DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1214-22**	**Applicant:**	**R & R Mills Contractors Ltd.**
Proposal:	Change of use of land from residential garden (C3) to self-store container yard (B8)		
Location:	Land To Rear Of 57 Cradge Bank Spalding		
Terminal Date:	2nd March 2023		

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

CASE OFFICER ASSESSMENT

Proposal

Full planning application seeking permission for a Change of Use from Residential Garden (C3) to Self-Store Container Yard to the Land to the Rear of 57 Cradge Bank, Spalding.

Site Description

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

H16-1005-21- FULL- Approved on 09-11-21- Change of use from Batch Plant (B2 Use) to Self Store Container Yard (B8 Use)

Consultation Responses

Highway and Lead Local Flood Authority

No objection.

The proposal is to extend an established self storage facility, located off Cradge Bank, into an adjacent area of land that is presently the rear garden area of a residential property, number 57 Cradge Bank. No new vehicular access is being proposed, the extended facility would continue to be accessed from the existing concrete construction access from Cradge Bank that used to serve Lafarge's Spalding Ready-mix Concrete batching plant. The access is wide (having previously been used by concrete delivery lorries), of sound quality and has good visibility. There is an existing footway on the opposite side of Cradge Bank. The site is therefore readily accessible and within a long-established commercial part of Spalding. The expected daily vehicle movements are advised to be very low - certainly fewer than the previous use of the site as a concrete batching plant - and would be expected to be predominantly private cars and light vans. The surface of the yard is advised to be constructed of un-bound granular material, which should permit surface water to directly infiltrate into the ground. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Planning Considerations

Principle

Policy 1 indicates that the site is situated within the settlement boundary of Spalding, according to the South East Lincolnshire Local Plan, 2019.

The application site is currently residential land, which is of an ample size in comparison to the existing small bungalow. The proposed site is clearly not currently maintained as domestic land, and clearly has the potential for the neighbouring industrial properties for expanding the existing businesses. Therefore, in principle of the proposed use in this location is acceptable.

Impact upon character and appearance of the area

Although there are neighbouring residential properties nearby, the extension of the self storage facility would primarily be viewed in the context with the adjoining commercial building both to the west and east of the site. The containers would be a maximum of approx. 2.59m in height and the site would also have the benefit of screening to the south east boundary facing the residential dwelling of a 1.75m high palisade fencing. This screening can already be see to the rear of the residential property at no. 59 Cradge Bank which is also a residential property.

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. 20m to the south east (no. 57 & 59 Cradge Bank) and approx. 26m to closest residential property to the north (Little London). 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 and to the east lies several industrial units.

It was stated in the previous application (H16-1005-21) of Condition 4, that the site must not exceed 185 storage containers. However, the agent has confirmed that the existing number of storage containers is 215, and the proposed number will be a maximum of 247. A new condition will be added to restrict the limit to 247 storage containers. Given the extension to the site, this limit would be acceptable to the overall number of storage containers on site. There will also be a condition 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 existing self-storage facility, it is considered that this type of use would be an improvement in amenity terms.

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 in respect of the current use of the site. 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 proposed additional containers would be able to supervise vehicles to be able to park directly outside their respective container and would therefore, not impact pressure upon vehicular parking greatly. 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.

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 of the residential garden to the self storage facility 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.

Conclusion

In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 7, 30 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.

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.