

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0860-24 **Applicant:** Nationwide Produce PLC

Proposal: Details of external materials, scheme of landscaping and tree planting, acoustic fencing and earth bund (Conditions 4, 5, 8 and 9 of H11-1084-23)

Location: Cowpers Gate (South) Station Road Long Sutton

Terminal Date: 9th December 2024

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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 6. Building a strong competitive economy.
Section 9. Promoting sustainable transport.
Section 11. Making effective use of land.
Section 12. Achieving well designed and beautiful places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	1	0	0	0

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 4, 5, 8 and 9 of planning approval H11-1084-23, relating to details of external materials, scheme of landscaping and tree planting, acoustic fencing and earth bund.

Site Description

The site is located on the eastern site of Cowper's Gate close to the A17 roundabout. It is currently occupied by a number of buildings. Access is off Cowper's Gate. Tree planting and a drain are situated along the northern boundary.

A house (White House Farm) and associated business premises are situated to the west fronting Cowper's Gate. Residential development is located to the south-west, including Sheaf Cottage which is grade II listed.

History

H11-1007-10 - Permission Renewal - Change of use of land and buildings from agricultural/horticultural uses to vegetable processing/storage (renewal of H11-0029-08) - Approved 4 February 2011.

H11-0208-13 - Agri Det - Proposed produce store - Approved 5 April 2013.

H11-0027-14 - Full - Proposed enclosed canopy extension to existing agricultural building - Approved 12 March 2014.

H11-0011-16 - Full - Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage - Approved 2 March 2016.

H11-0236-21 - Full - Change of use of land and buildings from agricultural/horticultural use to vegetable processing/storage - Approved 4 May 2021.

H11-1084-23 - Full - Proposed extensions to existing agricultural buildings including revised access arrangements and alterations to the concrete area to the south of the extensions - Approved 01 July 2024

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Drainage Board

Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse however this element of their proposal is not covered within this application. We will comment on relevant further applications with any requirement for consent.

Section 23, Land Drainage Act 1991

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the Northern site boundary, as well as a Board maintained watercourse adjacent to the eastern boundary. Whilst not currently proposed, should the applicant's proposals change to 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).

The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Byelaw 10

I note that the applicant intends to construct bunding parallel to the Board maintained watercourse H13 Falls Drain (DRN199G1303), and I understand from drawing no. 889-8_CC_PP01 (RDC 14/08/24) that the edge of the bund is positioned 9 metres from the brink of the watercourse therefore consent is not required. Should this change and the bunding be proposed within 9 metres of the brink of the aforementioned Board maintained watercourse consent would be required, and the applicant should be aware that this is not likely to be acceptable under the Board's Planning and Byelaw Strategy due to the potential to impede future maintenance by the Board.

Conservation Officer

No objections

Historic Environment Officer

We do not have any comments to make regarding the specific conditions proposed for discharge in application H11-0860-24. However, we would like to reiterate that any development works associated with application H11-1084-23 should not commence until an archaeological mitigation strategy is in place, has been accepted and condition 13 has been discharged.

SHDC Environmental Health

The proposed measures for the acoustic fence and bund are acceptable.

LCC Highway and Lead Local Flood Authority

The conditions detailed are not highway related conditions - it is for the Local Planning Authority to assess/approve.

Planning Considerations

Condition Details

The conditions detail:

Condition 4

Before the commencement of any building hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

The material schedule is as follows:

Walls

The proposed walls are to be of plastic coated metal sheeting in yellow, which match the existing on the existing building.

Roof

The proposed roof is to be plastic coated metal sheeting in Goosewing Grey

The proposed hardstanding is to be concrete.

The submitted materials are considered to be in keeping with the character of the area and therefore are acceptable. The condition can be discharged.

Condition 5

Before the commencement of any building hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. 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.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

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, and that Biodiversity Net Gain will be achieved. This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

A Landscaping and planting plan has been submitted (889-8_CC_PP01). A general purpose meadow mixture with wildflowers is to be planted to the eastern side of the site. The northern side is to be bare earth with hedgerow trees and native hedgerow to run along the eastern boundary.

When assessing the location of the proposed trees and shrubs the officers consider the landscaping details to be adequate in order to satisfy the condition.

Taking into account the proposed landscaping for the site is considered acceptable therefore condition 5 can be discharged.

Condition 8

Acoustic fencing shall be erected around the southern and western perimeters of the trailer parking area in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the trailer parking area being brought into use.

Reason: To ensure that there is no noise nuisance to nearby residents. This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

The acoustic fencing will be 2.10m tall and will be located along the northern boundary and the western boundary. South Holland District Council Environmental Protection has assessed the proposed fencing and have raised no objection confirming the proposed measures for the acoustic fence and bund are acceptable.

The details submitted with regard to the proposed acoustic fencing, are all considered to be acceptable therefore condition 8 can be discharged.

Condition 9

Prior to the trailer parking area or new loading bays being brought into use the earth bund shall be erected on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To help protect the amenity of nearby residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

A Landscaping and planting plan has been submitted (889-8_CC_SE01). The earth bund is located to the eastern and northern corner of the site. The maximum height of the earth bund is 6.48 ODN, it is noted that this is a significant height however, there are no neighbouring dwellings in close distance and therefore the bund would not have an adverse impact on neighbouring land. South Holland Environmental Protection have been consulted and have raised no objections.

The details submitted with regard to the proposed earth bund, are all considered to be acceptable therefore condition 9 can be discharged.

Conclusion

The details in relation to these conditions (4, 5, 8 and 9) are acceptable and can be discharged.

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.