

Development Management Delegated Decision Report

B/22/0123



SUMMARY OF APPLICATION			
Application Reference	B/22/0123		
Application Type	Full Planning Permission		
Proposal	Installation of an extraction system		
Location	Coveris, Lealand Way, Boston, PE21 7SW		
Applicant	Mr Martin Penn, Coveris Flexibles UK Ltd		
Agent			
Received Date:	22-Mar-2022	Consultation Expiry Date:	05-May-2022
Valid Date:	07-Apr-2022	Statutory Expiry Date:	02-Jun-2022
Date of Site Visit:	23-May-2022	Extension of Time Date:	Not applicable
Objections received?	None		
5 day notification record: Not applicable			
	Councillors notified	Date	Response received – date
Recommendation	Approve with conditions.		
Report by:	Simon Eldred		
Date:	25 th May 2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is part of a larger concrete-surfaced apron, located to the front of modern industrial buildings occupied by a packaging company, Coveris Ltd. At the time of the site visit, pallets were being stored on the site.

The site is located within an industrial estate, and neighbouring land is occupied by:

- Coveris Ltd to the north, west and east; and
- to the south (on the opposite side of Lealand Way), premises of engineering businesses, a roofing and cladding business, and a business providing and servicing diving equipment.



DETAILS OF PROPOSAL:

Full planning permission is sought to install a waste disposal system comprising:

- an extraction system that will carry recyclable waste from printing presses through ducting;
- a rotary valve/chopper unit;
- a compactor; and
- a self-contained filtration system to collect dust.

RELEVANT HISTORY:

- B/11//0512 – full planning permission was granted on 3rd February 2022 for the construction of air lock extensions to existing building.
- B/17/0530 – full planning permission was granted on 14th March 2018 to build an entrance porch onto the front of the reception doors.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2011-2036** shows the application site as being within Boston's Settlement Boundary and Main Employment Area BO006. The following policies are relevant to this application:

- Policy 1 – Spatial Strategy;
- Policy 2 Development Management;
- Policy 3 – Design of New Development;
- Policy 7 – Improving South East Lincolnshire's Employment Land Portfolio; and
- Policy 30 – Pollution.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2021)

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2 – Achieving sustainable development;
- Section 4 – Decision-making; and
- Section 6 – Building a strong, competitive economy.

CONSULTATION RESPONSES:

Boston Borough Council's Environmental Health department initially indicated that, although the proposed extraction and compaction equipment is to be installed within a fairly well screened area of an existing factory on an industrial estate, such plant can be extremely noisy and could present an issue to other nearby land users (particularly if it will operate 24/7, as is likely). Following the receipt of noise information, they commented that

“based on the limited information provided (no frequency spectra) if the sound pressure level of the fan is 80dB(A) @1m from the attenuator and this is the noisiest part of the system by far then, even allowing for reflection from the building, the sound pressure levels generated at nearby premises should not be excessive, bearing in mind this is an industrial location.”

The Environment Agency indicates that it has no comments.

Cadent Gas Ltd asks for the addition of an informative to any decision notice.

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority) identifies that the proposal will not have an impact on the public highway or surface water flood risk. It therefore concludes that the proposed development is acceptable, and indicates that it has no objections.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regards to this application are considered to be:

- Principle of Development;
- Impacts on the character and appearance of the area; and
- Impacts on neighbours' amenity.

Principle of Development

Policy 1 of the Local Plan identifies Boston as a Sub-Regional Centre, to which development is to be directed and that, within its Settlement Boundary, development will be permitted that supports its role as a sub-regional centre. Policy 7 identifies that land within Main Employment Area BO006 should be in employment-generating use.

It is considered that the proposal meets the requirements of these Policies.

Impacts on the Character and appearance of the area

Policy 2 of the Local Plan indicates that proposals requiring planning permission will be permitted provided that sustainable development considerations are met, including size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as quality of design and orientation. Policy 3 indicates that all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings, and the surrounding area.

The proposed waste disposal system:

- is significant in scale:

- will have a utilitarian/industrial appearance, in terms both of its design and materials; and
- will be sited in a visually prominent location, in front of existing buildings.

However, in the context of the large commercial buildings immediately to its north, west and east and the surrounding industrial estate generally, it is not considered that it will appear alien or out-of-character.

In all, it is considered that the proposal will not have unacceptably harmful impacts upon the character and appearance of the area, and that it therefore meets these requirements of Policies 2 and 3.

Impacts on Neighbours' amenity

Policies 2, 3 and 30 of the Local Plan seek to ensure that new development does not significantly impact on neighbouring uses. The proposed waste disposal system will not approach closer to neighbouring premises than the existing Coveris buildings and, as a consequence, no adverse impacts in terms of overshadowing, loss of light or harm to outlook are anticipated.

Information has been provided concerning the noise levels that the system is likely to generate, which indicates that the most critical component in the system is the main fan which will generate a noise level of no more than 80dB at 1m distance. The Borough Council's Environmental Health department indicates that *"the sound pressure levels generated at nearby premises should not be excessive, bearing in mind this is an industrial location."*

In all, it is considered that the proposal will not have unacceptably harmful impacts upon neighbours' amenity, and that it therefore meets these requirements of Policies 2, 3 and 30.

CONCLUSION:

The proposal:

- will not harm the character or appearance of the area;
- will not harm neighbours' amenity; and
- meets the requirements of the relevant Policies of the South East Lincolnshire Local Plan 2011-2036.

RECOMMENDATION:

GRANT Planning Permission subject to the following conditions and reasons:-

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	The development hereby permitted shall be begun before the expiration of four years from the date of this permission.

	<p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in strict accordance with the application received 22-Mar-2022 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> • Unnumbered Site Location Plan; • Drawing Number C/lw-100 (Proposed Recycling Compactor Site Plan – Ground Level); • Drawing Number C/lw-101 (Proposed Recycling Compactor Site Plan – Complete Construction); • Drawing Number C/lw-102 (Proposed Recycling Compactor Part Site Plan – Ground Level); • Drawing Number C/lw-103 (Proposed Recycling Compactor Part Site Plan – Complete Construction); • Drawing Number C/lw-104 (Sectional Elevation @ A-A); • Drawing Number C/lw-105 (Sectional Elevation @ A-A); • Drawing Number S320153_Coveris_Boston_Layout_Rev-A Sheets 1 and 2 of 2 (Outdoor Layout); and • Drawing Number S320153_Coveris_Boston_Layout_Rev-A Sheets 1-4 of 4 (Outdoor Layout); <p>Reason: To ensure that development is undertaken in accordance with the approved details, and to comply with Policies 2, 3, 7 and 30 of the South East Lincolnshire Local Plan (2011-2036).</p>

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE	
<p><u>STATEMENT OF PROACTIVE WORKING:</u></p> <p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	
<p>Cadent Gas Ltd owns and operates the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.</p> <p>If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting www.cadentgas.com/diversions</p> <p>Prior to carrying out works, including the construction of access points, please register on www.lineearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.</p>	

