DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0408-23**	**Applicant:**	**J O Sims Ltd.**
Proposal:	Proposed erection of security fence and gates		
Location:	J O Sims Ltd. Pudding Lane Pinchbeck		
Terminal Date:	28th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
05	Meeting Physical Infrastructure and Service Needs
07	Improving South East Lincolnshire's Employment Land Portfolio
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well designed places

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

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking planning permission for the erection of security fence and gates at J O Sims Ltd, Pudding Lane, Pinchbeck.

Site Description

J O Sims Ltd is a food storage/processing facility located on the southern side of Wardentree Lane, to the west of Morrisons supermarket. Their site consists of a large industrial style building which is surrounded by areas of hardstanding and a car park to the front of the building. There is an electricity substation and an existing vehicular access to the south of the proposed new access. Undeveloped land is opposite to the west. There are further industrial premises to the west and south.

History

H14-0673-19 - Proposed pack-house extension and relocation of staff parking (approved August 2019)

H14-1313-21 - Proposed construction of new vehicular access to existing car park (approved February 2022)

Consultation Responses

LCC Highways/SUDS

No objection.

The proposed security fence and the sliding security gate would be on the Applicants' land and, being set-back 3.0 metres from the edge of the carriageway of Wardentree Lane, would not obstruct the visibility to the right for drivers emerging from Pudding Lane into Wardentree Lane. The fence would not require amendment to the existing access arrangements for the Applicant company's business premises.

In view of the above and 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 development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

Pinchbeck Parish Council

Supports local employment

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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, among other considerations. Likewise, Policy 2 of the SELLP states 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.

The proposed security fence and gate would be 2.4m high and would be a heavy duty 868 twin wire panel fencing to perimeter with 6m x 2.4m automatic cantilever sliding gate, all RAL 6005, in green. Given the location and the nature of the surrounding area and the different boundary treatments in close proximity, is it considered that the proposed gate and fence would not cause an unacceptable impact to the character or appearance of the area.

Taking the above into account, the proposed single storey rear extension is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

Due to the location and separation distance the fence is not considered to result in any overbearing impact or unacceptable levels of overshadowing on this neighbour. No letters of representation have been received.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Highways Safety and Parking

The proposed security fence and the sliding security gate would be on the Applicants' land and, being set-back 3.0 metres from the edge of the carriageway of Wardentree Lane, would not obstruct the visibility to the right for drivers emerging from Pudding Lane into Wardentree Lane. The fence would not require amendment to the existing access arrangements for the Applicant company's business premises.

Therefore, the proposed parking provision complies with Policy 36 and Appendix 6 in the SELLP, 2019.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed security fence and gates will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The proposal is considered to be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework 2021.

The recommendation is therefore for a delegated approval.

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.