CHAIRMAN'S PANEL Held On: 25th September 2020

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H10-0358-20**	**Applicant:**	**Princes Ltd.**
Proposal:	Proposed Private Sub-station Enclosure and Associated Transformer Compound		
Location:	Princes Limited Bridge Road Long Sutton		
Terminal Date:	30th September 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
08	Prestige Employment Sites
28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework 2019

NPPF 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	0	0	0
WARD MEMBER	0	0	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	4	0	0	0

Route for determination of application	**Delegated**	X	**Committee**	

CASE OFFICER ASSESSMENT

PROPOSAL

Proposed Private Sub-station Enclosure and Associated Transformer Compound. The sub-station is to be a brick built enclosure approximately 6.5m x 3.6m with a mono pitch flat roof nominally 3.2m high. The roof covering a grey single ply elastomeric membrane on a timber sub deck. The access doors to be double skinned polyester powder coated with louvred panels.

This proposal contains the low voltage switch gear installation which feeds out to the new development.

A fenced compound immediately adjacent to the sub-station provides a secure location for the incoming transformer.

The sub-main supply cable will be routed from the existing main sub-station within the production building immediately to the west of the offices and welfare element off Bridge Road.

The application has been revised twice since submission to relocate the substation and to now enable the line of the acoustic fencing to wrap around the substation. The generator to be housed in a brick built enclosure with southern acoustic louvred facade and an absorptive section of acoustic fence directly adjacent to the substation.

Revised plans and additional information

In response to the matters raised with the applicant, the following responses have been received.

- There is no generator proposed within the development. The enclosure is to contain high and low voltage switch gear and a transformer. The reference to a generator within Waterman's acoustic report is as summary of what would normally be anticipated from a typical substation arrangement. The particular equipment for this installation is as section 4.1 of the report. The sub-main supply comes from the main high voltage distribution network elsewhere on the site and is stepped down by the transformer.

- There will only be pedestrian access required to the building, for routine maintenance inspection on a 6 monthly basis via the Princes site. Access to the substation is wholly from within Princes site, the site boundary is the face of the dwarf wall at the rear of the highway verge, to the north of the substation. We have noted on the proposed site layout that the existing road crossings to the former staff car park are to be reinstated as verge and the kerbs raised, at the request of Lincolnshire County Highways. There will not be vehicular access from Bridge Road to the substation. Pedestrian access will be limited to site electrical engineers for maintenance only.

- The substation could not be moved south from its current location as this would block a critical circulation route within the yard. As set out above access is entirely from within Princes ownership, to move the substation south of its proposed location to fall inside the acoustic barrier would place it within a vehicle route obstructing the safe operation of the pea plant.

- The substation needs to be located towards the north of the site to receive the high voltage supply from the main substation, also in the north and to be local to the load it supplies - the cold store refrigeration plant. The high voltage sub-main cable supply will be fed from the main substation which is located within the main building to the west of recently refurbished and extended welfare / office building. The new substation will serve the refrigeration plant for the cold store which is to be located to the west of cold store within the pea plant yard. There is a design limit for distance between the substation and the load it supplies after which the low voltage cable size becomes non-viable, dictating that the substation should be relatively local to the load. Consideration was given to other locations within the pea plant yard but due to the extent of other equipment associated with both the warehouse and the pea plant and the need for vehicle circulation through the yard none of these were considered to be operationally viable. Likewise any location to the east of the warehouse development also becomes non-viable due to extended distance and the concentration of warehouse loading operations.

- Given the constraints for the high voltage supply, the connection of the substation to the load and the complex operational requirements of the surrounding site it is considered that the proposed location is the only viable location for the new substation.

- The new substation is a critical infrastructure element for the overall development.

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.

There is an acoustic fence installed on the site that has been refused planning permission.

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

H10-0064-20. Relocation of Acoustic Barrier to Bridge Road - previously approved under consent reference H10-0462-19 (Retrospective). Refused. 29-05-20.

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

Responses to original submission

Long Sutton Parish Council

No response.

Little Sutton Parish Meeting

No response.

LCC Highways & SUDS Support

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 the proposed development is acceptable and accordingly, does not wish to object to this planning application.

SHDC Environmental Protection

No objection but would ask that the mitigation measures proposed in the acoustic report prepared by Waterman dated August 2020 be added as a condition. I.e. The generator to be housed in a brick built enclosure with southern acoustic louvred facade and an absorptive section of acoustic fence directly adjacent to the substation.

Public

Objections to the original submission, as follows:

Should be refused as the location is only possible if the acoustic barrier location had been approved.
Increase in low frequency tonal noise.
Constant hum from substation.
The maintenance of substation constantly re-attending to install yet more under ground wires.
Lorry movements on the site.
Proximity to residential property and possible dangers.
Damage to properties as a result of building works.

Additional responses to revised submission and details

SHDC Environmental Protection

No objection

LCC Highways & SUDS Support

No objection subject to condition.

Public

Objections, as follows:

Substation would be in front of the fence and is an eyesore.
Visual impact.
No other sites were explored.

Noise pollution with no acoustic barrier to shield the building.
Noise and disturbance during construction.
Interference to amateur radio hobby.

PLANNING CONSIDERATIONS

Principle of development

The principle of the broader development taking place on this site is set by the recent planning history of planning decisions on the site, which are set out above. The key issues to consider are the location of the substation and the resultant impacts, rather than the on-going use of the site, which the Council supports.

During the consideration of the scheme alternative locations for the substation have been explored, and this is addressed above.

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.

Although this is not the ideal siting for this development in visual terms, it is considered that the location and form of this substation does not present an incongruous form of structure at this point. The substation would have an impact on the visual character of this part of Bridge Road, as well as having a visual impact on the dwellings on the opposite side of the road, however now that the acoustic fence would wrap around the structure, and it is to be accessed solely from operational land within the Princes site, on balance it is the planning judgement of officers that the structure would be seen in the context of the wider development and would not have such a harmful visual impact that planning permission could be refused.

Noise Impact to residents

Since submission a noise assessment has been submitted, and it is the conclusion of officers that provided the generator is housed in a brick built enclosure with southern acoustic louvred facade and an absorptive section of acoustic fence directly adjacent to the substation, then the development would not result in unacceptable noise disturbance to residents on Bridge Road. This is to be controlled via a condition.

With regard to disturbance to amateur radio use, such substations are designed to not impact upon neighbouring uses.

Highway safety

The development would not have an impact on highway safety, as there are clear sight lines to this part of the site, and a public footpath runs adjacent to the site, which will remain.

Other matters

Damage to properties as a result of building works

Any damage to adjoining dwellings or premises during works would be a civil matter that is not a planning matter, so can have very limited weight as a consideration.

Conclusion

For the reasons set out above the proposed sub-station enclosure in this location is acceptable and is in accordance with 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

The recommendation is for a delegated approval, subject to conditions.

Note: This application was referred to Chairman's Panel on 25 September 2020, where it was agreed the decision could be delegated to officers.