

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-1196-21 **Applicant:** W M Morrison Supermarkets Limited

Proposal: Erection of sludge press building

Location: W M Morrisons Supermarkets Brunel Road Pinchbeck

Terminal Date: 15th February 2022

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

National Guidance**National Planning Policy Framework 2021**

Sections 6 and 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

CASE OFFICER ASSESSMENT**PROPOSAL**

This is a full planning application for the erection of a sludge press building at W M Morrisons Supermarkets, Brunel Road, Pinchbeck. The proposal seeks to provide a sludge press building that measures 12 metres in depth, 4.9 metres in width, has an 8 metre eaves height, and a 8.9 metre ridge height. The east and west elevation roof slopes will be constructed from 80mm composite roof sheets with 10% roof lights. The proposed walls will be single skin 0.7mm thick Plastisol coated profiled cladding with PVC downpipes. The colour of the cladding is to be light blue to match the adjoining buildings. On the north facing elevation a 4 metre by 4 metre electronically operated galvanised mild steel roller shutter door will be sited. The western side elevation is blank, and on the eastern side elevation a 4 metre by 4 metre electronically operated galvanised mild steel roller shutter door will be sited, along with a 0.9 metre wide, 2.1 metre high powder coated steel personnel door. On the southern elevation an external galvanised mild steel staircase will be located, with a 0.9 metre wide, 2.1 metre high powder coated steel personnel door at the top of the staircase.

This site operates as an abattoir, supplying meat to W M Morrisons Supermarkets. The site produces a considerable volume of effluent which cannot be disposed off through the foul water system. The sludge is stored in two effluent tanks on site before being taken away to be disposed off in line with Environmental Agency policies.

The supporting statement states: "A change in legislation by the Environment Agency came into force at the beginning of September 2021 stipulating that liquid sludge cannot be spread to land from 1st September to 28th February. This is an increase of 3 months on previous years where it could be spread to land between 1st December to 28th February. The waste companies that handle liquid sludge generally stored liquid sludge during the 3 months when spreading to land was not permitted. With the additional 3 months the waste companies handling sludge do not have enough capacity to store all the liquid sludge generated by their clients. Alternative disposal routes are very limited and expensive due to the nature of the effluent, and are not necessarily available all of the time. This creates a business critical issue with respect to the disposal of sludge. The only viable option for the site is to dewater the sludge into cake, such that the sludge can be removed from site in solid form. Disposal options for sludge as a cake are much more widely available, thus ensuring a viable disposal route during the months of September through to the end of February. The installation of sludge dewatering equipment is therefore critical for ongoing viability of the business and to comply with the Environmental Agency's policies."

SITE DESCRIPTION

The proposal is within the defined settlement limits of Pinchbeck with the Wardentree Lane Industrial Estate. The proposed building is immediately adjacent to existing tanks and container that serve the abattoir business. The abattoir business is sited to the north of the proposal, with open fields to the east and south, and a staff car park to the west. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H14-0185-92

Outline - New meat processing complex incl. abattoir with lairage, office accommodation & parking - Approved - 24 April 1992.

H14-1176-92

Reserved Matters - New meat processing complex, including abattoir with lairage, office accommodation and parking - Approved - 26 March 1993.

H16-0256-94

Condition Compliance - Brick type - Tarmac Oxten Gold Multi (Condition 2(1) of application H14-0185-92) - Approved - 25 March 1994.

H14-0594-94

Full - New entrance to engineering department, gas meter building, electricity meter building - Approved - 11 November 1994.

H14-0022-97

Full - New water storage tank - Approved - 20 February 1997.

H14-0460-97

Full - Erect building to enclose effluent treatment plant - Approved - 23 June 1997.

H14-0734-07

Full - Proposed extension to meat processing plant (5,679 square metres) - Approved - 22 August 2007.

H14-0120-08

Full - Proposed erection of chimney and storage tanks - 03 April 2008.

H14-0097-09

Full - Revised site layout (previously approved under H14-0734-07) - Approved - 27 April 2009.

H14-0039-13

Full - Construction of safety walkway, additional chimney and external lift (retrospective) - Approved - 14 February 2013

H14-0178-17

Full - Proposed storage tanks to northern elevation - Approved - 11 April 2017.

H14-1245-18

Full - Proposed plant room to house compressors - Approved - 07 February 2019.

CONSULTATION RESPONSES

SHDC - Environmental Protection

No objection.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Main Service Centres. This section of the policy states:

"Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities."

When assessed against the above criteria the following can be observed:

The proposed building will help to serve the existing facilities of the site and maintain jobs in the local economy.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is commensurate with other buildings in the vicinity and is appropriate for the proposed use. No trees will be removed to facilitate this proposal. The proposal does not conflict with adjacent land uses and does not materially alter or impact the character and appearance of the site, by virtue of the location, which is away from the public realm.
2. The design of the sludge press building is in keeping with other buildings in the vicinity and orientation best enables vehicles to transport sludge "cakes" away from the site in the appropriate vehicles.
3. Materials of construction are appropriate for the proposed use and are in keeping with the built materials of adjacent buildings and containers.
4. Access to this area of the site remains unaltered and there is not expected to be a material difference in the number of vehicles that frequent the site. The number of vehicular movements are expected to be reduced due to the compacted nature of the sludge cakes produced, which lessens the amount of sludge to be transported away from the site.
5. There is not considered to be a material impact on existing community services and infrastructure from the proposal.
6. There is not considered to be a material noise, odour or disturbance impact from the proposal. The sludge cakes will be removed from site in sealed vehicles. With regard to visual intrusion, this unit will sit within an area of other industrial sheds / tanks and will not stand out in this background. The effluent plant is at the centre of the site and not visible from the highway. The proposed building will be predominately screened from the staff car park by the effluent tanks and sprinkler tank nearby. It is considered that the proposed building will not negatively impact the site or surrounding area.
7. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As this application is not for residential purposes, there is not a requirement to raise finished floor levels to address maximum predicted flood depths.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;

2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The proposed building is not considered to impact a sense of place. It is set among similar size and design buildings and containers within the site.
5. The proposal is set amongst existing buildings and will therefore not impact bin or cycle storage, nor car parking provision.
11. There is not considered to be a material noise, odour or disturbance impact from the proposal. The sludge cakes will be removed from site in sealed vehicles. With regard to visual intrusion, this unit will sit within an area of other industrial sheds / tanks and will not stand out in this background. The effluent plant is at the centre of the site and not visible from the highway. The proposed building will be predominately screened from the staff car park by the effluent tanks and sprinkler tank nearby. It is considered that the proposed building will not negatively impact the site or surrounding area.
12. The site is in Environment Agency Flood Zone 3, and is in a "Danger for Most" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. As this application is not for residential purposes, there is not a requirement to raise finished floor levels to address maximum predicted flood depths.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio

This proposal is assessed against SELLP Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of Policy 7 is titled Main Employment Areas and this section states:

"The Policies Map identifies Main Employment Areas, as listed below, which are reserved for main employment in Classes B1, B2 and B8. On Mixed-use development sites, which incorporate main employment uses under Class B as specified for each site, together with other identified appropriate employment-generating uses, non-Class-B uses will only be supported where the applicant can demonstrate they are ancillary to the effective functioning of the Mixed-Use Area identified. A master plan will be required for prestige sites identified. Mixed-use developments, which incorporate main employment uses together with other identified appropriate employment-generating uses, will be supported in Mixed-Use Areas identified."

When assessed against the above relevant criteria the following can be observed:

The site is used as an abattoir which is a sui-generis use. The supporting design statement is considered to demonstrate that the proposed buildings are ancillary to the effective functioning of the site and are essential to keeping the site working efficiently and safely from an environmental health viewpoint.

This application accords with SELLP Policy 7.

Assessment against SELLP Policy 30 - Pollution

This proposal is assessed against SELLP Policy 30 titled - Pollution. This policy states:

Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.

Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:

9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.

Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.

Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use.

When assessed against the above relevant criteria the following can be observed:

1. The proposal is not considered to impact the health and safety of public or site workers. The sludge cakes are transported from the site in sealed containers.
2. The amenities of the area are not affected as the process is undertaken in a purpose built building and is located away from any other uses in the vicinity of the site.
3. The natural environment is not considered to be impacted by this proposal as the process does occur in the open air. There are no buildings historic or otherwise beyond the immediate site boundary, so there is not considered to be a pollution impact upon them from this proposal.
9. No air quality concerns have been expressed by SHDC Environmental Protection.
10. The sludge cakes are transported away from the site and no objections have been raised by SHDC Environmental Protection.
11. No existing concerns regarding pollution on site have been raised by SHDC Environmental Protection.

This application accords with SELLP Policy 30.

PLANNING BALANCE

The proposed building is considered to be essential to help manage the generation of sludge from the abattoir process in a safe manner in accordance with Environmental Health legislation. The building does not appear incongruous amongst the existing buildings and containers on site. There is not considered to be a material impact on the character and amenity of the site or surrounding area from this proposal, due to the siting of the buildings away from nearby neighbouring land uses. This application is considered to accord with Policies 1, 2, 3, 7 and 30 of the South East

Lincolnshire Local Plan, as well as Sections 6 and 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for 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.