

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H05-0774-19 **Applicant:** Whites Recycling
Proposal: Siting of store for liquid organic food waste (retrospective)
Location: Land At: North Road Gedney Spalding
Terminal Date: 28th September 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places
Section 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a retrospective application for siting of store for liquid organic food waste for Lincolnshire County Council. South Holland District Council are a consultee.

Liquid organic food waste is a by-product of food & drink production. It is highly rich in nutrients which boost food crop yields. The tank is of temporary use with a capacity of approximately 1250m³, measuring approx. 26.58m x 26.58m.

Site Description

The site is in an isolated location within the open countryside between Holbeach St Johns and Sutton St. James. Jekyll's Farm (an agricultural holding) is approx. 360 metres due north-east and Decoy House is a residential property approximately 750 metres due south-west. A track over a drain serves the site from North Road. The tank is located in land bordering the drain. Mature hedgerow would obscure any view to the site.

History

None.

Consultation Responses

SHDC Environmental Protection Officer

No objection.

Planning Considerations

Principle of development

Policy 1 of South East Lincolnshire Local Plan (SELLP) states that "in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". Waste storage is necessary to that location for reasons of practicality and it would be unreasonable to locate it elsewhere within settlement boundaries because of amenity issues. Therefore, the principle of development is considered to be acceptable.

Layout and design

The tank has a diameter of 24.58 metres. The storage capacity would be 1250 cubic metres. The height of the structure is 2.62 metres above ground level. The perimeter of the store is defined by wire mesh fencing. Having regard to the site area, it is considered that the tank sits well on the site in terms of scale, mass and bulk.

Modular corrugated panels are on the outer layer of the tank. An impermeable polymer liner is secured inside the tank. The resulting appearance is characteristic of this type of development. It is considered that would not significantly harm the character of the area as the lifetime of the tank is temporary and such storage facilities are seen in an agricultural environment.

Impact upon residential amenity

The liquid organic food waste might emit odours. However, no residential property is in a reasonable distance from the storage tank. SHDC Environmental Health Officer has raised no objection in this respect.

Conclusion

In light of considerations above, the proposed development is considered to be in accordance with Policies 1, 2, 3 and 30 of South East Lincolnshire Local Plan, 2019 and Section 12 and 15 of National Planning Policy Framework, 2019.

It is therefore recommended to approve this planning application via delegated powers.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by

the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.