

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H19-0526-19      **Applicant:** Amber REI Holdings Ltd  
**Proposal:** Storage of LPG tanks.  
**Location:** 301 Lutton Gate Road Sutton St Edmund Spalding  
**Terminal Date:** 13th September 2019

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### Planning Policies

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

|    |                           |
|----|---------------------------|
| 01 | Spatial Strategy          |
| 02 | Development Management    |
| 03 | Design of New Development |
| 30 | Pollution                 |

#### National Guidance

#### National Planning Policy Framework 2019

Section 12 - Achieving well-designed places  
Section 15 - Conserving and enhancing the natural environment

### Representations:

|                                           | Object | Support | No Obj. | Comments |
|-------------------------------------------|--------|---------|---------|----------|
| PARISH COUNCIL                            | 0      | 1       | 0       | 0        |
| WARD MEMBER                               | 0      | 0       | 0       | 0        |
| NORTH LEVEL<br>INTERNAL DRAINAGE<br>BOARD | 0      | 0       | 1       | 0        |
| SHDC INTERNAL                             | 0      | 0       | 0       | 2        |
| OTHER STATUTORY<br>BODIES                 | 0      | 0       | 0       | 2        |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a Hazardous Substances Consent application relating to the storage of LPG tanks at 301 Lutton Gate Road, Sutton St Edmund.

24 tanks are proposed in total which would be laid out in 4 banks of 6 at the northern part of the site with the existing water tank, pump house and oil tank adjacent to the poultry houses. They would be used to store Propane for the heating of broiler chicks. Each tank holds 3,900 litres when full making a total of 93,600 for all 24 tanks.

### **Site Description**

The site is located in the open countryside and is relatively isolated. It contains a number of poultry houses and associated buildings/structures. The site is surrounded by trees and hedging.

There are already three LPG tanks sited in this location.

There is a bungalow immediately to the north of the poultry houses, however this is associated with the turkey farm itself.

### **History**

H19-0163-14 - Siting of 10 biomass heating packaged plant rooms and associated works (approved April 2014)

H19-0961-99 - Erection of shower block (approved December 1999)

H19-0816-96 - Liquid Petroleum Gas (LPG) storage vessels (approved October 1996)

H19-1087-85 - Proposed turkey rearing farm (10 no. sheds and 1 no. managers bungalow) (approved February 1986)

### **Consultation Responses**

Health and Safety Executive - No objection. Recommends a condition relating to the storage of the hazardous substances.

Environment Agency - No objections.

SHDC Environmental Protection - No comments/objections.

North Level IDB - No comment.

Sutton St Edmund Parish Council - Support.

### **Planning Considerations**

#### **Principle**

The site is located outside of any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) and is, therefore, classed as being in the countryside in planning policy terms. Policy 1 (Spatial Strategy) of the Local Plan states that development in the countryside will only be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Given that the proposed tanks are intended to be used for the storage of Propane to be used in heating at that particular turkey farm it is not considered it would be reasonable to locate this elsewhere. In addition, it would be preferable for such hazardous substances to be located in a more isolated location such as this rather than within a settlement boundary and thus built-up area.

#### **Character and appearance**

The tanks would be located within the existing curtilage of the turkey farm which is well screened in

any case by trees/hedging. Their siting would therefore not have a material adverse impact upon the character and appearance of the area.

### Residential amenity

The only dwelling in the vicinity of the site is that associated with the turkey farm itself. Given the relatively isolated nature of the site there would not be a material impact on any neighbouring properties.

### Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 1, 2, 3 and 30 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2019).

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.