

Delegated Report

Planning Ref: 23/00519/FUL

Applicant: Rakesh Odedra

Ward: Newbold Verdon, with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Eastwoods Service Station, Ashby Road, Stapleton

Proposal: Proposed storage container site (B8) with replacement gate and wall, associated landscaping and 2 non-illuminated advertisement boards

1. Recommendations

1.1. Refuse planning permission for the following reason:

- The application proposal is a form of development not considered sustainable within the Countryside. The proposal relates to the inclusion of 214 self-storage units and no sufficient evidence has been provided which would confirm that the proposal would significantly contribute to economic growth, job creation and/or diversification of a rural business. As such the application is considered to be contrary to Policy DM4 of the SADMP.
- The proposal includes 214 self-storage containers which are proposed to be double stacked. The containers would be visible from public vantage points and are considered to be detrimental to the visual amenity of the area and not in character with the area or countryside. The proposal is therefore not in accordance with Policy DM10 of the SADMP.

2. Planning application description

- 2.1.** The proposal seeks to introduce 214 self-storage container units to the development site. The site is proposed to have 24 hour access, and four staff members have been proposed for the development. The application includes amendments to the site including replacement gate and wall, associated landscaping and advertisement boards, the latter of which is subject to a secondary application for advertisement consent.

3. Description of the site and surrounding area

- 3.1.** The existing site and use consists of associated warehouse structures being used for storage, serving the wider business of the immediate area as is considered to be B2 usage. The site is located off Ashby Road, Stapleton and is located behind the existing Eastwoods Service Station. The site is accessed by a track to the East of the site.
- 3.2.** The site is located within the Countryside and is in proximity to a number of neighbouring residential properties.

4. Relevant planning history

- 3.3.** None

5. Publicity

- 5.1.** The application has been publicised by sending out letters to local residents and a site notice posted within the local vicinity.
- 5.2.** 7 objections received. The concerns raised relate to:
- Other business operating unlawfully from the premises

- Lack of local need for storage units
- Lack of parking on site
- Dangerous highway conditions, accessing and egressing the site
- Visually intrusive
- Owners of the site have stated they will not permit this usage to the applicant
- Increase in traffic
- Damage to trees and existing ecology
- Negative impacts on air pollution through increased traffic
- Light pollution 24 hours a day
- Impact on neighbouring amenity
- Concerns about hazardous materials in containers close to petrol station

6. Consultation

6.1. Comments have been received by:

- LCC Highways: Following the submission of further Highways information, there are no objections, subject to conditions.
- HBBC Drainage: No objections, notes to applicant.
- LCC Drainage: No objections, notes to applicant.
- HBBC Waste Management: No objections.
- HBBC ES Pollution: No objection, subject to conditions.
- Kirkby Mallory, Peckleton and Stapleton Parish Council: Objection to the application. Due to light and noise disturbance to neighbours and wildlife, increased traffic, impact to local businesses.

7. Policy

7.1. Core Strategy (2009)

- No relevant policies

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character, to safeguard the countryside from unsustainable development. Of relevance to this application, Policy DM4 states that development in the countryside is considered sustainable where;
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creations and/or diversification of a rural business.
- and:
- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- 8.5. The proposal is considered to not be in accordance with Policy DM4 of the adopted SADMP. The proposed change of use on the site relates to a change from B2 to B8. There are two building on site included within the red edged plan, however the primary proposal of this application relates to the inclusion of 214 new self-storage units, double stacked within the open spaces located on the site. It is considered that this is not in accordance with DM4(b) as it is not for the change of use, re-use or extension of existing buildings but relates to a change of use of the land. Were the LPA satisfied that the development met the first strand of DM4(b) the proposal would then need to lead to the enhancement of the immediate setting. As set out later in the report the proposal fails to enhance the immediate setting thus providing further conflict with DM4(b).
- 8.6. The proposal also does not conform with DM4(c) whereby the development significantly contributes to economic growth, job creation and/or diversification of a rural business. The applicant has provided information in relation to this point. The proposal is not considered to be a rural diversification scheme and the submitted economic justification document confirms the proposal would not generate additional jobs beyond the existing situation. Therefore it falls to consider whether the proposal would significantly (my emphasis) contribute to economic growth. With regards to economic growth the submitted document outlines national trends and the link between self-storage and SMEs. The document states that an 'easyStorage self-storage site may support 100 such businesses, easily adding to £25m in in

turnover to the local economy' and goes on to explain the 'ripple effect'. This statement is not justified by any data and appears to be a generalised statement, with little reference to the specific location, site, scale of the proposal or operation specifically under consideration such as local need from SMEs or individuals. It is considered that this information does not demonstrate a significant economic contribution and as such the proposal is not in accordance with policy DM4(c).

- 8.7. The remaining sections DM4 (a), (d) and (e) are not applicable to this assessment. It is considered therefore that the principle of development is not acceptable or in accordance with Policy DM4 of the SADMP.

Design and impact upon the character of the area

- 8.8. Policy DM10(c), (d) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings.
- 8.9. Policy DM4 of the SADMP, seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside. Development in the countryside will be considered sustainable where it does not have a significant adverse effect of the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.10. The proposal seeks to deliver 214 self-storage units to the development site. The site is located to the rear of the existing Eastwoods Service Station. Whilst it is acknowledged that the site has an existing industrial use on the site, the inclusion of 214 self-storage units, double stacked on the site (5.1m high) would be visible from public vantage points noting the higher land level of the site than the road. The scale and density of the storage containers would alter the appearance of the site and would not reflect the type of development generally viewable within the countryside. The proposal would not complement or enhance the character of the surrounding area or the character of the countryside with regard to scale, density, mass, design and materials. Whilst a degree of landscaping has been proposed alongside some cladding of the containers with wood it is not considered to fully mitigate against the visual harm of introducing such development.
- 8.11. Overall the scheme is considered to be unacceptable and contrary to Policy DM10(c), (d) and (e) of the SADMP, the requirements of the NPPF with respect to design and character considerations.

Impact upon neighbouring residential amenity

- 8.12. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities with in the vicinity of the site.
- 8.13. The development site is within close proximity of neighbouring residential properties, located towards the North and South. The proposal includes double stacked storage units and associated lightning, the details of which Environmental Health have requested, if approved, are secured via condition. Whilst it is acknowledged that a degree of impacts on neighbouring amenity would occur through the development, through light pollution, and the potential for noise impacts

due to the proposed 24/7 access available to the containers, the impacts are not considered to be significant. This is when considering the existing nature of the site, in its industrial form, and when considering noise pollution cause from vehicles travelling along the A447 which could be at all hours and is unrestricted.

- 8.14. Whilst it is acknowledged that there will be a degree of impact caused from the proposed development, this is not considered significant, and as such the proposal is in general accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.15. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.16. Paragraph 111 of the NPPF (2019) outlines 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.
- 8.17. Following the submission of additional information, including vehicle movement data, details of the visibility splays and HGV turning information, LCC Highways were consulted. The comments provided by LCC Highways confirm that from the information provided that the proposal would likely lead to a reduction in turning at the junction with the A447 and would reduce slow moving HGV's, as it is considered most vehicles using the proposed storage would be smaller household vehicles. The Highways authority also consider the on-site parking facilities acceptable to cater for the site staff. Further details such as a construction management plan and restrictions on the site, have been requested to be secured by way of condition if the application was to be approved.
- 8.18. The proposal is therefore considered to not have significant detrimental impacts on highway safety or vehicle parking standards and can therefore be considered to be in general accordance with Policies DM17 and DM18 of the SADMP.

Planning Balance

- 8.19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.20. The proposal seeks to introduce 214 self-storage units onto the site, and whilst within this report it has been considered that the proposal may not have significant impacts upon the neighbouring residential amenity, the proposal is not an acceptable form of development within the countryside and is considered to be a form of development which is out of character with the area, and therefore not in accordance with Policy DM4 and DM10 of the SADMP. The issues outlined within the report are not outweighed by any benefit, whether this be public, economic or environmental.

9. Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1 **Refuse planning permission for the following reasons**

11. Reasons

1. The application proposal is a form of development not considered sustainable within the Countryside. The proposal relates to the inclusion of 214 self-storage units and no sufficient evidence has been provided which would confirm that the proposal would significantly contribute to economic growth, job creation and/or diversification of a rural business. As such the application is considered to be contrary to Policy DM4 of the SADMP.
2. The proposal includes 214 self-storage containers which are proposed to be double stacked. The containers would be visible from public vantage points and are considered to be detrimental to the visual amenity of the area and not in character with the area or countryside. The proposal is therefore not in accordance with Policy DM10 of the SADMP.