

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H11-0015-25	Applicant:	LC Packaging UK Ltd
Proposal:	Proposed Container Bagging Unit, Infeed Hopper and associated works		
Location:	Lc Packaging Uk Ltd Bridge Road Long Sutton		
Terminal Date:	18th March 2025		

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
07	Improving South East Lincolnshire's Employment Land Portfolio
28	The Natural Environment

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
 Section 4 - Decision-making
 Section 6 - Building a strong, competitive economy
 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

National Guidance

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
SHDC INTERNAL	0	0	2	0

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	2

CASE OFFICER ASSESSMENT

Description of Proposal

The application seeks full planning permission for a container bagging unit, an infeed hopper and associated works on land at L C Packaging UK Ltd, to the south of Bridge Road, Long Sutton.

Site Description

The site comprises land to the south of the existing L C Packaging building. The building is relatively large and screens views of the site from the north.

The site is located outside any defined settlement boundary identified within the South East Lincolnshire Local Plan (2019). As such, the site is within the countryside in planning policy terms.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H10-1078-94: (Permission Renewal) Industrial/warehousing/ transport development (Renewal of H10/1030/90) - approved 08 February 1995

H10-0946-97: (Permission Renewal) Industrial/warehousing/ transport development. (Renewal of H10/1078/94) - approved 30 December 1997

H11-0866-00: (Full Application) Proposed storage building - approved 14 September 2000

H10-1002-00: (Permission Renewal) Industrial/warehousing/ transport development - Renewal of H10/0946/97 - approved 06 December 2000

H10-0972-03: (Permission Renewal) Industrial/warehousing/transport development (outline renewal application H10/1002/00) - approved 12 November 2003

H10-0943-11: (Advertisement Application) Proposed signage - approved 26 January 2012

H11-0825-24: (Certificate of Lawfulness) Proposed construction of concrete hardstanding, erection of a galvanised palisade fence around the perimeter of hardstanding - approved 26 November 2024

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on South Holland District Council's website.

Long Sutton Parish Council: The Parish Council fully support any expansion of local businesses.

South Holland Internal Drainage Board: Byelaw 3 (Surface Water) The applicant proposes to discharge surface water to a watercourse, however the discharge rate has not been provided at this stage. This proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for

sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees. Section 23, Land Drainage Act 1991 I note the presence of a Board Maintained watercourse (DRN199G0102 - H01 Amos Dyke) adjacent to the northern site boundary. Additionally, while not directly adjacent to the development site, I note the presence of a Board Maintained watercourse (DRN199G2004 - H20 Hundred Drain) close to the western boundary of the site. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Byelaw 10 As noted above, the applicant proposes to discharge surface water to a watercourse. However, I cannot see that a discharge point has been specified. If the proposed outfall is to be installed into one of the aforementioned Board Maintained watercourses, consent will be required under Byelaw 10 for the outfall and associated pipes facilitating the proposed discharge. I would ask that the applicant provides further information on the proposed drainage layout for the development in order to determine if consent is required.

Lincolnshire County Council - Highways and SUDS:

First Response (29 January 2025): Will the proposal result in the increase of any vehicle movements to and from the site.

Second Response (05 February 2025): No objections. Clarification has been provided in that there will be a negligible increase in vehicle movements to the site as a result of the proposal - possibly one extra HGV per week although their vehicle movements can fluctuate anyway due to seasonal demands. The site has a good access with good visibility in both directions. The Highways and Lead Local Flood Authority does not consider that this proposal would result in a severe impact with regard to NPPF.

Environmental Protection: No comments regarding land contamination.

Environmental Protection - Noise: No comments.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

CLlr A C Tennant: No response received.

CLlr J Tyrell: No response received.

CLlr D J Wilkinson: No response received.

Ecology Officer: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, three letters of representation have been received. The following matters are raised within the responses:

- Queried what the operating hours are.
- Queried whether additional traffic will result from the development.
- Concerns that the development could worsen the flood risk within the area.
- Concerns that the development will have a negative impact on the character of the area by increasing the industrial uses within the area.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

- Principle of Development;
- Design and Visual Impact;
- Impact on Amenity;
- Highway Safety and Parking;
- Biodiversity; and
- Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is outside any defined settlement boundary and is therefore within the countryside in planning policy terms. Policy 1 sets out that within the countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

Paragraph 88 of the NPPF also sets out that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas (part a), and the development and diversification of agricultural and other land-based rural businesses (part b).

The proposed development is for a container bagging unit, an infeed hopper and associated works. The purpose of the development is to support the existing operations within the site which provides packaging mostly for transportation purposes.

According to the application form, inside the container, a semi-automated packing system is proposed that comprises of a load cell bag clamping device, a filled bag conveyor, a bag turner, a bag flattener, transfer and pickup conveyor, an ABB robot palletising system with a pallet magazine and pallet conveying system. It will also house a compressor, lighting and a distribution board and 240v sockets.

Policy 7 of the Local Plan sets out that the extension of an existing business outside the allocated employment sites will be support provided that the proposal involves the re-use of previously developed land. If previously developed land is not available, proposals might be acceptable subject

to criteria a) to g). The site in this case is not previously developed land, however, the site could be partially surfaced with hardstanding as this has been established through the approval of a lawful development certificate application on 26 November 2024 under reference H11-0825-24. The proposed development is assessed against these criteria below:

"a) the development does not conflict with neighbouring land uses;"

It is considered that the development would not conflict with neighbouring land uses. The nearest dwelling to the site, 90 Bridge Road, is located approximately 130m to the north-west of the site. The proposed development would not be visible from this dwelling. There is open agricultural land to the south of the site, and there are no dwellings immediately to the east or west of the site.

"b) there is no significant adverse impact upon the character and appearance of the area;"

As set out within the design and visual impact section below, the proposals would not result in a significant adverse impact upon the character and appearance of the area.

"c) the design is responsive to the local context;"

The proposed development would introduce machinery and plant to an external area of the site, rather than being contained within the existing building. This would

"d) there will be no significant adverse impact on the local highway network;"

As set out within the highways safety and parking section below, the proposed development would not result in a significant adverse impact on the local highway network.

"e) there will be no significant adverse impact upon the viability of delivering any allocated employment site;"

The proposed development would not undermine the delivery of any other employment sites. The proposal is for an expansion of machinery within the site to support existing operations. The proposed development would not increase the number of employees or significantly alter the existing operations within the site.

"f) proposals maximising opportunities for modal shift away from the private car are demonstrated; and"

The proposed development would not increase the number of employees within the site and as such this element is not relevant.

"g) there is an identified need for the business location outside of identified employment areas on the Policies Map."

As the proposed development seeks to support an existing business, it is considered that there is an identified need for the proposal to be outside the identified employment areas.

The proposed development would support an existing employment site, including an established business. The proposed development is considered to accord with Policies 1 and 7 of the Local Plan and Paragraph 88 of the NPPF.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan sets out sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals.

Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The proposed development is for a container bagging unit, an infeed hopper and associated works.

The container measures approximately 12m by 2.59m. The container is proposed to feature a flat roof and measure 3m in height.

Outside of the container, a 10-tonne hopper is proposed with a loading height of 3.3m and an infeed conveyor. A finished goods conveyor feeding to the outside of the container is also proposed.

Two forklifts are proposed to operate outside for the feeding of the hopper and the stacking of the finished pallets. Woven polypropylene bags will be filled with sharp sand and palletised.

An area of concrete is proposed to store sand. It is proposed that sand storage blocks will be installed to store the sand and that the blocks will form a wall. The sand block wall might change location. According to the application form, this wall would not exceed 2.6m in height.

The proposed development would be located to the south of a relatively large building. There is an existing grass bund to the south of the area where the development is proposed which would also provide some screening. The proposed development would not be highly visible from any public viewpoints. The development would also be in keeping with the character of the site which is used as a warehouse/ packaging facility. The scale and siting of the development is therefore acceptable.

Taking account of the design, scale, and nature of the development, as detailed above, the development is acceptable. The proposed development would not cause an adverse impact to the character or appearance of the area and therefore would accord with Policies 2 and 3 of the Local Plan and Section 12 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The nearest dwelling to the site, 90 Bridge Road, is located approximately 130m to the north-west of the site. The proposed development would not be visible from this dwelling. There is open agricultural land to the south of the site, and there are no dwellings immediately to the east or west of the site.

According to the applicant, the proposed development could potentially result in one additional lorry visiting the site each week on average. Deliveries and vehicle movements do however fluctuate. It is not considered that this would result in a significant adverse impact on the nearest dwellings.

The proposed equipment is mostly housed inside a container. The proposed hopper is only filled with sand. The proposed development is not considered likely to result in significant levels of noise and the council's environmental protection team have not requested any specific mitigation or raised any objections to the proposals.

It is however considered appropriate to limit the operating hours in line with the standard business opening hours within the site which are 8am to 5pm Monday to Friday. The applicant has set out that very occasionally the business operates outside of these hours (once every few years) however as this is such a rare occurrence, it is considered appropriate to contain the operating hours in the interests of amenity.

The proposed development would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual

cumulative impacts on the road network would be severe.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards.

The proposed development would not result in any changes to the parking requirements for the site, nor to the site access. The proposed development could potentially result in one additional lorry visiting the site per week on average. Lincolnshire County Council's highways team have not raised any objections to the proposed development, nor have they recommended any specific mitigation or conditions.

The proposed development would therefore have an acceptable impact in terms of highway safety and would therefore accord with Policies 2, 3, 33 and 36 of the Local Plan and Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 ensure sites of biodiversity value are protected through the planning system. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. One of these exemptions is if the proposed development is below the de minimis threshold, by impacting less than 25sqm of non-priority onsite habitat and less than 5m of non-priority onsite linear habitats. It is considered that the development would be below the de minimis threshold. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps.

Within the South East Lincolnshire Strategic Flood Risk Assessment (2017), the site is identified within a 'Danger to MOST' hazard area. As the proposal is for a minor commercial development, the SFRA recommends that appropriate mitigation is in place. The application is accompanied by flood risk information, however, a Flood Risk Assessment has not been submitted. The applicant has provided a consultation response from the Environment Agency that was obtained prior to submitting the application. Notwithstanding this, the applicant has agreed to a planning condition requiring compliance with the recommended mitigation measures. In this case, this includes setting the floor levels 0.3m above the existing levels.

The proposed development is classed as a 'less vulnerable' use, according to Annex 3 of the NPPF. As such, it is not necessary for the proposal to pass the exceptions test. The proposal is however required to pass the sequential test. It is recognised that the purpose of the proposal is to support the existing business within the site. It would therefore not be practical or feasible to locate the

development elsewhere. It is therefore considered that the sequential test is passed in this case.

The proposed development does not pose any significant flood risk issues. The development therefore satisfactorily accords with Policy 4 in the Local Plan.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

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.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4 and 28 of the Local Plan, as well as Sections 9, 12, 14 and 15 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of

the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.