

Delegated Report

Planning Ref: 23/00895/FUL
Applicant: Mr. R. Richmond
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 9 – 11 High Street Earl Shilton Leicester

Proposal: Temporary siting of 2no. storage containers

1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the temporary siting of two shipping containers for storage purposes for a period of up to five years at 9 – 11 High Street, Earl Shilton. The containers are required to meet the immediate needs of the existing commercial use within the site to meet the demands their growing business whilst consideration is given to longer term solutions to accommodate this demand.
- 2.2. Both containers are 2.6m in height and externally measure 2.4m in width x 6.1 in depth, which provides 29.2sqm of additional storage for the commercial use. The containers are located on the western boundary of the site adjacent to the public highway.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located within the identified settlement boundary of Earl Shilton and comprises an established industrial premises that is located on the eastern side of High Street. High Street is an adopted and classified 'C' road that is subject to a 30mph speed limit. However, the development is not within the Earl Shilton Conservation Area.
- 3.2. The existing building is single storey in massing and is constructed with a brown brick finish and profiled dark green metal roof sheets on the northern elements of the structure and a red brick finish to the southern aspects of the building. The existing business has been established on the site for 65 years and specialises in the distribution of compressors and refrigeration spares.
- 3.3. The site is enclosed by 2m high grey metal palisade security fencing, which abuts the footway of High Street, and to other boundaries by rendered and brick walls measuring between 1.4m to approximately 3.8m in height.
- 3.4. The site is approximately 115m south of High Street's junction with Hill Top and Keats Lane and 170m northeast of High Street's Junction with Almeys Lane. To the south of the site is St. Simon and St. Jude Church Hall, whilst to the east and northeast of the site is residential properties within Earl Shilton. Further residential dwellings are also to the north of the application site.

4. Relevant Planning History

- 4.1 **17/00951/FUL**
- Extension to storage building to form ancillary meeting room.
 - Permitted

- 22.11.2017

5. Publicity

5.1 The application has been publicised by sending out letters to local residents.

5.2 No responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Environmental Services' Pollution Officer

6.2 The Council's Conservation Officer has confirmed that the proposal does not have an effect upon the significance of the Grade II Listed Building, Hill Top House (7 High Street), which is 40m to the north of the application site.

6.3 On 13 October 2023, the Local Highway Authority (LHA) requested amended plans that demonstrates that sufficient off-street parking provision can be provided within the site in accordance with Paragraph 3.165 of Part 3 of the Leicestershire Highway Design Guide (LHDG).

6.4 On 23 October 2023, the Applicant provided a revised plan that demonstrated two off-street vehicle parking bays within the site.

6.5 Earl Shilton Parish Council did not comment on the application.

6.6 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 2: Development in Earl Shilton

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- 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) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Design and impact upon the character of the area
- Impact upon residential amenity

- Impact upon parking provision and highway safety

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies 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 planning consideration in planning decisions.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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.
- 8.4 Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7 Paragraph 81 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt. Therefore, significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development.
- 8.8 The application site is within the identified settlement boundary of Earl Shilton. Policy 2 of the adopted Core Strategy states that the Council will ensure a range of employment opportunities within Earl Shilton.
- 8.9 As a result, the scheme is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.10 Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

- 8.11 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 The shipping containers are sited forward of the principal western elevation of the existing building on an existing area of hardstanding that is adjacent to the western boundary of the site, which is enclosed by existing palisade fencing.
- 8.13 The existing residential dwelling to the north is considered to obscure views from the public highway into the application site when travelling in a southerly direction. However, the proposal is considered to be readily viewable from the south and is likely to result in some harm to the character of the street scene. The containers are very utilitarian in nature and would not normally be considered an acceptable form of development in many circumstances, especially not directly adjacent to the highway on a busy high street within 40 metres of a listed building.
- 8.14 In this instance, given the temporary nature of the containers and the immediate business needs of the applicant, it is considered that permission can be granted for the siting of the containers for up to two years to enable the business to continue to grow and find an appropriate solution for their business needs.
- 8.15 In light of the above, the development is not considered to respect the character of the surrounding area in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

Impact upon Residential Amenity

- 8.16 Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.17 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 within the vicinity of the site.
- 8.18 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.19 The provision of two 2.6m high storage containers is not considered to result in any significant adverse impacts to neighbouring residential amenity in these site-specific circumstances. Therefore, in this specific regard, the development is considered to be acceptable in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.20 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF 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.

- 8.21 Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, *“The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.”*
- 8.22 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.23 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.24 The development utilises an existing access onto High Street, which is not altered as a result of this application.
- 8.25 There have been three Personal Injury Collisions (PICs) within 500 metres of the application site in the last five years. The closest PIC was recorded 12 metres from the site access and was classed as ‘serious’ in severity, and it noted that there have been no recorded PICs in connection with the existing site access.
- 8.26 The LHA considers that the proposed development should not exacerbate the likelihood of further such PICs occurring as there is no correlation between collisions and that the number of trips would not materially increase under the development proposal. In addition, it is noted that the development is located within the town centre, therefore it is usually expected to see a higher number of PICs.
- 8.27 Although the containers are sited on an existing area for off-street parking, given the extent of the hard standing within the application site, the provision of Hallfields Car Park within 93m of the site, and the fact that the company only employs three members of staff, the proposal is not considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

9. Equality Implications

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

- (1) 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, and the matters specified in Section 149 of the Equality Act 2010 in the determination 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. Conclusion

10.1 The proposed development is considered to be acceptable only on a short term temporary basis to cater for the immediate business needs of a successful local employer.

10.2 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of 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 not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Proposed Location Plan, Block Plan and Elevations Rev C (submitted: 23.10.2023)
- Street Scene, Drg No. S1101-002 Rev A (submitted: 08.09.2023)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The structures hereby permitted shall be removed from the site prior to 6 November 2025 unless a further planning permission has been granted by the Local Planning Authority.

Reason: The storage containers are not in a location that is suitable for their permanent siting due to their harm to the character of the street scene of High Street and the surrounding area, and to ensure compliance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

a.

Notes to Applicant:

1. This permission is granted on a temporary basis only. No renewal of this permission will be likely and you will therefore need to address a permanent solution before the period of the permission expires.