

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0541-24 **Applicant:** N & D Bacon
Proposal: Details of noise attenuation (Condition 5 of H09-0818-23)
Location: Ashtree Farm Little Dog Drove Holbeach St Johns
Terminal Date: 14th August 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed and beautiful places

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge condition 5 of H09-0818-23 relating to noise attenuation of a fan unit within the proposed grain store. It is proposed an acoustic barrier would be erected to limit noise from this fan unit.

Site Description

The site lies outside of any settlement outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). The site is located approximately 650 metres south-west of Holbeach St Johns and 500 metres south-east of Fenland Airfield. The area is rural, dominated by agricultural uses and sparse dwellings.

The application site is part of a larger collection of agricultural buildings located to the west of Little Dog Drove. The site is well screened with large leylandii hedging located around the perimeter. A

house is located approximately 75 metres south-west, although it displays no clear relationship to the site.

Relevant History

H09-0818-23 - Full. Proposed grain store. Approved 11/04/24.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

SHDC Environmental Protection

The submitted acoustic assessment indicates that the proposed acoustic barrier provides suitable attenuation to reduce the sound output from the fan to an acceptable level.

Key Planning Considerations

Condition 5

Condition 5 reads as follows

"The rating level of the noise emitting from the fan should not exceed the background level at adjacent residential properties when assessed in accordance with BS4142 2014 +A1(2019). Prior to commencement of development, details of the noise attenuation to be installed shall be provided to the Local Planning Authority for approval. Those measures and works so approved by the Local Planning Authority shall be implemented in full before the development hereby granted is first brought into use."

The relevant consultee from the Environmental Protection department supports this application, stating that adequate attenuation has been provided as to ensure the fan will not disturb neighbouring residents. As such, it is considered that the aims of the condition have been achieved and the condition can be discharged.

Conclusion

Condition 5 of H09-0818-23 can be discharged.

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.