DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0598-21**	**Applicant:**	**Lunns Haulage Ltd.**
Proposal:	Change of Use to sui generis for re-location of haulage business - approved under H14-0106-20. Removal of Condition 6 relating to acoustic fencing along northern boundary.		
Location:	Rosecott Farm Dozens Bank West Pinchbeck		
Terminal Date:	3rd September 2021		

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

National Guidance

National Planning Policy Framework 2021

Sections 6 & 12 of the National Planning Policy Framework (2021)

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 Modification application for change of use to sui generis for re-location of a haulage business - approved under H14-0106-20 at Rosecott Farm, Dozens Bank, West Pinchbeck. This application seeks removal of Condition 6 relating to acoustic fencing along northern boundary. The existing farm buildings would remain on site and would be used for storage purposes. The dwelling to the north at Rosecott Farm would be used for office use and living purposes.

Lunns Haulage are an existing business on site and have a licence for 5 lorries and 5 trailers. The proposed hours of operation are Monday to Sunday 05:00 to 20:00. The company do not operate refrigerated vehicles. The haulage business is in operation under the previous planning permission of H14-0106-20.

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.

H14-0090-21

Full - Proposed extension & alterations - re-submission of H14-0332-20 - Approved - 17 March 2021.

H14-0602-21

Full - Change of use from paddock area to haulage yard & storage including lighting - Undecided.

REPRESENTATIONS

SHDC - Environmental Protection

No objection.

(The Environmental Protection Team did receive a noise complaint from a member of the public but no evidence has been provided to support the complaint)

Member of the public

Noise concerns
Northern boundary is not wholly boundaried by containers or fencing
Requested a noise recording report.

CONSIDERATIONS

Principle of use

The proposal site is immediately adjacent to the A151 which is the main route west from Spalding. It is therefore well connected to many settlements. The spacious site allows for the manoeuvring of vehicles without cause for concern. 5 lorries and trailers can be stored on this site without harm to the amenity of site users or the surrounding area.

Policy 7 of the SELLP is titled - Improving SE Lincs Employment Land Portfolio. The section under Other Employment Sites states:

"New employment development/businesses or the extension of an existing business outside the above 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. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

a. the development does not conflict with neighbouring land uses;
b. there is no significant adverse impact upon the character and appearance of the area;
c. the design is responsive to the local context;
d. there will be no significant adverse impact on the local highway network;
e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;
f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and
g. there is an identified need for the business location outside of identified employment areas on the Policies Map."

With regard to criterion a) the immediate neighbouring land uses are arable land to the east and south, with a dwelling in the applicant's ownership towards the north-western corner of the wider area of land owned by the applicant. There is a dwelling to the west but this is set back from the nearby A151 and the dwelling to the north is set away from the site. Noise impact is discussed further below but, overall, there is not considered to be a material adverse impact on neighbouring land uses.

There is not a significant impact on the character and appearance of the area. The site is quite well shielded by a dwelling to the north and a line of trees to the south. Parked vehicles will be recessed from the adjacent highway. The design is therefore considered responsive to the local context as it is well shielded and no buildings with the red line boundary are to be altered.

Regarding criterion d), there will be no material impact on the local highway due to the relatively small maximum amount of 5 lorries on site. There will be no impact on the viability of any allocated employment sites as there are none in the immediate vicinity and the site is well served by the A151 allowing drivers to access the site by car or other vehicles with ease. In summation, the proposal is considered to accord with all the relevant criteria save for criterion f).

Noise

The business does not operate any refrigerated vehicles and the parking area is located away from the immediate entrance of the site. The business, in order to allow for flexibility, requires working hours from 05:00 to 19:00 Monday to Sunday. However, in normal circumstances there is little operation at weekends. The business is next to the A151 which is a major thoroughfare so there is not considered to be a material increase to background noise from normal base levels. Environmental Protection has no objections to the proposal. Concerns regarding noise were expressed but not formally followed up. Therefore no formal complaints have been made to the Council regarding any noise generated whilst an acoustic fence is not present on site.

Highway safety

There is not considered not be a material impact on highway safety as a result of the proposal. The speed limit on this road is 50mph with good visibility north and south from the entrance.

Traffic

There is not considered to be a material increase in traffic as a result of this proposal. The site is

only to be used for five vehicles, with the adjacent A151 being a well trafficked thoroughfare from the west into Spalding, and the Highway Authority have previously expressed that they have no objections to the change of use.

Potential loss of trees

No trees are to be removed and a preservation order has been made on an oak tree adjacent to the A151 to the southern side of the vehicular entrance.

Loss of privacy from high lorry cabs

This is not considered to be a material planning concern. Haulage lorries are a considerable distance from neighbouring properties and the driver will be preoccupied with driving whilst the vehicle is in motion.

Light pollution

There is not considered to be material light pollution arising from this proposal. No additional lighting is proposed on site and any light pollution from the vehicles in operation will be temporary as they manoeuvre to and from the site.

Air pollution

There is not considered to be a material increase in air pollution arising from the proposal. The vehicles will set off and will be undertaking haulage duties in the day, then will be parked up over night.

Land Pollution

There is not considered to be a material increase in land pollution arising from the proposal.

Proposed hours of operation

The hours of operation are considered to be appropriate for the nature of the business and the rural context of the surrounding area.

PLANNING BALANCE

The principle of the change of use of the site has already been established by virtue of the previous extant permission. It is considered for the reasons set out above that a refusal of the proposal to remove the condition requiring the installation of an acoustic fence on the northern boundary would not be justified.

CONCLUSION

The recommendation is 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.