DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1005-21**	**Applicant:**	**R & R Mills Contractors Ltd**
Proposal:	Change of use from Batch Plant (B2 Use) to Self Store Container Yard (B8 Use)		
Location:	67 Cradge Bank Spalding		
Terminal Date:	18th November 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 6 - Building a strong, competitive economy
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning application for a Change of Use from Batch Plant (B2 Use) to Self Store Container Yard (B8 Use) at 67 Cradge Bank.

The submitted block plan indicates 185 containers would be located on site, set out around the perimeter and in central rows to facilitate vehicular access. There are two sizes of container - approx. 6m long by 2.4m wide and 3.5m long and 2.4m wide - and are all RAL 5010 gentian blue in colour.

The existing 2m high palisade fence would remain, being repaired where necessary. New CCTV is to be installed around the site for extra security, as well as lighting.

The access into the site will also be upgraded by use of a secure automated entry phone system. The access point will remain as existing.

Site Description

The site was formerly a concrete batch plant for Tarmac and all associated installations, machinery etc. have now been removed from the land. The site sits to the west of Cradge Bank Industrial Estate, is opposite further industrial type units and to the east of an automotive repair shop. There are residential properties further to the west (Aintree Drive) and the north (Little London). There are three residential properties to the east/south-east which front Cradge Bank.

History

No recent planning history or relevant older history.

Consultation Responses

SHDC Environmental Protection - No objection.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Public (1 objection received, summarised) -
- Concerns re 24/7 opening hours
- Lighting and noise from site impacting neighbouring properties at night
- Visual impact of pylons for lighting

Planning Considerations

Principle

Policy 7 of the Local Plan (Improving South East Lincolnshire's Employment Land Portfolio) is the relevant policy against which B use proposals are assessed. This policy states that:

"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. "

As the application site is previously-developed land, the principle of the proposed use in this location is acceptable.

Impact upon character and appearance of the area

Although there are some residential properties nearby, the self storage facility would primarily be viewed in the context of the adjoining commercial buildings. The containers would be a maximum of 2.44m in height and the site has the benefit of some screening by virtue of the adjoining and frontage buildings. The pylons would be a maximum of 6m in height, which is similar to some street lights. In light of this, the proposal would not be considered out of character or harmful to the

surrounding area.

The proposal is therefore considered to satisfactorily accord with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

Residential amenity

There are residential properties approx. 40m to the west (Aintree Drive) and adjoining/in close proximity to the site to the north (Little London). There are also three residential properties to the east/south-east which front Cradge Bank. There is a significant level of screening along the northern and eastern boundaries to protect visual amenity. To the west is an automotive repair business which lies between the application site and residential properties which detracts from views of the site. The dwelling that would most likely be affected would be 59 Cradge Bank due to a combination of proximity and less vegetative screening but there is still effectively the intervening outdoor paraphernalia associated with the adjoining commercial use that impacts visual amenity to a greater extent.

A condition will be attached which limits the height of the containers to being single storey, to avoid and control stacking and associated visual and residential amenity impacts. A condition will also be added that the proposed pylons shall be no more than 6m in height, with is similar to some street lights.

In terms of noise/general disturbance, B8 use is generally considered to be compatible with residential uses. Given the previous heavy industrial use of the site and the low number of daily visits that would likely be made to the proposed self-storage facility (5 no.), it is considered that this type of use would be an improvement in amenity terms.

24/7 opening was originally proposed, but the applicant has subsequently agreed to a condition limiting the hours of opening due to proximity to residential dwellings. They have also agreed to motion sensored lighting away from the site entrance to limit the amount of light generated at night. Continuous lighting is required at the site entrance for effective CCTV recording.

SHDC's Environmental Protection Officer has no objection to the above arrangements.

Taking all of this into account, the proposal is considered to satisfactorily accord with Policies 2, 3 and 30 of the Local Plan with regard to residential amenity.

Highways and Parking

The existing access off Cradge Bank will be retained and utilised. The Highway Authority have no objection to the proposed access arrangements. The proposal therefore accords with Policy 2 of the Local Plan in this regard.

In terms of vehicle parking, the intention is that specific parking spaces would not be provided, rather that vehicles would be able to park directly outside their respective container. This is an entirely sensible arrangement given how such containers would be used and the number of cars/vans it is expected would access the site per day (5 no.).

Flood risk

The application site lies within Flood Zone 3 and therefore has a high probability of flooding. The NPPF requires the submission of a Flood Risk Assessment (FRA) when development is proposed in such a location. An FRA has not been submitted with this application. However, the hazard mapping contained with the South East Lincolnshire Strategic Flood Risk Assessment (2017) (SFRA) shows the site to be unaffected if a breach of the flood defence was to occur. A site-specific FRA is therefore unlikely to provide any additional information on flood risk than already provided within the SFRA and the flood risk Standing Advice Matrix provides no comment in this scenario.

In addition, the site is indicated to be at very low risk of surface water flooding by the Environment Agency.

The proposal is there considered acceptable on flood risk grounds and in accordance with Policy 4 of the Local Plan.

Planning Balance

The proposed change of use is considered to be in line with the employment provisions of the Local Plan. It would not be out of character or harmful to the surrounding area in visual terms and not have a material adverse impact in terms of residential amenity. There are no highway impact or parking concerns and the proposal is acceptable on flood risk and drainage grounds.

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

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.

Conclusion

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 7 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 6, 12 and 14 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.