SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 14 April 2021**

(Author: **Polly Harris-Gorf - Principal Planning Officer)**

Purpose: **To consider Planning Application H10-1157-20**

Application Number:	H10-1157-20	**Date Received:**	18 December 2020
Application Type:	FULL		
Description:	Relocation of Acoustic Barrier - previously approved under H10-0462-19		
Location:	Princes Limited Bridge Road Long Sutton		
Applicant:	Princes Ltd.	**Agent:**	Bond Bryan Architects
Ward:	Long Sutton	**Ward Councillors:**	Cllr A C Tennant Cllr J Tyrrell Cllr D J Wilkinson

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H10-1157-20

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The proposal raises issues that warrant consideration by Members of the Planning Committee.

2.0 PROPOSAL

2.1 Relocation of the Acoustic Barrier. Current barrier is in a position that has been refused planning permission and is subject to enforcement attention.

2.2 This application also proposes the retention of an access from Bridge Road and direct access to the pea plant for seasonal vehicles delivering peas to the pea plant.

3.0 SITE DESCRIPTION

3.1 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.

3.2 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.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

4.2 South East Lincolnshire Local Plan, March 2019

4.3 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.4 Policy 2 Development Management
Policy 3 Design of New Development
Policy 4 Approach to Flood Risk
Policy 7 Improving S E Lincolnshire's Employment Land Portfolio
Policy 8 Prestige Employment Sites
Policy 28 The Natural Environment
Policy 30 Pollution
Policy 31 Climate Change and Renewable and Low Carbon Energy
Policy 32 Community, Health and Well-being
Policy 36 Vehicle and Cycle Parking

4.5 **National Guidance**

4.6 National Planning Policy Framework (NPPF), 2019

4.7 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.

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H10-0877-20. CONDITION COMPLIANCE. Details of surface water disposal (H10-0462-19 condition 3) Under consideration.

5.2 H10-0711-20. S73A CONTINUATION. Demolition of existing buildings and erection of new raw materials warehouse and ingredient processing centre (Use Class B2/B8) - approved under H10-0462-19. Modification of Condition 1 to allow amendments to previously approved plans. Approved 30-11-20.

5.3 H10-0358-20. Proposed Private Sub-station Enclosure and Associated Transformer Compound. Approved 28-09-20.

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

"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, contrary to Policies 2 and 3 of the SELLP and the intentions of the NPPF 2019."

5.5 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.

5.6 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.

5.7 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.

6.0 REPRESENTATIONS

6.1 Little Sutton Parish Meeting

6.2 Objection - Little Sutton Parish meeting object to the barrier moving from its position as originally agreed. Residents were concerned that the revised position would not give an acoustic barrier as effective as one in the original position. There were concerns raised that the moving of the barrier would also allow an access for lorries that had not been agreed in the original planning application. If the planning authority do give permission to move the barrier, the Parish Meeting request that the access is not retained or at the very least is only used during the pea season. Concern was expressed that a redesign of the pea plant had led to the need to move the acoustic barrier. Residents considered it unacceptable that the effectiveness of the acoustic barrier should be compromised.

6.3 Long Sutton Parish Council

6.4 No response received.

6.5 LCC Highways & SUDS Support

6.6 Does not wish to restrict the grant of permission.

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 relocation of the Acoustic Barrier would not be expected to have an unacceptable impact upon highway safety. The native hedgerow to be planted between the Acoustic Fence and the site boundary may overhang the highway boundary when growing but with reasonable and proper maintenance, this would not be to an extent that would compromise the visibility for drivers entering the public highway from the site. The Authority does not therefore wish to object to this planning application.

6.7 SHDC Environmental Protection

6.8 No objection .Relocating the barrier to the proposed position is unlikely to make a measurable difference to the amount of noise attenuation it provides.

6.9 South Holland Internal Drainage Board

6.10 No comments.

6.11 Public

6.12 One objection as follows: (summarised)

6.13 - Movement of traffic except to the seasonal pea unit and not a storage yard for lorries;
- Lorries parked against the fence will not be out of view of our properties as their height will be much taller than the fence - It also does not keep out noises the other side of the fence;

- Original planning was granted on the grounds of not disturbing the neighbourhood, and if that means no traffic except peas, then the fence line should remain to prevent any excessive traffic and noise;
- Also awaiting more trees and this should be the only thing approved;
- Access for all traffic should be from the rear. It was also submitted and agreed the main yard not the fence line.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The main considerations are as follows:

7.3
- Principle of development
- Visual Impact to street scene and residents
- Noise Impact to residents
- Highway safety

7.4 Principle of development

7.5 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.

7.6 Visual Impact to street scene and residents

7.7 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.

7.8 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.

7.9 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.

7.10 It is considered that the location and form of this acoustic fence, set back from the current line, would on balance form an acceptable visual barrier and would be softened by planting.

7.11 It is considered that the siting of the fencing would be acceptable if it still precluded unfettered access for large vehicles to the pea plant.

7.12 Noise Impact to residents

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

7.14 The views of the Environmental Protection Team are set out above. No objection is raised.

7.15 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.

7.16 Objection has been received to the retention of one access from Bridge Road, but this is not a new feature and was granted consent as part of the principle permission on this site (H10-0915-18 refers).

7.17 Planning Balance and Conclusion

7.18 It is considered that the location and form of this acoustic fence, enabling the retention and formation of an access to the pea plant, would not present an incongruous form of development at this point, and would not have a detrimental impact on the visual character of this part of Bridge Road, nor have an unacceptable visual impact on the dwellings on the opposite side of the road. In addition the development would not have a detrimental impact on vehicular or pedestrian safety, in accordance with Policies 2, 3 and 30 of the SELLP and the intentions of the NPPF 2019.

7.19 **Additional Considerations**

7.20 Public Sector Equality Duty

7.21 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.

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

7.23 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.

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

7.25 Human Rights

7.26 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).

7.27 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.

8.0 RECOMMENDATIONS

8.1 **Grant permission subject to the conditions listed in Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of six months beginning with the date of this permission.

   Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

   Application Form
   Summary Document. PLRMW-BBA-Z0-XX-RP-A-00008-S8 P1
   PLRMW-BBA-Z0-XX-DR-A-01011 P2
   PLRMW-BBA-Z0-XX-DR-A-01012 S8 P3
   PLRMW-BBA-Z0-XX-DR-A-01018 S8 P3
   LANDSCAPE MAINTENANCE AND MANAGEMENT PLAN. PLRMW-BBA-ZZ-ZZ-RP-L-1002-P02

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. The scheme of landscaping and tree planting shown within the LANDSCAPE MAINTENANCE AND MANAGEMENT PLAN. PLRMW-BBA-ZZ-ZZ-RP-L-1002-P02 shall be carried out and completed in its entirety during the first planting season following practical completion of the relocation of the fence. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

   Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
   This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. The gates marked 'G' and annotated on the approved plan PLRMW-BBA-Z0-XXDR-A-01018 S8 P3, shall not be used except between 1st June and 31st August each year, and shall only be used for Agricultural Vehicles to deliver produce to the Pea Plant.

   The gates shown on the approved plans and documents that gives vehicular assess from the access shown to be retained from Bridge Road to the Pea Plant shall be kept locked except between 1st June and 31st August each year, and shall only be used for Agricultural Vehicles to deliver produce to the Pea Plant, unless required for emergency access.

   Reason: In the interests of the amenity of local residents.
   This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

5. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

   This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

6. The applicant is recommended to display signage on Bridge Road to clarify that the The gates marked 'G' and annotated on the approved plan PLRMW-BBA-Z0-XXDR-A-01018 S8 P3 is to be used only between 1st June and 31st August each year, and shall only be used for Agricultural Vehicles to Pea Plant, unless required for emergency access.

Background papers:- Planning Application Working File

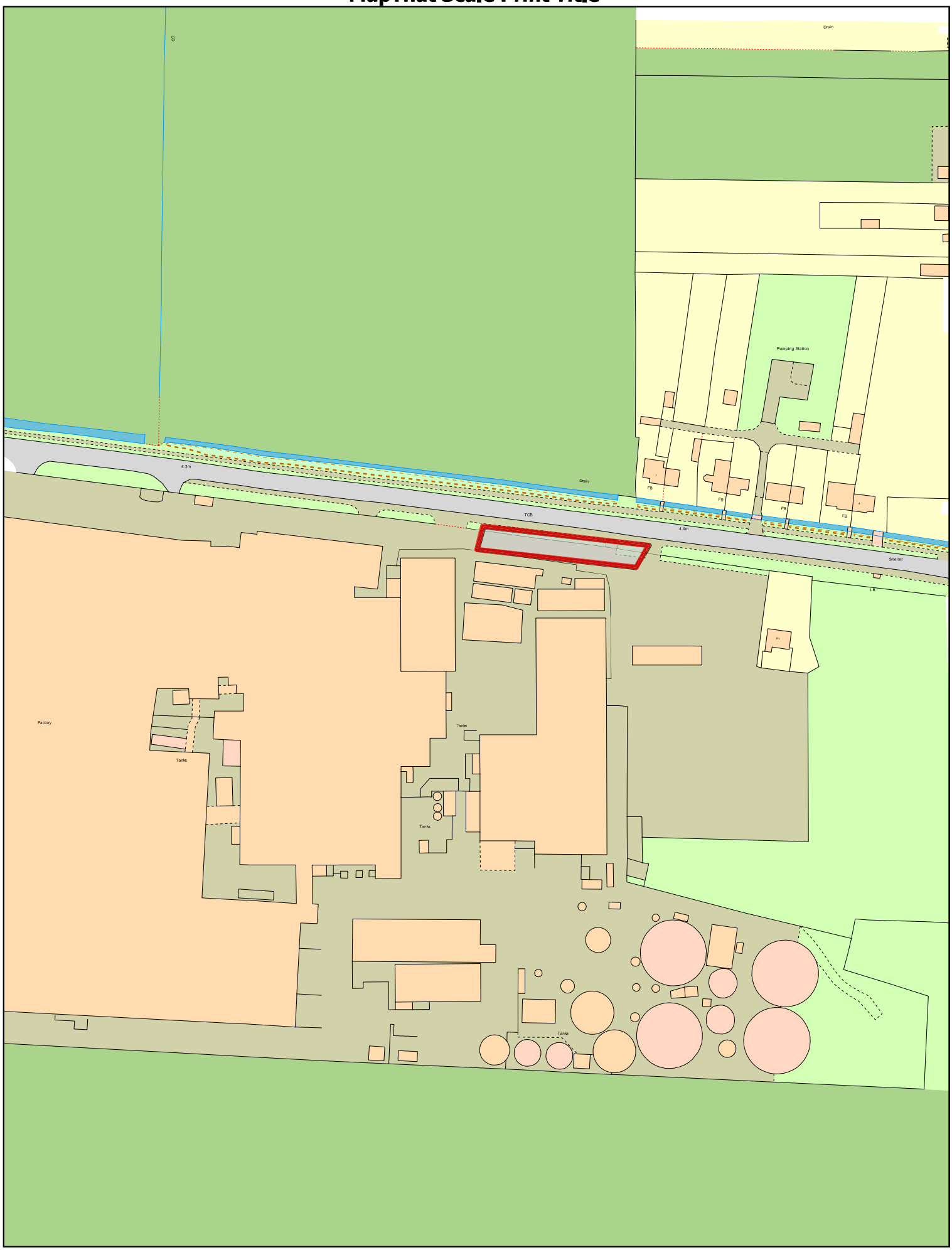
Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



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MAP SCALE 1:2000
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