

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 24 June 2020

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H05-0144-20

Application Number: H05-0144-20

Date Received: 14 February 2020

Application Type: FULL

Description: Change of use to self-contained storage units, compound and associated parking (B8)

Location: Rear of Station House Hallgate Fleet

Applicant: Mrs S Carter

Agent: G R Merchant Ltd

Ward: Fleet

Ward Councillors: Cllr P E Coupland

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H05-0144-20>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is related to a Member of South Holland District Council.

2.0 PROPOSAL

2.1 Full planning permission is sought for a change of use to self-contained storage units, storage compound and associated parking (B8).

2.2 The site is part of a slightly larger area that has planning permission for use as a haulage depot, storage of agricultural machinery and products and vehicle parking (ref: H05/0009/79). The north-western corner will remain in use by the existing haulage business.

3.0 SITE DESCRIPTION

3.1 The site (approx. 1 ha) is located in countryside on the eastern side of Hallgate and is a large yard area with vehicular access via a private roadway off Hallgate. A former railway warehouse is situated in the south-western corner of the site and Station House beyond, which is within the ownership of the applicant. A row of large Poplar trees are located along the southern boundary.

3.2 A plant hire depot is located to the north and north-west of the site (P & R Plant Hire) and New Inn House to the north of the access roadway serving the site. Residential development is situated some 200 metres to the north and a dwelling (Skylands Farm) approximately 100 metres to the south-west.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 7 - Improving South East Lincolnshire's Employment Land Portfolio
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 33 - Delivering a More Sustainable Transport Network
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving Sustainable Development;
Section 3 - Plan Making;
Section 4 - Decision Making;
Section 6 - Building a Strong, Competitive Economy;
Section 8 - Promoting Healthy and Safe Communities;
Section 9 - Promoting Sustainable transport;
Section 12 - Achieving Well Designed Places;
Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;
Section 15 - Conserving and Enhancing the Natural Environment;
Section 16 - Conserving and Enhancing the Historic Environment.

Planning Practice Guidance (PPG)

5.0 **RELEVANT PLANNING HISTORY**

- 5.1 H05-0009-79 - Full - Use of premises for haulage depot, storage of agricultural machinery and products and vehicle parking - Granted 25 February 1980.

6.0 **REPRESENTATIONS**

6.1 Fleet Parish Council

No objections.

6.2 Ward Councillor

Cllr P E Coupland - My concern is the additional traffic that will be generated along Eastgate, Fleet Hargate, as a result of additional vehicle movements from the proposal. Eastgate is a 30 mph zone with some 50 homes that will be affected with increased vehicular movements.

Eastgate has a S bend that narrows creating a pinch point near to a care home. Many Eastgate residents over the last couple of years or so have aired their views with me over increased traffic, including heavy commercial vehicles from the P&R site next to the proposed site.

The proposed use is for 7 days a week, giving the residents of Eastgate little or no rest from traffic noise.

6.3 LCC Highways/SUDS

Does not wish to restrict the grant of permission.

6.4 SHDC Environmental Protection (Noise)

No objections.

6.5 Public

2 letters of objection received (summarised):

Eastgate already has far too much traffic and is used as a cut through by farm, school and local business vehicles; Narrow winding village road unsuitable for additional traffic; Close to school; Result in accident; Increased pollution.

2 letters of support received (summarised):

A storage facility would be more preferable to another 24/7 HGV haulage or agricultural contractors yard, with consequent issues of traffic, noise/disturbance, etc.

Information from Applicant (summarised):

The yard over the years has reduced its usage as a haulage yard. In previous years firms such as Roffe's Transport rented the premises, utilising the operating license and permission with a larger number of lorries. In more recent years, Temples Transport has rented the yard and the amount of lorry movements has dramatically reduced. Therefore, the client is keen to use some of the yard in a slightly different way, based much more on storage rather than haulage, particularly as our client understands the current tenants are looking to relocate in the future.

The proposal is to enable the existing haulage business to operate under their existing 0 Licence and to expand the storage part. The proposal will enable the siting of storage containers, compounds and associated parking to be created for members of the public to rent for storage. A need for storage has been demonstrated by the fact that all local facilities that we have contacted have all confirmed that they are busy, often full having no vacant containers available for people. As previously stated by councillors at a recent application, members of the public are keen to store possessions away from their homes, with modern homes often supplied with little or no space for storage and in an area that is experiencing growth this service is even more essential. Therefore, by gaining permission to have containers at the Station House, the clients will be providing a new facility that is needed by residents in Fleet and also neighbouring areas - reducing their travel times to other areas to store their items.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely effect upon the amenity of neighbouring residents;
- Highway issues;
- Other material considerations such flood risk.

7.3 Policy/principle

7.4 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

7.5 The proposed development is outside a defined settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan states that development will be permitted in the countryside 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.

- 7.6 However, the site is designated as an "Established Employment Site" within the SELLP (Ref: FL006 - Hallgate South). Policy 7 of the SELLP indicates that such sites play an important role in the local economy and will be protected for new B1, B2 or B8 development and/or redevelopment in Class B1, B2 or B8, provided the proposed development is of a scale that respects the character of the area and/or neighbouring land uses.
- 7.7 The above policy is in accordance with the general thrust and aims of the National Planning Policy Framework, 2019 which supports sustainable economic development and growth. Paragraph 83 indicates that LPAs should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well designed new buildings. No objections are therefore raised in principle.
- 7.8 The above policies are in accordance with advice within the National Planning Policy Framework, 2019. For example, paragraph 8 indicates that the planning system should contribute towards building a strong, responsive and economic economy. Paragraph 83 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas.
- 7.9 In light of the above policies no objections are raised in principle to the proposed development.
- 7.10 Character/appearance
- 7.11 Policy 2 of the South East Lincolnshire Local Plan, 2019 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should respect the character of the area within which it is situated.
- 7.12 Historically, the site has had an industrial/commercial use, initially as a railway yard and since 1980 for an unrestricted use as a haulage depot, the storage of agricultural machinery and products and vehicle parking. Commercial premises are situated to the north with a row of trees along its northern boundary. The southern boundary of the site is landscaped, including a row of tall Poplar trees and Leylandii. The site is not readily visible from the west due to existing development. Even where it is visible, it is seen against a back drop of existing industrial development.
- 7.13 Station House and the warehouse are both 19th century and historically associated with the former railway. They are of historical/architectural interest and consequently fall within the definition of a non-designated heritage asset. The proposal is a means of restoring the warehouse and bringing it back into use. It would not harm the setting of Station House.
- 7.14 Taking the above factors into account and the existing established industrial use of the site it is considered that the proposal would not materially harm the character or appearance of the rural locality or the setting of the former railway house. It would bring the 19th century warehouse back into active use. In this respect, therefore, the proposal satisfactorily accords with Policies 2, 3, 7 and 29 of the South East Lincolnshire Local Plan, 2019.
- 7.15 Amenity/living conditions
- 7.16 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 indicate that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, residential amenity and impact upon neighbouring land uses by reason of noise, odour and disturbance.
- 7.17 The above policies are in accordance with the Framework, which includes seeking to secure a good standard of amenity for all existing occupants of buildings. This includes from unacceptable levels of noise pollution. The Planning Practice Guidance (PPG) also recognises that noise exposure can have an adverse effect on health and quality of life for local residents and therefore seeks to minimise this.

- 7.18 Station House is situated to the west, which is within the ownership of the applicant. A plant hire depot is located to the north and north-west of the site (P & R Plant Hire) and New Inn House to the north of the access roadway serving the site. Residential development, including a care home, is situated some 200 metres to the north and a dwelling (Skylands Farm) approximately 100 metres to the south-west.
- 7.19 Although recent use of the site has been relatively low key it nevertheless has an established use as a haulage depot, the storage of agricultural machinery and products and vehicle parking (ref: H05/0009/79). The use is presently unrestricted in terms of factors such as the number of vehicles, hours of use, etc so could be greatly intensified under the present permission.
- 7.20 The applicant proposes to use the site for the siting of storage containers, storage compounds and associated parking to be created for members of the public and small businesses to rent for storage. The various elements would be flexible and the business would commence on a small scale with approximately 4-6 containers on site. This may well increase according to demand and the applicant has reluctantly specified an upper limit of 75. The compound would be used to support new/small businesses in the area where they do not presently have storage facilities of their own. It would be used solely for storage and not for trading. The existing warehouse would be used for storage after remedial work has been carried out. Hours of opening would be 8am to 8pm Mondays to Saturdays and 9am to 6pm on Sundays.
- 7.21 The use would be less intensive than a full scale use as a haulage yard, etc, with potentially less noise and disturbance, etc. Environmental Protection has raised no objections. It is considered that the nature and scale of the proposed development is such that the amenity of neighbouring residents would be harmed to a lesser degree in terms of noise and general disturbance, subject to conditions relating to opening hours and an upper limit on the number of containers (75), etc.
- 7.22 The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of residential amenity.
- 7.23 Highway Issues
- 7.24 Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels, parking facilities, etc. Policy 36 stresses that all new development should provide vehicle and cycle parking in accordance with the minimum parking standards adopted by the Local Planning Authorities. The parking standards within Appendix 6 indicate that development such as this should be assessed on a site by site basis.
- 7.25 Concerns have been raised on highway safety grounds, in terms of the development generating additional HGV traffic, etc along Hallgate. However, the site is part of a larger area of land that presently has planning permission for an unrestricted haulage depot, storage of agricultural machinery and products and vehicle parking (ref: H05/0009/79). It could therefore potentially be used by a large scale haulage company as it stands. The current proposal involves a significant scaling down of the haulage operation on the whole of the premises and an introduction of a storage use instead. This is considered to be less intensive and would generate less HGV movements. Satisfactory parking would be available for use on site.
- 7.26 LCC Highways has been consulted and has drawn attention to paragraph 109 of the Framework. It advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 7.27 It has previously been established through planning appeal decisions that the suitability of the road network to accommodate the development proposed in an application is not a valid reason for withholding the grant of consent. The proposed use is likely to attract/generate private car/business van movements rather than HGV movements. The former can transgress along Eastgate and into and out of the application site without causing an unacceptable impact upon highway safety. Consequently, the proposed use would not have a severe residual cumulative impact upon any junction on the route to and from the site. LCC Highways therefore has no reason to recommend that this application be refused on highway grounds.

- 7.28 The proposal therefore satisfactorily accords with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking provision.
- 7.29 Other Matters
- 7.30 Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, the proposal is a change of use. In accordance with advice within the NPPF a sequential test therefore does not need to be undertaken.
- 7.31 The SFRA indicates that the site is within an area identified as no hazard. Moreover, the proposal is not considered to be a more vulnerable use. Consequently, no flood mitigation measures are considered to be necessary in this case.
- 7.32 The proposal satisfactorily complies with Policy 4 of the SELLP and advice within Section 14 of the Framework in relation to flood risk.
- 7.33 Conclusion
- 7.34 The site is designated as an "Established Employment Site" within the SELLP (Ref: FL006 - Hallgate South). Policy 7 of the SELLP indicates that such sites play an important role in the local economy and will be protected for new B1, B2 or B8 development and/or redevelopment in Class B1, B2 or B8, provided the proposed development is of a scale that respects the character of the area and/or neighbouring land uses.
- 7.35 The above policy is in accordance with the general thrust and aims of the National Planning Policy Framework, 2019 which supports sustainable economic development and growth. No objections are therefore raised in principle.
- 7.36 Taking into consideration the existing established industrial use of the site it is considered that the proposal would not materially harm the character or appearance of the rural locality or the setting of the former railway house. It would bring the 19th century warehouse back into active use. It would not materially harm the amenity of nearby residents in terms of additional noise and disturbance.
- 7.37 In terms of highway safety, the proposed use is likely to attract/generate private car/business van movements rather than HGV movements. The former can transgress along Eastgate and into and out of the application site without causing an unacceptable impact upon highway safety. Consequently, The proposed use would not have a severe residual cumulative impact upon any junction on the route to and from the site. LCC Highways therefore has no reason to recommend that this application be refused on highway grounds.
- 7.38 The proposal therefore satisfactorily complies with Policies 2, 3, 4, 7, 29, 30 and 36 of the South East Lincolnshire Local Plan, 2019.
- 7.39 **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.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to the conditions listed in Section 9.0 of this report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
3634-20-01B;
Supporting/Justification Statement (ref: 3634-20) by G R Merchant dated February 2020.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the site as outlined in red on dwg. no. 3634-20-01B accompanying the application shall be used only for the siting of self-contained storage units and/or a storage compound(s), plus associated parking, and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order).

Reason: To ensure that the Local Planning Authority retains control over the future use of the site in the interests of planning policy, amenity and highway safety.
This Condition is imposed in accordance with Policies 2, 3 and 7 of the South East Lincolnshire Local Plan, 2019.

4. A maximum of 75 storage containers shall be stationed on the site at any one time.

Reason: To ensure a satisfactory development in the interests of amenity and highway safety.
This Condition is imposed in accordance with Policies 2, 3 and 7 of the South East Lincolnshire Local Plan, 2019.

5. There shall be no external storage or stacking of materials/containers above a height of 4 metres on the site.

Reason: In the interests of the appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6. The site shall not be open to the public/customers outside the following hours:
- 8am to 8pm Mondays to Saturdays;
- 9am to 6pm on Sundays.

Reason: In the interests of the amenity of local residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

7. Noise from fixed plant and machinery shall not exceed a level of 5 dB(A) above the background noise level when measured as a L(A)_{eq15min} at any residential boundary not within the applicant's ownership.

Reason: To ensure that there is no noise nuisance to nearby residents.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

8. Details of the external illumination of the site, including details of luminance and fields of illumination, shall be submitted to and approved in writing by the Local Planning Authority prior to such lighting being installed. It shall thereafter be installed in accordance with the approved details.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

9. The use hereby permitted shall not be brought into operation before details of the means of storage and disposal of refuse/waste and recycling have been submitted to and approved in writing by the Local Planning Authority. Refuse/waste shall thereafter be stored and disposed of in accordance with the approved details.

Reason: To ensure that adequate facilities are made available for refuse/waste storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

10. Before the use is commenced, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

11. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

