

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H02-0606-20	Applicant:	The House Clearance Company
Proposal:	Siting of 3 shipping containers (retrospective)		
Location:	Antique Centre 197a Nene Terrace Road Crowland		
Terminal Date:	14th October 2020		

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

National Guidance**National Planning Policy Framework 2019**

Sections 6 and 12 of the National Planning Policy Framework (2019)

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a retrospective application for the siting of 3 shipping containers at Antique Centre, 197a Nene Terrace Road, Nene Terrace. The proposal seeks to retain 3 shipping containers on land beyond the entrance road. Container 1 measures 12.2 metres long, 2.44 metres wide, 2.75 metres high and is coloured grey. Container 2 measures 6.1 metres long, 2.44 metres wide, 2.44 metres high and is coloured blue. Container 3 is 12.2 metres long, 2.44 metres wide, 2.44 metres high and is coloured brown. There are other storage containers sited immediately north of containers 2 and 3. The purpose of the containers is for the storage of items from house clearances. There are a number of other containers on site but these are not in the ownership of the applicant.

SITE DESCRIPTION

The proposal is within the defined settlement limits and the surrounding area is for retail units and garages, with dwellings beyond to the south, east and west.

RELEVANT HISTORY

None.

CONSULTATION RESPONSES

North Level Internal Drainage Board

"My Board has no objection in principle to the above application, however our Catswater drain forms the eastern boundary to the site and therefore a formal application will be required to request a relaxation of the Board's byelaws to allow the siting of the containers.

It is also noted that the surface water is to be discharged to the existing watercourse and therefore a further application for consent to discharge surface water will also be required.

A development levy in accordance with the enclosed will be payable to deal with the increase in run-off from the site."

The Board has attached a development levy payment table.

Member of the public - 1 - objection

Noise from the use of containers from morning to evening.

PLANNING CONSIDERATIONS

Principle of development

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; and
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The size, scale and layout of the shipping containers is comparable to that of other shipping containers on site. Trees and the character of the site are not materially impacted by these containers as the building are industrial in design. There is not considered to be a material amenity impact from these containers which are sited away from the highway. There has been a complaint with regard to noise but no evidence has been submitted by the objector, and no record of complaint has been made to the Environmental Health Technician.
2. The design is that of a shipping container and does not differ from that of existing containers on site.
3. The proposal reuses a shipping container for storage purposes. Therefore it is considered to be a sustainable proposal.
4. The proposed will likely have led to an increase in traffic from the house clearance business vehicles. However the site is already in frequent use by the owners and customers of the nearby buildings.
5. The proposal does not materially impact local services or infrastructure.
6. There has been a resident objection with regard to noise but no evidence has been submitted by the objector, and no record of complaint has been made to the Environmental Health Technician. There is not considered to be odour, disturbance or visual intrusion arising from the proposed containers.
7. Flood risk is not impacted by the proposal. North Level IDB has requested that the applicant be informed to submit a byelaw for the siting of containers in the proximity of a Board maintained drain. This would be addressed by an informative.
8. The proposal does not impact natural habitats, historical buildings or heritage assets.
9. The proposal does not impact sand or gravel mineral resources.

The proposal is considered to accord with SELLP Policy 2.

This proposal is also assessed against SELLP Policy 7 which is titled - Improving South East Lincolnshire's Employment Land Portfolio. The relevant section of this policy is titled Other Employment Sites and 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."

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

- a. The development is not considered to conflict with neighbouring land uses.
- b. There is not a significant impact on the character and appearance of the area.
- c. The design is similar to those of existing storage containers to the north of the proposal site.
- d. The local highway network is not materially impacted by the proposal.
- e. The applicant is searching for a permanent warehousing solution but requires permission for the siting of these containers until a more permanent solution can be found. Therefore the proposal

does not impact allocated employment sites.

f. The proposal does not materially impact the private car as the site is for storage purposes only and not used for retail purposes.

g. The site is a temporary solution to meet the storage needs of the house clearance business.

The proposal is considered to accord with Policy 7 of the SELLP.

Drainage Board byelaw relaxation

A request has been made for the applicant to make an application for a relaxation of Drainage Board byelaws. This is a matter that would be addressed by an informative.

Storage containers being used for retail purposes

There has been no evidence submitted to show that these containers are being used for any purpose other than storage. The containers were sealed during normal working hours when the Officer site visit was conducted.

CONCLUSION

There is not considered to be a material impact arising from the retention of these containers which are in accordance with Policies 1, 2, 3 and 7 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, 2019.

The recommendation is one of approval with a temporary permission of two years.

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.