installed window should be permanently marked in a position that is visible and readily accessible when open and not visible when closed. Information contained on the label must include date of manufacture (year and quarter) Trademark of manufacturer and classification of door-set. e.g., DK or DKT.
- 6.94 Lincolnshire Wildlife Trust - No Objection  
Updated comments:
- 6.95 Lincolnshire Wildlife Trust (LWT) acknowledge the receipt of both the Ecological Appraisal, including an updated field survey using the UK Habitat Classification system, and the biodiversity Net Gain (BNG) Assessment. The submission of these documents addresses the

related concerns raised by LWT in our initial response to this application.

- 6.96 Section 6.2 of the Ecological Appraisal outlines how the retained woodland and trees will be protected, and section 7.2 states that new tree planting will take place. We cannot find any reference in the uploaded material that addresses our original concern around the fact that unestablished saplings do not provide the same biodiversity value as mature trees and do not all survive to maturity. LWT advise at this stage that conditions surrounding the number of saplings, and any additional planting that is to take place, are implemented and that this number is calculated with the above concerns taken into account.
- 6.97 LWT are satisfied that the negative impacts on the nearby Local Wildlife Sites have been considered and ask that the mitigation measures outlined in section 6 of the Ecological Appraisal are conditioned. The issue of connectivity to the wider landscape, especially given the proximity to six local wildlife sites, remains a concern. The design of the development should increase connectivity; joining up new and existing areas of green space around and within the development. This would ensure that no areas become isolated by the built environment and would allow for the movement of wildlife around the site and into the wider countryside. Given that all six of the nearby Local Wildlife Sites are designated for their water features, it would be sensible to provide connectivity in the form of this habitat. The planned removal of the onsite wet ditches D2 and D3 is therefore considered a concern, specifically given the considerable length of these ditches. In section 4.5.7 of the Ecological Appraisal, it is noted that 'given that the ditches connect with a network of ditches and waterbodies within the wider area, they are considered to represent important ecological features within this context.' However, the mitigation measures detailed in section 6.3 of the Ecological Appraisal focuses on the protection of the retained ditches, and it is not clear from this document how the removal of D2 and D3 will be mitigated for. LWT recognise that full retention of both of these ditches may not be practical as they span the majority of the proposed development site, however we do advise that these ditches be retained in part where possible and that adequate mitigation is conditional to the approval of this application.
- 6.98 Section 3.8.5 of the Biodiversity Net Gain report makes reference to the 30-year management and monitoring plan that is associated with BNG, however we can find no further reference to such a plan in any of the uploaded documents on the planning portal. LWT advise that a management and monitoring plan for a minimum period of 30 years is secured from the applicant via a condition.
- 6.99 LWT also ask that the ecological enhancement measures outlined in section 7 of the Ecological Appraisal are conditioned by the LPA.
- Original comments:
- 6.100 Lincolnshire Wildlife Trust wishes to register a holding objection on this application until further ecological surveys are conducted at appropriate times of the year and biodiversity net gain as a result of the development is incorporated into the design of the project.
- 6.101 The Phase 1 habitat survey referenced in the Ecological Appraisal took place in January 2022, this is not an appropriate time for such a survey to be undertaken. This limitation is acknowledged in section 4.3.1 of the Ecological Appraisal however we find the justification insufficient for proceeding with the survey at this time and ask that the survey is re-done at an appropriate time of the year, between late March and mid-October.
- 6.102 We suggest that a UKHABs survey is undertaken to assess the habitats present on site, as this is what must be used in order to calculate the Biodiversity Net Gain as stated in:
- CIEEM-CIRIA-IEEMA Good Practice Principles for BNG
  - BNG British Standard BS8683:2021
  - CIEEM BNG Report Templates
- 6.103 The assessment must be conducted by an ecologist with practical experience of UKHabs surveys and should reach FISC Level 4 as best practice.
- 6.104 Due to the current biodiversity crisis current planning legislation, such as the NPPF and the

South East Lincolnshire Local Plan, call not only for a conservation of biodiversity, but also for a gain in biodiversity.

6.105 National Gas - Comments

6.106 There are no National Gas Transmission assets affected in the area of the application site.

6.107 Public - Comments (summary)

6.108 Representations have been received from members of the public which are summarised as follows:

- Surface Water strategy plan condition required;
- Bridleway lighting condition required;
- Noise condition required;
- Boundaries and Bunds comments on construction of extra bund within the 40 metre non-development zone;
- HGV movement condition required;
- Overshadowing, concern over closest building and limiting the maximum height to ridge to 12 metres;
- Concern over sewer capacity to accept the additional sewerage and in particular concerns over impacts to amenity through odour pollution;
- Finding the transport assessment report to be flawed in terms of its methodology;
- Highway safety concerns over the B1173 speed limit, visibility the proposed access, pedestrian and cycle safety;
- Concern that the proposed development will devalue properties leaving them unable to sell;
- Concerns that the development will impact on breeding birds in the nearby area;
- A shame to lose agricultural land; and
- Air pollution concerns.

## 7.0 **CONSIDERATIONS**

### 7.1 **Planning Considerations**

7.2 The main issues in this case are:

- Principle of Development
- Highway Safety and Parking
- Impact on the Character and Appearance of the Area
- Residential Amenity
- Ecology and Biodiversity Net Gain
- Flood Risk and Drainage
- Contaminated Land
- Other material considerations
- Planning Conditions and Obligations

### 7.3 Principle of Development

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 materials considerations indicate otherwise.

7.4 The application site is an allocated Main Employment Area under Policy 7 of the SELLP with reference SP002. The wording of the allocation within Policy 7 states that the gross site area of 22.2 hectares has 16.2 hectares of B class employment provision with employment classes B1, B2, B8.A3.A4 and C1. The proposed use of the site for class B8 and E(g) uses are consistent with the site allocation. Note that whilst the associated wording of site allocation SP002 within Policy 7 of the SELLP refers to use classes of B1, B2.B8, A3, A4 and C1, the use classes were updated from 1st of September 2020 and therefore the proposed development seeking a class E(g)- Office is deemed an appropriate use as the B1 use class within Policy 7 is now termed a Class E (g) use.

- 7.5 Policy 8 of the SELLP states that the prestige sites identified in Policy 7 and on the policies map will each require a masterplan. The policy then lists a number of general principles that should apply to these prestige sites. These must form part of the consideration for any planning application, whether it be an outline form or for planning. For the 'Lincs Gateway site in Spalding', of which the application site resides, the following general principles must apply:
- Development will comprise B1, B2 and B8 uses with some ancillary A3 and A4 uses permitted.
  - Access to be provided at two points off the B1173 and Barrier Bank from the A16/ A1175.
  - Additional internal road infrastructure is required to service new development off the two access points to the site.
  - Provide a scheme that delivers utilities, water & foul water, surface water drainage & flood mitigation upgrades.
  - Deliver a landscaping scheme that ensures the site respects the character of the open countryside that is adjacent to the site.
- 7.6 As previously stated, and reiterated throughout this report, it is important to emphasise the fact that this planning application is submitted in outline form with all matters reserved apart from access. Therefore Policies 7 and 8 of the SELLP are important as they state the general principles that should be considered for any prospective planning application and whilst the specific detail design has not been provided, nor has any details of the specific end users, the masterplan and overarching documents that have been submitted show what can be achieved on the site and therefore officers assessment must understand if what is proposed is both consistent with the aspirations of the allocation but also what is achievable from a practical perspective when taking into account the physical constraints of the site.
- 7.7 The outline planning application as submitted provides a significant number of detailed plans and documents including a masterplan which is required under Policy 8 of the SELLP. In addition, whilst the application is in outline form, the Applicant has sought approval of a submitted parameters plan which shows the planning application boundary of 18.62 ha, the extent of the development zone, including maximum height above finish floor levels for proposed buildings, the proposed landscape buffer area, the infrastructure zone, as well as a 'no building' zone, and a zone where the maximum building height will be limited to 15m above finish floor level. The legalities of conditioning a parameters plan were questioned with the applicant especially in light of the fact that all other matters (other than access) were reserved for later consent. Whilst some examples were shown to officers they were not considered consistent with the application site and the amount of information that was contained with the parameters plan was considered to undermine the intentions of the application, that being an Outline application with all matters reserved other than access. As such only the site location plan has been conditioned which gives further protection to the local planning authority to determine the acceptability of any proposal on the site during any subsequent submission of reserve matters applications. The submitted masterplan and parameters plan are still necessary for large outline applications, such as the application before us, as they demonstrate whether or not the proposed development as described can be achieved on the site and is consistent with the allocation as described earlier under Policies 7 and 8 of the SELLP.
- 7.8 The planning history of the site as detailed in the aforementioned section of this report is extensive, with a previous outline permission granted in 2014 (H16-0009-14) as well as subsequent amendments, variations and an approved Phase 2 in January 2022 (H16-0918-21).
- 7.9 The Inward Investment Team at South Holland are fully supportive of this application, stating that the Gateway site has been the districts biggest allocated employment site since the adoption of the current local plan and as the name suggests, has been promoted as the prime site in South Holland due to its proximity to the food manufacturing, horticultural and logistics hub based in Spalding. It also commands a prime position on the A16 with direct access to the A1 at Peterborough or via the A17 to Newark. The growth in the need for storage, and in particular cold storage in all of these sectors has been growing steadily since 2020 so an application such as this, which has the potential to be of great benefit to a wide range of businesses within the South Holland economy and beyond, is to be welcomed.
- 7.10 The development as proposed both as described in the description of development and the submitted masterplan is consistent with the aspirations of the allocation as described above in Policy 7 and 8 of the SELLP. Furthermore, it is considered that the proposed development can be accommodated within the site as justified by the masterplan, but also the submitted parameters plan. The submitted documents demonstrate that not only the proposed development as described can be accommodated within the site, but also any required

infrastructure, including internal roads, drainage, and hard and soft landscaping. As such, and coupled with the recent planning history on the site, the principle of development is acceptable subject to the consideration of other material planning considerations which are discussed in turn as follows. Whilst matters of scale, layout and appearance are reserved at this outline stage, they have been discussed in part at this stage due to the overall scale of the development and to aid any later considerations within any prospective reserved matters application(s).

#### 7.11 Highway Safety and Parking

- 7.12 Policies 2 and 3 of the SELLP indicates that sustainable development consideration should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 as well as Appendix 6 set out the minimum standards for parking provision based upon the use class.
- 7.13 Paragraph 111 of the NPPF states 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.
- 7.14 The applicant has submitted a Transport Assessment (TA) and Framework Travel Plan (FTP) by SLR Consulting Ltd. LCC Highways were consulted to review the submitted information as well as review the concerns as raised by residents of Fen End Lane. The Transport Assessment compared forecasted trip generation of the previously consented scheme on the Lincs Gateway (Phase 2) with the proposed development. The analysis showed that there would be an overall net decrease in vehicle movements in the morning and evening peak hours. The FTP set out details of the initiatives and measures that would be considered to provide for the travel needs of employees at the site, with a focus on promoting the use of sustainable modes of transport (such as bus, cycling and walking) as an alternative to the use of the private car where feasible. Whilst the FTP focusses primarily on the needs of the workforce at the site, the measures promoted within the FTP may also be of incidental benefit to visitors of the site.
- 7.15 A number of resident comments were received regarding the potential impact of a new development on the site on Highway safety. Comments included queries over the methodology used in the transport assessment, the current speed limit on the B1173, the visibility of the existing access, as well as pedestrian and cycle safety. Where necessary some of these concerns were discussed with county highways, as well as the applicant where a response was needed for questions to be asked. This formed part of a robust assessment on the potential highway impacts of the development, but it must be noted and acknowledged that when the site was first allocated under Policies 7 and 8 of the SELLP, the local and strategic highway impact of any proposed development on the existing network would have been considered and the site allocated on this basis.
- 7.16 LCC Highways first commented that the principle of an Employment Use of the Application Site land has been established by the relatively recent grant of Full Consent, under reference H16-0918-21, for four office buildings and 24 small industrial units. Both proposals utilise the same point of access onto the B1173 Cowbit Road, which is a Ghost Island Right-turn Lane junction that was constructed some years ago under a Section 278 Agreement with the highway authority. This junction has therefore been constructed to the appropriate Design Manual for Roads and Bridges standards and is considered to be suitable to provide safe access and egress for the use being proposed in this Application. The appropriate junction visibility is available for drivers emerging from the proposed development and in-bound, right-turning vehicles are able to wait safely in the central right-turn lane for any on-coming vehicles to pass without impeding the passage of following vehicles. The eventual occupiers of the commercial units will enjoy very good connectivity with the principal national highways network via the adjacent A16/A1175 roundabout.
- 7.17 The comments from residents regarding the speed of traffic along the section of Cowbit Road between the end of the town's existing 30mph and the A16, were noted by LCC Highways and it was considered likely that this part of the highway network could meet the qualifying criteria set-out in the Authority's Speed Limit Policy for a lower speed limit. As such the Applicant would be required to enter into a Legal Agreement to cover the highway authority's legal and administrative costs in investigating and progressing a Traffic Regulation Order (TRO) for a reduced speed limit on this part of the network.

- 7.18 During the allocation of sites such as the application site, in addition to considerations of Highways safety, there is also the consideration of whether or not a development which is being sought by the allocation is financially viable to come forward. Policies 7 and 8 of the SELLP do not go to the extent of detailing any proposed Section 106 planning contributions that may be required. LCC Highways did consider various footpath improvements on the surrounding network however the cost of this could be extensive and is still relatively unknown due to the lack of detail available. Furthermore, even if monies could be attributed to such improvements and in particular the footpath along the B1173, there is doubt as to whether it could provide a positive long-term solution. Furthermore, in the view of officers, it is unlikely that any monies requested by the applicant would meet the current CIL regulations. Therefore, other than the TRO contribution, as described above, there are no other contributions being sought with respect to Highways.
- 7.19 Other resident objections with regards to visibility splays are noted. However, the access benefits from previous consent under application ref. H16-0918-21 which was followed by a Section 278 agreement. LCC highways have considered this at length and feel that the access in its current form and that is so for approval at this outline stage is still suitable for the development as proposed and showing the submitted documents including the masterplan. As such no changes to the existing access are being sought.
- 7.20 Subject to the request for a TRO LCC Highways concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.
- 7.21 In the case of the proposed development, it has been demonstrated that there would not be an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network be severe and therefore the site is considered to be a sustainable location in line with Policies 33 and 36 and Paragraph 111 of the NPPF.
- 7.22 For clarity, planning conditions and obligations are discussed later in this report in a separate section.
- 7.23 Impact on the Character and Appearance of the Area
- 7.24 Policy 2 and 3 of the SELLP states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 2 of the SELLP indicates that developments will be permitted which will not have harmful impacts upon the character and appearance of the area. Policy 3 of the SELLP stipulates that development should respect the massing of neighbouring buildings.
- 7.25 Although matters of scale, layout and design are reserved, their assessment at this outline application stage can only be assessed in general terms. The assessment at this stage is considered appropriate given the scale of the proposed development.
- 7.26 The impact of development with regards the visual impact on the area was broadly considered when the application was first allocated and considered acceptable. Any reserved matters application will be expected to provide a visual impact assessment including finish design drawings, detailing the colour, material choices and any associated landscaping.
- 7.27 The applicant has various submitted plans and supporting statements and most notably a masterplan and Landscape and Visual Appraisal (LVA) to help demonstrate the potential impact of the proposal on the character and appearance of the area. Understandably, due to the application being in Outline form, elevation drawings have not been provided and the visualisations contained within the LVA are indicative rather than detailed. The components (and potentials) of the proposal are described as follows:
- Erection of buildings (Unit 100, Unit 200 and Unit 300) to comprise up to 70,000 square metres (internal footprint) of storage and distribution floorspace (Use Class B8) with ancillary office floorspace (Use Class E(g));
  - Existing access off B1173 utilised from the south of the site with internal roads and dedicated

heavy goods vehicle and car parking spaces;

-Existing trees and grassland to the west of the site will be retained to create an accessible amenity space, enhanced with native tree, shrub and hedgerow planting and a circular route for pedestrian access.

-PRoW Spal 894/1 within the western portion of site retained and enhanced with new native mixed planting and will connect into new pedestrian and cycle links providing opportunities within the local area for sustainable travel;

-Utilise existing drainage features on site where possible and create of new swales/ditches and attenuation basins as part of the SUDs strategy to sustainably manage water on site;

-Substantial landscape enhancements within the site aiming to retain, protect and enhance existing trees and vegetation where possible. Incorporation of new mixed native tree, shrub, hedgerow and wildflower/grassland planting to enhance site boundaries and improve green connectivity across the site and wider surrounding landscape;

-Improved ecological enhancements through habitat creation, green corridors forming connectivity into the local surrounding area; and

-Inclusion of a 50m 'no development zone' from the site boundary in the north-western corner (adjacent to Fen End Lane) and that units proposed within 100m of Fen End Lane will not exceed 15m ridge height above finished floor levels. The overall development will have a maximum height of 21m above finished floor levels. This is shown on the accompanying Parameters Plan.

7.28

The submitted LVA considers the potential visual effects arising from the proposed development in the context of local and national policy. The appraisal concludes as follows:

-There are few long-distance views towards and into the site due to local flat topography, intervening ribbons of vegetation which align main road routes such as the A16, large areas of settlement such as Spalding to the north, smaller village settlements scattered throughout the landscape and sporadic properties and farm steads found along linear road routes;

-The site has some characteristics that relate to those identified within the LCA such as flat topography and arable farmland, however the site has no distinctive landscape features and is typical of this local agricultural landscape;

-The proposals are wholly within the confines of the existing field boundaries, conserving the field pattern and vegetated boundaries where possible. Significant shelter belt planting will be incorporated to the site boundaries which, in time as the planting matures will connect and extend existing vegetation forming connectivity into the local surrounding area.

-There are limited impacts overall on the wider study area, from many locations the proposals will not be appreciated at all and although this is a visual aspect it is part of the overall feature of this busy, active, agricultural landscape;

-Overall, given the character of this agricultural working landscape large scale shed development is not an uncommon feature, it is anticipated that there will not be a significant adverse impact on the wider landscape of the study area;

-The majority of the assessed visual receptors identified in the LVA are judged to have impacts varying from negligible to medium/high. Those which are assessed to have the greater degree of impact are residents within the southern section of Fen End Lane to the north west of the site, residents along Burr Lane to the north the site and users of PRoW Spal 894/1 within the western portion of the site;

-Residents within the southern section of Fen End Lane will experience the greatest impact due to their proximity to the site. It is anticipated that views will only be experienced through gaps in rear boundaries or from first floor windows. Majority of the boundary visual landscape features such as boundary vegetation will be retained and enhanced where possible;

-Significant shelter belt planting in particular to the western boundary on an elevated bund and the northern boundary and native tree, shrub and hedgerow planting is proposed throughout the site which, in time as the planting matures will mitigate any views into the site;

-As part of the development proposals a 50m 'no development zone' from the site boundary in the north-western corner (adjacent to Fen End Lane) has been incorporated and the units proposed within 100m of Fen End Lane will not exceed 15m ridge height above finished floor levels. The overall development will have a maximum height of 21m above finished floor levels. This is shown on the accompanying Parameters Plan;

-Views experienced south from residents on Burr Lane to the north are limited due to established dense garden vegetation which forms the garden boundary with Burr Lane;

-The development proposals will not be seen as out of context as there are a number of industrial units and large-scale agricultural developments present in this landscape which are not insignificant such as Spalding Power Station and the recently completed glass houses off Clay Lake. These tend to be concentrated along major road networks such as the A16 corridor and are a common feature in this local active landscape;

7.29

Overall, it was summarised that the effects from the proposed development are experienced by

few sensitive receptors. In LVA terms, there are some sensitive visual receptors, in very limited locations, who, at worst, will experience a high to medium degree of change during the short construction phase, however this reduces once the site is operational.

- 7.30 Detailed elements of the scheme will be expected to be submitted at Reserved Matters stage including most notably a comprehensive landscape and planting scheme. Planning conditions will be applied to ensure this along with the knock-on expectations of Biodiversity Net Gain.
- 7.31 The submitted documents and plans have demonstrated that any subsequent detailed submission can come forward within the broadly stated parameters set out in this Outline planning application without unacceptable harmful impacts upon the character and appearance of the area, and that it therefore will meet the requirements of Policy 2 of the SELLP and the relevant policies within the NPPF.
- 7.32 Residential Amenity
- 7.33 Policies 2 and 3 of the SELLP set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. Policy 30 of the SELLP indicates that development proposals will not be permitted, where taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the areas or the natural, historic or built environmental by way of such factors as air quality, noise, light levels and land quality and condition. These policies are consistent with advice within the NPPF at Paragraph 130, which amongst other matters, seeks places with a high standard of amenity for existing and future users.
- 7.34 Paragraph 185(c) of the NPPF requires consideration of light pollution from developments, specifically that they are designed to limit light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation. Paragraph 185(a) of the NPPF seeks to ensure that developments does not conflict with or have any adverse impact upon neighbouring noise sensitive land uses.
- 7.35 Following the comments received from residents of Fen End Lane, with concerns raised over the 40m no development buffer zone, the proximity of development and impacts of overshadowing, the applicant provided an additional 'Daylight and Sunlight Report' by Waldrums. The report was carried out in accordance with the guidance and methodologies of the Building Research Establishment's (BRE) Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022). The conclusions of the assessment were that both number 57 and 59 Fen End Lane (the closest residential dwelling houses to the proposed development) and their garden spaces remain well daylight and sunlit with the proposed development and as such there is no impact with regards to overshadowing and loss of lighting.
- 7.36 Officers from the Environmental Protection Team have reviewed the Noise Impact Assessment (NIA) by Spectrum Acoustic Consultants which was submitted with the application. The report has considered and established the current background levels at identified residential receptors. Continuous monitoring was undertaken at one location, although this was only over 24 hours. Based on the submitted masterplan, a proposed layout was indicated and noise modelling was undertaken based on that proposed layout. Estimates of the proposed noise levels given by a projected use of the site operating over 24 hours a day were detailed. A significant adverse impact was identified at some residential receptors overnight and therefore further consideration was required. Additional modelling with proposed noise mitigation measures in place was undertaken.
- 7.37 In order to further reduce the noise levels for night operation, the following mitigation measures were tested out in the noise model and are recommended including:
- Install a 2m high close boarded timber fence on top of the existing bunding just inside the northwest site boundary
  - Upgrade the sound insulation of the west/north walls and roof of the nearest unit to NSR 1 to Rw 38 and 30 respectively.
  - Provide a noise attenuation package of a combination of acoustic screening/acoustic louvres/silencers/acoustic lagging for each of the large mechanical plant zones to reduce sound power level from LwA 100dB to 90 dB.

-Provide an extensive arrangement of effective acoustic bunding and barriers. Outline initial designs show these will be highly effective to the north and east in particular. These might comprise up to 8m total heights between the north facades of units close to the northern boundary of the site. Up to 5m high reducing to 3m on the north section of the eastern boundary (with the A16) and a barrier between the units on the west of the site at 6m in height increased from 5m.

- 7.38 Officers note that these measures reduce the noise impact to levels described in the NIA as acceptable, but it is clear that mitigation is required at this location to avoid noise giving rise to significant adverse impacts on health and the quality of life of nearby receptors. However, these proposals are specific to the layout on which they were modelled, which may change at a later date, as may the exact modelling parameters used when considering the proposed use. Therefore, Environmental Protection officers have requested a planning condition to protect the residential receptors which limits the amount of noise emitted from the site.
- 7.39 To reiterate, this application is submitted in outline for with all matters reserves apart from access. Therefore, other than the proposed point of access, officers can only consider the potential impacts of the principle of the development and quantum development that is described in the submission which is accompanied by a wealth of documents and plans. Concerns from residents over the potential impact on residential amenity are noted however the submission has demonstrated that development as described can be achieved on the site without causing detrimental impacts. In particular the masterplan and the parameters plan show that a 40 or even 50 meter buffer to the properties of Fen End Lane can be achieved without having a detrimental impact on the aspirations of the allocation to achieve the quantum of development expected. To be clear however, the council reserve the right to assess the residential impacts of any details scheme when the reserve matters application is submitted. Any prospective reserve matters application will have to demonstrate, amongst other matters, that a development can be achieved on the site without having a detrimental impact upon nearby residents, in particular ensuring no overshadowing or loss of light. The submitted parameters plan and masterplan show buildings of a lower height close to the 40 or 50 meter buffer zone on the western boundary. If the quantum of development comes forward in this form, officers are satisfied that both the aspirations of the allocation and the maintaining of residential amenity of properties on Fen End Lane be achieved. This would be considered in detail at the reserved matters stage.
- 7.40 Due to the location of the proposed development with a suitable standoff distance to residential dwellings to the west on Fen End Lane, the impacts upon residential amenity are therefore considered acceptable. Notwithstanding what was submitted by the Applicant a condition has been recommended requesting further information prior to installation of any proposed external lighting. Furthermore, conditions will be used to request more details on the proposed noise mitigation as well as setting limits for the level of noise generated by the proposed development above existing background levels.
- 7.41 The proposal is therefore considered to comply with Policies 2, 3 and 30 of the SELLP as well as the NPPF at Paragraph 130.
- 7.42 Ecology and Biodiversity Net Gain
- 7.43 Policy 3 of the SELLP states (amongst other criteria not listed here) that the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling.
- 7.44 Policy 28 of the SELLP part 3a seeks to ensure that all development proposals provide an overall net gain in biodiversity to help address gaps in the ecological network.
- 7.45 Paragraph 179 of the NPPF states that to protect and enhance biodiversity and geodiversity, plans should (amongst other criteria not listed here) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 7.46 Concerns were raised by objectors with regards the impact of the development on protected

species. Due to the sensitivities of the information with regards protected species it is not possible to provide the full level of detail on public access. The information is however shared with consultees, in this case the Wildlife Trust, who provide comment on the impacts of the application.

- 7.47 The application was submitted with an outdated protected species survey, which was later updated along with provision of biodiversity net gain. Following the submission of additional and updated reports, Lincolnshire Wildlife Trust removed their objection subject to conditions being attached to any permission.
- 7.48 In the case of the proposed development, it has been demonstrated that the development as proposed can come forward without detrimental impacts on protected species as well as providing evidence that biodiversity net gain can be achieved and therefore the site is considered to be acceptable in line with Policies 3 and 28 and Paragraph 179 of the NPPF.
- 7.49 Flood Risk and Drainage
- 7.50 Policy 4 of the SELLP seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. Paragraph 159 of the NPPF states 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. Paragraph 167 of the NPPF states that when determining any planning applications development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that a number of criteria are met.
- 7.51 Concerns over the ability for any detailed proposal to achieve suitable surface water drainage was raised within some residential objections and in particular concerns over increased flood risk of any detailed proposal on the nearest properties on Fen End Lane.
- 7.52 The submitted planning statement explains that much of the land within the SELLP plan area is at a significant risk of flooding. The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) indicates that 85% of Boston lies within areas at risk of flooding (84% in Flood Zone 3 and 1% in Flood Zone 2) with 74% of South Holland within areas at risk of flooding (68% in Flood Zone 3 and 6% in Flood Zone 2). Moreover, many of the areas of land with a lower probability of flooding are in isolated locations, unrelated to settlements. The Environment Agency map confirms that the Site lies within Flood Zone 3 and therefore is 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 (0.5%). The Site is protected by Flood Defences and a list of Flood Defence Assets in the vicinity of the Site.
- 7.53 The submitted Flood Risk Assessment (FRA) by LIN Consulting detailed that the site is considered to satisfy the Exception Test and the proposed development provides wider sustainable benefits to the community that outweigh any indications of potential flood risk. The design of the proposed buildings will allow for the finished floor levels to be 700mm above the existing ground levels and all buildings will incorporate a multistorey element (typically provided as part of the ancillary office floorspace) to allow for safe refuge above ground level. An evacuation flood plan should be in place for each of the proposed units with the end user of each unit being signed up the Environment Agency Flood Warning System to allow for automated messaging when flooding is possible so that all buildings are evacuated prior to an event.
- 7.54 LCC Highways act as Lead Local Flood Authority (LLFA) for the Council and following comments received from residents their additional comments were sought. The LLFA commented that as the application for assessment is outline only with all matters reserved except for access, then specific comments are absent, however a condition was recommended to ensure that standard sustainable drainage principles are applied including the submission of further detailed information of a drainage scheme and its management.
- 7.55 The Internal Drainage Board (IDB) have submitted a holding objection pending receipt of detail which demonstrate the receiving watercourse can be evidenced as being connected to the

wider watercourse network. The IDB are concerned that the receiving watercourse is not currently connected to the wider network. Following this the Applicant have been engaging directly with the IDB. Whilst their holding objection has not yet been removed their letter does acknowledge that the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from any consent granted under the Town & Country Planning Act (TCPA). Since the IDB holding objection an application for Land Drainage Consent has been made by the Applicant and whilst it was hoped that this would enable the IDB to remove their objection this is an entirely separate process to planning and at present the LLFA do not object to the principles of accommodating the application as described subject to standard conditions on surface water drainage. Furthermore, Anglian Water have provided a number of comments which can be largely addressed through recommended informatives attached at the end of the list of recommended planning conditions. Officers are therefore satisfied that despite the IDB concerns, and indeed those raised by residents, subject to the recommend conditions and informatives the submitted documents and plans demonstrate that the aspirations of both the allocation of the site and the development as described can be achieved without detrimental impacts on flood risk.

7.56 On balance it is considered that the proposed development is therefore acceptable when assessed against Policy 4 of the SELLP and section 14 of the NPPF.

#### 7.57 Contaminated Land

7.58 Policy 30 of the SELLP indicates that, where there is reason to suspect ground contamination, proposals must include an assessment of the extent of contamination and any possible risks.

7.59 The Applicant provided a Geotechnical & Geo-Environmental Site Investigation by Eastwood & Partners in support of the proposed development. The assessment had the objective to establish the sites' environmental and geotechnical background in order to identify any potential constraints which may affect the redevelopment of the site. The assessment concluded that the application site has no geotechnical constraints which would restrict the proposed development, there were however suggestions will be need to be carried over to any reserved matters application such as drainage suitability with a piped discharge with on-site attenuation being noted as required, following soakaway testing.

7.60 The Site is not within a coal mining affected area. No elevated concentrations of contaminants or asbestos fibres have been recorded in the samples of topsoil collected and analysed as part of the Geotechnical and Geo-Environmental Site Investigation. It is expected that the topsoil can be reused without the need for any remedial works. However, the majority of the topsoil is expected to be removed from Site, due to the nature of the Proposed Development. No capping layer is considered to be necessary where made ground remains below soft landscaped areas. No other elevated concentrations of contaminants or asbestos fibres were recorded. Elevated concentrations of contaminants were not recorded in the natural ground and therefore arisings of natural soil can be reused on site with no remediation required. Given the above, site-won materials are considered to be suitable for re-use as part of the development. Where made ground remains below soft landscaped areas, a minimum 100mm growing medium should be provided for plants.

7.61 Environmental Protection officers have recommended the inclusion of a contaminated land condition to cover any required remediation and subsequent verification on the site. Subject to these recommended conditions officers consider that the proposed development can be accommodated on site in compliance with Policy 30 of the SELLP.

#### 7.62 Other Material Considerations

7.63 An Air Quality Assessment (AQA) has been submitted as part of the application to determine baseline conditions across and in the vicinity of the site and to assess potential impacts associated with the Proposed Development, in accordance with the requirements of NPPF. The Proposed Development is expected to result in an overall negligible impact associated with the operational phase traffic on nearby receptors and the residual effects are considered to be not significant, in line with Environmental Protection UK (EPUK) and IAQM significance criteria.

7.64 The Application is supported by an Archaeological Evaluation which documents the findings of

an intrusive investigation undertaken in 2013. The LCC Historic Environment Officer acknowledges this, stating that Archaeological trenching was undertaken in 2013 for a previous application for this site. The results of this identified a very low archaeological potential for the site and therefore no further archaeological work is recommended for this application.

- 7.65 This report has taken into consideration the representations received by members of the public. The Applicant engaged with residents, stakeholders and elected representatives as part of their public consultation.
- 7.66 Planning Conditions and Obligations
- 7.67 The NPPF at Paragraph 55 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Additionally, Paragraph 56 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
- 7.68 All of the pre commencement conditions presented in the following section of this report have been agreed with the Applicant prior to this committee presentation. A draft schedule of conditions has been sent to the Applicant.
- 7.69 Regarding planning obligations, Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following in line with Regulation 122(2) of the Community Infrastructure Levy Regulations 2010:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development; and
  - c) Fairly and reasonably related in scale and kind to the development.
- 7.70 Whilst it is noted that LCC Highways have explored a financial contribution of £500,000 towards an unspecified scheme, given that there is no formal scheme in place and, therefore, there is no certainty in relation to the delivery of wider improvement works, any contribution towards an unspecified scheme does not satisfy the stringent statutory tests. Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- These requirements are mirrored at Paragraph 57 of the 2023 National Planning Policy Framework (NPPF).
- 7.71 It is not considered this request meets the test of Regulation 122 of the Community Infrastructure Levy Regulations (2010) as it is not necessary to make the development acceptable in planning terms and therefore has not been considered as an obligation that would be recommended by officers.
- 7.72 Additionally, LCC Highways requested that a Section 106 Agreement to cover the highway authority's legal and administrative costs in investigating and progressing a Traffic Regulation Order (TRO) for a reduced speed limit on this part of the network. The cost would be £4,500.
- 7.73 This agreement is considered to meet the tests of Regulation 122 of the Community Infrastructure Levy Regulations (2010) as it is deemed a reasonable request which directly relates to the development making it acceptable in terms of highway safety. For ease a

Unilateral Undertaking will be recommended which will speed up any potential release of decision notice by the Local Planning Authority.

7.74 Planning Balance

7.75 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.

7.76 The proposed development is for a use which is considered appropriate when assessed against the relevant policies in the SELLP and the NPPF and therefore is in principle considered acceptable. Although all matters are reserved apart from access the application has provided a significant number of documents and plans to show how a development could be proposed which would both comply with the aspirations of the allocation and ensure that any prospective RM app would ensure no negative material impacts as discussed in this report.

7.77 In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 6, 7, 8, 28, 29, 30, 31, 32, 33, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2023).

7.78 Overall, it is considered that the planning balance is in favour of the proposal.

7.79 Conclusion

As set out above, in light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 6, 7, 8, 28, 29, 30, 31, 32, 33, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2023).

7.80 Overall, it is considered that the planning balance is in favour of the proposal.

7.81 **Additional Considerations**

7.82 Public Sector Equality Duty

7.83 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.

7.84 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.85 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.

7.86 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.87 Human Rights

7.88 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).

7.89 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.

**8.0 RECOMMENDATIONS**

8.1 It is recommended that the Committee GRANTS Planning Permission, subject to the following planning obligations and conditions and reasons as stated below:

Planning obligations to be secured through a Unilateral Undertaking:

1.Highways:

a)the highway authority's legal and administrative costs in investigating and progressing a Traffic Regulation Order (TRO) for a reduced speed limit on this part of the network.

i.The cost would be £4,500;

**9.0 CONDITIONS**

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:

i) the layout

ii) scale

iii) external appearance of the building (including a schedule of all external materials to be used); and

iv) the landscaping of the site (including boundary treatments).

The development shall be carried out as approved.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Unless where required or allowed by other conditions attached to this permission, the development hereby approved shall be carried out in accordance with the information provided on the application form and the following plans/drawings/documents -

Documents:

Planning Application Form  
Statement of Community Involvement  
Design and Access Statement  
Transport Statement  
Framework Travel Plan  
Ecological Appraisal  
Landscape and Visual Appraisal  
Noise Impact Assessment  
Lighting Impact Assessment  
Air Quality Assessment  
Flood Risk Assessment  
Archaeological Evaluation  
Geotechnical and Geo-Environmental Site Investigation

Plans:

Site Location Plan - 22119-UMC-ZZZZ-SI-DR-A-0501-P03

Reason: For the avoidance of doubt, in the interests of proper planning and to define the permission.

4. Notwithstanding the detail submitted in the illustrative landscape masterplan dated 17/05/2023 (ref. 08011 rev A), when application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.  
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by full details of waste removal from the site including bin store detail and recycling.

Reason: in the interests of flood risk, residential amenity and design.  
This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

6. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and landscaped areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Reason: in the interests of flood risk, residential amenity and design.  
This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

7. No development shall take place until a method statement for the demolition and/or construction of that part of the overall development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. The statement shall provide for:
- the routeing and management of construction traffic;
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - wheel cleaning facilities;
  - measures to control the emission of dust and dirt during construction;
  - protection of Public Rights of Way;
  - details of noise reduction measures;
  - a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
  - Precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development.

Reason: In the interests of highway safety and the amenity of nearby residents. This condition is imposed in accordance with paragraph 130 of the National Planning Policy Framework.

8. No development shall take place until a Construction Management Plan and Method Statement that shall first be approved in writing has been submitted to and approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;
- the phasing of the development to include access construction;
  - the on-site parking of all vehicles of site operatives and visitors;
  - the on-site loading and unloading of all plant and materials;
  - the on-site storage of all plant and materials used in constructing the development;
  - wheel washing facilities;
  - a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawings) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

9. Demolition/ground works/construction works/ deliveries and collections during the construction phase of the development, shall not take place outside the following hours:
- Monday to Friday 08.00 - 18.00hrs
  - Saturday 08.00-13.00hrs
  - There shall be no work on Sundays or Public Holidays

Reason: In the interests of highway safety and the amenity of nearby residents. This condition is imposed in accordance with paragraph 130 of the National Planning Policy Framework.

10. No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is used. The scheme shall:
- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
  - provide flood exceedance routing for storm event greater than 1 in 100 year;
  - provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
  - provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare unless a higher rate of discharge is agreed with the surface water receiving body;
  - provide details of the timetable for and any phasing of implementation for the drainage scheme; and
  - provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No part of the development hereby permitted shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the site can be adequately drained.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

11. No building hereby permitted shall be first occupied until details of the design, implementation, maintenance and management of foul water drainage works have been submitted to and approved in writing by the local planning authority.

Reason: To ensure development would not result in unacceptable risk of pollution or harm to the environment or landscape

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

12. No development shall take place above ground level until a detailed scheme for the recommendations from Section 10 of the Spectrum Acoustic Consultants Noise Impact Assessment Report ref. ARC7208/22426/V2, have been submitted to and approved in writing by the Local Planning Authority. These are:-
- 1. Install a 2m high close boarded timber fence on top of the existing bunding just inside the northwest site boundary
  - 2. Upgrade the sound insulation of the west/north walls and roof of the nearest unit to NSR 1 to Rw 38 and 30 respectively.
  - 3. Provide a noise attenuation package of a combination of acoustic screening/acoustic louvres/silencers/acoustic lagging for each of the large mechanical plant zones to reduce sound power level from LwA 100dB to 90 dB.
  - 4. Provide an extensive arrangement of effective acoustic bunding and barriers.

The approved detailed scheme shall be implemented in full before the occupation of the first unit as approved by any subsequent Reserved Matters application. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure development would not result in unacceptable impact on residential amenity  
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

13. The rating level of the noise emitted from industrial and manufacturing process, fixed plant and equipment (mechanical and electrical), loading and unloading of goods & mobile plant and vehicles located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To ensure development would not result in unacceptable impact on residential amenity This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

14. A written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed verification plan including compliance criteria and monitoring details. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority. If during redevelopment contamination not previously considered is identified, then the Local Planning Authority 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 Local Planning Authority.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.  
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

15. Accordance with Condition 14 above and remediation is required, two full copies of a verification report shall be submitted to and approved in writing by the LPA prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out 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: All work should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.  
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

16. No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- samples of all brick/facing material, render and tiling (including details of the colour of render/paintwork to be used)
- samples of all hard surfacing materials
- Sample materials of boundary treatments

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.  
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

17. Notwithstanding the information contained in the submitted Biodiversity Net Gain Assessment dated July 2023 and the updated Ecological Appraisal dated July 2023, prior to the occupation of development hereby permitted a specification (including methodology and programme of implementation) of compensation and enhancement measures for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of initial aftercare and long-term maintenance as well as details of monitoring and remedial measures. The works so approved shall be carried out in accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development. On completion of the agreed compensation and enhancement measure in accordance with the approved programme of implementation, required as part of this condition, the development shall be inspected by a qualified ecologist and a statement of conformity and a copy of any Natural England protected species licenses as appropriate shall be submitted to the Local Planning Authority to confirm whether all of the measures for enhancing biodiversity have been implemented in accordance with the details approved under this condition.

Reason: To enhance biodiversity

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

18. No development shall commence on site until an Employment, Skills and Local Procurement Strategy shall be submitted to and approved in writing by the Local Planning Authority. This strategy shall set out measures to provide local employment, skills and business opportunities during the construction phase of the development hereby approved. The development shall be carried out in accordance with the details so approved.

Within 12 months of the development hereby approved being first brought into use, a Statement of Conformity shall be submitted to the Local Planning Authority, setting out how the approved measures were implemented and shall include a review of Employment, Skills and Procurement outcomes arising from the approved Strategy.

Reason: To ensure that the development provides opportunities for local employment and training opportunities

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

19. Prior to its required installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

20. Notwithstanding the submitted lighting details, before the development hereby permitted is first occupied details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include times when the external lighting will not be switched on. Only external lighting in accordance with approved details shall be provided on the application site. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no other external lighting provided on the application site.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

21. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by LIN Consulting dated May 2023 forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

i) The finished floor level of all of the proposed buildings shall be raised at least 700mm above the existing ground level.

These mitigation measures shall be fully implemented prior to occupation of the first unit as approved by any subsequent Reserved Matters and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021 (NPPF 2021).

22. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

23. All wild bird species are legally protected under the Wildlife and Countryside Act 1981 (as amended) from any form of disturbance between the onset of nest building and until such time as any dependent young have left the nest, principally from the beginning of March to the end of August.

24. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

25. In order to minimise any nuisance from noise, vibration and dust during the construction phase the applicant should refer to the WRS Demolition & Construction Guidance and ensure its recommendations are complied with.

26. The Applicants attention is brought to the comments received by Anglian Water dated 17th June 2023 which are summarised as follows:

-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.

-The foul drainage from this development is in the catchment of Spalding Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

-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.

-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.

-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.

-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.

-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 the 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.

-An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

-Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

-Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

27. The Applicants attention is brought to the comments received from the Lincolnshire Police Designing out Crime Officer received 19th June 2023.

---

Background papers:- Planning Application Working File

---

**Lead Contact Officer**

Name and Post: Mark Simmonds; Development Manager (Interim)  
Telephone Number: 01775 764444

Email

mark.simmonds@sholland.gov.uk

**Appendices attached to this report:**

Appendix A Plan A

# MapThat Scale Print Title

