

## DECISION DELEGATED TO DEVELOPMENT MANAGER

|                        |                                                                  |                   |                                     |
|------------------------|------------------------------------------------------------------|-------------------|-------------------------------------|
| <b>Application No:</b> | H16-0153-21                                                      | <b>Applicant:</b> | Hawthorn Produce Handling & Packing |
| <b>Proposal:</b>       | Proposed Chill Store Extension (temporary for 5 years)           |                   |                                     |
| <b>Location:</b>       | Hawthorn Produce Handling And Packing Ltd Hawthorn Bank Spalding |                   |                                     |
| <b>Terminal Date:</b>  | 6th June 2021                                                    |                   |                                     |

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|            |                                                               |
|------------|---------------------------------------------------------------|
| 01         | Spatial Strategy                                              |
| 02         | Development Management                                        |
| 03         | Design of New Development                                     |
| 04         | Approach to Flood Risk                                        |
| 07         | Improving South East Lincolnshire's Employment Land Portfolio |
| 29         | The Historic Environment                                      |
| 31         | Climate Change and Renewable and Low Carbon Energy            |
| 30         | Pollution                                                     |
| 36         | Vehicle and Cycle Parking                                     |
| APPENDIX 6 | Parking Standards                                             |

#### National Guidance

#### National Planning Policy Framework 2019

Section 6 - Building a strong, competitive economy  
 Section 12 - Achieving well-designed places  
 Section 15 - Conserving and enhancing the natural environment

### Representations:

|                                                  | Object | Support | No Obj. | Comments |
|--------------------------------------------------|--------|---------|---------|----------|
| WARD MEMBER                                      | 0      | 0       | 0       | 2        |
| HIGHWAYS & SUDS SUPPORT                          | 0      | 0       | 0       | 1        |
| IAN MARSHMAN,<br>HISTORIC<br>ENVIRONMENT OFFICER | 0      | 0       | 0       | 1        |
| SHDC INTERNAL                                    | 0      | 0       | 0       | 1        |

|                        |    |   |   |   |
|------------------------|----|---|---|---|
| OTHER STATUTORY BODIES | 0  | 0 | 0 | 1 |
| RESIDENTS              | 13 | 1 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **PROPOSAL**

This is a full planning application for a Proposed Chill Store Extension (temporary for 5 years) at Hawthorn Produce Handling and Packing Ltd, Hawthorn Bank, Spalding.

The proposed extension would project from the rear (western) elevation, with a depth of approx. 21m and width of approx. 76m. The north facing gable end would be in line with the existing factory's north facing side elevation. Two covered links would be provided to the existing chill store. The maximum ridge height would be 5.4m, which is approx. 1.5m lower than the existing building. The proposal will be finished externally with sandwich panel walls with thermo roof and gables.

The extension is for bulk storage only and not to increase the production area of the site. It has been advised that vehicle movements to/from the site will not increase as a result of the proposal. The produce to be stored in the extension is currently stored in warehouses off site and transported to the site for packing. The proposal will enable produce to be kept on site instead and maximise efficiency.

No external lighting is proposed with the exception of a light fitting above external emergency exit doors that will illuminate only in the event of a power failure or if the factory fire alarm were to be triggered.

### **SITE DESCRIPTION**

The site currently accommodates a produce handling and packing facility, which comprises of a large building primarily containing offices, chill stores and a pack house. The building has a large concrete curtilage. There are residential properties beyond to the west and north. The area where the extension would be sited is currently a concreted storage area to the west of the existing building. There is an earth bund along much of the southern boundary, beyond which is greenfield land that is earmarked for future housing development.

### **RELEVANT HISTORY**

H16-0571-09. Site south west of Spalding with access from The Broadway Spalding Lincs. Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads. APPROVED. 18-05-12.

### **REPRESENTATIONS**

Cllr A C Cronin

Given this area will be chilled can you ascertain whether additional equipment will be installed for chilling and, if so, where it will be located. I wish to ensure that surrounding residents are not inconvenienced by equipment that will be running 24/7.

Cllr A M Newton

Welcome the reduction in size, effectively moving the proposal further away from residents thus reducing risk of shadowing/loss of light and reducing noise. The reduction in height is also welcomed.

## LCC Historic Environment Officer

No archaeological input required.

## LCC Highways/SUDS

Does not wish to restrict the grant of permission. The proposal is for a temporary portal framed chill store structure to be located on an existing concrete hard standing area within the applicant's land behind their existing chill store. The access is existing and the parking arrangements remain unchanged, there will be increased trip movements to the site but these movements are still occurring on the current road network around Spalding therefore, it is considered that the proposals would not result in an unacceptable impact on the highway network. For all major applications and in accordance with the NPPF, SuDs principles are to be considered as a means of dealing with the surface water. A Flood Risk Assessment and Drainage Strategy are included within the submission. The applicant hasn't considered or applied the principles of SuDs for the proposed development. The authority feels in this instance that the area of surface water isn't increasing as the existing hard standing area is already discharging into the applicants existing private water system then into the Anglian Water system. This is also a temporary structure.

## SHDC Environmental Protection

No objection but requests the following condition: Noise from fixed plant and machinery shall not exceed the background noise level by more than 5 dB(A) when measured as a 15 minute L(A)eq at any residential boundary not within the applicants ownership.

## Public (13 objections received, summarised)

- Impact on highway and pedestrian safety; increased traffic
- Impact on nearby school and railway crossing
- Out of character with the surrounding area
- Air pollution
- Noise from moving forklifts and pallets, waste bins, reversing horns, employees, engines, tractor units and chillers running
- Hours of use, arrival times and vehicle engine/chiller running should be controlled
- Impact on sleeping patterns from noise
- Overshadowing/loss of light
- Impact on visual amenity; overbearing
- Use of floodlights/light pollution - existing and proposed
- Higher level of waste from increased production which on a windy day could end up in gardens.
- Other sites on outskirts of Spalding more suitable
- Vermin issues
- Devaluation of property
- Existing fences already being broken on the boundaries

## **PLANNING CONSIDERATIONS**

### Principle

The site is located within the settlement boundary for Spalding and is an existing employment site (non-allocated).

It does, however, form part of the Holland Park Sustainable Urban Extension (SUE), where development is currently taking place to the south. In light of this, the applicant has applied for a temporary 5 year permission as it is likely that the site will be redeveloped as part of the SUE in the medium to longer term (reserved matters approval is yet to be sought for this area of the SUE). Given that any permission would be temporary in nature, it is not considered that the proposal would have a detrimental impact on the future delivery of the SUE.

In terms of the Local Plan's provisions on employment development, Policy 7 (Improving South East Lincolnshire's Employment Land Portfolio) states that:

*"New employment development/businesses or the extension of an existing business outside the...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."*

The proposal would be sited on an area of hardstanding within an existing employment site. It would therefore entail the re-use of previously-developed land and is supported by Policy 7.

Taking the above into account, the principle of an extension to an existing business in this location is acceptable.

#### Impact on character and appearance of the area

The proposed extension would project from the rear (western) elevation, with a depth of approx. 21m and width of approx. 76m. The north facing gable end would be in line with the existing factory's north facing side elevation. The maximum ridge height would be 5.4m, which is approx. 1.5m lower than the existing building. Overall, the proposal would be in keeping with the scale of the existing building and curtilage, and would not unduly dominate. The extension would be functional in appearance (being constructed of sandwich panel walls with thermo roof and gables), but not at odds with existing development on site.

The site is set well back from Hawthorn Bank and is screened by a bund and trees. There would therefore not be a material visual impact from an easterly direction.

There are properties to the north and west of the site. The closest property to the extension in a westerly direction would be approx. 32m away and the properties to the north approx. 40m away. The closest the extension would come to any residential boundary is approx. 28m. During the course of the application, the size of the proposed extension has been reduced in response to resident concerns regarding visual impact. The extension has been reduced from 31m to 21m in depth, from 81m to 76m in width, and from 6.4m to 5.4m in height. It is accepted that the proposal would be visible to a certain extent to neighbouring properties however, given the aforementioned separation distances and height of the proposed extension, it is not considered that there would be a 'material' adverse impact that would warrant refusal of the application.

The land immediately to the south benefits from outline planning permission for residential development as part of the Holland Park SUE, however reserved matters approval is yet to be sought and ideally the application site would form part of that as a further phase of the SUE.

Taking the above into account, it is not considered that the proposal would have a material adverse visual impact. It is therefore in accordance with Policies 2 and 3 of the Local Plan in this regard.

#### Residential amenity

The closest property to the extension in a westerly direction would be approx. 32m away and the properties to the north approx. 40m away. The closest the extension would come to any residential boundary is approx. 28m.

A number of resident objections have been received which raise concerns regarding the noise impacts of the existing operations and the proposed extension. In terms of the existing operations, any concerns regarding this should be reported to the council's Environmental Protection team and cannot be considered as part of this application, in which officers may consider the planning merits of the proposed extension only. In terms of the proposal, the applicant has advised that site operating hours would not be increased, vehicle numbers to/from the site will not increase and that the noise from fixed plant and machinery condition requested by Environmental Protection can

reasonably be complied with. No external access points other than personnel doors for emergencies will be incorporated on the northern, western and southern elevations. Produce will be taken into/out of the chill store via two covered links from chill stores in the existing building. Fork lift movement would therefore be internal only and the existing loading docks on the eastern side of the building will still be used. Reversing 'beepers' are required for safety reasons. Concerns regarding the noise generated by refrigerated lorries can be addressed by condition.

Objections also raise the issue of overshadowing/loss of light and impact on visual amenity (proposal being overbearing in nature). Given that the closest dwelling is approx. 32m away, and the maximum height of the extension is 5.4m, it is not considered that there would be a material overshadowing/loss of light or overbearing impact. It's height would be akin to that of a typical bungalow and there would only likely be limited visibility of it at ground floor level of neighbouring properties and gardens.

The applicant has confirmed that no external lighting is proposed with the exception of a light fitting above external emergency exit doors that will illuminate only in the event of a power failure or if the factory fire alarm were to be triggered. Concerns regarding any existing external lighting arrangements should be reported to the the council's Environmental Protection team.

In the absence of any objection from Environmental Protection, the proposal is considered to satisfactorily accord with Policies 2 and 3 of the Local Plan with regard to residential amenity and Policy 30 in terms of noise and light pollution.

#### Highway impact

The applicant has advised that vehicle numbers to/from the site will not increase as a result of the proposal with produce being brought directly to the site, rather than to an off-site storage facility and then being brought on to site.

The Highway Authority have been consulted as part of the application process and have raised no concerns on highway safety grounds.

The proposal is therefore considered to be acceptable with regard to highway impact and in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

#### Other considerations

Devaluation of neighbouring properties is a consideration, but one which carries very limited weight in the overall planning balance in this instance.

Existing fences already being broken on the boundaries is a matter for the relevant landowners.

One resident comment suggests that there are alternative sites on the outskirts of Spalding that are more suitable. The produce to be stored in the extension is already stored in warehouses off-site and transported to the site for packing. The proposal will enable produce to be kept on site instead to reduce the chain of delivery operations.

There is no direct evidence to attribute the vermin issues it is advised are being experienced to the operations of the applicant company.

The proposal is for cold storage and not for increased production, therefore there would not be a higher level of waste generated.

It is not considered that a chiller store would have a material air polluting impact.

#### **Planning Balance**

The proposal is for an extension to an existing business in order to improve efficiency and is acceptable in principle. The consultation process raised a number of concerns including impact on residential amenity, character and highway safety. These concerns have been fully considered and it is concluded that there would be no material impact with regard to these issues. There are no objections from either the Highway Authority or SHDC Environmental Protection.

The planning balance is therefore considered to be in favour of the proposal.

## **CONCLUSION**

The proposal is considered to comply with Policies 1, 2, 3, 7 and 30 of the South East Lincolnshire Local Plan (2019), as well as Sections 6, 12 and 15 of the National Planning Policy Framework (2019).

## **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.

## **RECOMMENDATION**

That the application be approved under delegated powers.

NB. The application was presented to Chairman's Panel on 28th May 2021 and members were content for the application to be dealt with under delegated powers.