

From: David Spring
Sent: 05 September 2024 11:21
To: Planning Folder New
Subject: FW: 24/00627/CONDIT

From: Caroline Large <
Sent: 03 September 2024 13:46
To: David Spring <David.Spring@hinckley-bosworth.gov.uk>
Cc: Andrew Large < Mark Simpson <
Subject: 24/00627/CONDIT

Dear David,

Following your earlier email, we have now had a chance to prepare a response to your five questions.

1. Has the consent been implemented yet?

The consent has not been implemented and will not be implemented whilst the unnecessary access hours condition (5am to 11pm) is attached.

The current restriction will limit the consented buildings competitiveness, economic viability and value. As the popularity of self storage grows in the UK, and the industry becomes more competitive, unlimited access is becoming an increasingly important factor for people choosing where to store their belongings.

The existing self storage buildings on site have permission for unrestricted access. The consented extension building, would be joined internally and accessed from the same accessway, yard and roller shutter door as the existing buildings. There would be no additional external lighting. For the purposes of an assessment of residential amenity, there would be no change from the existing. Due to the extensive landscaping, distance of the houses on Church Lane from the site and very limited traffic generation (particularly at night) there would be no adverse impact on the amenity of the occupiers of neighbouring properties or the visual amenity of the countryside. The acoustic survey and lighting report support this assessment.

2. What times are visitors attending the site at the moment?

Figure 1 below, shows the times that visitors visited the site during a 2 week survey that was conducted for planning application 23/00239/FUL.

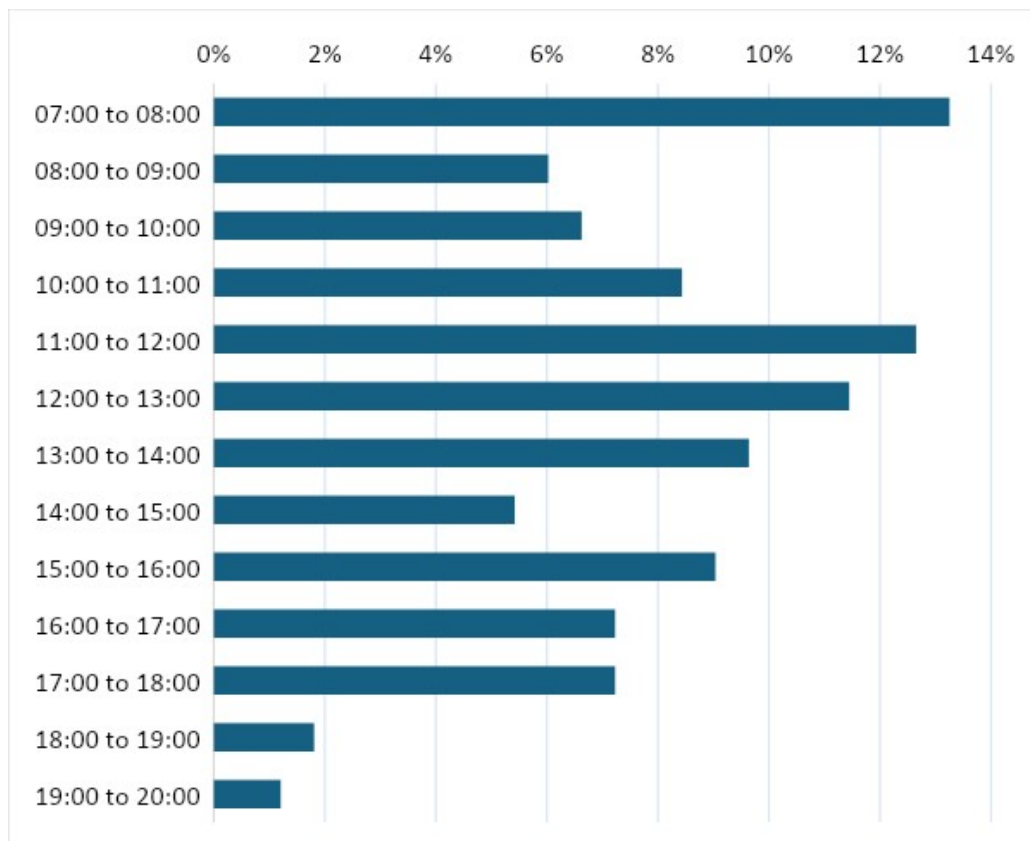


Figure 1 – distribution of access hours at the existing self storage buildings

The 3 existing planning permissions for self storage buildings at the site facilitate 24 / 7 access.

To date, the existing buildings operate under voluntary access hours of 7am to 8pm.

From figure 1 above, users access the site throughout the day. The busiest period is between 7am and 8am in the morning and the quietest period is in the early evening.

At the time of the survey, 86% of customers were household customers and 14% business users.

Household customers typically store furniture between house moves, during renovation projects, to create space to work from home etc. These users are very unlikely to want to access their things in the night. 24 hour access simply gives peace of mind that they could access things if they really needed to.

Business customers are typically tradesmen like carpenters, plumbers, electricians, builders etc as well as sales representatives and retailers. Again, the chance of these customers accessing their things outside of normal working hours are very low. But it is a competitive advantage to an operator if they are able to offer customers the peace of mind that they could access things late at night or early in the morning if they really needed to.

It is a common misconception that self storage creates large numbers of vehicle movements. The reality is, that across the UK, 75% of people visit their unit once a month or less (from the 2024 UK Self Storage Association Annual Report)

The same annual report showed that access hours is the 2nd most important reason residential customers choose their self storage facility (after proximity of location to their home or work).

24 hour access is becoming more and more common place in the industry as access control systems and security technology improves and stores become increasingly automated.

3. How many visitors visit the consented scheme?

During the survey period, just **12 people a day** visited the existing buildings on site. That equates to less than 1 vehicle per hour spread over the current 13 hour operating day (7am to 8pm).

We would note that there has never been a single complaint lodged with Hinckley & Bosworth council about the level of traffic or noise / disturbance at the consented scheme. The existing site opened over 10 years ago in 2012.

If the existing buildings were open 24/7 (which they are permitted to be under the consented planning permissions they operate under) the applicant would expect the hours that customers access the site would continue to be very similar to the distribution shown in figure 1.

Householders will not change to wanting to access their fridges and sofas in the middle of the night.

Business customers that typically work 9am to 5pm will not change to accessing their tools and marketing materials at the very early hours of the morning for example.

24 hour access will not increase the intensity of traffic accessing the site. There may just be a very slight shift in the distribution of the times the 12 people a day currently visiting the site, access their things.

The existing buildings on site are 1,225sqm. If these buildings generate 12 visits per day over a 24 hour period it is expected that the 926sqm building permitted under 23/00239/FUL will generate an extra 9 visits per day.

These 9 visits a day are already permitted to access their storage from 5am to 11pm. (The existing 12 visits per day are permitted to access 24/7). Increasing access hours from 5am to 11pm is not expected to create any increase in the intensity of traffic visiting the site as already explained.

It will be extremely rare that a user will access their storage unit before 5am and after 11pm. Increasing the access times and regularising the site so that access is possible to all parts of the site 24/7 will not cause additional harm.

In any event, the very limited expected access after 11pm and before 5am will not cause nuisance to households on Church Lane (which are more than 125m (400ft) away) as set out in the acoustic and lighting reports submitted with 24/00627/CONDIT.

4. Can you provide a review of all competitors in the area including those that are not open 24/7?

Storage Company	Location	Distance from Extra Room Self Storage	Does the planning permission allow unrestricted 24 hour access?	Current operational access hours
Low Price Storage	Nuneaton	2 miles	Yes	24 hours
Glenn Removals & Storage	Nuneaton	4 miles	Yes	Mon to Sat: 8:30am to 6:30pm

				Sun: 10:30am to 4pm Out of hours by appointment
Gatehouse Self Storage	Nuneaton	5 miles	Yes	6am to 11pm
Montague Storage	Nuneaton	5 miles	Yes	Mon to Thur: 8am to 5pm Fri: 8am to 4pm Sat: 9am to 1pm
Store The Lot	Nuneaton	6 miles	Yes	24 hours
Hinckley Storage	Hinckley	6 miles	Yes	24 hours
Nuneaton Self Storage	Nuneaton	6 miles	Yes	5am to 11pm
J&R Self Storage	Nuneaton	7 miles	Yes	24 hours
Windy Corner Self Storage	Barwell	8 miles	Yes	6am to 9pm
Store The Lot	Hinckley	9 miles	Yes	24 hours
GTB Self Storage	Barwell	9 miles	Yes	Mon to Fri: 7am to 7pm Sat: 8am to 7pm Sun: 10am to 4pm
Beyond Storage	Thornton	13 miles	Yes	24 hours
Safestore Self Storage	Coventry	13 miles	Yes	24 hours
Access Self Storage	Coventry	14 miles	Yes	24 hours

Most local competitors operate with 24 hour access. Those that do not offer 24 hour access are able to offer the service under the terms of their planning consent but have voluntarily chosen to operate reduced hours. This will typically be because the stores are smaller in size and have limited resources to justify the cost of installing the equipment required to facilitate 24 hour access and the out of hours support needed.

The stores labelled in blue represent the primary competitors to Extra Room Self Storage. These stores are professional, modern, high quality, indoor self storage facilities offering comparable levels of service and specification. All but one of these primary competitors already offer 24 hour access. All are able to offer 24 hour access if they choose to.

5. What are the vacancy rates of the storage units at the moment

The existing building is fully let. This was the main reason for pursuing an extension to the existing storage facility.

The extension will require significant investment and the applicant is wanting to maximise the chance of successful growth of the business. The competitive advantage from being able to offer 24 hour access is significant and could undermine the level of investment being proposed. Whilst negligible in vehicular movements its economic impact is great.

General Observations - Consistency in the planning process

It is well established case law that previous planning decisions are capable of being material considerations, meaning that they may need to be taken into account by those determining subsequent applications for permission.

The reasoning behind this was explained by Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137:

“One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency [...]. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system.”

Attention is also drawn to *Baroness Cumberlege v Secretary of State for Communities & Local Government* [2017] EWHC 2057:

Howell QC stated that: *“There is a public interest in securing reasonable consistency in the exercise of administrative discretions that may mean that it is unreasonable for a decisionmaker not to take into account other decisions that may bear in some respect on the decision to be made. There is no exhaustive list of the matters in respect of which a previous decision may be relevant. That must inevitably depend on the circumstances.”*

The earlier decision was not so different that it could reasonably be ignored. Any reasonable decision-maker would have considered it and decided whether they agreed with the reasoning given regarding the policy as being up-to-date and whether the reasons were equally applicable to the present case. Again, the LPA would also have provided reasons for any departure from the previous decision. Permission has been granted for the secretary of state to appeal the decision in the Court of Appeal.

Whilst the details of the referenced cases differ from the specific circumstances of the case subject of this application, they emphasise the need for consistency in planning decision-making, especially when assessing similar developments. As mentioned, this principle of consistency is not so onerous as to mean that all previous decisions must be considered. However, it is clear that there are instances where decisions are so similar, that to fail to take them into account would be nothing but unreasonable, which is contended to be the case here.

We respectfully draw attention to previous decisions at the application site where no time restrictions apply:

15/0871/FUL – No time restrictions
Extension of a storage unit

14/01087/FUL – No time restrictions
Link extension to storage unit

11/00331/COU – No time restrictions
Change of use of redundant agricultural buildings to self-storage accommodation including alterations to the exterior of the buildings.

Time restrictions included within **23/00239/FUL**:

Condition3

The operating hours of the storage facility shall be limited to 05:00 to 23:00 Monday to Sunday with the reception hours being Monday to Friday 08.30 to 18.00 & Saturday 09.00 to 15.00 only, are not consistent with the earlier decisions.

Reason: To ensure there are no adverse impacts on the amenity of the occupiers of neighbouring properties and to ensure the visual amenity of the countryside to accord with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

Of particular note is the officer comments contained within application 11/00331/COU when assessing impacts on residential amenity:

Residential Amenity

*The nearest residential properties are those on the edge of Fenny Drayton, to the east of the site. However as these properties are in excess of 180m away, there are considered to be no adverse impacts on their amenity in terms of noise or disturbance from the proposed use. Hours of operation have been proposed by the applicant **however as the adjacent farm has an unrestricted use and due to the distance of the proposal from surrounding residential properties, it is considered unreasonable in this instance to impose an hours restriction.** Accordingly, in terms of residential amenity the proposal is considered acceptable*

There appears to have been a fundamental and draconian shift in approach by HBBC officers despite the nature of the proposed variation of condition maintaining the status quo at the application site. Access to the new extension would be via the existing accessway and door. There would be no new additional external lighting.

We welcome your feedback in due course.

Kind regards,

Caroline

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Caroline Large MSc MRICS

(Please note my working days are Monday, Tuesday, Thursday and Friday between the hours of 9.15 - 3.00)