

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H10-0064-20	Applicant:	Princes Ltd
Proposal:	Relocation of Acoustic Barrier to Bridge Road - previously approved under consent reference H10-0462-19 (Retrospective)		
Location:	Princes Limited Bridge Road Long Sutton		
Terminal Date:	29th May 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
07	Improving South East Lincolnshire's Employment Land Portfolio
08	Prestige Employment Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

The presumption in favour of sustainable development
 Core planning principles
 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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

Relocation of Acoustic Barrier to Bridge Road - previously approved under consent reference H10-0462-19 - Demolition of existing buildings and erection of a new Raw Materials Warehouse and Ingredient Processing Centre (Use Class B2/B8) - approved under H10-0915-18. Modification of Condition 2 to allow amendments to previously approved plans. Approved 14-08-19.

Since submission this application has been revised to include a landscaping scheme. Subsequently a Landscape Maintenance & Management Plan has also been submitted, which has been subject to consultations.

SITE DESCRIPTION

The Princes facility at Long Sutton is approximately 13.2ha in size and accommodates various industrial buildings used for food production and operations of the site, with new buildings recently permitted and either constructed or under construction.

Dwellings on the opposite side of Bridge Road to the North, face towards part of the site, and form a ribbon of established development that turns in to Hospital Drove. There is sporadic ribbon development along Bridge Road.

RELEVANT PLANNING HISTORY

H10-0462-19 - Demolition of existing buildings and erection of a new Raw Materials Warehouse and Ingredient Processing Centre (Use Class B2/B8) - approved under H10-0915-18. Modification of Condition 2 to allow amendments to previously approved plans. Approved 14-08-19.

H10-0915-18 - Demolition of existing buildings and erection of a new Raw Materials Warehouse and Ingredient Processing Centre (Use Class B2/B8). Approved 19-11-18.

H10-1063-18 - Proposed water treatment works including new building, circular soft water treatment tank, circular salt saturator and circular brine tank. Approved 13-12-18.

H10-1046-15 - Refurbishment of offices and extension to form staff canteen and changing facilities. Approved May 2016.

H11-0390-13 - Erection of portacabin for use as security gatehouse (retrospective). Approved April 2014.

H10-0061-09 - Erect sub-station and switch room. Approved May 2009.

H10-0972-03 - Industrial/warehousing/transport development (outline renewal application H10/1002/00). Approved November 2003.

H10-1002-00 - Industrial/warehousing/transport development (Renewal of H10/1078/94). Approved December 2000.

H10-0946-97 - Industrial/warehousing/transport development (Renewal of H10/1030/90). Approved December 1997.

H10-1078-94 - Industrial/warehousing/transport development (Renewal of H10/1030/90). Approved February 1995.

H11-0914-93 - Construction of biofuelled boiler plant. Non-determination March 1999.

H10-1207-91 - Industrial/warehousing/transport development. Approved December 1991.

REPRESENTATIONS

Long Sutton Parish Council

No objections.

Little Sutton Parish Meeting

No response received.

LCC Highways & SUDS

No objection, subject to informatives and a condition regarding the sealing up of the existing access points.

Public

One objection has been raised setting out the following objections:

- Puts the fence, noise and other related matters closer to residential properties.
- There will be lorries and forklift trucks operating all hours disrupting our lives more than ever.
- There will be lorries using an entrance that goes onto an already dangerous road.
- The forklift trucks will be bleeping at all hours causing stress and annoyance.

One objection has been received following the consultation on the revised plans/landscaping:

- Increase in Noise
- Increase in traffic issues
- Lorry access to the new site
- Accuracy of annotation on the plan

CONSIDERATIONS

Planning Considerations

Principle of development

The principle of the installation of an acoustic fence on site has been approved by the permission for the wider development and improvement of this site, as referred to above. The key issues to consider are the resiting of the fencing and the resultant impacts, rather than the on-going use of the site, which the Council supports.

Certain elements of the objections above relate to the principle of the use of the site and recently approved development; the relocation of this fencing is not intended to impact upon that, and there is no control over the number of delivery and other vehicles that can enter and leave the site. As a result, these matters can be given little weight in planning terms.

Visual Impact to street scene and residents

Policy 2: Development Management provides a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. All types of planning applications requiring a decision will be subject to the considerations of this policy.

The intention of the policy is to give a framework and clarifies that new development should be appropriate to the site, achieve a high quality of design and efficient use of land and buildings, and should respond creatively to the character and distinctiveness of the surrounding area. All new development, including residential and commercial proposals, should also reflect the area's distinctive development form and patterns of building, spaces, and means of enclosure, townscape and landscape, and incorporate in the design those features which are important to the history and form of the area.

Policy 3: Design of New Development, builds on the intentions of Policy 2, and whilst the policy mentions making innovative use of local traditional styles and materials, the policy clarifies that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

It is considered that the location and form of this acoustic fence with or without the proposed vertical green wall landscaping, at the closest point to the back edge of the highway verge, presents an incongruous form of boundary enclosure at this point, and has a detrimental impact on the visual character of this part of Bridge Road, as well as having an unacceptable visual impact on the dwellings on the opposite side of the road.

Officers have suggested that the fencing be relocated but this has not been taken up by the applicant.

Noise Impact to residents

The purpose of the fence as an acoustic barrier would not be compromised by this location, and would serve the noise function intended.

Highway safety

It is not considered that the fence presents any detrimental impact to highway or pedestrian safety, and the highway authority raise no objection, subject to informatives and a condition regarding the sealing up of the existing access points.

Other Matters

The accuracy of the plans has been questioned, however the plans are sufficiently detailed to be clear as to the location and form of the fencing.

Conclusion

For the reasons set out above the retention of the fencing in this location is not acceptable and is contrary to Policies 2 and 3 of the SELLP and the intentions of the NPPF 2019.

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.

RECOMMENDATION

Recommendation is for delegated refusal.