DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0811-24**	**Applicant:**	**F Dring and Son Ltd**
Proposal:	Details of noise assessment, biodiversity net gain plan & scheme of landscaping for the north east portion of the site (Conditions 6, 11 & 12 of H13-0752-23)		
Location:	Double Roof Farm High Road Moulton		
Terminal Date:	21st November 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2023

12 Achieving Well Designed and Beautiful Places
14 Meeting the Challenge of Climate Change, flooding and Coastal Change
15 Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of noise assessment, biodiversity net gain plan & scheme of landscaping for the north east portion of the site (Conditions 6, 11 & 12 of H13-0752-23)

Site Description

As Host Consent.

History

H13-0752-23 - Change of use of agricultural buildings to use class B8, E (g) (iii) with alterations to some buildings. Approved 18.12.2023
H23-1275-07 - Proposed Factory Extension (2015 square metres) - Decided 14.12.07
H23-0658-10 - Proposed factory extension (2015 square metres) renewal of H23-1275-07. Decided 10.11.10
H23-0021-12 - Proposed agricultural building. Approved 27.02.12
H23-0998-23 - Proposed Access Roadway - Approved 5.12.13
H23-0081-14 - Proposed garage/equipment store and landscaping approved 1.4.14
H23-1217-18 - Proposed steel framed agricultural building - decided 7.1.19
H23-1031-13 - Extension to existing agricultural workshop - Approved

H23-0487-13 - Change of use from flower preparation and distribution to use as farm machinery, distribution, sales of new and used equipment, parts and complimentary products and preparation and service of farm machinery (Clandlers Farm Equipment Ltd) to relocate from Boston Road, Holbeach. Decided 24.07.13.

H23-0888-06 - External works, hardstanding and new coldstore door - Approved 21.08.06

Similar Application Nearby:

H23-0921-23 - Erection of Storage Building (Use Class B8) to replace re: Cladding of Existing Glasshouse Approved under Planning permission H23-1043-22) - Undecided.

Consultation Responses

Environmental Protection

Agrees that the noise assessment is satisfactory.

Public

Concerned with 'noise assessment' report, we do not see how this can give anything like an accurate evaluation as to the noise which will be created when the units are occupied. Even with allowances on top of the readings from February 2024 (which was very quiet), we do not consider this will be anything like the noise we are likely to have to tolerate when this scheme finally becomes operation.

We have to endure noise from Chandlers Farm Equipment, which goes on for hours at a time. We also have Acast Industrial Flooring.

This should be a quiet country lane and should never have been allowed to be turned into an Industrial Site which is out of character with the local rural area.

Planning Considerations

Condition 6 Wording

"Prior to the first occupation of the use hereby approved, a noise assessment shall be carried in accordance with BS 4142:2014+A1(2019) and shall be submitted to and approved in writing by the Local Planning Authority. It shall assess the existing background noise levels and noise sensitive receptors of nearby residential properties. Regard shall be had to impulsive and short duration noise, including tools, air handling, extraction plant/equipment (mechanical and engineering). Noise from the site assessed in terms of LAeq experienced at the dwellings shall be limited to 5dB above the established background noise levels contained in the approved details.

In the event of a significant observed adverse effect of noise, a package of mitigation measures shall be submitted to and approved in writing within 3 months of the observed noise impact event, to mitigate the noise impact to existing noise sensitive receptors.

The approved mitigation measures shall be implemented within 6 months following approval.

Reason: To ensure that there is no observed adverse additional noise impact to nearby residents as

a result of that permitted over and above the existing lawful use. This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019."

Condition 6 Detail

The submitted noise assessment positioned noise monitoring equipment at three locations - one in the centre of the farm and two close to Hockney Hole Lane, near the two nearest residential receptors.

Unattended external noise measurements were taken between 1600 hours on Wednesday 21 February 2024 until 1700 hours Friday 1 March 2024 to establish existing environmental noise levels. Measurements were made over a series of contiguous 15 minute periods.

Activity levels on the site were low as the operating is winding down.

Average measured noise levels in Location 1 were 63 dB Lamax during the day and 58 dB Lamax at night.
Average measured noise levels in Location 2 were 63 dB Lamax during the day and 57 dB Lamax at night.
Average measured noise levels in Location 3 were 65 dB Lamax during the day and 59 dB Lamax at night.

Environmental Protection raise no objection to the noise assessment details and as such these details are sufficient to discharge the condition.

It is noted that an objection has been received from the public questioning the noise assessment and objects due to noise. These comments have been taken into account.

The purpose of the noise assessment is to record existing noise levels so that if noise complaints are submitted in future, the relative noise levels can be compared against the condition, which sets a limit that noise from future activities must not exceed the existing noise levels by 5 dBA above the established background noise levels contained in the approved details. The submitted details are accurate enough to discharge the condition and to be able to monitor the condition in relation to future noise that the new uses may generate.

The details are considered satisfactory and as such condition 6 can be discharged.

Condition 11 Wording

"Prior to the occupation of any of the buildings for the uses hereby approved in units 1a, 2a, 2b, 2c, 2d, 3a, 3b, 4, 6, 8, 11, 13 and 14 as identified on 1539-1_PL_SP02 Rev A, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

The Biodiversity Net Gain Plan shall include measures to minimise the impact of lighting to sensitive receptors and light spillage for light sensitive species such as bats, in conjunction with site illumination details associated with Condition 8.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2023."

Condition 11 Detail

A Landscape and Biodiversity Enhancement Plan has been submitted which shows:
-4 bird boxes and two bat boxes.
-Additional tree planting

The bird boxes are shown above 4 metres off the ground.
The bird boxes are RSPB Classic Nestboxes.

The Bat Boxes are Vincent Pro Bat Box or similar. These will be mounded at a minimum of 4 metres above ground level away from access doors.

Proposed tree planting will be 3 acer campestre, 3 Betula Pendula, and 2 Sorbus Aucuparia on the boundary with Hockney Hole Lane.

The details are considered satisfactory. Condition 11 can be discharged.

Condition 12 Wording

"Prior to the occupation of the use hereby permitted for Units 1a, 2a, 2b, 2c, 2d, 3a, 3b, 4, 6, 8, 11, 13 and 14 as identified on 1539-1_PL_SP02 Rev A, the approval of the Local Planning Authority is required to a scheme of landscaping for the north east portion of the site indicating, inter alia, the number, species, heights on planting and positions of all the trees/shrubs 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.

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."

Condition 12 Detail

A Landscape and Biodiversity Enhancement Plan has been submitted which shows:
-4 bird boxes and two bat boxes.
-Additional tree planting

The bird boxes are shown above 4 metres off the ground.
The bird boxes are RSPB Classic Nestboxes.

The Bat Boxes are Vincent Pro Bat Box or similar. These will be mounded at a minimum of 4 metres above ground level away from access doors.

Proposed tree planting will be 3 acer campestre, 3 Betula Pendula, and 2 Sorbus Aucuparia on the boundary with Hockney Hole Lane.

The details are considered satisfactory. Condition 12 can be discharged.

Conclusion

Conditions 6, 11 and 12 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.