

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 18 December 2019

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H11-0951-19

Application Number: H11-0951-19

Date Received: 20 September 2019

Application Type: FULL

Description: Use of site as Astro Turf Recycling Centre (retrospective)

Location: The Astro Farm Roman Bank Crosses Long Sutton

Applicant: Mr T Antonio & Mr P Hall

Agent: Malcolm Clark Associates

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=H11-0951-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Objections received and policy issues merit Committee consideration.

2.0 PROPOSAL

2.1 This is a Full planning application that seeks permission for the use of a site as an Astro Turf Recycling Centre. This is a retrospective application - the site in question is known as The Astro Farm and is based off Roman Bank Crosses in Long Sutton.

2.2 There is an extant planning permission (H11-1040-12) for the site which permits the manufacture of hanging basket liners from recycled astroturf, however, the range of products now manufactured by the company (Astrological Products) extends well beyond this. The products supplied by Astrological Products now includes door mats, golf course bunkers, equestrian surfaces and shooting range noise barriers amongst other products.

2.3 Furthermore, it is a condition of the extant permission that the permitted operations (manufacture of hanging basket liners) shall be carried out inside the buildings using hand held or hand operated tools only and no power driven tools or machinery shall be installed or operated. As with the range of products manufactured, the production methods used have also progressed and electric cutters now replace the original hand cutters and some processing takes place outdoors.

2.4 In order to regularise the situation, the applicant is seeking permission for the use of the premises for the industrial process involved in the recycling of Astro Turf and components (plastic, sand and rubber) to cover their present activities, including:
- The mechanical powered vehicle unloading/loading/handling/stacking of original and finished

product;

- Storage externally and internally of used Astro Turf and components;
- The cutting, shredding, handling and packing, using hand or mechanical powered tools / machinery, in the course of production of the various recycled products; and
- Office and staff welfare accommodation associated with the above processes.

- 2.5 The submitted block plan shows that the cutting and shredding processes are all carried out at the southern/western end of the site. Astro Turf waiting to be processed is also stored at this end. The loading/unloading area is at the northern/eastern end of the site. It is proposed that a small security compound is erected at this end of the site (to be surrounded by 2.5m high palisade fencing) to allow large lorries to pull off the road whilst the arrival is processed.
- 2.6 No change to the present noise level is anticipated and no change in the present working hours is envisaged, which are:
- Weekdays 8:00 to 17:00
 - Saturdays 8:00 to 13:00

- 2.7 Twelve persons are employed by the business.

3.0 SITE DESCRIPTION

- 3.1 The site, which fronts onto Roman Bank, was formerly a mushroom farm and contains a range of buildings close to the road frontage and hardstanding to the rear. There is an access to the site approximately half way along the frontage which provides access for staff and visitors/customers. The submitted block plan shows that the cutting and shredding processes are all carried out at the southern/western end of the site. Astro Turf waiting to be processed is also stored at this end. The loading/unloading area and storage of processed product is at the northern/eastern end of the site, which has its own separate access off Roman Bank. There is agricultural land to the rear and opposite the site. There are dwellings immediately to the north and south and there are a number of other properties in the vicinity.
- 3.2 There is a building at the centre of the site which is in the applicant's ownership but does not form part of this application. This building has permission for the storage of classic motor vehicles (H11-0933-10).

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

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.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio
Policy 30 - Pollution

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed places

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H11-1040-12 - Change of use of part of former mushroom farm buildings to use for processing liners for flower hanging baskets - Approved April 2013.
- 5.2 H11-0933-10 - Change of use of former mushroom farm to storage of classic motor vehicles - Approved January 2011.

6.0 REPRESENTATIONS

6.1 Long Sutton Parish Council

Roman Bank is too narrow for large HGV vehicles. The Council request that HGVs are directed to the A17 and do not take a short cut through Sutton Crosses to reach the A1101 via Winters Lane.

6.2 SHDC Environmental Protection

No objection but would wish to attach the following condition: Noise from fixed plant and machinery shall not exceed the background noise level by more than 5dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership.

6.3 LCC Highways/SUDS

No observations.

6.4 South Holland IDB

No objections. Note that applicant has not indicated how foul and surface water would be disposed of.

6.5 Public (4 objections - summarised)

- Concern re: highway safety resulting from HGVs using Roman Bank
- Comments on how business operates, including: number of HGVs going in to and out of the site (suggestion of up to 8 per day); noise experienced from 8am to 9pm in summer time; business operates all weekend
- Visual amenity further reduced
- Plant machinery and HGVs cause disturbance via vibration
- Loss of privacy
- Not a sustainable location
- Business responsible for polluting via burial of waste, bonfires and surface water run off to the drain
- Site lies within a flood zone and development has increased flood risk
- Use not in keeping with the area or in line with sites previous uses
- Rubbish from site operations impacting on nearby property
- Toilet block and portacabin placed adjacent to neighbouring property boundary
- Builder appears to be renting the building intended for classic car storage
- Query re: employment of 12 people.

7.0 CONSIDERATIONS

7.1 Planning Considerations

The key material considerations in respect of this application are:

- Principle;
- Highway Safety;
- Residential Amenity;
- Other Considerations

7.2 Principle

- 7.3 The site is not located within any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is, therefore, classed as being in the Countryside in planning policy terms. Policy 1 of the Local Plan states that development in the countryside will only 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. The applicant has not demonstrated that the proposal meets the provisions of this policy.
- 7.4 Notwithstanding the above, there is an extant planning permission (H11-1040-12) for the site which permits the manufacture of hanging basket liners from recycled astroturf. Therefore, the use of the site for manufacturing activities is, in principle, acceptable. However, the range of products now manufactured by the company (Astrological Products) extends well beyond what the original permission permits and the manufacturing processes have evolved from hand tools to electrical machinery. The applicant is seeking to regularise the situation by gaining planning permission for their current activities.
- 7.5 Policy 7 (Improving South East Lincolnshire's Employment Land Portfolio) of the Local Plan states that new employment development/businesses or the extension of an existing business outside of allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. The application site is not an allocated employment site, however, although it was formerly used for growing mushrooms, it is considered previously-developed land by virtue of the fact that permission was granted subsequent to the mushroom farm closing for processes involved in the recycling of astroturf. Furthermore, although the proposal is not for new employment development per se, it does relate to the expansion of activities of an existing business and can be considered under the umbrella of Policy 7.
- 7.6 Paragraph 84 of the National Planning Policy Framework (2019) under 'supporting a prosperous rural economy' states that the 'use of previously development land...should be encouraged where suitable opportunities exist'.
- 7.7 Given the above, the proposal is considered to be acceptable in principle.
- 7.8 Highway Safety
- 7.9 Concerns have been raised about the access for lorries along Roman Bank and highway safety. However, the Highways Authority has no objection and, as such, there is no defensible reason to refuse the application on this basis.
- 7.10 In order to prevent lorries from blocking the road prior to entering the site the applicant is proposing that a small security compound be erected at the northern end of the site (to be surrounded by 2.5m high palisade fencing) to allow large lorries to pull off the road whilst the arrival is processed.
- 7.11 Residential Amenity
- 7.12 Concern has been raised about how the business currently operates, including the number of HGVs going in to and out of the site, disturbance from noise and vibration and working hours/days.
- 7.13 The applicant's agent has advised that, at present, the number of lorry movements can range from 5 per week during the turf lifting period to 2-3 per week during other months of the year. However, the applicant has suggested that if the business continues to be successful, and production were to increase, 12-15 lorry movements per week may be required. As highlighted above, the Highways Authority have not objected to the application, nor have SHDC Environmental Protection on the grounds of unacceptable noise or vibration generation. A condition can be added to restrict the number of lorry movements per week and noise levels from fixed plant and machinery.
- 7.14 Working hours/days can be limited by condition.

- 7.15 Concerns regarding the impact of business operations on visual amenity are noted. The site for the most part is well-screened by tall conifer hedging (along the north-eastern, south-eastern and south-western boundaries) and views from the A17 are distant (approx. 340m at the closest point). There are no properties in close proximity to the north-west. Green palisade fencing and gates have recently been erected along the Roman Bank boundary for security. Only approx. 10m of this is visible from the road and is arguably less visually imposing than the adjacent hedging. As such, it is not considered that it has had a material adverse impact on the character and appearance of the area.
- 7.16 Any concerns surrounding rubbish/litter from the site making its way on to neighbouring properties should be reported to the Council's Environmental Protection team if this presents a health or amenity issue. Of itself this concern is not considered to merit refusal on these grounds alone.
- 7.17 The applicant has advised that the portacabins sited close to one of the neighbouring properties are not in use.
- 7.18 Overall, in the absence of an objection from colleagues in Environmental Protection it is not considered that impact on residential amenity is a defensible reason for refusal.
- 7.19 Other Considerations
- 7.20 In terms of flood risk, the site lies within Environment Agency Flood Zone 3. The site does already have planning permission for astroturf recycling (albeit more limited in terms of products produced) and so it is not considered that it is necessary to apply the Sequential or Exception Tests to determine whether such a use should be sited in this location. Astroturf is permeable, and in some cases can be more so than natural grass, and so it is not considered that the storage of additional product on the site would impact on drainage or flood risk. Furthermore, there has been no increase in area covered by hardstanding or buildings as a result of the present use.
- 7.21 In terms of foul drainage, two septic tanks are utilised which are emptied once a year. Surface water is disposed of via an existing drainage sump system, pre-dating the astroturf business using the premises, which the applicant advises discharges into the IDB drain adjacent.
- 7.22 Issues relating to potential illegal waste disposal and pollution of drains via surface water are a matter for the Environment Agency. The applicant's agent has advised that the purpose of any recently witnessed bonfires was to burn tree branches that had been cut from the borders of the site and that no waste astroturf is buried on site.
- 7.23 The applicant has confirmed that the building which benefits from planning permission for classic car storage is not used in the recycling process. It has also been confirmed that 12 persons are employed by the business, but this does not mean that 12 people are on site at any one time.
- 7.24 **Additional Considerations**
Public Sector Equality Duty
- 7.25 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.

- 7.26 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.27 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.
- 7.28 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.29 Human Rights
- 7.30 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).
- 7.31 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.
- 7.32 **Conclusion**
- 7.33 Policy 1 of the Local Plan restricts new development in the countryside to that which 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. It is not considered that it has been demonstrated that the proposal complies with Policy 1, however, Policy 7 of the Local Plan supports the extension of existing businesses outside of allocated employment sites where previously-developed land would be utilised. Furthermore, there is an extant planning permission (H11-1040-12) for the site which permits the manufacture of hanging basket liners from recycled astroturf. Therefore, the use of the site for manufacturing activities is, in principle, acceptable. The concerns surrounding the business operations and impact upon residential amenity and highway safety are noted but LCC Highways and SHDC Environmental Protection have not objected and overall it is not considered that there is a justifiable reason to refuse the application on amenity, highways, flood risk or character grounds.

8.0 RECOMMENDATIONS

- 8.1 Grant permission subject to the conditions set out in Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan; and
Dwg. No. A.

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the site shall only be used as an Astro Turf Recycling Centre and for no other purpose (including any other purpose in the B Use Class of The Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To define the terms of this permission and to ensure that future changes of use do not occur that could have a greater impact on the amenities of nearby residential properties.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

3. There shall be no more than fifteen deliveries/dispatches per week by way of HGV.

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.

4. No processes shall be carried out and no deliveries shall be taken at or dispatched from the site outside the hours of 08.00 to 17.00 Mondays to Fridays and 08.00 to 13.00 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

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. Noise from fixed plant and machinery shall not exceed a level of 5 dB(A) above the background noise level when measured as a L(A)eq15min at any residential boundary not within the applicant's ownership.

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.

6. 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 subsequently determining to grant planning permission.

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

Background papers:- Planning Application Working File

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Appendices attached to this report: Appendix A - Plan A

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