

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0886-19 **Applicant:** Mr D Worth
Proposal: Erection of packaging building (retrospective)
Location: Qv Foods Holbeach Hurn Spalding
Terminal Date: 5th November 2019

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01 Spatial Strategy
02 Development Management
03 Design of New Development
04 Approach to Flood Risk
30 Pollution

National Guidance**National Planning Policy Framework 2019**

Section 12. Achieving well-designed places

Section 14. Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks retrospective permission for the erection of packaging building at QV Foods, Holbeach Hurn, Spalding.

Site Description

QV Foods is a related company of AH Worth which is one of the UK's leading supplier of fresh and prepared potatoes and vegetables.

The site amounts approximately 21 hectares and is located nearly 1 kilometre due north-east of Holbeach Hurn. It lies remotely within the flat Holbeach Marsh landscape characterised by open agricultural fields.

The building is located within the area comprising primary retail, hangar and top farm stores. There is a large hardstanding area from the site access to the north. The first visible building from that point is the proposed packaging unit. A 2 metre high mature hedge runs to the east of the building. In close proximity, and behind that, is a large storage building coated with concrete corrugated sheeting. A large fresh prepared factory building is 65 metres to the south-west. The elevation facing the proposed outbuilding has loading bays for lorries to dispatch potatoes and vegetables to the main retailers.

History

None relevant.

Consultation Responses

SHDC Environmental Health Officer

No objection. Permission should be subject to the following condition:

"Noise from fixed plant and machinery shall not exceed 5dB(A) above the background level when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership"

Lincolnshire County Council as Highway and Lead Local Flood Authority

No objection.

Planning Considerations

Principle of development

The site is within an area designated as countryside as set out in the South East Lincolnshire Local Plan (SELLP), 2019. There is no objection to the principle of a packaging building since the proposal is clearly ancillary development to the main activity on the industrial site. The nature of the development outweighs any other consideration with regards to the local spatial strategy contained in Policy 1 of SELLP. The key policy issues of this proposal therefore relate to the material considerations mentioned below.

Design and layout

The building in question measures approximately 10 metres in depth, 20 metres in width and 5.75 metres in ridge height. The eaves are 4.45 metres high. Having observed the scale of the surrounding building, it is deemed that the proposal is commensurate with the built environment in terms of scale, mass and bulk.

A roller shutter door and one adjacent fire exit door, both on the front elevation, provide the access from and to the building. No compartment are anticipated within the building. The roof space is used for additional storage.

The building is a steel frame structure coated with white coloured profiled composite panels on the external walls. The structure is roofed with heavy-duty waterproof cloth Tarpaulin. Rainwater goods are made of grey coloured UPVC. The resulting appearance is characteristic of agricultural or industrial development, thus in keeping with the existing industrial buildings in the vicinity.

Highway safety

The County Highways Authority has raised no objection. The vehicular access to the proposed building is not part or comes from the public highway network. However, the hardstanding area is sizeable and the erection of the packaging building does not likely impede lorries or motor vehicles to reverse and manoeuvre for egressing and entering the site in a safe manner.

Flood and drainage

According to South East Lincolnshire Strategic Flood Risk Assessment (March 2017), the building lies within the 'Danger for Most' flood hazard area with flood depth predicted between 0.5 and 1 metre above ground level.

Notwithstanding this, given the extent of the flood vulnerability of the development, it is considered that no further assessment should be provided for the proposal and it is considered that the building would be kept reasonably safe.

LCC, as Lead Local Flood Authority, have not objected to the application on drainage grounds.

Residential amenity

The nearest houses to the packaging building are located approximately 500 metres to the south-west. The scale of the building is not excessive and any operation that could create noise and disturbance would be limited by the aforementioned condition requested by SHDC Environmental Health Officer. Therefore, the proposal is acceptable in this respect.

Conclusion

Taking into account on balance the considerations above, the proposal complies with Policies 1, 2, 3, 4 and 30 of South East Lincolnshire Local Plan (SELLP), 2019 and Section 12 and 14 of National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application via delegated decision.

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.