

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0589-20 **Applicant:** Lunns Haulage Ltd.

Proposal: Details relating to acoustic fence along northern boundary (Condition 6 of H14-0106-20)

Location: Rosecott Farm Dozens Bank West Pinchbeck

Terminal Date: 2nd October 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 6 & 12 of the National Planning Policy Framework (2019)

6 - Building a strong, competitive economy

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for details relating to an acoustic fence along the northern boundary (Condition 6 of H14-0106-20) at Rosecott Farm, Dozens Bank, West Pinchbeck. The submitted plans show a 1.8 metre high acoustic fence with a density of 10kg per metre square that runs along the northern boundary off the approved yard area and into the site, connecting to the store building in the centre of the site. A standard construction 1.8 metre high timber fence will continue along the southern section of the residential boundary.

SITE DESCRIPTION

The site is 0.4 hectares in total. The site is outside of defined settlement limits in the open countryside, and the surrounding area is characterised by non-nucleated frontage development of varying ages and designs. Neighbouring property Wembley House is located to the north of the site and is 60 metres away at the nearest point. Southfields is the only other dwelling in the immediate vicinity and is located on the opposite side of Dozens Bank, 35 metres away at the nearest point. There are other dwellings in the area, with the next nearest being located 150 metres away at the nearest point.

RELEVANT PLANNING HISTORY

H14-0106-20

Full - Change of use to sui generis for relocation of haulage business - Approved - 15 July 2020.

H14-0332-20

Full - Proposed extension and alterations - Approved - 15 July 2020

REPRESENTATIONS

Member of the public - Objection - 1

Proposal does not accord with Condition 6 of H14-0106-20
Fence should be a minimum of 2.5 metres in height.
Fence should be a minimum of 25kg per metre squared.

SHDC - Environmental Protection

No objections.

CONSIDERATIONS

Whether the submitted details provide an effective acoustic barrier

Condition 6 of H14-0106-20 states that:

"Prior to commencement of use of the site for haulage purposes, drawings shall be submitted for an acoustic fence along the northern boundary which commences to the front of Rosecott Farm House and continues in an easterly direction up to the edge of the paddock shown on submitted plan 3626-20-01.

Reason: In the interests of residential amenity.

This Condition is imposed in accordance with Policies 1 & 2 of the South East Lincolnshire Local Plan, 2019."

Noise toward the frontage of the site would be largely indistinguishable with the noise of the A151 which is a busy thoroughfare to and from the west of Spalding. With the bulk of the noise on site from vehicles being generated in the vicinity of the yard, then by placing the fencing closer to the origin of noise it would prevent further dispersal than by placing the barrier further away along the northern boundary.

SHDC Environmental Protection has no objections to the submitted details.

Height of proposed acoustic fencing

The height of the proposed acoustic fencing was not specified in Condition 6. The submitted details are for a 1.8m high fence.

Environmental Protection has no objections to the submitted details.

Density of proposed acoustic fencing

A standard density for acoustic fencing is 10kg per metre squared. It is considered that 25kg would incur extra costs for the applicant for what would likely be a minimal difference in noise reduction.

Environmental Protection has no objections to the submitted details.

Topography

The site slopes gently away from the A151 and then plateaus before reaching the acoustic fence location. Due to the flat nature of the proposal site there is not considered to be a need to raise the height of the fence above the proposed height of 1.8 metres.

CONCLUSION

It is considered the submitted fencing would adequately mitigate noise from the approved haulage use and Condition 6 of H14-0106-20 should now be discharged.

This application was considered by Chairmans Panel meeting on 25 September 2000 and they are happy for it to be a delegated decision of 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.